

Town of Deerpark

Orange County, New York



Comprehensive Plan

Adopted June 2, 2003

**Town of Deerpark Town Board
Town of Deerpark Planning Board
Shepstone Management Company**



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Copies available at: www.shepstone.net/DeerparkPlan

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Foreword

This Plan was prepared by the Town of Deerpark Planning Board with the support of the Town of Deerpark Town Board. We are particularly appreciative of the support of Town Supervisor Jim Chandler in this endeavor and the contributions of the Orange County Water Authority. Shepstone Management Company guided us in the preparation of this document.

This Comprehensive Plan, updates and replaces the original Comprehensive Plan prepared in the late 1980's. It is intended to offer a concise description of the Town of Deerpark and its needs as of 2002. It is also, of course, designed to provide a policy framework for the Town as it faces the future. The Town is fairly very rural in some respects but is also situated in the middle of great deal of activity with major consequences for the County and the region. Among the purposes of this Plan is taking a long range view of this activity as it impacts upon Deerpark.

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1.0 Background Studies

1.1 Regional Location and History

1.1.1 Regional Setting

The Town of Deerpark is roughly triangular in shape, with two of those three sides shaped by natural landforms. The southeastern boundary, dividing the Town of Deerpark from the Towns of Greenville and Mount Hope, follows the ridge line of the Shawangunk Mountains, the highest point of which is 983 feet above sea level. The southwestern boundary, dividing the Town from the Towns of Lumberland (NY) and Westfall (PA), is composed of the Mongaup River, which drains the Rio Reservoir (water source for a hydroelectric generating station of what is now or formerly Orange & Rockland Utilities, and the Upper Delaware, a National Scenic and Recreational River. The third side of the triangle, the northern boundary, is a straight line political boundary between Orange County and the Towns of Forestburgh and Mamakating in Sullivan County.

1.1.2 Historical Resources

The Town of Deerpark has a rich and colorful history well documented in several histories of the County and the region. Historical communities and sites abound. The following is supplied by Town of Deerpark Historian Norma Schadt:

The Town of Deerpark is nestled among lakes, streams, rivers and mountains and is bounded by the Delaware and Mongaup Rivers and the Shawangunk Mountains. The wetlands of the Basha Kill and the Neversink River are also prominent features located within or near the Town. Geography has been a major factor in the Town's growth and development, this land having been the frontier of early America. Covered wagons carrying pioneer stock trundled westward from the Hudson River to settle here. A settler named McDaniel enclosed a small tract of land with a fence made of brush. Some of his neighbors called it McDaniel's "Deerpark" and soon the entire area was known by that name.

Seven hamlets, Cahoonzie, Cuddebackville, Godeffroy, Huguenot, Rio, Sparrowbush and Westbrookville make up the Town of Deerpark. The origins of these names reflect the history of the town.

- Cahoonzie is located on land where the Cahoonshee Indians lived and where Chief Cahoonzie is buried.
- Cuddebackville is named for William Cuddeback, a colonel in the War of 1812 and a

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descendant of one of the first families.

- Godeffroy is named for Adolphus E. Godeffroy, an active participant in the Port Jervis & Monticello Railroad. He built an extensive estate in the area which now bears his name.
- Huguenot originally was called "Sindeaquan" by the Lenni Lenape Indians. The earliest settlers called this area "Peenpack." Later the hamlet was named in honor of the early Huguenot refugees who came here seeking religious freedom.
- Rio was known as "Quarry Hill." Bluestone from local quarries was mined and shipped via the D & H Canal to New York City for its sidewalks. When the town requested a post office, they were notified that there was another town named Quarry Hill in New York. The citizens then decided to name their hamlet Rio in honor of Ben Ryal, a post master who had been instrumental in organizing the post office. Apparently, when his name was spoken, the letter "I" was dropped so that his name sounded like "Rio".
- Sparrowbush originated from Henry L. Sparrow, owner of a large tract of timberland near the D & H Canal. This land had been called Sparrow's "Bosh", meaning Sparrow's slope or Sparrow's "Bosk" meaning Sparrow's thicket or woods. Over the years it changed to its present name, Sparrowbush.
- Westbrookville was named for Dirck Van Keuren Westbrook, an early settler. Fort Westbrook, dating back to the American Revolution, still stands.

The peaceful Lenni Lenape Indians were the first inhabitants. Chief Penhorn and his tribe inhabited about 780 acres of fine natural meadow land on the east side of the Neversink River. In 1690, William Tietsoort, the first European inhabitant in the valley, was asked to move here by the Lenni Lenape to build a blacksmith shop to make much needed tools.

A 1,200 acre patent of land was granted in 1697 to Jacques Caudebec, Thomas Swartwout, Anthony Swartwout, Bernardus Swartwout, Jan Tyse, Peter Germar (Gumaer) and David Jamison. They were sturdy Dutch and French Huguenot farming families and lived peacefully with the Lenni Lenape.

With the early rumblings of the French and Indian War, the local residents were asked to form a militia in preparation for the possibility of war. This broke the trust of the Lenni Lenape who subsequently moved west to the Ohio Territory.

Many families traveled along the Old Mine Road, America's oldest 100 mile road, to settle in this fertile valley watered by pristine rivers. They were not, however, to live in peace. The boundary line between New York and New Jersey was still undetermined. Both states wanted

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the best farm lands along the disputed boundary line, which at that time cut across the entire town. Residents on both sides fought and kidnaped each other and destroyed each other's homes and property during "The New Jersey-New York Border War." Finally, on September 1, 1773, the present boundary line was established by England.

The state legislature, in 1798, created Sullivan and Rockland Counties from the lands of Orange and Ulster Counties. Five towns from Ulster County were incorporated into Orange in order to maintain the size of Orange County. Deerpark was formed from the Town of Mamakating in Ulster County.

On October 13, 1778, during the American War of Independence, Colonel Joseph Brant and his raiders approached by way of an old trail from the Mongaup River to Huguenot. The order of attack went from south to north ending at Fort DeWitt in Cuddebackville. Brant returned again on July 20, 1779 bringing with him twenty-seven Tories and sixty Indians to fight against the settlers. It was this raid that led to the major battle at Minisink Ford where many local militiamen lost their lives. It also was the source of "The Painted Apron Story" at the Black Rock School, a local folk tale, which has become a part of our history.

When the War of Independence ended, the pioneer spirit took hold again and some residents left this valley to follow the westward dream. The abandoned land enabled those who remained to enlarge their holdings and build bigger farms and mills.

The construction of the D & H Canal (1828-1898) changed the Town of Deerpark. Primarily, it was constructed to provide much needed Pennsylvania anthracite coal to New York City. Other goods, such as bluestone, cement and lumber, were shipped as well. The route of the canal through Deerpark was determined by the relative ease of construction through this valley. New industries were created and old ones expanded. Quarries, tanneries, lumber mills, boat yards, supply stores, blacksmith shops, carpenter shops were busy places along the canal. Homes were built making schools, churches and public buildings necessary. Many of these buildings remain throughout the Town.

The Town's make up changed once again with the advent of the railroad. In 1868, the Monticello & Port Jervis Railroad Company started to bring people to Deerpark for vacations and to enjoy the natural beauty of the rivers and mountains. A thriving resort industry arose. The railroad also was instrumental in making commercial dairying in the Neversink Valley a viable occupation. Each farm within a convenient distance of a railroad had a "milk stop" to pick up cans of milk to ship to New York City. Most of these farms began to disappear in the middle of the 20th century as it became necessary to increase farm sizes to be profitable.

The automobile brought even more people to the town. Among them was D. W. Griffith. Between 1909 and 1915, he made many films using the majestic mountains and flowing rivers as

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natural backdrops. The Neversink Valley Area Museum in Cuddebackville regularly shows the classic silent movies.

The recognition of our history is an ongoing part of our community. The Neversink Valley Area Museum has exhibits about life on the D & H Canal, including boat rides on the canal. School children visit the museum to learn about the Lenni Lenape. The town has restored an 1863 brick schoolhouse for community use. Other one room schools have been converted into private homes.

Geography remains an important part of the Town's identity. Camps care for natural areas and teach environmental education courses. The Nature Conservancy has extensive holdings of environmentally fragile sections of the Neversink River. The Orange County Land Trust protects additional areas. The Orange County Parks Department has developed a lovely park to preserve one of the few sections of the D & H Canal which still holds water. New York State has designated Route 97 and the Hawk's Nest as the Upper Delaware Scenic Byway. The New York State Department of Environmental Conservation has set aside land as an eagle preserve. All of these places give visitors and residents the opportunity to enjoy activities such as fishing, hunting, canoeing, rafting, camping, hiking, and bird watching.

Reflecting on the past is a key to planning for the Town's future. It is also important to understand change will continue to be a part of the picture. Some changes already are in progress, such as the plans for building an Interpretive Center near the Mongaup River by the National Park Service and the plans for the creation of a walking/biking trail along the abandoned D & H Canal towpath from Westbrookville to Cuddebackville by the Orange County Parks Department. These plans show how Deerpark history affects present day changes. Deerpark's history is one of its most valuable economic resources.

The Town needs, for precisely this reason, to highlight its historical sites and provide visitors with more sightseeing opportunities. It has the ideal organization, the Neversink Valley Area Museum, from which to do this. Historical marker research was done in the 1930's and a number of the recommended markers were placed, although not all. Lost and destroyed historical markers have been replaced every year since 1996. Two new markers, (Huguenot School and Hawk's Nest) have been erected. All of the existing 1930s historical markers have been painted, catalogued, photographed, mapped and are in process of being reported to the State. The Department of Transportation will receive a list of all missing markers on State routes to be included in their replacement program.

The Town Historian's Office at the Huguenot School offers the following: historical records, displays, maps, original documents and other research materials about the Town. Cataloguing of available photos has been completed. Original documents are now in the process of being catalogued. When this entire project is done, all of these records will be entered on the "Past

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Perfect" computer program, which is the program used by the Minisink Valley Historical Society and the Neversink Valley Area Museum. This makes research and an exchange of materials very easy. The Huguenot School is on both the State and National Historic Registers.

The Town is in the process of locating and mapping all of the small cemeteries within the Town. These will be printed on a map from the Orange County Water Authority and will be made available to the Town Board, Planning Board, Zoning Board of Appeals and other interested parties. The New York Cemetery Law provides for the protection of these cemeteries.

The Town is in a unique position in that most of the Orange County section of the D & H Canal Tow Path runs through the entire town. The D & H Transportation Heritage Council, which works with all of the communities and organizations located within the D & H Canal Corridor, is working to create a tourism link from the coal fields of Pennsylvania to Kingston. This effort was featured in a recent New York Times Travel Section article. The Town of Deerpark is a member of this organization. Additional signage in the Town designating the Canal Towpath would also be helpful for tourism.

Historical Resources Recommendations:

- A. The Town should work with the Neversink Valley Area Museum (and with the Minisink Historical Society) to further expand its marker program using the 1930's research and other sources as a foundation. It would be well worth the investment and could be expanded to include sites of scenic and natural interest (e.g. the Canal Towpath), tied together by the use of a common theme and signing program, linking the trail of markers to the Upper Delaware Scenic Byway. The Town has already taken a large step in this direction with a new marker for the Hawk's Nest that commemorates the Byway dedication on September 21, 2002. Brochures tied into these markers could be distributed at various locations both public and commercial. An audio cassette or cd-rom disk further explaining the sites to encourage self-guided tours would also be excellent. The Town Historian's Office at the Huguenot School would be a good distribution point as would the Town Hall and several other locations.
- B. The Town should work with Orange County under their Rails to Trails program to create a trail from Westbrookville to Cuddebackville with a future extension to the Port Jervis Trail. Grant funds are available to the County for the former.
- C. Historic homes should be surveyed for possible placement on National Register. A number of people have requested forms from the Historian's Office. However, a concerted effort could add many more homes to the register. The State Historic Preservation Office will provide workshops for interested residents and these should be arranged from time to time. This will require extensive preparation work to identify

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persons who might be interested in the program.

- D. Historic districts should also be considered for addition to the National Register. Main Street, Sparrowbush, which was a very important neighborhood during the D & H Canal days, is one possibility.
- E. Attractive welcome signs should be placed at all entrances to the Town (11 in all). Signs should use the Deerpark Bicentennial logo (map and hamlets) so that visitors understand the makeup of the Town. A search for grant money to help pay for this project should begin as soon as possible. Many towns have done this through local Chamber of Commerce programs.
- F. A large street map should be in front of Town Hall for visitor reference. It would also be helpful for new residents. The map funded by the Upper Delaware Council several years ago should also be updated, reprinted as necessary and distributed from multiple locations. It should serve as a "Welcome to Deerpark " brochure for new residents. This, too, could be done on a commercial basis through a combined effort by the Town and local businesses.
- G. The Town of Deerpark website, in the process of being created, should depict historic, scenic and natural interests, as well as Town information. It should feature the same themes as used on signage and in brochures. It should incorporate an interactive map of Town historic sites and other attractions that will allow visitors to gain more information on specific sites by clicking on map links. It should also designate various "trails" that visitors can take by car, bike or foot to see Deerpark's attractions with a featured link to the Upper Delaware Scenic Byway and the Upper Delaware Scenic and Recreational River. Finally, it should for economic and community development purposes, also include links and data regarding Town businesses and civic organizations. The address will be:

www.townofdeerpark.org

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1.2 Natural Features

1.2.1 Terrain

Buck Knoll, at 1,369 feet above sea level forms a conspicuous elevation, but the highest elevation is an unnamed promontory northwest of Big Pond that measures 1,448 feet above sea level, while the lowest is at the confluence of the Neversink River with the Delaware River, approximately 430 feet above sea level.

The Neversink River, which has its origins in the Catskill Mountains (where it is impounded to form a reservoir providing water for the City of New York), flows through the Town traveling south to a point below Cuddebackville, where it makes a right-angle turn to flow southwest, paralleling the Shawangunk ridge, until it joins the Delaware River at Tri-States Rock, the meeting of the States of New York, New Jersey and Pennsylvania. There are shallow falls along the upper third of that stretch through the Town, while the lower two-thirds hug the base of the Shawangunk Mountains, which rise steeply above it.

A similar, though even more extreme, elevation differential exists along that stretch of the Delaware River north of Sparrowbush, an area called Hawk's Nest. Halfway up that elevation differential is New York State Route 97, cut into the rock and, with hairpin turns, following the curvilinear face of the steep slopes cut by the meandering Delaware River below. That stretch of road has, with good reason, been likened to road passes through the Swiss Alps and featured in many automobile commercials and magazines.

Basically paralleling the lower two-thirds of the Neversink River through the Town and then continuing in a straight line to parallel the Basher Kill was the Delaware and Hudson Canal, a major engineering and transportation feat of the late 19th Century, by which coal, wood, slate and curbstones were shipped from Northeastern Pennsylvania to New York City, the canal stretching from Port Jervis to Kingston. Much of the canal bed and its adjacent towpath are still intact, albeit overgrown.

Besides the canal, human intrusions on the natural terrain take several major forms: the main line of the Erie-Lackawanna Railroad (now part of the Norfolk-Southern system), with commuter trains linking Port Jervis and New York City (via transfer to PATH at Hoboken, NJ) and freight trains traversing the same tracks and traveling even further west to and through Pennsylvania; several underground natural gas pipelines; the Marcy South 345 kilo volt transmission lines of the New York State power grid; the eighteen hole golf course of the Port Jervis Country Club; and numerous quarry and gravel pits.

Environmental constraints have been incorporated into the Orange County Water Authority's Geographic Information System (GIS). This system can and has been used to generate tailored

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individual and composite maps of State and Federally regulated wetlands; other wet, poorly drained soils, as identified by the Natural Resources Conservation Service; FEMA flood plains; and steep slopes. Those maps are not included as part of this text but are available in multiple formats from the Authority at any time. This is one of the key advantages of a GIS system and one which makes it unnecessary to include the maps in this document. Several have been used, however, in the course of preparing this Plan.

1.2.2 Water Resources

There are numerous natural and man-made lakes and ponds within the Town. These include water bodies by the name of Snyder, Heinlein, Martin, Marling, Sand, McAlister, Prospect, Boehmler, Big, Little, Cahoonzie, Beaverdam, Guymard, Walls, Helen and Holley's. The Town also includes the three reservoirs of the City of Port Jervis water supply.

Other streams within the Town, mostly tributaries either to the Neversink or the Delaware, are the Shingle Kill, the Steeny Kill, the Bush Kill and the Sparrowbush Kill. There is also the Basher Kill, which flows southward through a swampy area known as the Bashakill State Wildlife Management Area (which includes a large wetland in Sullivan County). Another State Wildlife Management Area is Cherry Island, located midstream in the Delaware River north of the hamlet of Sparrowbush. Besides the Bashakill swamp, there are several other large swamps within the Town: Long, Round and Steeny Kill being among them.

Wetlands and flood plains have been mapped by the State and Federal governments. New York State has formally recognized that the public interest is served through the preservation of major freshwater wetlands. These areas serve as the base of the terrestrial food chain, the habitat of many rare and endangered species and the absorption intakes for ground water reserves and aquifers on which so many public and private water supplies depend. The State's Department of Environmental Conservation bears the responsibility for protecting these areas, which they do by discouraging significant development within their mapped bounds, and by severely restricting the kinds of activities that can take place within a 100 foot buffer of such designated freshwater wetlands.

A sand and gravel aquifer in the valleys of the Neversink River and Basher Kill extends twenty-eight miles from Summitville in Sullivan County to Milford, Pennsylvania, including its twelve mile midsection which lies in the Town of Deerpark. Its location is displayed on the map following. It averages one mile wide and stores about 11.3 billion cubic feet of water or about 84.4 billion gallons. A thin layer of fine sandy and silty soil overlies some of the surface of the aquifer. The fine sand is more than fifty feet thick near Port Jervis, north of the confluence of the Neversink and Delaware Rivers. The thickness of the aquifer ranges from less than 10 feet to more than 150 feet, but is variable because of the irregular surface of the underlying bedrock. The Frimpter Report, which addresses the groundwater resources of Orange County, estimated that

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the safe dependable daily yield of that aquifer is 100 million gallons. This aquifer requires protection from incompatible land and water uses and the proposed Zoning Law attached includes regulations of such uses.

These wetlands and stream valleys include many outstanding features deserving of protection. These include rock outcrops and promontories, waterfalls, scenic vistas and eagle nesting places and flyways. Some of the unique natural resources within the Town of Deerpark are protected as state wildlife management areas, some as state designated wetlands, some through public or responsible institutional ownership, and still others through the Upper Delaware Scenic and Recreational River designation; but the Town's Zoning Law is still the most valuable tool in this regard.

1.2.3 Soils

The Natural Resources Conservation Service of the U.S. Department of Agricultural has mapped and classified soil types throughout the Town. Soils with seasonal high water tables (three feet or less from the surface) make poor locations for subsurface sewage systems and homes with basements. Steep slopes, where there is a grade of 15% or more also makes placement and proper functioning of septic systems difficult. Furthermore, driveways with slopes in excess of 15% are often too steep for emergency vehicles and difficult to access safely in inclement weather.

The Natural Resources Conservation Service has summarized the general characteristics of the more than 70 soil types that appear in the Town, assigning them to 15 different groups according to their common characteristics. This information appears in the Table of Soils Groups on the following pages. Based on soil characteristics, the Natural Resources Conservation Service has also made recommendations regarding the use and requirements of each group, particularly as they relate to on-site septic systems, buildings with basements and erodibility.

The Town has further reduced these fifteen different groups to six different classifications for purposes of establishing minimum lot sizes based on soil capabilities. Three are generally hospitable to residential development dependent on individual wells and septic systems, while three are generally not suitable. The latter three have severe development constraints, consisting of poor drainage, susceptibility to ponding and flooding, erosion and sluffing and steep slopes (in excess of 15%) with rapid surface runoff. However, sewage treatment technology has advanced in recent years and more accurate methods of testing soils for sewage disposal have evolved. Therefore, any classification system needs to allow for detailed on-site soils testing by engineers for purposes of finding pockets of more suitable soils or using new technology to design innovative sewage systems that can take place on smaller existing lots than would be otherwise demanded. Such designs, however, must be justifiable to the Town Engineer and meet the rigorous standards of the County Department of Health and other involved agencies.

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The following table of soils classifications suggests minimum lot sizes for new residential development dependent on individual wells and septic systems (existing non-conforming lots excepted). A Soils Map depicting these areas has also been produced for display.

Suggested Lot Sizes Based on Soil Characteristics

<u>Soil Classification</u>	<u>Minimum Lot Area</u>
1 - Soil Group I (Well Drained Soil)	1.00 Acre
2 - Soil Group II & III (Well Drained Soil)	1.00 Acre
3 - Soil Groups IV to VI (Moderately Drained Soil)	1.50 Acres
4 - Soil Groups VII, VIII and XII	3.00 Acres
5 - Soil Groups IX, XI and XIII (Steep Slopes)	6.00 Acres
6 - Soil Groups X, XIV and XV (Flooding & Ponding Soils)	10.00 Acres

As noted above, new technology of sewage disposal allows use of alternative systems in many cases that can make soils, previously thought unusable, practical for building. The Town has a local law requiring professional engineer design of sewer systems. This tool, along with alternative disposal technologies and conservation subdivision techniques, where the market supports them, can and should be used to deal with the soils limitations set out herein.

Detailed Table of Soil Groups

Group I

Soils Developed in Sands and Gravel, Nearly Level Through Sloping

The soils in this group are excessively well through well-drained, medium and coarse-textured and are formed in glacial outwash plains, terraces and stream valleys. They are underlain by water deposited beds of sand, or sand and gravel. These soils have moderately rapid to very rapid permeability. The seasonal high water table and bedrock are below 6 feet. Slope ranges from 0 to 15 percent.

Soils included in this group are:

OtB, OtC (1A, 1B, 1C) - Otisville gravelly sandy loam;
OkA, OkB (2A, 2B, 2C) - Oakville loamy fine sand;
HoA, HoB, HoC (9A, 9B, 9C) - Hoosic gravelly sandy loam;
CnA, CnB, CnC (10A, 10B, 10C) - Chenango gravelly silt loam; and

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RhA, RhB, RhC (13A, 13B, 13C) - Riverhead sandy loam

Group II

Soils Developed in Very Fine Sands/Silts, Nearly Level to Gently Sloping

The soils in this group are well-drained and occur in areas where glacial lake sediments have accumulated. These sediments contain very fine sands and silts. These soils are moderately permeable and have a seasonal high water table of 6 feet plus. Slope ranges from 0 through 8 percent.

There are no known soils in this group within the Town of Deerpark.

Group III

Soils Developed in Coarse Silts and Loam With a Firm Basal Till Layer, Nearly Level Through Sloping

The soils in this group are well-drained, medium to moderately coarse-textured, and are developed in thick glacial till deposit of the upland. These soils are moderately permeable in the upper 30 inches and slowly permeable below 30 inches. The water table and bedrock are generally 6 feet or deeper. Slope ranges from 0 to 15 percent.

There are no known soils in this group within the Town of Deerpark.

Group IV

Soils Developed in Coarse Silts and Loam With a Firm Fragipan, Nearly Level Through Sloping

The soils in this group are well to moderately well-drained. The soils are underlain by compact glacial till, and have a fragipan 16 to 30 inches below the soil surface. These soils are moderately through very slowly permeable and have a seasonal high water table at 1-1/2 feet through 4 feet. Bedrock is usually below 6 feet.

Soils included in this group are:

CgA, CgB (5A, 5B) - Castille gravelly silt loam;

SwB, SwC (20B, 20C, 34B, 34C) - Swartswood gravelly loam;

WuB, WuC (35A, 35B, 35C, 36A, 36B, 36C) - Wurtsboro gravelly loam; and

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MdB, MdC (40B, 40C, 41B, 41C, 42C) - Mardin gravelly silt loam.

Group V

Soils Developed in Heavy Silts and Clays, Nearly Level to Gently Sloping

The soils in this group are moderately well-drained and occur in areas where glacial lake sediments have accumulated. These sediments contain clay and heavy silts. These soils are slowly permeable, very unstable, and have a high shrink and swell potential. The water table is from 1-1/2 to 3 feet. Bedrock is generally below 6 feet. Slope ranges from 0 to 8 percent.

Soils included in this group are:

ScA, ScB, (80A, 80B) - Scio silt loam.

Group VI

Soils Developed in Medium Sands and Silts Influenced by Bedrock and Surface Stones, Nearly Level Through Sloping

The soils in this group are well to moderately well-drained, and occur on the tops and sides of drumlin hills. The soils are underlain by compact glacial till and have a fragipan that ranges from 16 to 30 inches. The soils in this group have a surface stoniness conditions and shallowness to bedrock problem. On-site investigation is a must on these soils. Slope ranges from 0 to 15 percent.

Soils included in this group are:

BnB, BnC (77B, 77C) - Bath-Nassau shaly silt loam: and
SXC (020BC) - Swartswood & Mardin, very stony soils.

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Group VII

Soils Developed in Silts, Clays and Very Fine Sands That Are Wet, Nearly Level to Gently Sloping

The soils in this group are somewhat poorly drained and occur in concave areas in the glacial till upland. These soils are very fine sands through silty clay loam texture. Permeability is slow to very slow. The seasonal high water table is 1/2 to 1-1/2 feet. Bedrock is generally 6 feet plus. These soils are subject to ponding.

Soils in this group are:

Fd (7) - Fredon loam;
ErA, ErB (25A, 42A, 42B) - Erie gravelly silt loam;
Ra (81) - Raynham silt loam; and
ESB (025B, 025AB, 033AC, 042AB, 080AC) - Erie extremely stony soils.

Group VIII

Soils Developed in Silts That Are Influenced By Bedrock, Nearly Level Through Sloping

The soils in this group range from being excessively well-drained to being poorly drained, but most are in the well-drained category. They occur mostly in the rougher areas of the upland. The soils are underlain by hard bedrock, and some areas contain exposed rock outcrops. In most places, hardrock is found from 20 to 40 inches below the soil's surface. Permeability is moderate to slow above the bedrock. Where limestone bedrock occurs, severe cracks and voids in the rock must be considered. Slope ranges from 0 to 15 percent.

Soils included in this group are:

FaC (3A, 3B, 3C, 073AC) - Farmington silt loam;
LdB, LdC (75A, 75B, 75AB, 75C) - Lordstown channery silt loam;
ANC (075AC) - Arnot-Lordstown rocky soils;
RKC (076AC) - Rock outcrop - Arnot complex; and
RSB (077AC) - Rock outcrop - Nassau complex.

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Group IX

Soils Developed in Silts, Clay and Very Fine Sands That Pond, Nearly Level

The soils in this group are poorly to very poorly drained, with a seasonal high water table at 0 to 1/2 foot. These soils are located in flat concave areas in the landscape. Permeability is very slow. A ponding condition will occur during most of the year. In some areas these soils are located along streams and are subject to infrequent flooding. Slope ranges from 0 to 3 percent.

Soils included in this group are:

Ha (8) - Halsey silt loam;
Ab (26, 43) - Alden silt loam;
Ca (4A, 4B, 82, 97) - Canandaigua silt loam; and
AC (37, 026) - Alden, extremely stony.

Group X

Soils Developed in Very Fine Sands and Silts That Flood, Nearly Level

The soils in this group are nearly level and are in the floodplains of stream valleys. All these soils are subject to flooding with the lower-lying, poorly drained soils being flooded most frequently. The seasonal high water table fluctuates with the stream level. Permeability is moderate through very slow. Slope ranges from 0 to 3 percent.

Soils included in this group are:

Tg (88) - Tioga silt loam;
My (89) - Middlebury silt loam;
Wd (90, 91, 92) - Wayland silt loam;
Be (99) - Basher fine sandy loam;
Ba (199) - Barbour fine sandy loam;
UF (100) - Udifluvents-Fluvaquents complex; and
Su (101) - Suncook sandy loam.

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Group XI

Soils Developed in Very Fine Sands, Heavy Silts and Clays, Gently Sloping

The soils in this group are well to moderately well-drained, and occur in areas where glacial lake sediments have accumulated. These sediments are in layers composed of silts, very fine sands, and clay. These soils are slowly permeable, very unstable and have a high shrink and swell potential. The water table ranges from 1-1/2 to 6 feet. Erosion and sluffing on these soils is severe. Bedrock is generally below 6 feet. Slope ranges from 8 to 15 percent.

There are no soils included in this group in the Town of Deerpark.

Group XII

Soils Developed in Sands and Silts That Are Influenced by Steep Slopes, Moderately Steep to Steep

The soils in this group are all soils that occur on slopes ranging from 15 through 25 percent. Slope percentages in some units are combined. The range of these soils is 15 through 35 percent. These soils are rated rapid for surface runoff.

Soils included in this group are:

OtD (1D) - Otisville gravelly sandy loam;
HoD (9D) - Hoosic gravelly sandy loam;
RhD (13D) - Riverhead sandy loam;
SwD (20D, 20E, 334D) - Swartwood gravelly loam;
WuD (35D) - Wurtsboro gravelly loam;
SXD (020DE) - Swartwood & Mardin, very stony soils;
RMD (074DE, 074F) - Rock outcrop - Farmington complex
AND, ANF (075DE, 075F) - Arnot-Lordstown complex;
RKD (076DE) - Rock outcrop - Arnot complex; and
RSD (077DE) - Rock outcrop - Nassau complex.

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Group XIII

Soils Developed in Sands, Silts and Clay That Are Dominated by Very Steep Slopes

The soils in this group are all soils that occur on slopes ranging from 25 through 45 percent. These soils are rated very rapid for surface runoff.

Soils included in this group are:

OVE (01#) - Otisville & Hoosic soils; and
RKF (076F) - Rock outcrop - Arnot complex

Group XIV

Soils Developed in Organic Material, Nearly Level

The soils in this group occur in depressional areas where surface organic materials are generally 5 feet or greater. These areas are subject to either flooding or ponding, and are covered with water most of the year.

Soils included in this group are:

Ce (94) - Carlisle muck, very deep; and
Pa (96) - Palms muck.

Group XV

Water Bodies and Marshland

This group consists of marshland and water bodies within Orange County. The marshland has approximately 1 to 2 feet of water during most of the year. All ponds and lakes are also included in this group.

The mapping unit in this group is:

HH (103) - Histic humaquepts.

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1.3 Population and Economic Base

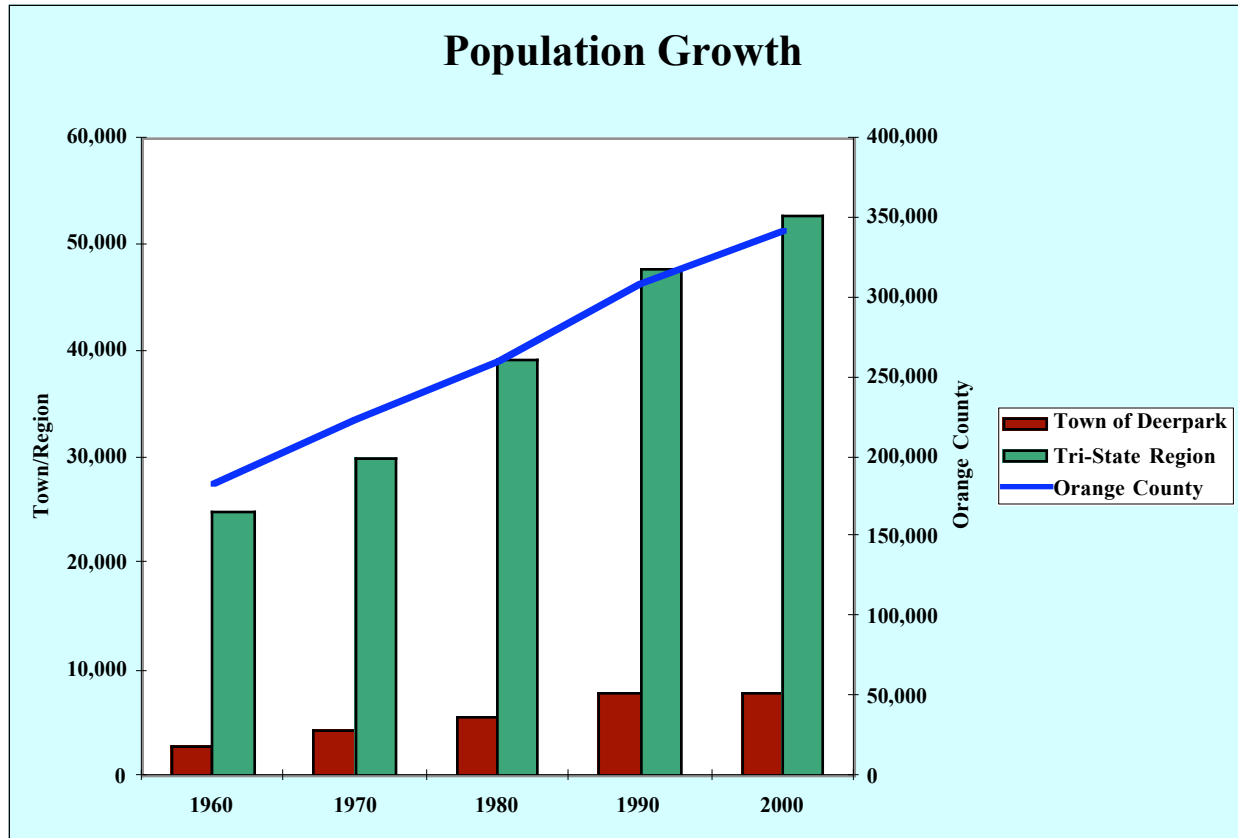
1.3.1 Population Trends

The table and chart below illustrate overall population trends within the Town of Deerpark as compared to the County as a whole and its neighbors. The Town is growing slowly at the present time although it has experienced rapid growth over the last few decades preceding the 1990's.

TRI-STATE AREA POPULATION PATTERNS, 1970-2000									
MUNICIPALITY	1960	1970	% Change 60-70	1980	% Change 70-80	1990	% Change 80-90	2000	% Change 90-00
Town of Deerpark	2,777	4,370	57.4%	5,633	28.9%	7,832	39.0%	7,858	0.3%
Orange County	183,734	221,657	20.6%	259,603	17.1%	307,647	18.5%	341,367	11.0%
Montague Township	880	1131	28.5%	2066	82.7%	2,832	37.1%	3,412	20.5%
Town of Deerpark	2,777	4,370	57.4%	5,633	28.9%	7,832	39.0%	7,858	0.3%
City of Port Jervis	9,268	8,852	-4.5%	8,699	-1.7%	9,060	4.1%	8,860	-2.2%
SUB-TOTAL	12,045	13,222	9.8%	14,332	8.4%	16,892	17.9%	16,718	-1.0%
Town of Forestburgh	356	474	33.1%	867	82.9%	614	-29.2%	833	35.7%
Town of Lumberland	538	857	59.3%	1,210	41.2%	1,425	17.8%	1,939	36.1%
Town of Mamakating	3,356	4,319	28.7%	7,717	78.7%	9,792	26.9%	11,002	12.4%
Town of Greenville	890	1379	54.9%	2,085	51.2%	3,120	49.6%	3,800	21.8%
Town of Minisink	1,433	1942	35.5%	2,488	28.1%	2,981	19.8%	3,585	20.3%
Town of Mount Hope	2,292	2966	29.4%	4,398	48.3%	5,971	35.8%	6,639	11.2%
SUB-TOTAL	8,865	11,937	34.7%	18,765	57.2%	23,903	27.4%	27,798	16.3%
Borough of Matamoras	2,087	2,244	7.5%	2,111	-5.9%	1,934	-8.4%	2,312	19.5%
Westfall Township	838	1,348	60.9%	1,825	35.4%	2,106	15.4%	2,430	15.4%
SUB-TOTAL	2,925	3,592	22.8%	3,936	9.6%	4,040	2.6%	4,714	16.7%
TOTAL	24,715	29,882	20.9%	39,099	30.8%	47,667	21.9%	52,642	10.4%

Note: Source of all data, including 1999 estimates, is U.S. Census.

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1.3.2 Age of Household Members

The Town of Deerpark is almost 9% older than Orange County as a whole, with a median age of 37.8 years in 2000 compared to 34.7 for the County. Only 33.9% of the Town population was under 25 years of age in 2000. The County proportion, by contrast, was 37.7%. The over 65 years age group, moreover, made up 11.0% of all the Town of Deerpark residents compared with 10.3% for the County.

Town of Deerpark Population by Age, 2000

		<u>Deerpark</u>	<u>%</u>	<u>Orange</u>	<u>%</u>
0-17	Years	2,159	27.5%	99,156	29.0%
18-64	Years	4,836	61.5%	207,026	60.6%
65+	Years	863	11.0%	35,185	10.3%
Totals		7,858	100.0%	341,367	100.0%

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1.3.3 Incomes.

The 2000 Census indicates per capita income for the Town of Deerpark was \$18,252 compared to \$21,597 for the County as a whole. Median household income in the Town, moreover, was \$45,000 compared to \$52,058 for Orange County. Per capita income Statewide was \$23,389, indicating the need for economic development within the Town.

Town of Deerpark Incomes, 1990 - 2000 (In Inflation Adjusted 2000 dollars)

	Town of Deerpark 1990	Town of Deerpark 2000	Orange County 2000	New York State 2000
Per Capita	\$17,370	\$18,252	\$21,597	\$23,389
Median HH	\$43,927	\$45,000	\$52,058	\$43,393
Median Family	\$50,010	\$49,987	\$60,355	\$51,691

The Town of Deerpark has made some economic progress over the last decade, as the above numbers indicate. Per capita and median household incomes have both increased by about \$1,000 in real terms but median family income has declined slightly (reflecting smaller families).

1.3.4 Employment Status.

The Town of Deerpark had 3,583 employed persons over 16 years of age in 2000, of which 1,524 or 42.5% were female. The unemployment rate as a whole was only 3.2%. The following is a breakdown of this labor force by class (private industry vs. governmental employment):

Town of Deerpark Employed Persons by Class, 2000

Private for profit wage & salary workers	2,576
Self-employed workers	241
Government workers)	<u>766</u>
Total (all workers)	3,583

Government represented 21.4% of all employment for Deerpark workers in 2000. Self-employment was relatively limited with 241 persons (6.7%) engaged in home occupations or other local businesses of their own. Private wage and salary workers represented 71.9% of the Town's population in 2000.

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1.3.5 Employment by Industry and Occupation.

The tables below provide a breakdown of the employed Town population aged 16 years or more in 2000 by industry and occupation.

Town of Deerpark Employment by Industry, 2000

<u>Industry</u>	<u>Persons</u>	<u>%</u>
Educational, health, social services	800	22.3%
Retail trade	623	17.4%
Manufacturing	517	14.4%
Public administration	310	8.7%
Construction	292	8.1%
Other services (except public administration)	208	5.8%
Transportation, warehousing, utilities	181	5.1%
Arts, entertainment, recreation, lodging, food	173	4.8%
Professional, management, administrative	145	4.0%
Wholesale trade	133	3.7%
Finance, insurance, real estate	117	3.3%
Information	53	1.5%
Agriculture, forestry, mining	31	0.9%
Totals	3,583	100.0%

There are relatively low numbers of persons in higher paying professional occupations within the Town. Service and retail employment, typically lower-paying in nature, are high by contrast.

Town of Deerpark Employment by Occupation, 2000

<u>Occupation</u>	<u>Persons</u>	<u>%</u>
Management, professional and related occupations	693	19.3%
Sales and office occupations	856	23.9%
Construction, extraction and maintenance occupations	599	16.7%
Service occupations	728	20.3%
Production, transportation and material moving occupations	699	19.5%
Farming, fishing, and forestry occupations	8	0.2%
Totals	3,583	100.0%

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A relatively low 76 persons or 2.2% of the Deerpark labor force worked from home in 2000. The average travel time to work was 32.9 minutes, reflecting the relationship of the Town to the New York City metropolitan area, to which many residents commute to work. Some 2.5% of employed residents used public transportation to reach work in 2000, a relatively high figure for a rural community. This is, undoubtedly, directly related to the presence of commuter rail service in Port Jervis and Otisville.

The nearing completion of the Secaucus connection to midtown Manhattan will shorten commuting time and increase convenience for rail users, making Deerpark much more accessible as a place of residence for those with jobs in New York City. Additional trains schedules are being added and the number of Deerpark commuters can be expected to steadily rise in the future. The Town should also become a much more appealing residential area and start to grow again as a result. Moreover, income levels and housing prices can be expected to increase because new migrants to the Town will be coming from the higher income metropolitan area.

These trends will also be supported by the proposed legalization of gaming at selected sites in nearby Sullivan and Ulster Counties. Several projects within one-half hour of Deerpark are proposed in conjunction with various Indian tribes. These include a major resort hotel and casino at Kutsher's Sports Academy site near Monticello, another at Route 17 Exit 107 in Bridgeville and a third in Bloomingburg at the former Shawanga Lodge site. Slot machines are also proposed at the Monticello Raceway. These projects will create many new commercial and residential land use demands on the Town, given its easy access via Routes 42 and 209 to these areas.

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1.4 Housing Analysis

1.4.1 Housing Stock.

The 2000 U.S. Census indicated the Town of Deerpark had 3,332 housing units, of which 2,906 were occupied. Some 2,363 of these were owner occupied and 543 were renter occupied. There was a total gain of 218 housing units or 7.0%, exceeding population growth for the decade (0.3%) by a wide margin and reflecting a significant drop in average household size (see Section 1.4.2 below). There were 186 vacant units in seasonal, recreational or occasional use (second homes) in 2000, down from 235 in 1990. Experiences of other second home communities suggests conversions of second homes to primary residences will continue.

1.4.2 Number of Persons Per Household.

The number of people living in each household was 2.70 persons in 2000 (down from 2.89 persons in 1990). This was significantly lower than the County average of 2.85 persons per household.

1.4.3 Housing Values.

The 2000 Census revealed a median housing value of \$103,900 for the Town. Countywide, the median value was \$144,500, much higher than the Town. Growth pressures and the value of new housing being constructed appear to be driving values up as a whole in Orange County. The lack of such pressure in Deerpark is probably restraining prices. Also, the Deerpark market is more akin to that of neighboring Pike and Sullivan Counties (where somewhat lower-priced housing has sold better) than Orange. There are at present, however, a number of changes taking place in real estate markets throughout the region with very high priced housing becoming more and more popular as metropolitan buyers find their way to the area.

1.4.4 Housing Type.

Single-family homes in 2000 (not including manufactured homes) accounted for 2,327 units and comprised 69.8% of the housing stock in Town of Deerpark. This was followed by two-family and multi-family units at 87 and 114 units, respectively, or a combined 8.6%.

1.4.5 Contract Rents.

Rents within the Town were relatively high in 2000, the median rent being \$680. The median rent Countywide in 2000 was \$714, the variation in the cost of rental housing being much less than that for owner-occupied units.

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1.4.6 Manufactured Housing

The following chart illustrates patterns with respect to manufactured housing in the Town. This subject merits special attention due to the extraordinarily high proportion of Deerpark housing that consists of manufactured homes (not including prefabricated modular housing).

Orange County Manufactured Home Stock, 1990-2000								
Town/City	1990 Median Family Income*	1990 Total Housing Units	1990 Manu- factured Homes	% of Total Housing Stock	2000 Median Family Income	2000 Total Housing Units	2000 Manu- factured Homes	% of Total Housing Stock
Deerpark	\$50,010	3,114	1,043	33.0%	\$49,987	3,332	804	24.1%
Greenville	\$60,116	1,160	143	12.0%	\$65,257	1,365	133	9.7%
New Windsor	\$58,964	8,596	649	8.0%	\$58,292	8,759	628	7.2%
Highlands	\$53,696	3,569	262	7.0%	\$59,345	3,418	196	5.7%
Wawayanda	\$57,502	1,872	120	6.0%	\$67,479	2,174	120	5.5%
Mount Hope	\$71,062	1,633	99	6.0%	\$65,183	1,714	89	5.2%
Crawford	\$61,620	2,246	196	9.0%	\$63,722	2,851	124	4.3%
Montgomery	\$60,619	6,803	402	6.0%	\$56,736	7,643	319	4.2%
Blooming Grove	\$56,401	5,908	252	4.0%	\$74,428	6,559	244	3.7%
Minisink	\$66,452	1,023	24	2.0%	\$58,906	1,245	34	2.7%
Wallkill	\$63,921	8,230	464	6.0%	\$57,088	9,283	237	2.6%
Woodbury	\$81,640	3,092	117	4.0%	\$84,156	3,358	84	2.5%
Newburgh Town	\$58,458	8,745	141	2.0%	\$66,706	10,122	234	2.3%
Monroe	\$66,740	7,030	162	2.0%	\$54,315	8,517	172	2.0%
Chester	\$68,731	3,236	32	1.0%	\$75,222	3,984	39	1.0%
Cornwall	\$74,192	4,409	41	1.0%	\$74,195	4,852	40	0.8%
Goshen	\$55,055	3,702	12	0.0%	\$71,497	4,320	31	0.7%
Hamptonburgh	\$34,698	1,270	9	1.0%	\$82,561	1,532	8	0.5%
Warwick	\$73,437	10,522	72	1.0%	\$71,074	11,818	46	0.4%
Port Jervis	\$76,072	3,870	0	0.0%	\$35,481	3,851	7	0.2%
Newburgh City	\$47,532	9,995	14	0.0%	\$32,519	10,476	19	0.2%
Middletown	\$40,496	9,475	0	0.0%	\$47,760	10,124	0	0.0%
Tuxedo	\$80,112	1,314	0	0.0%	\$88,718	1,457	0	0.0%
Adjoining Communities								
Westfall	\$48,211	1,039	178	0.0%	\$51,065	1,097	183	16.7%
Mamakating	\$54,951	5,391	1,001	19.0%	\$49,615	5,629	810	14.4%
Forestburgh	\$53,056	468	25	5.0%	\$60,139	500	27	5.4%
Lumberland	\$37,269	1,276	97	8.0%	\$45,100	1,419	57	4.0%
Montague	\$63,650	1,449	22	0.0%	\$50,833	1,588	3	0.2%

* Note: Median Family Income for 1990 stated in 2000 inflation adjusted dollars.

Several observations can be drawn from this data:

- Manufactured homes are declining in popularity in most of Orange County and throughout the region. They represent a shrinking, although still very high, proportion of Deerpark's housing units. Deerpark lost 237 manufactured homes between 1990 and 2000 as old units were replaced or removed. It now has fewer units than neighboring Mamakating, which also lost units over the decade.

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- Income clearly influences demand for mobile homes. Generally, there is more demand for manufactured housing in lower income rural communities. Higher income and more densely populated communities attract fewer manufactured homes. Nevertheless, income is not the only criteria. It is, perhaps, not even the most important factor. There can also be demand in higher income areas simply due to the unaffordability of conventional housing. Deerpark incomes remained also precisely the same in constant dollars over the decade. Yet there was a large drop in manufactured housing. The Town of Newburgh, by contrast, made significant real gains in income and gained many manufactured homes.
- Other important factors may include land prices and population density (which are closely related). Once density reaches a certain point and land values cross a particular threshold, it may well be that land simply becomes too valuable in relation to the manufactured home to be placed upon it. This is when it makes more sense from an investment standpoint to build conventional units that will appreciate in value and more easily amortize land costs.
- If manufactured housing becomes too large a share of the Town housing stock, there are serious implications for the tax base and the ability of the Town to deliver services. This is because the assessed valuation associated with such housing is well below that of conventional units and even these tend not to cover the costs of services associated with the residents. Therefore, the problem is exacerbated if manufactured housing stocks are excessive.

The following are some of the basic legal issues connected with manufactured home regulation in New York State:

- The U.S. Department of Housing and Urban Development has established regulations pertaining to the construction of manufacturing housing and Towns may not impose their own separate requirements in regard to construction of the units themselves.
- The NYS Town Law allows Towns to regulate and license not only manufactured home parks, but also individually placed manufactured homes. This is a unique power and can be exercised by Towns to tightly control the development and/or placement of manufactured homes both in and out of manufactured home parks.
- It is generally well established by case law that Towns cannot legally prohibit manufactured homes or manufactured home parks altogether within their boundaries. They can, however, restrict both individual manufactured homes and manufactured home parks to specific zones or require that manufactured homes be confined to manufactured home parks.

Given this background, there are three distinct approaches the Town can take:

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- A. Continue with the existing policy of restricting manufactured homes to manufactured home parks, except for double-wides, which would be allowed in districts where single-family dwellings are permitted. This would limit the development of new manufactured homes in a Town of relatively low income within the County. However, the drop in manufactured home numbers over the decade suggests there are available locations in parks.
 - B. Allow manufactured homes outside of manufactured home parks wherever single-family dwellings are permitted but subject to detailed placement standards. However, allowing manufactured homes on individual lots in a town like Deerpark where almost a quarter of all homes are manufactured and there are available sites in parks, could also unnecessarily add to the supply.
- 3) Restrict individual manufactured homes to certain districts (and/or as Special Uses) to provide additional review and conditioning opportunities. This would control the development of new manufactured homes while providing a relief valve for situations where need and good site planning warranted it. It would, however, increase the burden on the Planning Board, the costs of securing manufactured home approval and the time involved.

There are obviously potential variations of these approaches but these are the three basic options. The trend in most rural areas is to treat manufactured homes more in common with other single-family dwellings. Nevertheless, within the County and the immediate area, the more typical method of regulation is to restrict manufactured homes to parks. This reflects the increasing urbanization of the area. It is also fair to say that Deerpark has an unusually high proportion of manufactured homes within its housing stock. Manufactured housing demand is also falling at present. Numbers of such homes have been declining and there have been relatively few requests for permits to construct manufactured housing on individual lots.

Therefore, the wisest course of action is to maintain the existing policy of restricting manufactured homes to parks with high standards for development of new parks. Double-wide manufactured homes should also continue to be allowed on individual lots. Both parks and double-wides should be restricted to appropriate zoning districts (see Future Land Use Plan).

1.4.7 Other Housing Needs.

The Town needs to ensure that its land use regulations do not unnecessarily raise the cost of moderate income housing by requiring excessive lot sizes or adding too many regulatory oversight costs. This can be accomplished using cost-effective Conservation Subdivision designs (see Land Use Plan). The Town benefits from a housing rehabilitation grant program under the Community Development Block Grant program that helps Deerpark homeowners upgrade units.

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2.0 Goals and Objectives

The following are the goals and objectives on which this Plan is based:

2.1 Provide for future economic development of the Town of Deerpark.

- 2.1.1 Protect and preserve the rights of all landowners to enjoy and make economic use of their properties, within the context of this Plan and the Zoning Law.
- 2.1.2 Promote job-creating economic activity including, but not limited to those industries with small-scale land use impacts and high job growth potential (typically 1-9 employees at the outset).
- 2.1.3 Promote community-friendly home-based businesses with proper planning to deal with potential neighborhood impacts.
- 2.1.4 Identify key compatible businesses for development within designated economic growth areas and work with the County and the City of Port Jervis to provide economic incentives that will help attract those businesses.
- 2.1.5 Identify an economic development zone along the Route 6 or Route 209 corridor where businesses can grow and develop using financial and tax incentives from the New York State Empire Zone program or similar concepts. The Westbrookville area, the concrete plant site on Route 209 and the Route 6 area next to the City all offer possibilities.
- 2.1.6 Incorporate the Town Recreation Map and accompanying brochure into a Town website that can be used to attract tourism, promote economic development and share essential public information (including this Plan and related local laws).
- 2.1.7 Work with the Tri-State Chamber of Commerce, the Orange County Tourism Office and others to implement a comprehensive tourism marketing and signage program that will build upon initiatives such as the proposed Route 97 Scenic Byway to pull more visitors into the Town and cross-promote various attractions and enterprises.
- 2.1.8 Encourage the development of fiber optics lines and other communications infrastructure within the Town to accommodate high-speed Internet access and facilitate business development.
- 2.1.9 Procedurally streamline land use regulations to make them more user-friendly as well as easier to interpret and enforce. Also, review and modify standards as may be necessary

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to achieve consistency in their application and achieve the purposes of this Plan.

2.2 Preserve the Town of Deerpark's essentially rural character while accommodating growth.

- 2.2.1 Employ the Town Zoning Law to promote the establishment of appropriate population densities that will contribute to the well-being of persons, neighborhoods and communities, and the preservation of the environment.
- 2.2.2 Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, to ensure a balanced local economy and a balanced tax base.
- 2.2.3 Encourage new developments that function as extensions of City and hamlet development patterns, reflecting the historically mixed-use growth of the Town.
- 2.2.4 Subject to minimum safety and maintenance thresholds, scale all street widths and alignments, as well as building setbacks, to the neighborhood size, so as to retain the character of existing Town roads. Also, wherever possible within such safety and maintenance limitations, require new roads be designed so as to preserve natural topography and tree cover, minimize cut and fill and preserve and enhance views, reducing required widths and paving standards as may be appropriate considering the traffic using such roads.
- 2.2.5 Encourage preservation of the landscape in its natural state, insofar as practicable, by using topography, tree cover, and natural drainageways to determine road and lot configurations.
- 2.2.6 Minimize, through site plan review, the removal or disruption of historic or traditional uses and structures and use this authority to encourage landscaping of new commercial uses so as to provide a separation of these activities from the highway.
- 2.2.7 Require the filing of a development plan and the obtaining of Town permits before allowing extensive clearing (for other than ordinary timber harvest purposes) or excavation of commercial sites in anticipation of development.
- 2.2.8 Allow business owners the flexibility to develop needed signage, encouraging types of signage that complement the natural landscape (e.g. ground-type signs as opposed to pole signs) and achieve their advertising purposes by reducing sign clutter and fitting signage to the circumstances of the property, the use and the neighborhood.

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- 2.2.9 Require both passive and active open spaces where needed within new developments to complement existing recreation programs and preserve valuable natural aspects of the Town's character, giving developers density or other incentives to pursue this type of development.
- 2.2.10 Work with adjacent municipalities to coordinate recreation and open space programs so to create the maximum beneficial impacts, developing a specific Open Space Plan for Deerpark (including techniques and funding mechanisms such as 2.2.9 above and 2.2.11 below) that complements these other programs by linking open spaces into effective greenways.
- 2.2.11 Consider a program of tax abatements in return for conservation easements, of significant but limited duration, on valuable open space lands, using the authority granted to the Town under Section 247 of the General Municipal Law. This program would be modeled after the Town of Perinton's (Monroe County, New York).
- 2.2.12 Consider architectural compatibility as the Town Planning Board reviews commercial project site plans.

2.3 Provide for community facilities and services needed by Town residents.

- 2.3.1 Work with the City of Port Jervis to develop additional recreational opportunities for youth.
- 2.3.2 Maximize the use of Town recreation facilities by organized groups that provide for supervised activities where vandalism and other disruptive behavior can be controlled.
- 2.3.3 Encourage more community events with the potential to serve residents and simultaneously attract tourism by redrafting restrictive regulations on camping for short periods of time.
- 2.3.4 Maintain Boehmler Park for limited passive recreational use and consider its future development as a water supply. Also, secure funding for the development and promotion of existing and new trails through the Town.
- 2.3.5 Maintain top quality fire protection and ambulance services within the Town.
- 2.3.6 Develop sewage treatment system extensions for areas peripheral to the City of Port

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Jervis and, when opportune in connection with private development projects, establish new sewer districts for Huguenot, Sparrowbush and areas of concentrated malfunctions. Also, explore possibilities for Port Jervis, with the help of Deerpark, to take over and expand the City of New York's sewage treatment facilities to make this more feasible.

2.4 Provide for the movement of people and goods throughout the Town in a safe and effective manner.

- 2.4.1 Locate and design new roads within developments so as to promote the free flow of traffic and avoid future congestion.
- 2.4.2 Evaluate the potential for better coordinating rural public transportation services within the Town and adjacent communities, particularly within developments where common amenities exist.
- 2.4.3 Require developers to provide for walking as well as vehicular connections to adjacent land uses.
- 2.4.4 Modify land use regulations to encourage use of shared access drives to reach flag lots and stimulate more infill development around existing centers.
- 2.4.5 Provide for basic safety in all road designs by not allowing more than two roads or drives to intersect at any location, separating entrances, minimizing curb cuts and similar measures.

2.5 Protect surface and groundwater supplies from pollution, maintain high quality physical environments and preserve wildlife habitats.

- 2.5.1 Incorporate stormwater management and erosion and sedimentation control planning requirements in both site plan and subdivision reviews.
- 2.5.2 Promote the creative use of wetlands for recreation, stormwater detention and other functions as the most effective device to ensure their preservation.
- 2.5.3 Incorporate basic aesthetic considerations in site plan reviews and consider the development of local laws limiting the expansion or development of new commercial junkyards within the Town.
- 2.5.4 Use the Town's Floodplain Damage Prevention Law as a tool to steer development away from dangerous flood locations.

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- 2.5.6 Incorporate flexibility into land use standards to fit individual development circumstances and offer density bonuses for developers who provide additional open spaces, protect important natural features or otherwise contribute to quality development.
 - 2.6 Otherwise provide for the health, safety and welfare of Town residents, including control of nuisances such as junk cars and problem activities such as adult-oriented businesses, maximizing the use of existing laws and resources.*
 - 2.7 Promote the conservation of energy through the use of planning practices designed to reduce energy consumption and provide for maximum utilization of renewable energy sources.
 - 2.8 Support agriculture as an industry and use land use regulations to reinforce State Agricultural District policies.
- * Presently, the Town has eight licensed junkyards, some of which are unsightly and inhibit positive commercial and residential growth in Deerpark. It is the intention of the Town to ensure that all existing junkyards are operated in strict conformity with State, Federal and local regulations and prevented from becoming unsightly, inhibiting positive commercial and residential growth or otherwise detracting from the quality of life of Deerpark residents.

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3.0 Plans

3.1 Land Use and Economic Development

3.1.1 Land Use Vision

The Town of Deerpark is a slowly growing community. Together with the City of Port Jervis, it forms the New York portion of the Tri-State area. This area serves as home to approximately 30,000 persons and includes a number of commercial and industrial enterprises. The Town is primarily suburban in character but includes a portion of the Upper Delaware National Scenic and Recreational River and the Bashakill State Forest Preserve. It is also located near enough to the northern end of the Delaware Water Gap National Recreational Area that visitors from the metropolitan area are likely to pass through it. It also includes historic sites of State and national significance. Interstate I-84 serves as the principal transportation artery through the region and has inextricably linked the Town's future to that of adjoining Tri-State communities.

The Town of Deerpark desires to become a full partner in the development of the Tri-State area by working with its neighbors to extend infrastructure and coordinate public services. The Town hopes to attract compatible businesses and industries needed by the Tri-State area. It is expected this will help to balance the Town tax base, provide new jobs closer to home for Town residents and reduce the need for travel outside of the region. The Town specifically desires to increase tourism as a source of economic development taking advantage of the Town's natural and man-made attractions and resources (see Section 1.1.2 for some specific possibilities). It also desires to support and grow agriculture as an industry by encouraging new and specialized farm industries such the New Hope Equestrian center and niche agricultural enterprises, particularly on Agricultural District parcels.

Protecting these resources is a fundamental purpose of this Comprehensive Plan both from the standpoint of economic development and ensuring a high quality of life for residents. It is intended to accomplish this by subjecting large impact land uses to Special Use and Site Plan Review under the Town Zoning Law. The Town also, however, wishes to afford wide latitude in the location of new development and respect the rights of all landowners to pursue economic opportunities. The Town intends to guide development through its Zoning Law, not stop it or send it elsewhere. Flexible land use regulations that allow the Town to exercise reasonable control over the impacts of such development while preserving private property rights are essential in this regard. The Town of Deerpark's goal is to raise the quality of development, while providing opportunities to pursue it and also protecting the rights of adjoining landowners.

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3.1.2 Land Use Recommendations

Specific recommendations relating to land use in the Town of Deerpark are provided below:

- A. The Town should use professional engineer conducted soil analyses as the basis for setting the minimum lot sizes for residential development when dependent on individual wells and septic systems, allowing for the use of alternative technologies and designs to make use of poorer quality soils.
- B. The Town should update its Zoning Law, incorporating requirements consistent with the Goals and Objectives contained herein, providing greater flexibility in parking requirements, adopting more practical provisions for non-conforming uses and streamlining all procedures. A proposed new zoning map and revised Zoning Law have been prepared as part of this Plan update and include various recommended measures to improve the functionality of the Town's land use regulations.
- C. The Town should adapt its zoning districts to the four basic categories of existing development (hamlets, residential clusters, highway interchange, and rural low density), with a fifth classification for new economic development in the form of a floating planned unit development zone and a sixth zone to protect the Delaware River corridor.
- D. The Town should update its manufactured housing regulations to be current with best industry practice and law and ensure that Deerpark manufactured home communities are built to a high standard and provide safe, healthy and decent living environs. Siting of single-section manufactured housing should be restricted to manufactured home parks. Recreational vehicle parks should be separately regulated.
- E. The Town should allow and even encourage the replacement of existing manufacturing housing with new housing of any type, provided there is proper skirting, landscaping and attention to setback requirements, but additions to such housing for the purpose of enlargement of permanent dwelling space should be prohibited.
- F. The Town should incorporate requirements in its land use regulations protecting the Neversink aquifer (see map). These should include; a) inclusion in Special Use review criteria, b) requirements for hydrogeologic studies in the case of projects over or near the aquifer, and c) require attention to this matter in SEQRA processing, particularly in the lowland portions of the aquifer where the water table is close to the surface.
- G. The Town should require developers to inventory those unique natural resources that should be protected in site design. Such outstanding features might include rock outcrops

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and promontories, waterfalls, scenic vistas and eagle nesting places. A Town inventory of these features should also be made as part of the Open Space Plan recommended above. Upper Delaware Council funding for such an inventory, possibly using the County Planning Department or the Orange County Water Authority as the contractor, should be requested.

- H. The Town Industrial Development Agency should be activated to create some incentive programs of tax-abatements that will help attract industry or encourage its expansion by the offering of incentives special to Deerpark. The Town's Community Development Task Force should be used for leadership in regard to this and related issues.
- I. The Town should allow for the growth of its existing Hamlet Districts to reflect the growing needs for services with population increases, but do so in a manner that reinforces hamlet patterns and encourages infill development rather than sprawl.
- J. The Town should work with the Orange County Partnership and others to achieve designation of an Empire Zone or similar economic development designation for the Town of Deerpark.
- K. The Town should develop zoning provisions to provide for and encourage conservation subdivisions (clustered housing) and other forms of development where density is traded for open space.
- L. The Town should work with the Minisink and Neversink historical groups to aggressively promote the extensive history of the Town as an economic and tourism development resource and link these efforts to the development of Route 97 as the Upper Delaware Scenic Byway.
- M. The Town should develop a program that would trade tax abatements for 10 to 25 year length leases of open space easements under the authority of the General Municipal Law, similar to the Town of Perinton in Monroe County, for use by large open space landholders.
- N. The Town should allow for greater flexibility in the location of Bed and Breakfasts provided there are minimal standards regarding the limited traffic, parking and ancillary uses that may accompany such uses.
- O. Sensitive site planning standards should be enacted which can achieve energy conservation without any significant financial differential, through assurance of solar access, and through provision of landscaped shade and windbreaks.

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- P. The Town should vigorously enforce its local laws, Zoning Law and Building Code in regard to junkyards. The Town should take advantage of authorities under the Town Law, the General Municipal Law and the Highway Law to limit the spread of junkyards throughout the Town, particularly in scenic areas.

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3.2 Transportation

Highways influence the direction of overall growth as well as the location of specific commercial, industrial and residential developments. The capacity of the transportation system, in turn, is heavily influenced by the pace and type of development taking place within the Town. This plan addresses the needs of the highway system, as well as other modes of transportation to the extent they exist within the Town of Deerpark.

3.2.1 Functional Road Classifications

Each highway in Town of Deerpark plays a specific functional role in moving people and goods. Those functions can change with development. Development patterns also directly affect the highway levels of service. Therefore, it is necessary to assess the future role of each highway as the Town continues to develop. The following table classifies roads by the future functions they must necessarily play to achieve an efficient flow of traffic in the Town.

<u>CLASSIFICATION</u>	<u>FUNCTION</u>	<u>ROADS</u>
INTERSTATE	Moves large volumes of traffic at relatively high speeds to and from locations outside of the region.	I-84
ARTERIAL	Carries medium-to-heavy volumes of traffic at moderately high speeds and provides access to major traffic generators.	US Route 6 US Route 209 US Route 211 NYS Route 42 NYS Route 97 County Road No. 7 County Road No. 15 County Road No. 80
COLLECTOR	Provides connections between Arterials and Local Roads at comparatively slower speeds and carries moderate volumes of traffic.	County Road No. 16 County Road No. 61 Peenpack Trail
LOCAL	Provides direct access to abutting properties and channels Local traffic to Collector Roads.	All other existing roads

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All of these highways are already generally functioning in the above capacities but some additional efforts are warranted to bring about a safer and more efficient system with capacity to accommodate growing levels of traffic. They include the following:

- A. The Peenpack Trail needs widening and realignment in various sections to reduce blind spots and more safely accommodate two lanes of traffic.
- B. Neversink Drive (County Road No. 80) is a heavily used alternative to Route 209 by residents. However it is limited in overall capacity by the narrow and poorly aligned railroad underpass and the two long and poorly synchronized traffic signals at the western terminus in the City of Port Jervis. The I-84 interchange is at the root of this problem, traffic coming off it being strangled by these and other poorly designed traffic features, including low underpasses that cannot accommodate large trucks. The resulting lack of access from Exit 1 of I-84 to the Town of Deerpark has stifled economic development within the Town, distorting the tax base and depriving the Town of needed jobs. A new access from Exit 1 into the Town of Deerpark is desperately needed.

The Town should work with the City, County, Norfolk and Southern Railway and New York State Department of Transportation to address these problems by seeking a comprehensive study of this problem area centered on dealing with I-84 interchange traffic. Small investments in signal retiming and realigning of underpass approaches could solve some of the immediate needs but a major reconstruction of the interchange and all approaches to it, including the underpasses and signals, is essential to long term resolution of this huge traffic problem. The State Department of Transportation will need to lead this effort but the Town can help to initiate it by officially requesting the Department pursue such a study.

- C. The Town should continue to pursue the excellent multiyear capital improvement program, established with the cooperation of the Highway Superintendent, to upgrade Town roads.

3.2.2 Impacts of Land Development on Highway Capacity

The Town of Deerpark's 1989 Master Plan included a discussion of "carrying capacity" with respect to Town roads. The Plan recommended that density of development allowed within the Town should be related to this carrying capacity. It proposed four different classifications of Town roads those being:

Classification 1 - Federal, State or County Road.

Classification 2 - Existing or new Town Road built by developer to Town specifications.

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Classification 3 - Fairly well-traveled, minimally surfaced Town Road.

Classification 4 - Sparsely traveled, marginal poorly surfaced or unsurfaced Town Road.

A complex set of tables was offered to classify town roads by these categories and simultaneously inventory land uses fronting on these roads. The relationship between land uses and road classifications was unclear from the table although more developed roads obviously carried generally higher classifications.

The existing zoning ordinance uses these classifications as a basis of density where carrying capacity is also limited. This approach, however, is flawed in two serious respects. First, it relies upon a static analysis and road classification when the functionality of highways is, in reality, dynamic. Secondly, it requires the land landowner or developer to adapt to existing highway conditions without regard to the Town's own obligation to upgrade its highway system using tax revenues generated from such development.

The first of these problems is relatively easy to resolve by simply substituting a traffic study requirement such as the one found in § 4.1.8 of the draft version of a new Town Zoning Law that has been prepared in conjunction with this Plan update. It requires a study for Special Use applications involving more than 500 trip-ends of traffic per day. This section can be expanded to specify that improvements be made to address any additional traffic management needs created by the development that would reduce the highway level of service below an acceptable Level Of Service C. The Highway Capacity Manual describes Level of service (LOS) as a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience. There are six levels of service ranging from LOS A (the best condition) to LOS F (a failure condition). LOS C is usually described as a stable flow condition where operating speed and maneuverability are more restricted by increasing traffic. Drivers are limited in freedom to change lanes or pass, but reasonable operating speeds can be maintained. This is the desired minimum level for urban roads.

The second problem is more fundamental because there is case law governing the extent to which communities can regulate development for the sake of traffic management and avoid a taking issue. The U.S. Supreme Court, in the 1994 Dolan v. City of Tigard case, stated such regulations are subject to a "rational nexus" test of whether or not a development rule, fee or condition has an essential relationship to the landowner's proposal for a property. This means that reduction of density due to traffic impact must be in specific relationship to the developers proposal and not simply the capacity of the highway. There has to be rough proportionality between that proposal and the remedy the law would impose. Other courts have also said that fixing preexisting road problems cannot be the responsibility of the developer. A blanket reduction in density along a limited capacity road is, likewise, an attempted remedy of a preexisting situation.

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The answer is to establish a model for analyzing volume relative to capacity that can be used to assess to the developer those costs of improvements that are related to the specific development proposal before the Town at any given point. The system should be designed so that new developments receive direct and material benefit from any road improvements financed by their impact fees. If the system is a fair one in this regard, the developer has then two choices; 1) paying the fees and proceeding as planned, or 2) lowering density to the point that the negative impacts would be negligible (say a Level Of Service C condition) and the fees unnecessary. This provides the developer a choice and ensures the Town is protected one way or another without taking any property value away. It is a much more sound approach than arbitrarily linking density to highway carrying capacity because that option offers neither choice nor the assurance that the public will not be required to make the bulk of the improvements required. It is recommended the Town use this approach in those areas of the Town where highway capacity is an issue. The Town should also consider enacting an up to date Road Law setting specific standards for highways to be turned over to the Town so as to ensure it is not burdened with unnecessary new upgrading or maintenance expenses for sub-quality roads.

3.2.3 Other Transportation Recommendations.

- A. Highway maintenance should be directed towards reducing traffic hazards, cutting back the long term cost of highway improvements and increasing highway capacity.
- B. Accident-prone areas should be continually documented for justification of improvement projects, working cooperatively with NYS-DOT.
- C. There is public transportation available in Deerpark to New York City and other points using the Shortline - Coach America system as well as the local dial-a-ride service. However, these systems have not been fully coordinated with other transportation services provided by the Office of Aging, as an example. The Town should work with the County implementing a recently prepared public transportation coordination plan.
- D. Railroad freight service is available from the Norfolk and Southern Railway, which serves Port Jervis. The mainline from Port Jervis to Hancock is also used by the New York Susquehanna and Western Railway. It has received less use in recent years as container traffic to New York has been shipped by alternate routes. The Town needs to monitor this situation and use its political influence wherever possible to encourage retention of the mainline as a source of economic development for the region.
- E. Commuter rail service between the New York/New Jersey metropolitan area and Port Jervis is also available and being expanded with new schedules. Also, Metro North is

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acquiring 65 new \$1 million passenger cars. Additional service to Binghamton is also being discussed. The soon to be completed Secaucus connection project will link commuter rail service from Port Jervis to Penn Station, significantly improving access to midtown Manhattan for area residents. Commuting time will be reduced and enhanced schedules will further add to the convenience of rail passenger service to Deerpark. The presence of passenger stations in Otisville and Port Jervis will, as a result of these improvements, be major factors in the future growth of the Town and give it an increasingly suburban character.

The Town needs to be aware of this and plan for the growth. It also needs to plan its highway and public transportation improvements with a view to complementing commuter rail service by matching schedules and ensuring good highway links to commuter rail stations.

- F. The reasonable accessibility of the Stewart International Airport in Newburgh suggests the Town has no further needs in that category. Stewart is constructing a new tower and air control system. A new access road from I-84 (Drury Lane) is also planned. There are also airports in Sussex County, Albany, Wilkes-Barre/Scranton that effectively serve the Town.

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3.3 Community Facilities and Services

3.3.1 Parks and Recreation.

The Town of Deerpark has a combination of local, County, State, Federal and private parklands and trails available for the recreation of residents. These include, among others, developed facilities near the Town Hall (Harriet Space Park), undeveloped Boehmler Park, Sparrowbush Firemen's Memorial Park the County facility at the Neversink Valley Area Museum, the D&H trail, the Upper Delaware Scenic Byway, DEC's facilities at Cherry Island, the Upper Delaware Scenic and Recreational River and several other private and public facilities such as the Nature Conservancy's preserve. There is no lack of recreational facilities within Deerpark.

The Town should develop and implement a master recreation plan to address the management, future development and linking of these facilities. It should address not only the ultimate development of Boehmler Park (which will become more important over time), but also other existing public and neighborhood parks with special attention to the need for organized group management of such facilities. Promoting managed group use of these facilities is one method of preventing vandalism and abuse, thereby ensuring the availability of recreational assets for all Deerpark residents.

The Town should also require the creation of common open space in new developments so as to ensure that new residents have recreational opportunities available to them.

3.3.2 Town Hall.

The Town of Deerpark Town Hall complex is a large modern facility that easily accommodates large groups of people. It presently provides sufficient space for important services but not all services are consolidated at this location. Moreover, there is only limited room for expansion. A separate but adjoining highway shed is in poor condition. A separate Town building where Planning Board meetings, senior activities and other public functions take place is located with police functions in Building No. 2 on Route 209. This building is limited in size and not particularly well-suited to service as a community center or for any municipal purpose.

The Town should identify a location where its various services and facilities can be consolidated and a long-term capital budget developed for a new Town Center. It should be located in an existing hamlet area and be accessible by public transportation if provided in the future. An engineering and economic feasibility study should then be initiated to assess the specific needs of the Town in relation to size and design for the site chosen.

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3.3.3 Sewage Facilities.

Given the mostly scattered nature of development within the Town and increased sophistication of design with respect to on-lot sewage disposal systems, continued use of on-lot systems is warranted in most instances. Subsurface disposal is still the preferred option in many others as a means of reducing impacts on both ground and surface water from excess nutrients.

Notwithstanding the appropriateness of on-lot and/or subsurface solutions, there are many areas of the Town where density suggests a central sewage facility is needed. Moreover, the Town cannot expect to achieve substantial economic development to balance its tax base and provide jobs unless it has access to sewer (and water) infrastructure. There are two possibilities for accomplishing this. One is to expand the City of Port Jervis system and the other is to create Town sewer districts around new private or public projects designed to serve particular developments or hamlets. The Port Jervis School District is acquiring property on Route 209 for a new school complex and this will have a sewage treatment plant. This could become the hub of such a district.

Expanding the Port Jervis system has only limited possibilities because the system is owned by the City of New York, built as part of a larger agreement to take water from the Neversink watershed. New York City has no incentive to expand it and Port Jervis itself has little. However, Deerpark has many reasons to seek expansion and needs, therefore, to partner with Port Jervis in negotiating a long term solution that will allow the system to be upgraded and expanded to service new areas. The only way to interest the City of New York would probably be for Port Jervis and Deerpark to assume ownership of the system, but this has to be approached extremely carefully to ensure that neither Port Jervis nor Deerpark assume a burden they cannot afford. It should be possible to make arrangements that benefit all three parties (where the City gets released from its long term obligations, Port Jervis gets lower costs and Deerpark gets sewers) but extensive negotiations will be demanded.

The Town should pursue development of municipal sewage treatment capacity by working with the City of Port Jervis to take over and expand the existing City plant or independently develop new facilities to serve most of the existing industrial, commercial, institutional and higher density residential development areas within the Town. Creation of sewer districts in conjunction with new private projects is another method of establishing public infrastructure over the long term and should be considered as well. The experience of neighboring Westfall Township in permitting and eventually assuming ownership of the Best Western sewer system is instructive in this regard.

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3.3.4 Library Service.

The Town is served by an excellent library in Port Jervis. There are no serious unmet needs in this regard.

3.3.5 Solid Waste.

The Town is served by private haulers who take the solid waste to the County transfer station. There are no current unmet needs in regard to solid wastes. The Town, should, however, consider Town-wide refuse pick-up to improve service and control litter.

3.3.6 Water Supplies.

The Town should investigate the feasibility of developing a municipal water supply system located on the Boehmler tract to service, by gravity flow, both the Sparrowbush and Huguenot areas. Water lines supplying Neversink aquifer water to the Boehmler tract, and Boehmler tract water to the Huguenot hamlet and environs should be placed within the right-of-way of a rebuilt and realigned Peenpack Trail at the same time that road construction work is accomplished.

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4.0 Summary and Implementation

There are a number of techniques and funding sources available for implementing this Plan. These include, for instance, conservation easements that could work very well in implementing a proposed tax abatement program to effectively lease development rights on agricultural land and open spaces (see Objective 2.2.11) and negotiation with developers to secure dedication of recreation land or fees in lieu of dedication to improve existing parks. Funding sources for recommended community facility projects include USDA Rural Development programs, the Federal Small Cities Community Development Block Grant program (now administered by New York State) and various New York Department of State programs for community revitalization. Economic development funding sources include USDA Rural Development (again), the Economic Development Administration and Empire State Development. All of these are tools available to the Town to effectuate the recommendations offered in this Plan.

The Town's Subdivision Regulations and Zoning Law are now and are expected to remain the major legal tools for regulating the use of land in the Town. The Comprehensive Plan is itself also an implementation tool. It provides policies for guiding the future development and preservation of the Town of Deerpark and provides a legal foundation for the Town's Zoning Law under the provisions of the New York State Town Law and General Municipal Law. This Plan needs, therefore, to be regularly updated in the context of changing growth patterns both within the Town and in adjoining communities (the present Plan is, in the view of the Town, consistent with the County Comprehensive Plan and those plans of surrounding communities). A five year review for this purpose is recommended. It is in this vein that the foregoing recommendations (summarized on the pages following) are offered.

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Town of Deerpark Comprehensive Plan Summary of Recommendations			
No.	Recommendation	Priority	Responsibility
Land Use Recommendations:			
1	The Town should use Orange County Soil Survey classifications as the basis for setting the minimum lot sizes for residential development when dependent on individual wells and septic systems, allowing for the use of alternative technologies and designs to make use of poorer quality soils.	Continuing	Town Board & Planning Board
2	The Town should update its Zoning Law, incorporating requirements consistent with the Goals and Objectives contained herein, providing greater flexibility in parking requirements, adopting more practical provisions for non-conforming uses and streamlining all procedures.	Immediate	Town Board & Planning Board
3	The Town should adapt its zoning districts to the four basic categories of existing development (hamlets, residential clusters, highway interchange, and rural low density), with a fifth classification for new economic development in the form of a floating planned unit development zone and a sixth zone to protect the Delaware River corridor.	Immediate	Town Board & Planning Board

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No.	Recommendation	Priority	Responsibility
Land Use Recommendations:			
4	The Town should update its manufactured housing regulations to be current with best industry practice and law and ensure that Deerpark manufactured home communities are built to a high standard and provide safe, healthy and decent living environs. Siting of single-section manufactured housing should be restricted to manufactured home parks. Recreational vehicle parks should be separately regulated.	Immediate	Town Board & Planning Board
5	The Town should allow and even encourage the replacement of existing manufacturing housing with new housing of any type, provided there is proper skirting, landscaping and attention to setback requirements, but additions to such housing for the purpose of enlargement of permanent dwelling space should be prohibited.	Immediate	Town Board & Planning Board
6	The Town should incorporate requirements in its land use regulations protecting the Neversink aquifer.	Immediate	Town Board & Planning Board

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No.	Recommendation	Priority	Responsibility
Land Use Recommendations:			
7	The Town should require developers to inventory those unique natural resources that should be protected in site design. Such outstanding features might include rock outcrops and promontories, waterfalls, scenic vistas and eagle nesting places.	Immediate	Town Board & Planning Board
8	The Town Industrial Development Agency should be activated to create some incentive programs of tax-abatements that will help attract industry or encourage its expansion by the offering of incentives special to Deerpark.	Long-term	Town Board & Planning Board, Partnership & IDA
9	The Town should allow for the growth of its Hamlet Districts to reflect the growing needs for services with population increases.	Short-term	Town Board & Planning Board
10	The Town should work with the Orange County Partnership and others to achieve designation of an Empire Zone or similar economic development designation for the Town of Deerpark.	Short-term	Town Board & Planning Board Partnership & IDA
11	The Town should develop zoning provisions to provide for and encourage conservation subdivisions and other forms of development where density is traded for open space.	Short-term	Town Board & Planning Board

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No.	Recommendation	Priority	Responsibility
Land Use Recommendations:			
12	The Town should work with the Minisink and Neversink historical groups to aggressively promote the extensive history of the Town as an economic and tourism development resource and link these efforts to the development of Route 97 as the Upper Delaware Scenic Byway.	Long-term	Town Board, Planning Board & Town Historian
13	The Town should develop a program that would trade tax abatements for 10 to 25 year length leases of open space easements under the authority of the General Municipal Law, similar to the Town of Periton in Monroe County, for use by large open space land-holders.	Long-term	Town Board, Planning Board & Town Attorney
14	Sensitive site planning standards should be enacted which can achieve energy conservation without any significant financial differential, through assurance of solar access, and through provision of landscaped shade and windbreaks.	Long-term	Town Board & Planning Board

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No.	Recommendation	Priority	Responsibility
Transportation Recommendations:			
15	The Town should continue with its excellent multi-year capital improvement program for town roads.	Continuing	Town Board & Highway Superintendent
16	The Town should include level of service analysis and evaluation of the carrying capacity of its Town roads as a Special Use review criteria for major projects, providing density incentives for developers who participate in highway improvement projects that help to update the level of service on Town highways.	Short-term	Town Board, Planning Board, Highway Superintendent & Town Engineer
17	The Town should pursue State and County assistance in creating a by-pass of the City of Port Jervis, linking I-84 to NYS Route 42 and Route 209.	Long-term	Town Board & Planning Board
18	Monitor rail freight service situation and encourage retention of the Port Jervis mainline as a source of economic development for the region.	Long-term	Town Board

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No.	Recommendation	Priority	Responsibility
Transportation Recommendations:			
19	Plan highway and public transportation improvements with a view to complementing commuter rail service by matching schedules and ensuring good highway links to commuter rail stations.	Long-term	Town Board

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No.	Recommendation	Priority	Responsibility
Community Facilities and Services Recommendations:			
20	The Town should pursue development of municipal sewage treatment capacity by working with the City of Port Jervis to take over the existing City plant or independently develop new facilities to serve most of the existing industrial, commercial, institutional and higher density residential development areas within the Town.	Short-term	Town Board, & Town Engineer
21	The Town should investigate the feasibility of developing a municipal water supply system located on the Boehmler tract to service, by gravity flow, both the Sparrowbush and Huguenot areas.	Long-term	Town Board, & Town Engineer
22	The Town should identify a location for a new Town Center where its various services and facilities can be consolidated. An engineering and economic feasibility study should be initiated to size and design such a facility once the site is chosen.	Long-term	Town Board, & Town Engineer
23	Water lines supplying Neversink aquifer water to the Boehmler tract, and Boehmler tract water to the Huguenot hamlet and environs should be placed within the right-of-way of a rebuilt and realigned Peenpack Trail at the same time that road construction work is accomplished.	Long-term	Town Board, Highway Superintendent & Town Engineer

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No.	Recommendation	Priority	Responsibility
Community Facilities and Services Recommendations:			
24	The Town should develop and implement a master plan for recreational development, not only with regard to the ultimate development of Boehmler Park, but also existing public and neighborhood parks with special attention to the need for organized group management of such facilities to prevent vandalism and abuse.	Long-term	Town Board, Planning Board & Recreation Commission
25	The Town should require the creation of common open space in new developments so as to ensure that new residents have recreational opportunities available to them.	Long-term	Town Board & Planning Board

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No.	Recommendation	Priority	Responsibility
Other Recommendations:			
26	The Town should work with the Neversink Valley Area Museum (and with the Minisink Historical Society) to further expand its marker program using the 1930's research and other sources as a foundation.	Long-term	Town Historian & Town Board
27	The Town should work with Orange County under their Rails to Trails program to create a trail from Westbrookville to Cuddebackville with a future extension to the Port Jervis Trail.	Long-term	Town Historian & Town Board
28	Historic homes should be surveyed for possible placement on National Register.	Long-term	Town Historian & Town Board
29	Historic districts should be considered for addition to the National Register.	Long-term	Town Historian & Town Board
30	Attractive welcome signs should be placed at all entrances to the Town (11 in all). Signs should use the Deerpark Bicentennial logo (map and hamlets) so that visitors understand the makeup of the Town. A search for grant money to help pay for this project should begin as soon possible.	Short-term	Town Historian & Town Board

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No.	Recommendation	Priority	Responsibility
Other Recommendations:			
31	A large street map should be placed in front of Town Hall for visitor reference. The map funded by the Upper Delaware Council several years ago should also be updated, reprinted as necessary and distributed from multiple locations. It should serve as a "Welcome to Deepark " brochure for new residents.	Short-term	Town Historian & Town Board
32	The Town of Deepark website in the process of being created should depict historic, scenic and natural interests, as well as Town information. It should feature the same themes as used on signage and in brochures. It should incorporate an interactive map of Town historic sites and other attractions that will allow visitors to gain more information on specific sites by clicking on map links. It should also designate various "trails" that visitors can take by car, bike or foot to see Deepark's attractions with a featured link to the Upper Delaware Scenic Byway and the Upper Delaware Scenic and Recreational River.	Short-term	Town Historian & Town Board
33	Pursue a housing rehabilitation grant program under the Community Development Block Grant program to help Deepark homeowners upgrade units.	Long-term	Town Board

Town of Deerpark, Orange County, New York Comprehensive Plan

5.0 Relationships to Adjoining Communities, the County and the Region

This Comprehensive Plan has been funded with assistance from the Upper Delaware Council. The impacts on adjoining communities and the County as a whole were also considered. Finally, the environmental impacts attendant to the recommendations contained herein were reviewed. Findings with respect to environmental impacts are as follows:

5.1 Impacts

Many of the recommended measures will directly address land use and environmental concerns but the economic development suggestions, if implemented, could cause some additional growth and development and increase the need for sewage treatment services. Likewise, this development may increase impervious surfaces and stormwater runoff if not carefully planned and monitored.

5.2 Impacts That Cannot Be Mitigated

There are no environmental impacts that cannot be mitigated by good site plan review procedures and the Town's law in this regard provides a proper vehicle for this. Those procedures will be enhanced by referral to the goals and objectives as outlined in this Plan.

5.3 Irreversible Commitments of Environmental Resources

There are no recommendations contained in this Plan for actions that would constitute an irreversible commitment of environmental resources. Indeed, many of the recommendations relate to protection of those resources. Moreover, it is anticipated all actions would be subject to individual review under SEQRA.

5.4 Alternatives

The various alternatives for development of the Town have been considered in the context of the land use and economic development discussions contained herein. The Town could, of course, attempt to resist new commercial, industrial and residential development, but that course of action will do nothing to improve the environment, whereas carefully planned development subject to site plan review can actually incorporate improvements to deal with environmental issues by creatively using the Town's natural resources (e.g. use of wetlands in stormwater management planning or golf course design).

Town of Deerpark, Orange County, New York Comprehensive Plan

5.5 Conclusion

This Plan, if implemented, will cause no significant adverse effects on the environment that could be classified as important. Rather, the Plan will significantly improve the environment by upgrading infrastructure and providing specific goals and objectives, relating to environmental protection, that can be employed in site plan review.

Town of Deerpark, Orange County, New York Comprehensive Plan

6.0 Appendices

- A - Recommended Zoning Law Update**
- B - Recommended Subdivision Regulations Update**
- C - Recommended Manufactured Home Law**

APPENDIX A

Zoning Law Update

Town of Deerpark

Orange County, New York

Zoning Law

Prepared by:

Town of Deerpark Planning Board

April, 2002



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Upper Delaware Council, Narrowsburg, NY 12764
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Town of Deepark Zoning Law

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Official Zoning Map

Town of Deerpark Zoning Law

Article I Enactment and Intent

§ 1.1 Enactment.

There is hereby established a zoning plan for the Town of Deerpark, which plan is set forth in the text and map that constitute this Zoning Law.

§ 1.2 Intent.

It is the legislative intent of this Zoning Law to provide for the orderly and desirable development and use of land. This Law provides specifications, procedures, and a precise plan designed to guide new development while improving, conserving, or facilitating desirable change in existing portions of the Town. As provided in Sections 261, 263 and 281 of Article 16 of the Town Law of the State of New York, this Law is to serve the purpose of protection and promoting the general welfare which is intended to include the following:

1. To encourage the most appropriate use of land throughout the Town.
2. To assure adequate sites for present and future local and regional needs for residence, industry, and commerce.
3. To encourage flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open land.
4. To enhance the general appearance of the Town.
5. To provide for the privacy of family residences.
6. To facilitate the adequate and efficient provision of community facilities, services, and utilities.
7. To promote the safe and efficient circulation of vehicles and pedestrians.
8. To require the adequate provision for off-street parking and loading.
9. To restrain the overcrowding of land with persons or structures in relation to open spaces, circulation, and neighboring land uses.
10. To prevent and eliminate other hazards and nuisances.

Town of Deerpark Zoning Law

Article 2 Definitions

§ 2.1 Word Usage.

1. Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary. Terms of law shall have the meanings as set forth in the latest edition of Black's Law Dictionary.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular include the plural; words used in the plural include the singular; the word "herein" means in this law; the word "requirements" means the minimum requirements necessary for the purposes set forth in Article 1; and the words "this law" shall mean this local law and the schedules and maps included herein as enacted or subsequently amended.
3. The word "person" as used in this chapter, shall be defined to include, but not be limited to, an individual, a partnership, a joint venture, a corporation, an unincorporated association, a firm or any other form or entity, contractors, subcontractors, or journeymen.
4. The word "lot" includes the word "plot."
5. The term "occupied" or "used", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be occupied or used."
6. "Shall" is always mandatory, except when applied to public officials, in which event "shall" is directory. Time requirements shall, nevertheless, be considered mandatory.

§ 2.2 Specific Definitions.

Access Area - A property used as an area of entry to a stream or other body of water for the purpose of launching or landing of watercraft. The access area may also include ancillary services or facilities other than base operations for watercraft rentals and may be operated as a private business.

Accessory Use, Building or Structure - A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term "Accessory Building" may include a private garage, garden shed, a private playhouse, and a private greenhouse.

Agricultural Use - A use involving the production, keeping, or maintenance for sale, lease or personal use of plants and animals useful to man, including but not limited to forages, grain and seed crops, dairy animals, poultry, beef, sheep, horses, pigs, bees, fur animals, trees, food of all kinds, vegetables, nurseries, and lands devoted to soil conservation or forestry management programs.

Alteration - A change, enlargement or rearrangement in the structural parts of a structure, whether by extending on a side or by increasing in height; or moving from one location or position to another.

Arena, or Sports Arena - A coliseum, stadium, arena or other place of public assembly for purposes of sport, equestrian and other animal, entertainment, athletic, recreational, craft fairs, shows, or other similar purposes and events (see definition of Event).

Bait and Tackle Shop - A retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public.

Town of Deerpark Zoning Law

Basement - A story in a building having a floor below the finished grade at any point on the periphery of the building and having a structural ceiling at least four feet above the average finished grade along each side of the building facing the street. (See cellar.)

Bed and Breakfast - An existing residence which is used, in the manner of a home occupation, to provide overnight lodging with breakfast as part of the consideration and involving shared bath and dining facilities; also including youth hostels.

Business Service - Establishment primarily engaged in rendering services to businesses on a fee or contract basis, such as advertising and mailing, building maintenance, unemployment service, office equipment rental and leasing, commercial research, development and testing, photofinishing, and business supplies.

Building - (See structure.)

Building Contractor's Storage Yard - A building or area of land where persons, firm or corporations engaged in the construction business, or a related field, store building materials, equipment and supplies used exclusively in that contracting business. Retail and wholesale sale of any contractor's materials or supplies is prohibited.

Building Height - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs; to the deckline of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Camp and Conference Center - A site and group of structures facilitating the gathering of people, whether children, youth, adults or families; whether via pick-up and delivery (as in the case of a "day camp" of multi-day duration); a one-day event; or a short-term event requiring the provision of overnight accommodations in permanent or semi-permanent structures. Food service, specialized facilities and staff support are provided promoting the particular purposes of the gathering, whether athletic, recreational, outdoor education, religious, cultural, or the sharing of information, and the conduct of organizational business. Year-round accommodations for staff may be provided.

Campground - A tract of land providing two or more sites (for rent or sale) for the parking of recreational vehicles or the erection of tents or other portable sleeping accommodations.

Car Wash - A building, portion of a building, and/or area arranged, intended or designed to be used for the washing, spraying, waxing, polishing or drying of motor vehicles, and/or the vacuum or dry-cleaning of same.

Cellar - A space in a building with structural ceiling level less than four feet above the average finished grade along any side of the building facing a street.

Cemetery - A place used for burials, whether in the ground or in mausoleums, provided that no new cemetery shall result in in-ground burials within a 100-year floodplain area or the construction of any mausoleum structure of greater than five-hundred (500) square feet in size any closer than one-hundred (100) feet from the perimeter of the cemetery.

Club, Membership - An organization catering exclusively to members and their guests, which is not conducted primarily for gain, provided there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club. Accessory uses and/or structures may include such subordinate purposes as administration, operation, accommodations, and the sale of food and drink primarily to members and their guests.

Cluster Development - Grouping of buildings (whether on individual lots or in condominium ownership) in proximities closer than permitted by the existing zoning and subdivision regulations in order to preserve open space and to minimize infrastructure improvements (also known as "conservation subdivision").

Town of Deerpark Zoning Law

Code Enforcement Officer - The person charged by the Town Board with responsibility for administration and enforcement of this Law.

Community Center - A meeting house for the residents of a development (whether the homeowners of a large-scale residential development, the seasonal residents of a bungalow colony or resort, or the residents of a mobile home park), for such occasions and purposes as social, cultural, recreational, and community governance. Such a structure may be owned and operated either by the management of the development or a homeowners association, and shall be considered to be an accessory building.

Condominium - A mode of ownership wherein each unit of enclosed space may be owned in fee simple individually and separately from all others, but where all such owners have an indivisible interest in the common areas. Thus, they share ownership and attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping, parking, lighting and other outdoor facilities.

Convenience Retail Store - A retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked primarily to sell food, beverages, and household supplies to customers who purchase only a relatively few items.

Cooperative - A mode of ownership for which title is held jointly by a group of cooperators, each member owning a given number of shares in the corporation, each member owning a given number of share in the corporation, in proportion to the value of his individual dwelling unit, which he "owns" under an occupancy agreement. Each cooperator is assessed, according to the number of shares owned, for maintenance of common areas.

Custom Work, Shop for - A business premises used for the making of clothing, millinery, shoes or other personal articles to individual order and measure, for sale at retail on the premises only, not including the manufacture of "ready-to-wear" or standardized products.

Customary Residential Accessory Uses - Garden house, playhouse, toolhouse, greenhouse, swimming pool, satellite dish antennas and private garage; the keeping domestic animals as pets; the raising of field and garden crops, vineyards, and orchard farming, provided such crops or produce are for the sole and exclusive use of the occupant or owner of the premises, and not for resale.

Density - The number of families, individual dwelling units or principal structures per unit of land.

Dwelling - A building designed or used as the living quarters for one or more families. The term "dwelling" shall include seasonal homes and mobile homes provided that they meet all the requirements of this law, the building code, and all other regulations or ordinances applicable to dwellings.

Dwelling, Multi-family - A building or portion thereof containing more than two dwelling units but intended for single ownership. Single ownership is not intended to preclude cooperative or condominium ownership.

Dwelling, One-family -- A detached building designed or occupied exclusively by one family and having two side yards, with at least 1,000 square feet of living area, the shortest median dimension, longitudinally or transversely, of which must be at least 24 feet, erected on a permanent foundation, with/without basement and equipped for year-round occupancy.

Dwelling, Two-family - A structure containing two dwelling units.

Dwelling Unit - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

Event - With reference to the Arena or Outdoor Recreational Activity uses incorporated into this Chapter, an activity or

Town of Deerpark Zoning Law

occasion that is planned and intended for general public attendance.

Essential Services - The construction and maintenance of underground, surface or overhead electrical, gas, telephone, water and sewage collection systems along with normal accessory activities.

Extractive Uses - A lot or land, or part thereof, used for the purposes of extracting stone, sand or gravel, as an industrial operation, and including quarries, stone crushers, screening plants, concrete product plants, storage of quarry screenings, accessory to such uses. This definition shall not encompass the process of grading a lot preparatory to the constructions of a building for which application for a building permit has been made.

Family - One or more persons occupying a dwelling unit as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

Farm Stand - A building, whether fully or partially enclosed, and whether of a permanent or a semi-permanent nature, intended for the display and sale of locally raised agricultural produce and products.

Floor Area - The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

Floor Area Ratio - The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

Garage, Parking - A building, not a private garage, used for the storage of automobiles, or trucks, and not used for making repairs thereto.

Garage, Private - An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space for more than one car leased to a non-resident off the premises.

Greenhouse, Commercial - An enclosed structures of a permanent or temporary nature within which is conducted a commercial agricultural operation, generally the propagation of one or more horticultural species from seeds or cuttings to a stage fit for transplanting elsewhere or sale, including retail as well as wholesale operations.

Hazardous - Any material defined by the United States Environmental Protection Agency (USEPA) as hazardous or toxic due to its characteristics, including but not limited to direct or indirect toxicity, radioactivity, explosivity, and flammability, or other characteristics as the USEPA or its successors may revise from time to time.

Health Care, Rehabilitative and Medical Facilities - Any land use or facility which is devoted to human health care and maintenance, treatment of substance abuse problems or the provision of medical services, whether offered in a residential setting or as day-treatment.

Home-energy Generation Device - A device, used at a residence. for the purpose of providing a power source for the residence, whether driven by the wind, supplied from the sun or generated from some other resource (e.g. geo-thermal).

Home Occupation - Any use customarily conducted entirely within the principal structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the principal use and does not change the character thereof. Such occupations may include, but are not limited to, professions and trades, real estate and insurance offices, and beauty and barber shops.

Hospital - Unless otherwise specified, the term "hospital" shall be deemed to include sanitorium, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments

Town of Deerpark Zoning Law

Hospital, Animal - An establishment for the medical and surgical care of sick or injured animals.

Hotel - A building containing rooms used for overnight accommodations of those in transit, or for a short-term business or personal stay and where meals and other services are provided within the building or in an accessory building. Single-room occupancy residential projects shall be considered multi-family dwellings.

Industrial Park - A highly restricted type of planned industrial development in which special emphasis and attention are given to aesthetics and community compatibility and the property is developed according to a comprehensive plan which includes detailed provisions for streets and all necessary utilities as well as serviced sites for a community of industrial and industry-oriented uses.

Industrial Uses - Uses involving manufacturing or processing involving changing the nature, size, or shape of substances of raw materials, or recombining raw materials. Industrial uses may involve the use of chemical applications, heat, pressure or other mechanical processing methods.

Junkyard - An area of land with or without buildings used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials, such as waste paper, rags, scrap metal, or discarded material; tires; or used building materials, house furnishing, machinery, or parts thereof; with or without dismantling, processing, salvage, sale or use or disposition of same.

Kennel - A structure used for the harboring of more than five dogs or cats with attendant commercial services that may include boarding, grooming, breeding, raising, and/or veterinary care.

Lot - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

(a) Conforming - a lot having not less than minimum area and dimensions required by this law for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of State law to be adequate as a condition of the issuance of a building permit for a building on such land.

(b) Non-conforming - a parcel of land owned individually and separately, and separated in ownership from any adjoining tracts of land, which has a total area and/or dimensions less than prescribed by this law for a lot in the district in which such land is situated.

Lot, Corner - A lot at the junction of, or abutting on, two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect on an interior angle of less than 135 degrees.

Lot Depth - The mean distance from the street line of a lot to the rear lot line of such lot, not to include the street or road right of way.

Lot Width - The shortest distance between side lot lines measured at the front yard setback line.

Lot Line, Rear - The lot line generally opposite the street line.

Manufacturing, Light - Industrial uses such as manufacturing, processing and assemblage that are of a non-polluting nature, particularly in regard to reservoir and ground water resources, and in regard to ambient air quality, noise and light radiation.

Mobile Home - A structure, transportable in one of more sections, which is built on a permanent chassis and designed to

Town of Deerpark Zoning Law

be used as a dwelling unit when affixed to a permanent foundation or placed on a concrete slab and connected to the required utilities. Mobile home does not include a modular home.

Mobile Home Park - A parcel of land under single ownership which has been planned and approved for the commercial renting of mobile homes and/or mobile home use for non-transient use.

Modular Home - Factory-manufactured housing, subject to the requirements and regulations of the New York State Uniform Fire Prevention and Building Code, in which prefabricated components assembled at the plant are sent to a housing site in two (2) or more pieces, depending on the size and style of said housing, to be joined together to form a complete house on a permanent foundation.

Motel - A building containing overnight accommodations intended or designed to be used or which are occupied for sleeping purposes by guests or transients and where meals may be served and which caters to the motoring public. The ordinary length of stay is overnight, but may extend as long as one week under unusual circumstances.

Nursery - A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. (Such definitions shall not encompass those retail establishments that buy the majority of their horticulture stock wholesale, not propagating it themselves.)

Nursery School - A facility designed to provide daytime care or instruction for two or more children from infancy to five years of age inclusive, and operated on a regular basis.

Nursing and Senior Care Facilities - Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

Office, Business and Professional - A place or establishment used for the organizational or administrative aspects of a trade, or used in the conduct of a profession or business, and not involving the manufacture, storage, display or direct retail sale of goods. This may include, but is not limited to, offices of salesmen, sales representatives, architects, engineers, physicians, dentists, attorneys, insurance brokers, real estate brokers and persons with similar occupations.

Permitted Use - A specific main use of a building, structure, lot or land, or part thereof, which this Law provides for in a particular district as a matter of right. Any use which is not listed as a Permitted, Special Exception or Accessory Use shall be considered a Prohibited Use.

Personal Services - An establishment primarily engaged in providing services involving the care of a person or personal apparel, such as a beauty parlor, barber shop, health and fitness center, tailor, or custom cleaning services.

Principal Structure - A building in which is conducted the main or principal use of the lot on which it is located.

Public Buildings and Uses - Structures and uses operated by a governmental agency (whether municipal, county, regional, state or federal) in the proper exercise of their jurisdiction.

Research, Design and Development Laboratory - A building for experimentation in pure or applied research, design, development and production of prototype machines or of new products, and uses accessory thereto, wherein products are not manufactured for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed, and wherein there is no outside display of any materials or products.

Resort - A parcel of land providing lodging, recreation and entertainment primarily to vacationers. A resort is not a rehabilitation not including health care, rehabilitative or medical facilities or single-room occupancy residential projects.

Restaurant - A business enterprise engaged in preparing and serving food and beverages selected from a full menu by

Town of Deerpark Zoning Law

patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises, with takeout food (if any) as an accessory use, but excluding fast food establishments.

Restaurant, Fast Food - A business enterprise primarily engaged in the sale of quickly prepared food and beverages selected by patrons from a limited line of prepared specialized items such as hamburgers, chicken, pizza, tacos, and hot dogs, for take-out and/or on-premises consumption (in the latter case, where orders are placed at a counter as opposed to table service via a waiter/waitress, in a facility where the floor area available for dining is less than one-half (1/2) of the gross floor area, and a major portion of the sales to the public is at a drive-in or stand-up type counter. The term "Fast Food Restaurant" shall not include bakeries, delicatessens, or similar types of retail establishments. See also "Restaurant".

Retail Establishments - Stores and shops where goods are sold primarily at retail. Such sales are primarily made directly to the consumer and include, but are not limited to, goods such as food and beverages; florists; shoes and clothing; hardware, paint and wallpaper; carpeting; hobby and crafts; books; furniture; antiques; art supplies; music; pharmacies; jewelry; photographic supplies; pets; gifts; stationery; sporting goods; fabrics; optical goods; launderette/laundromat, and appliances; but excluding lumber yards, restaurants and fast-food restaurants. Outside storage or display of goods for such is permitted only with Site Plan approval by the Planning Board.

River Related Recreational Facilities - Recreational facilities which are principally oriented toward river users including but not limited to boat accesses and bases, bait and tackle shops, campgrounds, swimming areas, comfort areas, snack stands if part of a larger recreational facility, and other facilities which offer an array of recreational activities and services, but not including hotels, motels, restaurants, amusement parks, amenities installed for use by individual residents, and the like.

Room, Habitable - A room separated from other rooms by walls and doorways, but not including kitchens, bathrooms, or similar utility spaces, foyers or halls.

Satellite Earth Stations - Dish-shaped antennas designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

Setback, Existing or Established - The median setback (front, rear or side) of all existing structures located on the same side of the street and within the same block and same zoning district.

Setback, Front - The required minimum distance from the building or use to the front lot line.

Setback, Rear - The required minimum distance from the building or use to the rear lot line.

Setback, Side - The required minimum distance from the building or use to any lot line other than to the front or rear lot lines.

Special Use - A use which, because of its unique characteristics, requires individual consideration through a site plan review process by the Planning Board as established by Section 274A of the Town Law of the State of New York. Such a use may require the meeting of certain conditions and safeguards before being permitted.

Stable, Private - An accessory structure in which horses are kept for private use and not for hire, remuneration or sale.

Stable, Public - A building in which any horses are kept for remuneration, hire or sale.

State Building Construction Code - Rules and regulations relating to building construction as promulgated in the New York State Uniform Building and Fire Prevention Code.

Storage, Bulk - The accumulation of wholesale quantities of raw or finished materials (solids, liquids and gases) preparatory to use in a manufacturing process, or to retail sales, a permanent reserve being maintained. Junk and scrap materials do not qualify for inclusion in this category.

Town of Deerpark Zoning Law

Street - A street improved to the satisfaction of the Superintendent of Highways and one of the following: A street shown on the official map of the Town of Deerpark, or an existing town, county, state highway or street shown on an approved subdivision plat, or a street shown on a plat filed with the County Clerk (in accordance with Section 280A of the Town Law) prior to the Planning Board's authorization to review subdivision.

Street Line - The dividing line between a lot and a street right of way.

Structure - Structure means a combination of materials to form a construction that is safe and stable and includes, among other things, stadiums, Development Planforms, radio towers, sheds, storage bins, billboards, and display signs.

Trade Shop - A work shop of any person employed in a skilled trade such as, but not limited to plumbing, electrical, heating and ventilating, painting, woodworking, carpentry and upholstery, printing and copying, machine printing and general repair shops.

Utility, Private - Those normal and customary services to a building or group of buildings within a corporate park or subdivision necessary to provide heat, electric power, water, sanitary waste disposal, and/or fire protection.

Utility, Public - Any person, firm, corporation, or municipal agency, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewage treatment, steam, cable TV, telephone or telegraph.

Variance - A relief from the regulations of this law, granted on grounds of practical difficulties or unnecessary hardships, not self-imposed, by the Zoning Board of Appeals.

Vehicle and Equipment Sales - A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used; boats or trailers; and other equipment. A selection of motor vehicles, boats or trailers or other equipment may be displayed within a totally enclosed building but still others may require an outdoor area for their storage.

Vehicle Junkyard and Wrecking - An area of land, with or without buildings, used for or occupied by a deposit, collection or storage outside a completely enclosed building of used or discarded motor vehicles, or parts thereof, with or without the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles and their parts. A deposit, collection or storage on a lot of two or more motor vehicles no longer in condition for legal use on the public highways, or parts thereof, for sixty days or more in a residential district, or for ninety days or more in a non-residential district, shall constitute a motor vehicle junk yard. Farm machinery and off-highway vehicles and equipment utilized in agricultural operations shall not be deemed to constitute a motor vehicle junk yard.

Vehicle, Recreational - A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway permits when drawn by a motorized vehicle and of a body width of no more than eight feet and a body length of no more than 40 feet when factory equipped for the road.

Vehicle Service Establishment - A building, or a portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure (including painting). This category is intended to include, but is not limited to, "jiffy lubes", and such repair shops as specialize in transmissions, mufflers, tires, as well as the sale of gasoline or any other motor vehicle fuel or oil or other lubricating substances.

Warehouse - A building, or part of a building, for storing of goods, wares, and merchandise whether for the owner or for others, and whether it is public or private warehouse.

Warehouse, Self-storage - a compartmentalized warehouse in which the renter of a self-contained storage unit has direct access to the space.

Town of Deerpark Zoning Law

Worship, Place of - A structure and accessories used for religious observances, such as churches and synagogues.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitation and requirements limiting obstruction of visibility.

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots or corner lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard, but only front and side yards.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of required front yards. In the case of corner lots, one of the yards remaining after the designation of front yards shall be considered the side yard, and the other the rear yard.

Town of Deerpark Zoning Law

Article 3 Basic District Regulation

§ 3.1 Enumeration of Districts.

The Town of Deerpark is hereby divided into the following types of districts:

RR	Rural Residential District
NR	Neighborhood Residential District
HM-U	Hamlet/Mixed Use District
IB	Interchange Business District
I-I	Industrial District
RRC	Recreational River Corridor District

PRD Planned Residential Development Districts and floodplain overlay districts are also provided for under § 5.3 and § 4.3 hereof, respectively.

§ 3.2 Zoning Map.

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Town of Deerpark, as amended this date or hereafter, which is attached hereto and made a part of this law.

§ 3.3 Interpretation of District Boundaries.

1. Zoning district boundary lines are intended generally to follow or connect the center lines of rights-of-way; existing lot lines; the mean water level of rivers, streams and other waterways; or town boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension or relationship to such a line.
2. Where a district boundary line divides a lot of record at the time such line is established, the Planning Board may allow the extension of activities permitted in one district to the other as a Special Use. This is to permit more flexibility in the use of large parcels.
3. When the specific location of a zoning district boundary line cannot be ascertained, the Code Enforcement Officer shall request the Planning Board to render an interpretation which shall then be used as the basis for applying zoning standards.

§ 3.4 Schedule of District Regulations.

The restrictions and controls intended to regulate development in each district are set forth in the following Schedule of District Regulations which is then supplemented by other sections of this Law and other laws of the Town of Deerpark. Any use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Code Enforcement Officer, provided the proposed use is in compliance with these regulations. Special Uses are subject to site plan review and, specifically, Planning Board approval as pre-requisites to the Code Enforcement Officer issuing a permit for their establishment. Accessory Uses are permitted to accompany or precede Principal Permitted and Special Uses and permits for these uses shall be issued directly by the Code Enforcement Officer.

Town of Deerpark Zoning Law - Schedule of District Regulations

District Intent	Principal Permitted Uses	Special Uses	Accessory Uses	Development Standards																										
RR Rural Residential District: This district is intended to protect the rural character of that portion of Deerpark which is subject to natural limitations or in public or semi-public use as open space and to provide for wildlife, recreation, forestry and conservation uses in general.	One-family dwellings Two-family dwellings Agricultural uses Equestrian uses Public and semi-public uses	Animal hospitals, kennels and veterinary offices Bait and tackle shops Bed and breakfast facilities Camps and campgrounds Cemeteries Commercial greenhouses Essential services Extractive uses Funeral homes Hotels, motels and resorts Hunting preserves Nursery schools Places of worship and social halls Planned residential developments Residential conversions Saw and planing mills Shooting ranges and skeet facilities State-accredited schools Tele-communication facilities	Garages Home-energy generation devices Home occupations Parking areas Private swimming pools Private stables Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot width/depth: 200 feet Minimum yards: Front 50 feet Side 35 feet Side yards combined 100 feet Rear 50 feet Maximum bldg. height 35 feet Minimum floor area: 1,000 sq. ft. Maximum bldg. coverage 20% Minimum lot area: See Table above and § 4.5 for application <table><tr><th>Soil Types</th><th>Lot Area</th></tr><tr><td>CnA,CnB,CnC</td><td>1.0 acre</td></tr><tr><td>OtB,OtC,OkA,OkB</td><td>1.0 acre</td></tr><tr><td>HoA,HoB,HoC</td><td>1.0 acre</td></tr><tr><td>RhA,RhB,RhC</td><td>1.0 acre</td></tr><tr><td>CgA,CgB,SwB,SwC</td><td>1.5 acres</td></tr><tr><td>WuB,WuC,MdB,MdC</td><td>1.5 acres</td></tr><tr><td>ScA,ScB,BnB,BnC,SX</td><td>1.5 acres</td></tr><tr><td>Fd,ErA,ErB,Ra,ESB</td><td>3.0 acres</td></tr><tr><td>FaC,LdB,LdC,RSB,AN</td><td>3.0 acres</td></tr><tr><td>All "D" slope soils</td><td>3.0 acres</td></tr><tr><td>Ha,Ab,Ca,AC,OVE,RK</td><td>6.0 acres*</td></tr><tr><td>All other soils</td><td>10.0 acres*</td></tr></table>	Soil Types	Lot Area	CnA,CnB,CnC	1.0 acre	OtB,OtC,OkA,OkB	1.0 acre	HoA,HoB,HoC	1.0 acre	RhA,RhB,RhC	1.0 acre	CgA,CgB,SwB,SwC	1.5 acres	WuB,WuC,MdB,MdC	1.5 acres	ScA,ScB,BnB,BnC,SX	1.5 acres	Fd,ErA,ErB,Ra,ESB	3.0 acres	FaC,LdB,LdC,RSB,AN	3.0 acres	All "D" slope soils	3.0 acres	Ha,Ab,Ca,AC,OVE,RK	6.0 acres*	All other soils	10.0 acres*
Soil Types	Lot Area																													
CnA,CnB,CnC	1.0 acre																													
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All "D" slope soils	3.0 acres																													
Ha,Ab,Ca,AC,OVE,RK	6.0 acres*																													
All other soils	10.0 acres*																													
RS Residential Settlement District: This district is intended to protect the integrity of single-family residential areas of the Town from commercial and industrial intrusions that could cause a decline in the quality of life within these generally. single-purpose sections of the Town.	One-family dwellings Public and semi-public uses Agricultural uses	Bed and breakfast facilities Essential services	Garages Home-energy generation devices Home occupations Parking areas Private swimming pools Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot width/depth: 200 feet Minimum yards: Front 50 feet Side 35 feet Rear 50 feet Maximum bldg. height 35 feet Minimum floor area: 1,000 sq. ft. Maximum bldg. coverage 20% Minimum lot area: See Table above and § 4.5 for application																										
NR Neighborhood Residential District: This district is intended to provide for commercial and mixed-use development within key neighborhoods and at relatively high density for the purpose of meeting the needs of residents for goods and services.	One-family dwellings Two-family dwellings Public and semi-public uses	Cemeteries Convenience stores without gasoline Nursery schools Places of worship and social halls Residential conversions River-related recreation	Garages Home occupations Parking areas Private stables Private swimming pools Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot width/depth: 100/200 feet* Minimum yards: Front 20/50 feet* Side 35 feet Rear 20/50 feet* Maximum bldg. height 35 feet Minimum floor area: 1,000 sq. ft. Maximum bldg. coverage 20% Minimum lot area:																										

				<p>See Table above and § 4.5 for application</p> <p>* with/without central sewer</p>
<p>HM-U Hamlet/Mixed-Use District:</p> <p>This district is intended to provide areas for moderate to high density residential development and compatible commercial and industrial uses.</p>	<p>One-family dwellings</p> <p>Two-family dwellings</p> <p>Agricultural uses</p> <p>Equestrian uses</p> <p>Public and semi-public uses</p>	<p>Animal hospitals, kennels and veterinary offices</p> <p>Bed and breakfast facilities</p> <p>Building contractor yards</p> <p>Building supply/lumber yards</p> <p>Business service and trade shops</p> <p>Business/professional offices</p> <p>Camps and campgrounds</p> <p>Cemeteries</p> <p>Commercial greenhouses</p> <p>Continuing care facility</p> <p>Essential services</p> <p>Extractive uses</p> <p>Funeral homes</p> <p>Health care, rehabilitative & medical facilities</p> <p>Hotels, motels and resorts</p> <p>Indoor/outdoor recreation facilities</p> <p>Light manufacturing</p> <p>Manufactured home parks</p> <p>Multi-family dwellings</p> <p>Nursery schools</p> <p>Nursing and senior care facilities</p> <p>Personal service shops</p> <p>Places of worship and social halls</p> <p>Planned residential developments</p> <p>Restaurants</p> <p>Retail stores and shopping centers</p> <p>Saw and planing mills</p> <p>Self-storage warehouses</p> <p>Shooting ranges and skeet facilities</p> <p>State-accredited schools</p> <p>Tele-communication facilities</p> <p>Vehicle and equipment sales</p> <p>Vehicle service establishments</p> <p>Wholesale establishments</p>	<p>Garages</p> <p>Home-energy generation devices</p> <p>Home occupations</p> <p>Parking areas</p> <p>Private swimming pools</p> <p>Private stables</p> <p>Signs</p> <p>Storage sheds</p> <p>Other activities or structures customarily accessory to permitted principal or special uses.</p>	<p>Minimum average lot width/depth: 100/200 feet*</p> <p>Minimum yards:</p> <p>Front 20/35 feet*</p> <p>Side 20/35 feet*</p> <p>Rear 20/35 feet*</p> <p>Maximum bldg. height 35 feet</p> <p>Minimum floor area: 1,000 sq. ft.</p> <p>Maximum bldg. coverage 20%</p> <p>Minimum lot area:</p> <p>See Table above and § 4.5 for application</p> <p>* with/without central sewer</p>

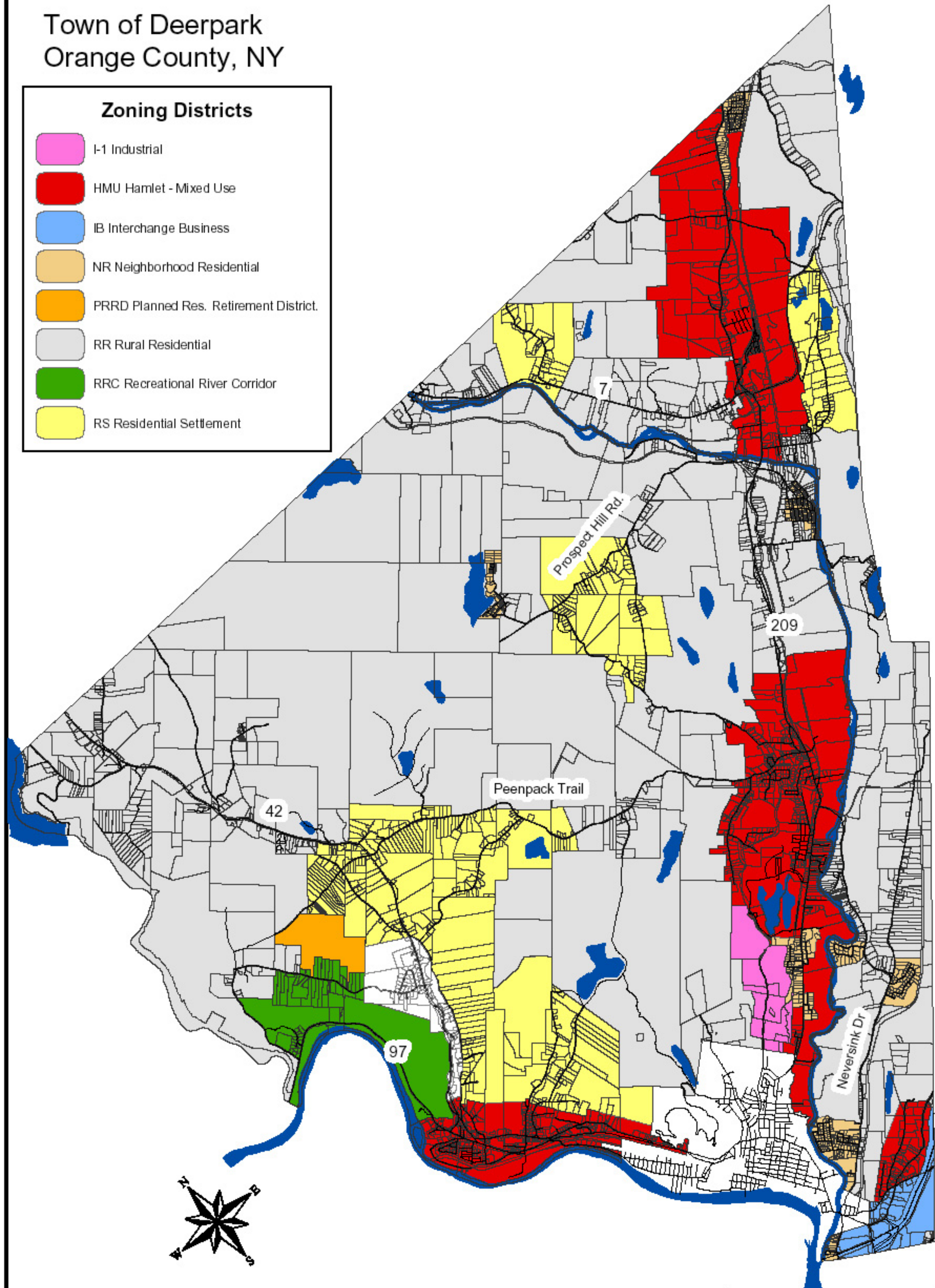
<p>IB Interchange Business District: This district is intended to provide for the general development of business at significant highway interchange areas and attracting business from within both the region and the Town.</p>	None	Animal hospitals, kennels and veterinary offices Building contractor yards Building supply/lumber yards Business service and trade shops Business/professional offices Commercial greenhouses Essential services Extractive uses Health care, rehabilitative & medical facilities Hotels, motels and resorts Indoor/outdoor recreation facilities Light manufacturing Movie houses and outdoor theatres Nursing and senior care facilities Personal service shops Restaurants Retail stores and shopping centers Self-storage warehouses Vehicle and equipment sales Vehicle service establishments Wholesale establishments	Bulk storage Dwellings accessory to commercial uses Garages Home occupations Parking areas Private swimming pools Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot width/depth: 200/400 feet* Minimum yards: Front 20/ 35 feet* Side 20/ 35 feet* Rear 20/ 35 feet* Minimum Side/Rear Yard Adjoining Residential District: 50 feet Maximum bldg. height 35/40 feet* Min. floor area ratio: 0.50 Minimum lot area: 1 acre/2 acres* * involving non-industrial/industrial uses
<p>I-1 Industrial District: This district is intended for industrial and like uses which are of large scale or involve intense activity which could generate more substantial impacts on surrounding properties than would be the case in the IB District or HM-U District.</p>	None	<p>Adult uses (see § 5.14) Building contractor yards Building supply/lumber yards Business services Business/professional offices Essential services Extractive uses Industrial parks Light manufacturing with outside storage areas Wholesale establishments</p>	Bulk storage Garages Parking areas Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot width/depth: 150/200 feet Minimum yards: Front 20/ 35 feet* Side 20/ 35 feet* Rear 20/ 35 feet* Maximum bldg. height 40 feet Minimum lot area: 2 acres
<p>RRC Recreational River Corridor District: This district is intended to complement designation of the Upper Delaware River as a National Scenic and Recreational River and to help implement the River Management Plan to which the Town is a party.</p>	One-family dwellings Two-family dwellings Agricultural uses Equestrian uses Public and semi-public uses	Bait and tackle shops Camps and campgrounds Cemeteries Convenience stores without gas Essential services Hotels, motels and resorts Hunting preserves Membership clubs Nursery schools Places of worship Residential conversions River-related recreational facilities State-accredited schools See Section 5.10 for additional standards applicable in District	Garages Home-energy generation devices Home occupations Parking areas Private swimming pools Private stables Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses.	Minimum average lot depth/width: 200 feet* Minimum yards: Front 50 feet Side 50 feet Rear 150 feet Minimum setback from River 150 feet Maximum bldg. height 35 feet Minimum floor area: 1,000 sq. ft. Maximum bldg. coverage 20% Minimum lot area: See Table above and § 4.5 for application * A minimum of 150 feet River frontage is required

Zoning Map

Town of Deerpark
Orange County, NY

Zoning Districts

- I-1 Industrial
- HMU Hamlet - Mixed Use
- IB Interchange Business
- NR Neighborhood Residential
- PRRD Planned Res. Retirement District.
- RR Rural Residential
- RRC Recreational River Corridor
- RS Residential Settlement



GIS Data supplied by
Orange County Water Authority
2001

Shepstone Management Company
Planning & Research Consultants
100 Fourth St
Honesdale PA 18431

Town of Deerpark Zoning Law

§ 3.5 Applicability of Regulations.

- I. Whenever any owner or occupant of any property in the Town of Deerpark shall, for any purpose or in any manner;
 - (a) establish a new use,
 - (b) commercially clear, excavate or grade land for purposes of making permanent structural improvements to a property,
 - (c) change an existing use,
 - (d) make permanent structural improvements to a property,
 - (e) erect a new building,
 - (f) move, alter, add to or enlarge any existing land use or building;

such owner or occupant shall first comply with the requirements of this Law and obtain a zoning permit, unless specifically exempted from such requirements by this Law. A zoning permit shall be required whenever a change in land use occurs, regardless whether any new construction is involved or not excepting that agricultural harvesting, grazing, tilling and crop rotation, shall be exempt from all permit requirements.

2. If a proposed use is not specifically listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Planning Board shall render a formal determination as to whether or not the use is permitted in a given district and if the use is permitted, it shall then process the application as a Special Use. The Planning Board shall make its determination on the basis of similarities of the use to other specifically listed uses within various districts, taking into consideration the impacts of the use on the community and the neighborhood in which it is proposed. This shall not permit the Planning Board to reclassify uses which are already listed nor shall the Planning Board allow any use which is not listed in a particular district if that use is already permitted in another district.

§ 3.6 Lot Development Standards.

1. Minimum development standards. The development standards contained herein are minimums and shall apply to each dwelling unit unless otherwise specifically provided. A two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, as will any two dwelling units on the same property. Single studio apartments occupied by immediate family members shall, however, be exempt from this requirement.
2. Corner lots. No obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines seventy-five (75) feet distant from their points of intersection.
3. Through lot requirements. A through lot shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this law.
4. Minimum lot frontage. All residential lots shall have a front lot line with a minimum length of fifty (50) feet.
5. Flag lots. The development of interior lots with limited lot frontage consisting of only an access right-of-way shall be permitted provided:

Town of Deerpark Zoning Law

- (1) The right-of-way is a minimum of twenty-five (25) feet in width.
- (2) The lot area shall be exclusive of that portion used as a right-of-way for purposes of meeting minimum lot area and all other development standards for the District.
- (3) No right-of-way shall be established over an existing parcel of land to reach a new lot to the rear which would reduce the length of the front lot line of the existing parcel to less than one-hundred (100) feet.
- (4) All flag lot access right-of-ways shall be titled in fee-simple ownership to the flag lot property owner.
- (5) No more than two additional such lots shall be created from an existing parcel.

§ 3.7 Height Restrictions.

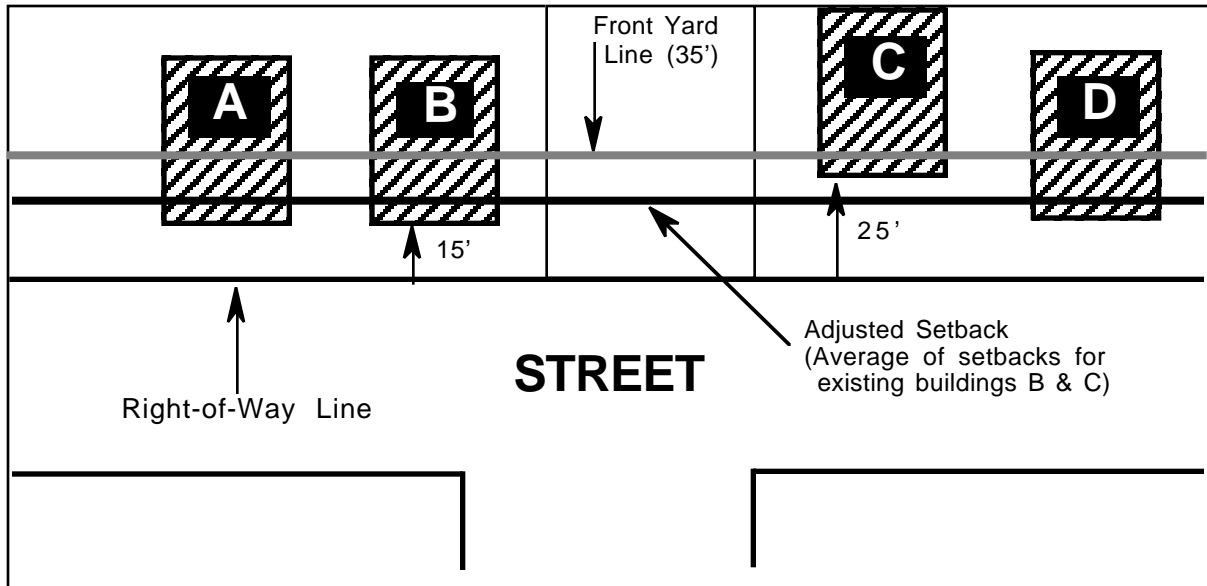
1. General application. No building or structure shall exceed in building height the number of feet permitted as a maximum on the Schedule of District Regulations for the district where such building or structure is located.
2. Permitted exceptions. Height limitations stipulated elsewhere in this law shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and transmission towers, farm buildings or similar non-inhabited structures under 150 feet in height. Structures over 150 feet in height may be permitted as special uses provided they are sufficiently setback from adjoining properties to avoid any safety hazard connected therewith and meet all State and Federal air safety and electronic communications standards.

§ 3.8 Yard Regulations.

1. Side yard exception. Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
2. Front yard exception. When an unimproved lot is situated adjacent to or between improved lots already having a principal building within the required front yard, the front yard for the unimproved lot may be reduced to the average depth of the front yards for the two (2) nearest adjoining improved lots, but not less than thirty (30) feet from the centerline. The illustration on the next page depicts how the front yard exception shall apply.
3. Provision of yard or other open space. No yard or other open space provided about any buildings for the purpose of complying with the provisions of the law shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot.
4. Waterfront yards. Any yard which borders on a New York State Department of Environmental Conservation classified lake, stream or body of water shall be not less than one-hundred (100) feet in depth except for boathouses and docks.

Town of Deerpark Zoning Law

Illustration of Front Yard Exception



§ 3.9 Accessory Structure and Use Standards.

The location, limitation and coverage of accessory buildings shall be as follows:

1. No accessory building permitted by this law shall be placed in any required side or front yard except as provided in this Article.
2. The aggregate ground area covered by any accessory buildings in any rear yard shall not exceed fifty percent (50%) of the rear yard area.
3. Accessory structures not attached to a principal structure shall:
 - (a) Be located not less than ten (10) feet from any side or rear lot line or in such a fashion as to prevent emergency firefighting access or to shade a residential structure on an adjoining lot.
 - (b) Be no closer to the street than any principal structure on the lot, except in the case of farm buildings. Accessory buildings to principal structures located more than one-hundred (100) feet from a lot line shall also be exempt. Accessory structures may, in these situations, be located in front of residences but not in required front yard areas.
4. Accessory structures of more than 1 story in height within required side or rear yards shall be subject to Special Use review.
5. When an accessory structure is attached to the principal building, it shall comply with requirements for principal buildings.
6. Storage trailers, railroad cars, bulk containers or retired mobile home units and recreational vehicles shall not be used for purposes of accessory structures in connection with any use.
7. Above ground or inground swimming pools, incidental to the residential use of the premises and not operated

Town of Deerpark Zoning Law

for gain shall require permits if more two (2) feet deep. A private swimming pool shall not be located, constructed or maintained on any lot or land area, except in conformity with the following requirements:

- (a) Such pool shall not be located in any required side yard.
- (b) The entire portion of the premises upon which such pool is located shall be entirely enclosed with a good quality chain link wire or equally sturdy fence of not less than four feet in height.
- (c) Every gate or other opening in the fence enclosing such pool shall be kept securely closed and locked at all times when said pool is not in use.
- (d) Such pool shall be not less than 10 feet from side and rear lot lines, and on lots with a width of 50 feet or less the pool shall be located midway between the side lot lines.
- (e) If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- (f) If the water for such pool is supplied from the public water supply system the inlet shall be above the overflow level of said pool.
- (g) Such pool shall be constructed, operated and maintained in compliance with the applicable provisions of the New York State Sanitary Code relating to public swimming pools.
- (h) No loudspeaker or amplifying device shall be permitted which can be heard beyond the bounds of the property lot where said pool is located.
- (i) Underwater lighting shall only be installed in accordance with the provisions of the municipal electrical code for such lighting.

8. Keeping of a reasonable number of domestic animals for household purposes or as pets and private stables shall be permitted in every district subject to the following conditions:

- (a) Not more than four dogs over six months old, nor more than one litter under six months shall be kept unless permitted as a commercial or not-for-profit kennel.
- (b) Not more than 25 fowl, nor more than four domestic animals other than dogs and cats shall be kept on any lot unless permitted as a commercial agricultural operation. See also Section 5.11 hereof.
- (c) There shall be no stable or similar animal or fowl housing or storage of manure within 200 feet of any adjacent dwelling.
- (d) All animals shall be contained by fence or leash within the boundaries of the owner's property. Any penning area less than one acre in size shall be set back 50 feet from any lot line.

Town of Deerpark Zoning Law

Article 4 General Supplementary Regulations

§ 4.1 Parking, Loading, Access and Traffic Standards.

1. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:

- (a) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
- (b) The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
- (c) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
- (d) Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.
- (e) The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- (f) Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied by the Planning Board or the Code Enforcement Officer, as the case may be:

Home-occupations	1 space per 100 sq. ft. of floor area devoted to use
Hotels/motels	1 space per rental room
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 250 sq. ft. floor area
Places of public assembly	1 space per 5 seats
Offices	1 space per 300 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vehicle service establishments	4 spaces plus 1 per employee

- 2. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces.
- 3. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- 4. All parking areas which are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following are guideline standards the Planning Board may apply:

Town of Deerpark Zoning Law

- (a) No more than twelve (12) parking spaces should be allowed in a continuous row uninterrupted by landscaping.
 - (b) No parking areas should be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public highway or through road.
 - (c) Parking areas should generally be located in the rear yard of any use, with the principal building situated near the front lot line as permitted by Schedule of District Regulations. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify.
5. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials.. The minimum size loading space shall be sixty (60) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
6. Access to and from all non-residential off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
- (a) Access drives shall not open upon any public right-of-way within (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than two-hundred (200) feet. Access drives onto state highways shall be subject to New York Department of Transportation standards.
 - (b) There shall be no more than one entrance and one exit to any business or commercial use parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within 80 feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, may be exempted from this requirement.
 - (c) All access drives shall be subject to the requirement of obtaining a road occupancy or street encroachment permit from the Town of Deerpark Highway Superintendent, the Orange County Department of Public Works or the New York State Department of Transportation, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities.
 - (d) No use shall be permitted which requires year-round access from a Town highway which has been designated by the Town of Deerpark Town Board as a low volume or minimum maintenance seasonal highway pursuant to Section 205-a of the New York State Highway Law.
7. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth landscaped according to § 7.12.
8. The Planning Board, at its discretion, may require a traffic impact study with any Special Use application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

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Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See "Trip Generation" - Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Board with the final product incorporated in the SEQR submission.

§ 4.2 Floodplain Development Standards.

There is hereby created a special zoning district, the boundaries of which shall be congruent with those areas identified as Special Flood Hazard Areas on the Flood Hazard Boundary Maps for the Town of Deerpark, as issued by the Federal Insurance Administration or its successor. This district shall be an overlay zone, within which the normal provisions of the zoning districts as mapped on the Official Zoning Map shall apply, except that no development shall be permitted which does not comply with the provisions of the Town of Deerpark Flood Damage Prevention Law, as amended.

§ 4.3 Home Occupation Regulations.

- I. Home occupations, including businesses which rely upon attraction of the general public (e.g. retail sales) are permitted as Accessory Uses in some districts and as Special Uses in others, provided they do not detract from the residential character, appearance (handicapped access notwithstanding), or make-up of the neighborhood in which the business is located. Because of the need these types of businesses may have for advertising and display, and the unpredictability of traffic generation, owners of such businesses must be very cautious about how they operate their business to ensure they do not adversely impact the surrounding neighborhood. The following factors shall be used to determine if a home occupation will comply with or is in violation of this Law. The determination can be made on any one, or a combination, of these factors and shall be made by the Code Enforcement Officer.
 - (a) Extent of the business - whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business and the amount of time the business is operated on a daily basis. Employees on-site shall be limited to two (2) other than immediate family members.
 - (b) Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, permanent identification sign no larger than six (6) square feet in size attached to the principle structure and occasional deliveries, there shall be nothing that occurs on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is setback more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed twelve (12) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its

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residential appearance, and no activity related to the conduct of the home occupation shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the business or adversely impact the residential character of the neighborhood.

- (c) Impact on the neighborhood - whether or not the business activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:
 - (1) Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A home occupation will be allowed to generate no greater than twenty-five (25) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Board. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, and the number of children present.
 - (2) Parking - whether or not parking problems could result from the business use. Factors which shall be used to evaluate this criteria include, but are not limited to the following: 1) parking required for the business shall be provided on-site; 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided at a minimum; and 3) no home occupation shall be permitted which requires parking of tractor-trailer combinations along the street on a continuing basis.
 - (3) Nuisance - whether or not the business activity is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

- 2. No home occupation, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home occupation to a commercial use by the abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

§ 4.4 General Commercial and Industrial Standards.

Wherever commercial, manufacturing or other non-residential uses, with the exception of agricultural activities and home occupations, are proposed, the following performance standards shall apply. The Code Enforcement Officer shall ensure these standards are met prior to issuing Certificates of Occupancy for such uses and may require the applicant(s) to provide documentation of compliance.

- 1. Where a commercial or manufacturing use is contiguous to an existing residential use in any District (including those situated on the opposite side of a highway) or any approved residential lot in an RR or NR District, the Planning Board may require that the minimum front, side and rear yards be increased by up to fifty percent (50%). The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a solid fence of wood and/or a twenty (20) feet wide dense evergreen planting not less than six (6) feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also § 7.12.
- 2. All activities involving the manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire-fighting

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and fire suppression equipment and devices shall be provided pursuant to National Fire Protection Association guidelines. Burning of waste materials in open fires is prohibited. Details of the potential hazards and planned safety and accident response actions shall be provided by the applicant and the Planning Board may require greater front, side and rear yards and/or fencing.

3. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
4. The applicant shall provide evidence of compliance with the Town of Deerpark Noise Law.
5. No vibration shall be permitted on a regular or continuing basis which is detectable without instruments at the property line.
6. All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:

Type of Light Source	Maximum Illumination Permitted at Property Line	Maximum Permitted Height of Light
Globe light	0.20 Footcandles	15 Feet
>90% Cutoff	0.75 Footcandles	25 Feet
<90% Cutoff	2.00 Footcandles	30 Feet

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

7. No emission shall be permitted on a regular or continuing basis from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
8. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted on a regular or continuing basis which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
9. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and planned safety devices and contamination response actions shall be provided by the developer.
10. Whenever a vehicle and equipment sales, mechanical and body repair use is proposed as a Special Use, or as an expansion of an existing non-conforming use, the following additional performance standards shall apply:
 - (a) All mechanical and body repair work shall be performed within buildings.
 - (b) All automobile or vehicle parts, new or used, shall be stored within buildings.
 - (c) Vehicles which are temporarily on the property awaiting to be repaired, shall be stored in an area which meets the minimum yard and buffer requirements applicable for the district and the use.

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§ 4.5 Minimum Lot Size Standards.

The Schedule of Development Regulations which accompanies this Zoning Law provides for the determination of minimum lot sizes in certain districts according to soil types and establishes minimum lot areas per dwelling or principal use for various groups of soils. The following provides for the application of these minimums:

- I. Procedure for determining the maximum number of dwelling units permitted on a multi-acre parcel:
 - (a) Identify the soil type(s) composing the site. (This information may be found on the maps within the Soil Survey of Orange County, New York, as prepared by the Soil Conservation Service, the U.S. Department of Agriculture, unless a more detailed soil survey has been made of the site as a soil scientist).
 - (b) Measure the acreage for each soil type found on the site.
 - (c) Ascertain the soil group(s) of which the soil type(s) is/are a part, noting the Minimum Lot Area assigned to each soil group in the table found on the Schedule of District Regulations.
 - (d) Divide the acreage within each soil group by the Minimum Lot Area assigned to each and total for all soil types.
 - (e) If the site is zoned HM-U Hamlet Mixed Use and is to be served by a municipally owned and operated sewage treatment plant, multiply the number derived from step "e" by 3.0.
 - (f) The resulting nearest whole number is the maximum number of dwelling units permitted on the site. Should other than central sewer and water services be proposed, each and every lot shall conform to the minimum lot size as derived from Sub-section 4.5.2 following.
 - (g) The balance of the total multi-acre parcel that is used to compute the maximum number of dwelling units permitted, but is not to be built upon, shall be preserved as permanent open space. No further subdivision or development of that acreage is permitted and a note to that effect shall be placed on the subdivision or development Development Plan to be filed.
2. Procedure for determining the minimum lot size per dwelling unit for lots that are dependent on a private well and septic system:
 - (a) The minimum lot size shall be determined by the soil type on which the proposed septic system is to be located.
 - (b) If the proposed septic system is to be located on two or more different soil groups, the minimum lot size for the most restrictive soil group shall be utilized.
 - (c) As stated in the Soil Survey of Orange County, New York as prepared by the Soil Conservation Service, the U.S. Department of Agriculture, there are some soil types on which septic systems should not be allowed unless the soil's severe limitations can be satisfactorily overcome. If such is proposed, the septic system design must be approved by the Town's consulting professional engineer. Alternative sewage disposal systems that apply new and innovative technologies may also be permitted consistent with the requirements of the Orange County Department of Health.
 - (d) Identify the soil type(s) which compose(es) the site. This information may be found on the maps within the Soil Survey of Orange County, New York, as prepared by the Soil Conservation Service, the U.S. Department of Agriculture, unless a more detailed soil survey has been made of the site by the Soil

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Conservation Service or someone else qualified as a soil scientist).

- (e) Apply the Minimum Lot Area assigned to each soil group in the table found on the Schedule of District Regulations, identifying the minimum lot size on the basis of the soil type and soil group on which the septic system is proposed to be located.
- (f) Irrespective of the minimum lot size(s) derived from the procedure followed as outlined above, no more dwelling units may be created (whether through subdivision or condominium) than that allowed in Section 4.5.1. above.

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Article 5 Supplementary Regulations Applicable to Particular Uses

§ 5.1 Recreational Vehicles, Campgrounds and RV Parks.

- I. License requirement. No person, partnership, association, limited liability or other company or corporation, being the owner, user, operator or occupant of any land within the Town of Deerpark, shall use or allow the use of such land for a campground or RV park or any other form of camping regulated herein unless a license has been obtained as herein provided and all non-transient campgrounds and RV parks shall also fully comply with subdivision and zoning standards applicable to conventional subdivisions including lot size, density, yards and the like.
 - (a) The Town Clerk after review by the Code Enforcement Officer shall issue a license after approval of the application by the Planning Board pursuant to Special Use procedures.
 - (b) No license shall be issued until the Code Enforcement Officer has received a written application from the applicant, the required fee and evidence of approval from the New York State Department of Health.
 - (c) The license may be transferred to a new owner of a campground or RV park, provided that an application for transfer of the existing license is made and the prospective new owner/operator shall document that all of the requirements of this law are met.
 - (d) All licenses shall be valid for a period of one year from the date of issuance and renewed only on a finding by the Code Enforcement Officer that the operation continues to comply with the requirements herein. Absent such a finding the Planning Board shall, subject to a public hearing, approve, disapprove or approve with modifications any renewal.
 - (e) Any person holding a license for a campground or RV park who desires to add additional lots or spaces to such park shall file an application for a supplemental license.
 - (f) All licenses issued hereunder shall be valid until March 31 of the following year prior to which time applicants shall request or apply for renewal of such licenses and the Code Enforcement Officer shall inspect the premises to ensure continued compliance with this law. No facility shall open for business for the new year unless a renewal has been granted.
 - (g) The applicant for any new license, renewal or transfer shall pay the town an annual or other fees as may be established and modified from time to time by resolution of the Town Board.
 - (h) Each application for a campground or RV park license shall be in writing, signed by the applicant and submitted in quadruplicate along with all plans required to the Code Enforcement Officer. The Code Enforcement Officer shall promptly transmit copies of the application and plans to the Planning Board, which shall review and act upon the application pursuant to Special Use requirements. The Code Enforcement Officer, within thirty (30) days of the filing of the Planning Board action, shall issue the license, provided all other requirements are met.
2. Design standards and general requirements.
 - (a) A campground or RV park shall have a gross area of at least ten (10) contiguous acres of land in single ownership or under unified control.
 - (b) All campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines and fully comply with the landscaping standards herein. Such

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screening shall be a depth of not less than twenty (20) feet, and designed to effectively screen the area within a period of 3 to 5 years. A planting plan specifying types, size and location of existing and proposed plant materials shall be required.

- (c) Lot and siting requirements.
 - (1) Transient RV park or campground campsites shall be at least fifty (50) feet wide and twenty-five hundred (2500) square feet in area. Gross density, however, shall not exceed a total of ten (10) campsites per acre for the development. Non-transient sites shall meet lot size criteria for one-family residential units for the applicable zoning district.
 - (2) Campground or RV park campsites shall be separate from service building structures by a minimum distance of fifty (50) feet and no recreational vehicle or tent Development Planform shall be located closer than fifty (50) feet to the street right-of-way or any adjacent property line.
- (d) At least one (1) off-street parking space shall be provided for each site, in addition to the site for placement of the recreational vehicle or tent.
- (e) The street design standards contained in Town of Deerpark Subdivision Law shall apply to streets within non-transient campgrounds and RV parks. Transient recreational land development streets shall be improved to a twelve (12) feet width for one-way traffic and twenty (20) feet width for two-way traffic to accommodate regular vehicular traffic .
- (f) No individual on-site sewerage or water supply shall be permitted, and all systems for the common use of campground occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and the Town of Deerpark.
- (g) No permanent external appurtenances, such as expandable rooms, carports, or patios, may be attached, adjoined or placed on the same property with any recreational vehicle parked in a campground or RV park, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
- (h) A minimum of one hundred fifty (150) feet of frontage along a public highway shall be required. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with traffic on adjacent streets. No entrance or exit shall require a turn at an acute angle and the radii of curbs and pavements at intersections shall facilitate easy turning for vehicles with trailers attached. Every intersection of an entrance or exit with a public highway shall have at least five hundred (500) feet of sight distance in both directions along the public highway and be located a minimum of one hundred-fifty (150) feet from any other intersection.
- (i) A minimum of fifty percent (50%) of the gross site area of the campground or RV park shall be set aside and developed as open space or common use recreational facilities.
- (j) Parking, loading, or maneuvering incidental to parking or loading shall not be permitted on any public right-of-way. Each campground or RV park operator shall provide off-street parking and loading areas and shall be responsible for violations of these requirements.
- (k) Campground or RV park campsites shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park campsite. Specifically:
 - (1) All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirements which may be imposed by the State of New York. Any

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action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.

- (2) No campground or RV park site shall be occupied for more than six (6) consecutive months, and no campground or RV park site shall be the primary residence of the individual lot owner or any other occupant; each site shall be used and occupied (excepting for occasional guests) for camping and recreational purposes and only by a single household.
- (3) The Town Code Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six (6) months. These requirements shall be included in restrictive covenants for nontransient campgrounds or RV parks.
- (4) To enforce these provisions, the Town Board may, by resolution, require that all persons bringing a recreational vehicle into the Town of Deerpark first obtain a permit of limited duration to do so, which permits shall be issued by the Code Enforcement Officer.
- (5) The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Code Enforcement Officer shall have access to, and the right to inspect, records for evidence of permanent residency. The Town Board and/or Code Enforcement Officer shall, in addition, have the authority, when any provision of this law is violated, to prohibit the occupancy of any and all campground or RV park campsites until the owners and/or management comply.
- (l) No owner or occupant of any campground or RV park campsite shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefor. No outside toilets shall be erected or maintained on any campground or RV park campsite. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not less than one-hundred (100) feet or more than three hundred (300) feet from each campground or RV park campsite and all State health regulations shall be fully met.
- (m) All property lines within the development shall be kept free and open; and no ledges, walls or fences, except as may be required for screening or as may exist naturally, shall be permitted.
- (n) No noxious or offensive activities or nuisances shall be permitted within any campground or RV park. Such nuisances shall include, but not be limited to; (1) excessive noise ; (2) any burning which results in smoke or noxious fumes emanating beyond the property line; and (3) any other nuisance activity which would cause impacts beyond the property line. Responsibility for meeting such requirements shall extend to occupants of campground or RV park campsites as well as owners and operators.
- (o) No animals shall be kept or maintained on any campground or RV park campsite except for the usual household pets which shall be kept confined.
- (p) No person shall burn trash or refuse on any campground or RV park campsite. All such refuse shall be placed in airtight receptacles which shall be provided by the owners of the campground or RV park campsites and must be removed at least weekly. No owner or occupant shall permit the accumulation of any refuse or junk vehicles on a campground or RV park campsite.
- (q) Picnic tables, grills and similar items of personal property may be placed on a campground or RV park campsite provided they shall be maintained in good condition.

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- (r) Each owner shall keep drainage ditches and swales located on his campground or RV park campsite unobstructed and in good repair and shall provide for the installation of such culverts upon his campground or RV park campsite as may be reasonably required for proper drainage.
- (s) No water wells shall be permitted on any individual campground or RV park campsite. Potable water drinking supplies shall be provided within three hundred (300) feet of each campground or RV park campsite and be operational during any period of occupancy.
- (t) A public phone or similar arrangement for emergency communication shall be available 24 hours per day at each rest room facility within each campground or RV park.
- (u) Every campsite shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access.
- (v) The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for campsites in nontransient campgrounds or RV parks and shall be made part of a management plan for any transient campgrounds or RV parks, which covenants and/or plan shall be approved by the Planning Board during site plan review. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenants shall also provide the Town with the right to periodically inspect the development for continued compliance with the plan and/or covenants.

3. Enforcement.

- (a) The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right, at all reasonable times, to enter and inspect any campground or RV park or other premises used as a campground or RV park or for the parking or place of recreational vehicles.
- (b) If the Code Enforcement Officer finds that a campground or RV park for which a license has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this law, he may service personally or by certified mail upon the holder of the license a written order which will require the hold of the license to correct the conditions specified in such order within ten (10) days after the service of such order. Such order may also be posted on the property if the licensee is otherwise unable to be reached.
- (c) If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order, the Code Enforcement Officer may revoke such license and the holder of the license shall thereupon immediately terminate the operation of such campground or RV park and held to be in violation of this law.
- (d) If the owner or operator of such facility shall thereafter correct such conditions and bring the facility into compliance with this law, such owner may then apply for a new license.
- (e) None of the provisions of this law shall be applicable to the following:
 - (1) The business of recreational vehicle sales.
 - (2) The storage of a recreational vehicle not being used on premises occupied as the principal residence by the owner of such recreational vehicle; provided, however, that such unoccupied recreational vehicle shall not be parked or located between the street line and the front building line of such premises.
 - (3) Camping by the owner on his or her own property provided a permit of no more than 2

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weeks in consecutive days has been issued by the Code Enforcement Officer pursuant to this law, appropriate sanitary facilities and/or sewage disposal systems are in place to serve the unit and the lot on which the unit is to be placed is a minimum of fifty (50) feet in width. The Code Enforcement Officer shall develop and enforce a permit system which shall be applicable to all such camping. No permit, however, shall be required for tent camping by owners in the rear or side yard of any residence for more than fourteen (14) continuous days.

- (f) This law shall apply to any extension of existing campgrounds or RV parks, including increases in the number of lots or available spaces, even if no addition to total land area is involved.
- (g) The operational standards of this section shall also apply to existing parks. However, existing parks shall be assumed to have conformed to the formal license and renewal procedure if they have either a use permit from the Town pursuant to this Zoning law or a permit from the New York State Department of Health. Any existing park which does not have a permit from the Department of Health or approval from the Town shall not qualify for this treatment and shall be required to make a new submission.

§ 5.2 Mobile Homes and Parks.

Mobile homes and mobile home parks shall be subject to the requirements of the Town of Deerpark Mobile Home Law and the following standards and review criteria.

- 1. Mobile homes shall be permitted only within mobile home parks (where permitted) excepting that double-wide units shall be permitted in the same locations as other single-family residences, subject to the standards of subsection 2 below.
- 2. Standards applicable to individual mobile homes.
 - [a] A double-wide mobile home may be placed in the Town only after obtaining a mobile home/building permit and shall require a Certificate of Occupancy before initial occupancy.
 - [b] Double-wide mobile homes located outside of mobile home parks shall comply with all area and bulk requirements that apply to one-family houses in the same zoning district.
 - [c] All double-wide mobile homes shall be connected to an adequate supply of potable water; shall be connected to a public sewer system or septic system constructed in accordance with all State and local regulations; and shall be connected to all applicable utilities including but not limited to electric power, telephone, propane gas and fuel oil. All of the foregoing connections or services shall be provided to the mobile home within ninety (90) days of issuance of the permit for placement of the mobile home.
 - [d] All double-wide mobile homes hereafter erected in the Town shall have been manufactured in 1980 or thereafter; be Underwriter Laboratory certified; and bear the seal of the United State Department of Housing and Urban Development.
 - [e] All double-wide mobile homes shall have peaked roofs, with a minimum pitch of three (3) feet vertical to twelve (12) feet horizontal.
 - [f] Double-wide mobile homes shall be installed on a load-bearing foundation, such as a crawl space or full basement, or placed on a concrete slab with skirting. Skirting shall be installed within ninety (90) days of issuance of the placement/building permit and be made of a fire-retardant material specifically designed for the application to mobile homes as skirting or consist of a permanently installed masonry wall. Such skirting shall close off the area between the mobile home body and the slab.
 - [g] The skirting shall be capable of removal to provide access to the closed off area or in the case of

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masonry walls contain two (2) doors or openings on opposite sides of the structure to allow access to the closed off area for maintenance and emergency access.

- [h] Structure frames of double-wide mobile home must be securely attached to the foundation or concrete slab in four (4) of more locations to ensure stability of the mobile homes.
- [i] Permanent steps and hand rails shall be constructed at all access points of the double-wide mobile home to ensure a safe means of ingress/egress into the dwelling unit.
- (j) Exceptions to Permanent Placement Requirements.
 - [1] Construction Field Office. A single mobile home unit may be temporarily located in any zoning district for use as a construction field office, real estate sales office or mobile home sales office. Such offices may not be installed prior to thirty (30) days before the commencement of the relevant project and must be removed within thirty (30) days after the completion of the relevant project.
 - [2] Temporary Placement of Mobile Homes. It shall be unlawful to store any mobile home on any property within the Town of Deerpark for a period in excess of thirty (30) days.
- (j) Prohibited Uses for Mobile Homes. Mobiles homes shall be used for single family dwelling purposes, only. All other uses, including but not limited to use as a warehouse, storage shed, tool shed, outbuilding or garage are prohibited.
- (k) Non-Conforming Mobile Homes. Any mobile home lawfully in existence at the time of the adoption of this local law which is not in full compliance with this Law may remain in its existing location but may not be otherwise relocated within the Town except with respect to relocation on the same lot. No mobile home previously occupied as a dwelling may be converted to a use prohibited by this Law, however.

3. Mobile Home Park Special Use and Site Plan Review Criteria

The Planning Board shall, in reviewing and acting upon Special Use applications for mobile home parks, apply the requirements of the Town of Deerpark Mobile Home Law and the following standards and review criteria:

- (a) The location of the park shall be one demonstrably suitable for such use, with proper drainage and provisions for stormwater control such that the amount of water leaving the site after development shall not be greater than prior to development.
- (b) There shall be documentation of the availability and adequate capacity of all utility providers to service the park. Off-site or centralized water facilities shall be provided.
- (c) The park shall be designed to provide maximum open space consistent with the minimum mobile home lot size requirements of the Mobile Home Law and offer buffering of individual mobile homes from each other and from other adjoining lot owners. It shall be landscaped so as to develop and maintain a high quality aesthetic environment and neighborhood character for prospective new and existing residents.
- (d) Adequate provisions shall be made for outside storage space and these shall not in any way interfere with emergency access.
- (e) Adequate provisions shall be made to control potential nuisance situations such as accumulation of unused materials or vehicles.
- (f) Recreational facilities sufficient to accommodate the number of dwellings proposed shall be provided.

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- (g) There shall be adequate groundwater supplies to support the proposed water system without causing a detrimental impact on adjoining water supplies and evidence of this shall be provided and professionally reviewed.
- (h) The management and operations plan for the park shall provide for maintenance of all common facilities and ensure the purposes and requirements of this law are met. It shall also provide for limitation of occupancy to mobile homes meeting U.S. Department of Housing Urban Development regulations under the Manufactured Housing Act.
- (i) Mixed-use residential developments where in mobile homes and other one-family detached dwellings are both provided shall be encouraged where the other criteria contained herein can be met. All other one-family detached development, however, shall comply with the requirements of this law and the Town of Deerpark Subdivision Law.
- (j) The mobile home park shall not result in an over-concentration of such uses in a particular area of the Town such that two-hundred (200) or more mobile homes are placed on contiguous properties, for example.

§ 5.3 Planned Residential Developments.

I. Purposes.

- (a) It is the purpose of this section to permit but not require, upon receipt and approval by the Town Board of an application made by the landowner(s), the establishment of a zoning classification entitled "Planned Residential Development (PRD) District." Such district may be permitted for the following purposes:
 - (1) A maximum choice in the types of housing, lot sizes and community facilities available to present and future town residents or visitors at all economic levels.
 - (2) More usable open space and recreation areas.
 - (3) More convenience in location of certain accessory commercial and service areas.
 - (4) The preservation of trees, outstanding natural topography and geological features and the prevention of soil erosion.
 - (5) A creative use of land and related physical development which allows an orderly transition from rural to urban uses.
 - (6) An efficient use of land resulting in small networks of utilities and streets and thereby lower housing costs.
 - (7) A development pattern in harmony with objectives of the Town of Deerpark Master Plan.
 - (h) A more desirable environment than would be possible through the strict application of other Articles of this law or the Town Subdivision Ordinance.
- (b) Generally, these floating districts are intended to provide landowners who wish to develop functionally integrated residential or resort communities or complexes with the flexibility to do so, provided that sufficient open space will be preserved and the development is designed with safeguards to protect the public health, safety and welfare.

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2. Procedures. The Town Board shall establish PRD Districts in the following manner:

- (a) The owner(s) of the land in a proposed PRD District shall initially apply to the Town of Deerpark Planning Board for the establishment of a PRD - Planned Unit Development District. The application shall be in writing and include a sketch plan.
 - (1) Said sketch plan shall be drawn to scale, though it need not be to the precision of a finished engineering drawing, and it shall indicate the following information:
 - [a] The location and types of the various uses and their areas in acres.
 - [b] Delineation of the various residential areas, indicating for each such area its general location, acreage and composition in terms of total number of dwelling units, approximate percentage allocation of dwelling units by type and the calculation of the residential density in dwelling units per gross acre of site area.
 - [c] The general outlines of the interior roadway system and all existing public and private rights-of-way and easements.
 - [d] The location and area of the common open space.
 - [e] The overall drainage system.
 - [f] A location map showing uses and ownership of abutting lands.
 - [g] Provisions of sewers, water and other required utilities.
 - (2) In addition, the following documentation shall accompany the sketch plan:
 - [a] Evidence that the proposal is compatible with the goals of the Town of Deerpark Master Plan.
 - [b] How common open space is to be owned and maintained.
 - [c] If the development is to be staged, a general indication of how the staging is to proceed. The sketch plan shall show the total project whether or not the proposed development is to be staged.
- (b) The Planning Board shall review the sketch plan and related documents and render a report to the applicant on the acceptability of the proposal along with recommendations for changes or improvements, if any. An unfavorable report shall state clearly the reasons therefor and, if appropriate, advise the applicant what revisions are necessary to receive acceptance.
- (c) Upon receipt of the Planning Board's report, which shall be made within sixty-two (62) days of the meeting at which the sketch plan is initially presented, the applicant shall submit a preliminary development plan for the project to the Planning Board, including but not limited to all information required under the Town of Deerpark Subdivision Law and for purposes of compliance with the State Environmental Quality Review Act ("SEQRA"). The applicant shall also submit, in the form of a letter or brief, information indicating how the development will specifically comply with or meet the special use and site plan review criteria contained in this Law and the following additional information:
 - (1) An area map showing the property proposed for PRD and adjacent property, if any, owned by the applicant and all other properties, roads and easements within five hundred (500) feet

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of the applicant's property.

- (2) The preliminary development plan shall show the location, proposed uses and height of all buildings; locations of all parking and truck loading areas, which egress thereto; location and proposed development of all open spaces; location of all existing or proposed site improvements; description and location of water supply, sewerage system and storm drainage system; location of all signs and designs of lighting facilities; the extent of building area proposed for nonresidential uses, if any; the location of existing watercourses and wetlands; and the location of municipal and fire, light and school district boundaries.

(d) Action on preliminary plan.

- (1) Within sixty-two (62) days of the receipt of a completed preliminary development plan, the Planning Board shall review such submission, act upon the SEQRA submission, conduct a public hearing on the development plan and recommend action to the Town Board regarding establishment of a PRD District to accommodate the proposed project. It shall concurrently approve, disapprove or approve with the modifications the preliminary development plan, conditioning any approval on action of the Town Board with respect to the PRD District.

- (2) The Planning Board shall approve the plan if it finds that:

- [a] The proposed uses will not be detrimental to present and potential uses in the area surrounding the proposed district.
- [b] Existing and future highways are suitable and adequate to carry anticipated traffic associated with the proposed district.
- [c] Existing and future utilities are or will be adequate for the proposed development.
- [d] The development plan complies with the requirements of this Law and is consistent with the Town of Deerpark Master Plan.

- (3) Preliminary approval by the Planning Board shall be in the form of a written statement to the applicant and may include recommendations to be incorporated in the final site plan. If the preliminary development plan is disapproved, the statement of the Planning Board shall contain the reasons for disapproval. The Planning Board may recommend further study and resubmission of a revised preliminary development plan.

- (e) When the Planning Board has approved a development plan for a proposed district, the plans shall be filed in the office of the Town Clerk, and the Town Board shall then proceed to consider amendment of the law in accord with the Town Law, conducting a hearing and acting upon the same within ninety (90) days of the meeting at which the Planning Board's recommendation is received. The Town Board shall, where appropriate, provide for County Planning Department review of the proposal and may attach conditions to its approval. When any planned district is not substantially developed in accordance with the approved preliminary development plan for a period of three (3) years from the effective date of its establishment, and provided that it shall then appear that rights vested in persons acting in good faith in reliance on such zoning classification will not be prejudiced thereby, the Town Board, upon resolution and no earlier than sixty-two (62) days following written notice to the applicant and general publication in a newspaper of general circulation, the Town may declare the same, by which action the change in classification to a PRD District shall be voided. The Town hereby exercises its authority under Section 10 of the Municipal Home Rule to supersede Section 264 of the New York State Town Law so as to permit voiding of a zoning change without resorting to further re-zoning procedures.

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(f) Final approval.

- (1) After the Planning Board has approved the preliminary development plan, and provided the Town Board has approved the establishment of the PRD District, the applicant shall prepare a final development plan, including all information required under the Subdivision Ordinance, and submit it to the Planning Board for final approval.
- (2) Where more than twelve (12) months have elapsed between the date of preliminary approval and the time of submission of the final development plan, and where the Planning Board finds that conditions affecting the plan have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary development plan for further review and possible revision prior to accepting the proposed final development plan for approval by the Planning Board. The applicant(s) may, or the Planning Board may require the applicant to, submit the final development plan in stages.
- (3) The final development plan shall conform substantially to the preliminary development plan approved by the Planning Board and meet all requirements set forth in the Subdivision Ordinance pertaining to final plans. It shall incorporate any revisions or other features that may have been recommended by the Planning Board and/or the Town Board at the time of preliminary review.
- (4) Within sixty-two (62) days of the receipt of a completed application for final development plan approval, the Planning Board shall review and act on such submissions and so notify the Town Board. If no decision is made within sixty-two (62) days, the final development plan shall be considered approved.
- (5) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final development plan and shall forward it to the Code Enforcement Officer, who may then issue a building permit to the applicant if the project conforms to all other applicable requirements of the town.
- (6) If the application is disapproved, the Planning Board shall notify the applicant and Town Board of its decision, in writing, and its reasons for disapproval.
- (7) Final development plan approval shall constitute final Development Plan approval under the Town Subdivision Ordinance and the provisions of § 276 of the Town Law, and a copy shall be filed in the Orange County Clerk's office.
- (8) No building permits shall be issued for construction within a PRD District until all requirement improvements are installed or a performance bond is posted in accordance with the procedures provided by the Town Subdivision Ordinance and § 277 of the Town Law.

3. General requirements.

- (a) Location. A PRD District may be permitted anywhere in the Town of Deerpark.
- (b) Minimum site area. A PRD District should comprise at least eight-hundred (800) contiguous acres of land, except for retirement housing projects, which shall require two-hundred (200) contiguous acres of land, although lesser-sized tracts may be approved at the discretion of the Planning Board and Town Board.
- (c) Density and open space. The density and open space standards applicable to conservation subdivisions shall also apply to all PRD projects.

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- (d) Utilities. All uses situated in a PRD District shall be served by central water and sewerage systems. All water, sewer and gas lines and all other lines providing power and communication service shall be installed underground in the manner prescribed by the appropriate state and local agency and/or utility company having jurisdiction.
- (e) Permitted uses. All residential uses, except mobile homes, hotels, motels and resorts shall be permitted in PRD Districts.
- (f) Other zoning regulations. With the exception of lot and yard requirements and other standards which may be waived or modified by the Planning Board, the PRD District shall comply with all other provisions of this Law. No modification or waiving of density standards generally applicable to PRD Districts shall be permitted. Density for nonresidential uses shall be determined on the basis of projected sewage flows, with an equivalent dwelling unit being that amount of flow normally associated with a one-family residential dwelling.
- (g) Ownership. The land proposed for a PRD District may be owned, leased or controlled either by an individual, corporation or by a group of individuals or corporations. PRD District applications shall be filed by the owner or jointly by all owners of the property included in the application. In the case of multiple ownership, the approved plan shall be binding on all owners.
- (h) Organization. A PRD District may be organized as a condominium, a cooperative, a leasehold or held in individual or corporate ownership. If a property owners' association (POA) is to be established, and one shall be required if any property is to be held in common, such POA shall be organized as provided for conservation subdivisions in the Town Subdivision Law.

§ 5.4 Multi-Family Residential Uses.

- I. Multi-family dwelling projects shall be considered major subdivisions. This "major subdivision" classification shall apply to all subdivisions of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Town in the manner provided under the Town Land Subdivision Law. The subdivider shall also submit all information required by such Regulations plus the following additional data:
 - (a) An application for approval on a form to be supplied by the Town or, in the absence of such form, by a letter or brief from the developer or his or her representative indicating how the development will specifically comply with or meet the criteria set forth herein.
 - (b) A proposed plot plan showing the approximate (generally within five feet) locations of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Law. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Town of Deerpark. Setbacks from property lines, improvements and other buildings shall also be indicated.
 - (c) A schedule or plan and proposed agreement(s) either with the Town or a property owners' association for the purpose of dedicating, in perpetuity, the use and/or ownership of the recreation area and open space required by this Law to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Town that maintenance and use of the property, regardless of ownership, be

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restricted to either; (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

2. The Planning Board shall act on the Preliminary Development Plan and Special Use application concurrently provided an Environmental Assessment is also conducted pursuant to the New York State Environmental Quality Review Act. No building permit shall be issued to the applicant, however, until all conditions attached to the approval of any preliminary Development Plan, shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary approval. This requirement notwithstanding, the building permit application shall be made with the Preliminary Development Plan and shall, if granted, be valid for a period equal to that for Preliminary Development Plan approval. If the Preliminary Development Plan shall be rejected no building permit shall be granted.
3. Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly be completed or guaranteed prior to the applicant's request for Final Development Plan approval. No Certificate of Occupancy (where the same is required) shall, however, be issued until such time as; (1) Final Development Plan approval shall have been granted in accordance with the procedures and requirements of this Law and (2) buildings have been completed and inspected by the Town Code Enforcement Officer.
4. Complete final building plans shall also be submitted as part of the Final Development Plan Application.
5. No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Law, unless and until Final Development Plan approval shall have been granted (unless the improvements shall have been guaranteed), and the Plan has been recorded in the Office of the Orange County Clerk.
6. Multi-family dwelling density shall be granted a 100% density bonus above the number of dwelling units per acre which would be permitted within the district if the parcel on which the units are to be constructed were to be developed for one-family residential use. Density shall be calculated by taking the total acreage of the development and deducting the following acreages:
 - (a) Land contained within public rights-of-way;
 - (b) Land contained within the rights-of-way of existing or proposed private streets. (where formal rights-of-way are not involved, the width shall be assumed to be fifty (50) feet);
 - (c) Land contained within the boundaries of easements previously granted to public utility corporations providing electrical or telephone service;
 - (d) All wetlands, floodplains, slopes of 15% or greater grade, water bodies and other undevelopable areas; and dividing by the number of proposed units.
7. All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. No less than 50% of the tract shall be used for this purpose and fees in lieu of dedication may not be substituted for such space. Such open space shall be subject to the following regulations:
 - (a) No less than 50% of the open space to be provided (25% of the total tract) shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed. Recreation areas (as distinct from other open space) shall be immediately adjacent (part of the same parcel and contiguous) to the proposed units and freely and safely accessible to all residents of the

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development. They shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, excepting as provided for in sub-section (2) below. They shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over 15% in grade, water bodies or acreage used for improvements such as storm drainage facilities or sewage effluent disposal areas.

- (b) Land designated as open space shall be permanently maintained as such and not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all Development Plans. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density or other zoning requirements shall have been modified to preclude such development.
 - (c) Open space areas shall be permanently maintained so that their use and enjoyment as open space are not diminished or destroyed. Such areas may be owned, preserved and maintained by dedication to a property owners association which assumes full responsibility for maintenance of the open space and/or deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, such portion of the open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a portion of the property (for hunting, fishing, etc.) provided the permanence of the open space is guaranteed.
 - (d) Whichever maintenance mechanism(s) is used, the developer shall provide, to the satisfaction of the Town Attorney and prior to the granting of any Final Development Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.
 - (e) Developments of 50 units or more shall provide one-half acre of playground area per 50 units unless restricted to adult occupancy only.
8. All multi-family developments shall be served with central sewage facilities and water supplies. Effluent disposal areas shall also be subject to the setback requirements applicable to other multi-family buildings and structures as a minimum.
9. The following design criteria shall apply to multi-family developments;
- (a) There shall be no more than ten (10) dwellings in each multi-family building.
 - (b) No structure shall be constructed within fifty (50) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.
 - (c) Access roads through the development shall comply with minor street requirements as specified in this Law and no parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.
 - (d) No multi-family development shall be served by more than one entrance and one exit from any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.
 - (e) Parking spaces of two (2) per unit shall be provided plus, for every two (2) units intended for rental or other transient occupancy, one additional space to accommodate parking needs during sales and other

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peak visitation periods.

- (f) No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.
 - (g) No structure shall be erected within a distance equal to its own height of any other structure.
 - (h) All multi-family structures shall be a minimum of 100 feet from any of the exterior property or boundary lines of the particular project involved and 75 feet from any public right-of-way.
 - (i) Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. Similar buffering of areas adjoining County and State highways shall be required. A landscaping plan shall also be prepared and submitted to the Planning Board for approval.
 - (j) Multi-family developments shall be subject to the stormwater management requirements of this Law. Facilities shall be designed to accommodate storms of a 25 year average frequency unless a more stringent standard shall be recommended by the Town Engineer. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Board may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow that can be achieved under the circumstances.
 - (k) All electrical and other utilities shall be placed underground and buried to a depth determined by the Town Engineer as sufficient for safety purposes.
10. Maintenance of a multi-family project shall be vested in (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5). If the developer shall opt to manage the project or designate a manager, the preliminary application shall include financial statements, a description of previous management experience and other data sufficient for the Planning Board to ascertain the financial responsibility of the manager.
11. The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses that the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project and enforcement of applicable covenants and restrictions in perpetuity. The Planning Board may require that a Certified Public Accountant review such financial data to determine proposed fees are, in fact, adequate to secure maintenance on a continuing basis.
12. The developer shall, in filing a Preliminary Development Plan, provide a narrative description of how responsibility for maintenance and care of the units and common areas will be assured and a pro forma operating budget for the maintenance organization including a breakdown of the common expense to be borne by the maintenance organization and a separation of long-term maintenance costs from on-going routine maintenance costs. There shall also be provided a narrative description of how the developer proposes to assure maintenance of the units and common facilities during any sales program. The Planning Board may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided, for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer.

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13. Any developer who proposes to construct multi-family dwellings and convey the common elements of said multi-family dwelling project, including recreation areas, to an association of purchasers of units therein shall submit a maintenance bond or other performance guarantee acceptable to the Town Board and Town Attorney ensuring long-term maintenance and repair of said common elements. Such maintenance bond or other guarantee shall;
 - (a) Be for a period of not less than fifteen (15) years from the date of the final approval of said multi-family dwelling-transient use by the Town;
 - (b) Be in an amount equal to the amount collected or to be collected for long-term maintenance (as indicated in the budget referenced above) by the developer or other responsible parties from each purchaser during the first year after sales to such purchases begin, multiplied by the total number of expected purchasers.
14. If the development shall be subject to the New York State statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this sub-section such certification shall suffice as to conformance with these requirements.
15. Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and, moreover, be subject to the provisions of this Law. If the proposed project does involve structural alterations, the Preliminary Development Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness. However, the conversion of an existing one-family detached dwelling or single family semi-detached dwelling into not more than three residential units shall be exempt from these requirements, unless such units are intended to be a condominium. This shall not, however, exempt an owner from any requirements of the State Building Code or the Town Zoning Law as they may pertain to such activities.

§ 5.5 Conversions of Residential or Non-Residential Structures.

Any conversion of a residential structure to a more intensive residential use or a non-residential use shall require a Special Use permit. Likewise, the conversion of any non-residential use to a dwelling or dwellings shall require a Special Use Permit. The following additional review criteria shall apply in both instances:

1. There shall be adequate parking to accommodate the new use in combination with other activities on the property or in the vicinity.
2. There shall be demonstrated sewage treatment and water supply capacity to serve any increased needs connected with the new use.
3. The conversion shall not result in increased residential density exceeding that permitted within the district. If, for example, the minimum lot size is two acres then no more than one equivalent dwelling unit shall be permitted per two acres of lot area.
4. Conversion of a residential structure to a non-residential use shall not be permitted where the new use is not otherwise allowed. Adaptations of any such structure should preserve its architectural integrity and residential character, except for minimal signage, required parking and other features mandated by the nature of the business.

§ 5.6 Sand, Gravel and Quarrying Operations.

1. Sand, gravel and other quarrying and excavation industries shall be permitted as Special Uses in the RR and the I-I District provided the limits of such operations shall extend no closer than five-hundred (500) feet to any

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existing residence, institution, public water supply source or other public or semi-public facility as mapped by the Town. In the case of blasting operations, this distance may be increased by the Planning Board. The Board may also limit the extension of such operations within or into any aquifer or watershed protection overlay zone that may be designated by the Town of Deerpark to protect a public water supply.

2. All extraction industries shall comply fully with the Mined Land Reclamation Law and provide evidence of such compliance in connection with any Special Use application.
3. The manufacturing or processing of asphalt shall not be considered part of any extraction industry and proposals for such uses, if and where permitted, shall be fully subject to the requirements of this law, notwithstanding pre-emptions of authority under the Mined Land Reclamation Law.
4. All sand, gravel and quarrying operations shall be subject to the provisions of § 4.3 hereof relating to traffic and the Planning Board may require traffic studies to determine the need for special entrance designs, the construction of acceleration and deceleration lanes and the like.

§ 5.7 Communication Structures.

1. The following special definitions shall apply for purposes of this section.

ANTENNA - A device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single pole known as whips.

TELECOMMUNICATIONS FACILITY - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Town from regulating.

TELECOMMUNICATIONS EQUIPMENT BUILDING - The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

TOWER - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

2. Special Use review criteria. Telecommunications facilities shall be subject to all the ordinary review criteria applicable to Special Uses in general plus the following:
 - (a) An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Town for the purpose of assessing the feasibility of co-located facilities. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including of proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
 - (b) The applicant shall present documentation that the tower is designed in accordance with the standards of this Law for communications towers.
 - (c) The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
 - (d) The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or Development Planted residential properties shall be considered in applying such

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requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.

- (e) The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- (f) Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- (g) Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- (h) All communications structures shall be lighted for safety in a manner consistent with industry best practices and where lighted additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- (i) All property owners and adjacent municipalities within five-hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Board approving an application for Special Use approval for such a structure. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.
- (j) Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Town to remove the facility and charge back the cost of removal to the foregoing parties. The Town may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- (k) The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.

§ 5.8 Signs.

- 1. Purpose. It is the purpose of this section to help residents and visitors find what they need without difficulty; to improve the appearance of the Town; and to promote public safety by regulating the location, quality, construction and maintenance of signs.
- 2. Definitions. The following special definitions shall apply for purposes of this section:

SIGN - Any device, facade, fixture, material, placard or structure that uses any color, form, graphic, picture, illumination, symbol or writing to advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public outside of a building, including neon or fluorescent painted building outlines and similar devices.

SURFACE AREA - The size of any sign, computed by multiplying its greatest length by its greatest height. Sign supports or foundations not exceeding three (3) feet in height and not bearing advertising material shall not be included. The surface area of signs with no definable edges (e.g., raised letters attached to a facade), shall be that area within the perimeter of a single line enclosing the advertising material. The reverse side of any sign may, however, be used without counting toward total sign area.

SIGN HEIGHT - The height of any sign shall always refer to the height of the topmost portion of the sign from grade

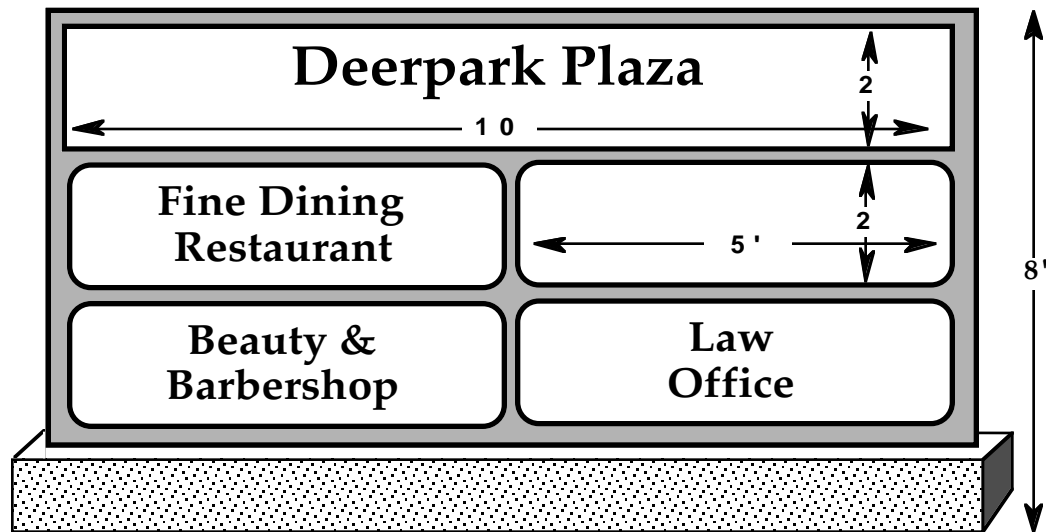
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level, unless the foundation for such sign shall be positioned below the adjoining road grade, in which case the height shall be measured from the road grade.

SIGN TYPES:

BUSINESS OR INSTITUTIONAL IDENTIFICATION SIGN - A sign advertising a business or institution or identifying the business or profession of the owner or occupant of the property on which it is placed.

COMMERCIAL DIRECTORY SIGN - A combination, on a single structure not exceeding eight (8) feet in height, of a sign identifying a business complex with other smaller uniform signs listing businesses on a property. Such signs shall replace free-standing signs which the advertisers would otherwise have rights to place on the property and use no more than twenty (20) square feet in surface area on each side to identify a complex or more than ten (10) square feet on each side to identify a specific business or service. (See example - next page)



CONTRACTOR SIGN - A sign of a builder or contractor which is erected and maintained while such persons are working on a property and is immediately removed when the work is complete.

FREESTANDING SIGN - A pole sign or ground sign.

GROUND SIGN - A sign rising from a ground foundation and not over eight (8) feet in height. The entire bottom of such sign is in contact with or in close proximity to the ground.

INCIDENTAL COMMERCIAL SIGN - An advertising sign on which is located a simple message directed only to persons on the lot, such as a gas pump sign, credit card sign or pricing sign placed in a window or on a door.

OFF-PREMISES ADVERTISING SIGN - A sign advertising a business or service located off the premises on which the sign is located.

POLE SIGN - A sign supported by a pole(s) as a structure independent of any building. Pole signs are also separated from the ground by air.

PORTABLE SIGN - A sign not permanently attached to the ground or a structure and designed to be transported, including signs on wheels, A or T frames or any other movable device or vehicle.

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REAL ESTATE SIGN - A sign which advertises the availability of land, buildings or spaces within buildings as being for sale or rent

TRAFFIC DIRECTION SIGN- An informational sign on which is located a simple traffic directive directed only to persons on the lot, such as a "no parking," "loading in rear," "one-way" or "office this way" sign.

WALL SIGN - A sign painted on or attached flush with a structural wall of a building, including window signs occupying more than 50% of the window or door surface and projecting signs not extending out from the structural wall surface more than eighteen (18) inches.

3. Application. All signs shall meet the standards herein and on the attached Schedule of Sign Regulations. An application for a permit, for any sign requiring one, shall be made on a form supplied by the Code Enforcement Officer and submitted with fees required. Applications shall include drawings to scale depicting locations of the signs, methods of illumination, graphic design (including symbols, letter, materials and colors) and visual message, text copy or content. Written consent of property owners shall also be provided. Applications not requiring a Planning Board finding shall be acted upon within fifteen (15) days of receipt. Applications submitted to the Planning Board shall be acted upon within thirty-one (31) days of receipt and such Board shall have the authority to approve, approve with modifications or disapprove the application using the review criteria found in §5.8.4 below. Findings shall be provided to the applicant and set forth in detail the reasons for the action.
4. Sign review criteria. Signs shall be approved, approved with modifications or disapproved based on the specific requirements contained herein and the following design criteria:
 - (a) Signs should be a subordinate part of the streetscape;
 - (b) Signs should not interfere with views of other enterprises or residences;
 - (c) Whenever feasible, multiple signs should be combined to avoid clutter;
 - (d) Signs should be as close to the ground as possible and pole signs shall be discouraged in favor of ground signs wherever possible;
 - (e) Signs should blend with and not cover any architectural features and be sized and located in proportion to buildings.
 - (f) Vivid colors may be used but should not dominate a building or site.
 - (g) Signs should be located so as to not interfere in any way with the clear views required for public safety by highway travelers or pedestrians.
 - (h) Signs must not present an overhead danger or obstacle to persons below.
 - (i) Sign sizes should achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.
 - (j) Signs should never block the view of other signs.
 - (k) Signs should be easy to maintain and provide for wind resistance such that signs will not deteriorate or collapse after an extended period.
 - (l) Sign materials and design should blend with surrounding natural landscapes.
 - (m) Free-standing signs shall generally require landscaping around the sign base.

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- (n) Signs should generally not be placed on the roof or above the roof line of the building to which they are attached.
5. General regulations. The following regulations shall apply to all signs:
- (a) Signs shall be permitted only in connection with permitted uses or for the purposes of specifically directing travelers to businesses or services. This shall not, however, prohibit off-premises signs erected for these purposes.
 - (b) No part of any sign shall project above the top or beyond the ends of the wall surface on which it is located.
 - (c) Signs, other than official traffic signs, which exceed twenty-four (24) square feet in surface area shall be setback at least five (5) feet from the side lot line.
 - (d) Advertising signs shall not use the words "stop," "danger," or any other word, phrase or symbol in a manner which could be interpreted by a motorist as being a public safety warning or traffic sign.
 - (e) No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam may interfere with public safety.
 - (f) No sign shall be attached to a tree, utility pole or object not so intended, except for "no trespassing" signs placed on trees.
 - (g) Portable signs shall be subject to all free-standing sign regulations.
 - (h) No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitations.
 - (i) Traffic directional signs shall be exempt from these regulations.
 - (j) Signs shall be illuminated only by a steady, stationary (except for time and temperature reading) and shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises.
6. Temporary signs. Political signs and signs advertising yard sales or other events which occur no more than two (2) times per year may be allowed subject to the following:
- (a) Such signs shall be limited to twelve (12) square feet each in surface area and not be illuminated.
 - (b) Yard sales and comparable events shall be advertised with signs for no more than twenty-one (21) days per year.
 - (c) Signs erected by or on behalf of a political candidate or political organization with the purpose of influencing a vote in an election, shall be erected no sooner than forty-five (45) days before such election and be removed within three (3) days after such election. A general permit encompassing all signs to be placed by or on behalf of a candidate or an organization shall be required prior to the placement of any such signs. The candidate(s) shall be deemed the applicant(s) for any sign(s) naming such candidate(s) and shall pay a fee as shall be established by the Town Board plus a Fifty Dollar (\$50) refundable deposit to cover the cost of timely removing said signs. Such signs shall:
 - (1) Not be placed on any utility pole or public structure, except for "no trespassing" signs.
 - (2) Be erected only with express consent of property owners.

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- (3) Political sign directories on which are located signs or messages of more than one candidate shall be permitted, with sponsoring organizations as applicants. Signs placed as part of such directories shall not be subject to size limits, provided the directories are limited, overall, to thirty-two (32) square feet each in surface area.
- 7. Non-conforming signs. Existing non-conforming signs may be repaired or reconstructed on the same site, but shall not be relocated or increased in size except as provided herein. Any non-conforming sign connected with a change of use, abandoned for sign purposes for more than ninety (90) days, damaged to the extent of 50% or more of the replacement cost value or illegally established, shall be immediately removed. In the event such a sign is not removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the Town Board may institute appropriate civil or criminal actions to prevent the violation, abate the nuisance and assess the costs associated therewith to the violator by attachment to the real property tax bill for the parcel in question.
- 8. Sign maintenance.
 - (a) No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsafe, unsightly or in disrepair so as to endanger the public or to become a public nuisance as shall be determined by the Town Board. Also, any sign referencing a location, business, operation, service or product which no longer exists or continues to offer service to the public shall be removed within six (6) months of such discontinuance, unless a waiver shall be granted by the Town Board, as the case may be.
 - (b) In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the governing body may institute appropriate civil or criminal actions to remedy the violation, abate the nuisance and assess the costs associated therewith to the violator by attachment to the real property tax bill for the parcel in question.

TOWN OF DEERPARK ZONING LAW § 5.8 - SCHEDULE OF SIGN REGULATIONS

	Prohibited Signs	Signs Allowed Without Permits	Signs Allowed With Permits from Enforcement Officer	Maximum Sign Surface Area Allowed for All Lot Signs Combined		Signs Permitted Upon Review by Planning Board
				Freestanding	Wall Signs	
RESIDENTIAL DISTRICTS (NR, RRC and PRD)	Roof signs Signs extending above the top or the end of exterior walls by any means Freestanding signs over 10 feet in height from grade level Portable sign structures Signs extending over public rights-of-way Signs resembling traffic signals or official traffic signs Signs unrelated to permitted uses on a property Signs not specifically allowed or permitted in this district Flashing, oscillating and neon signs and signs with spotlights directed away from the sign Revolving or moving signs	Two (2) non-illuminated real estate signs of sixteen (16) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of sixteen (16) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. Temporary signs of twelve (12) sq. ft.. One (1) home occupation sign of four (4) sq. ft. (up to 8 sq. ft. if ground sign is used) One (1) folding sandwich board signs of twelve (12) sq. ft. per side Traffic directional signs	All other signs require Planning Board approval.	One (1) sq. ft. per five (5) feet of lot frontage or fifty (50) sq. ft. total for both sides combined for all signs, whichever is less.	Five percent (5%) of the building facade area or twenty-five (25) sq. feet, whichever is less. No more than 10% of any single building face shall be occupied with signs, however.	Subject to maximum sign surface area limits for all signs combined, any sign may be permitted following review and approval by the Planning Board using criteria found in §5.8.4.
RURAL RESIDENTIAL DISTRICT (RR)	Roof signs Signs extending above the top or the end of exterior walls by any means Freestanding signs over 10 feet in height from grade level Portable sign structures Signs resembling traffic signals or official traffic signs Signs unrelated to permitted uses on a property Signs not specifically allowed or permitted in this district Flashing and oscillating signs and signs with spotlights directed away from the sign Revolving or moving signs	Two (2) non-illuminated real estate signs of sixteen (16) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of sixteen (16) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. Temporary signs of twelve (12) sq. ft.. Incidental commercial signs of one (1) sq. ft. Replacement banners. One (1) home occupation sign of four (4) sq. ft. (up to 8 sq. ft. if ground sign is used) Two (2) folding sandwich board signs of twelve (12) sq. ft. per side	Two temporary or event advertising signs of thirty-two (32) sq. ft. erected no sooner than 45 days before an event and removed no later than 7 days following it. Non-event banners limited to 60 days each and thirty-two (32) sq. ft. total for all banners at any one time. Replacement banners require no permits.	One (1) sq. ft. per one (1) feet of lot frontage or seventy-five (75) sq. ft. total for both sides combined for all signs, whichever is less.	Ten percent (10%) of the building facade area or fifty (50) sq. ft., whichever is less. No more than 25% of any single building face shall be occupied with signs, however. Multiple business locations on a single property with a commercial directory shall each be limited to twenty-five (25) sq. ft. sign surface total.	Subject to maximum sign surface area limits for all signs combined, any sign may be permitted following review and approval by the Planning Board using criteria found in §5.8.4.

<p>ALL OTHER COMMERCIAL/INDUSTRIAL DISTRICTS (HMU, IB and I-1)</p>	<p>Roof signs Signs extending above the top or the end of exterior walls by any means Freestanding signs over 10 feet in height from grade level Portable sign structures Signs resembling traffic signals or official traffic signs Signs unrelated to permitted uses on a property Signs not specifically allowed or permitted in this district Flashing and oscillating signs and signs with spotlights directed away from the sign Revolving or moving signs Signs extending over public rights-of-way</p>	<p>Two (2) non-illuminated real estate signs of sixteen (16) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of sixteen (16) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. Temporary signs of twelve (12) sq. ft.. Incidental commercial signs of one (1) sq. ft. Replacement banners One (1) home occupation sign of four (4) sq. ft. (up to 8 sq. ft. if ground sign is used)</p>	<p>One commercial directory sign of twenty (20) sq. ft. per side plus individual business signs of ten (10) sq. ft. each. Not to exceed eight (8) feet high. Replaces other freestanding signs but not wall signs. Two temporary or event advertising signs of thirty-two (32) sq. ft. erected no sooner than 45 days before an event and removed no later than 7 days following it. Non-event banners limited to 60 days each and thirty-two (32) sq. ft. total for all banners at any one time. Replacement banners require no permits.</p>	<p>One (1) sq. ft. per two (2) feet of lot frontage or one-hundred (100) sq. ft. for both sides combined for all signs, whichever is less.</p>	<p>Ten percent (10%) of the building facade area or one-hundred (100) sq. ft., whichever is less, provided that multiple business locations on a single property with a commercial directory shall each be limited to twenty-five (25) sq. ft.. No more than 25% of any single building face shall be occupied with signs.</p>	<p>Subject to maximum sign surface area limits for all signs combined, any sign may be permitted following review and approval by the Planning Board using criteria found in §5.8.4. Neon striping or other similar brightly painted strips or building borders which are used to highlight or extend a sign shall not be counted in the sign surface area but shall be subject to review.</p>
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Town of Deerpark Zoning Law

§ 5.9 Cluster Development (Conservation Subdivisions).

1. The Town of Deerpark Planning Board shall be authorized, pursuant to § 278 of the Town Law and simultaneously with the approval of Development Plans under the Town of Deerpark Subdivision Regulations, to modify applicable provisions of this Zoning Law so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within the Town of Deerpark and be processed pursuant to subdivision Development Plan approval procedures.
2. The Planning Board may require conservation/cluster subdivisions, as a form of development, in those instances where conventional subdivisions or residential developments would cause significant loss of open space or otherwise result in significant negative environmental impacts.
3. Conservation/cluster subdivisions provide for one-family or two-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings. Proposed developments shall be processed in the same manner as a major subdivisions and in accord with the standards below.
4. Conservation/cluster subdivisions shall include at least five (5) lots and the Planning Board shall have the authority to require an alternative Sketch Development Plan, for any subdivision of ten (10) lots or more, depicting how the property might be developed using this technique. If this alternative Sketch Development Plan is determined to provide a superior design in accord with the purposes of this Law and the same density can be achieved the Planning Board may than require use of this technique.
5. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:
 - (a) All areas within the rights-of-way of any existing or proposed streets; and
 - (b) All areas occupied by public utility easements.
 - (c) All wetlands, floodplains, slopes of 15% or more, water bodies and other undevelopable areas.

The net figure shall then be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.
6. Only one-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings.
7. Development standards for lot size, lot width and lot depth may be reduced, provided no dwelling structure (one-family or two-family) is located on less than 43,560 square feet of land where on-site sewer and water facilities are to be provided or 10,000 square feet of land where centrally supplied sewer and water facilities are to be provided; and further provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this Law plus a bonus of up to 20%, as determined from the basic Sketch Plan submission. Yard requirements may also be reduced, but in no instance to less than twenty (20) feet.
8. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space and at least 50% of the such open space shall be usable for active recreational activities by residents of the subdivision and not include water bodies, wetlands, floodplains, slopes over 15% in grade or other undevelopable areas.

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9. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement titled to a property owner's association (POA), land conservancy, municipality or similar entity, prior to the sale of any lots or dwelling units by the subdivision. Membership in any POA shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

§ 5.10 Upper Delaware River Provisions.

Areas within the boundaries of the RRC Recreational River Corridor District or the Upper Delaware National Scenic and Recreational River shall be subject to the following requirements:

1. Potential impacts on the River from stormwater runoff and waste disposal shall be assessed in connection with any Special Use proposed within the corridor.
2. Junkyards and salvage operations, airports, solid waste disposal sites, manufacturing and commercial uses which involve more than two-thousand (2,000) square feet of floor area or five (5) employees (except for recreational facilities and small hotels/motels as provided below) shall not be permitted in the River corridor. This shall not be construed, however, to permit any use not otherwise permitted in the RRC Recreational River Corridor District.
3. New outdoor recreation facilities shall be limited to those which are designed for relatively short use periods and do not provide other than rudimentary visitor services or include infrastructure development other than as required to meet State health codes. Major commercial recreational development which could have significant impacts on land and water resource values, including but not limited to amusement parks, drive-in theatres, auto race tracks, sports arenas, etc. shall not be permitted in the corridor.
6. Where permitted, small hotels and motels (those with 12 or fewer rooms) within the corridor shall be located adjacent to arterial roads and designed to be compatible with the natural and scenic characteristics of the River corridor.
7. Buildings shall not be located so close to the ridgeline of the River valley as to create potential erosion, sedimentation or landslide conditions.
8. All Special Uses shall be subject to a determination by the Planning Board that the proposed activity will conform with the recommendations of the Upper Delaware River Management Plan.

§ 5.11 Animal Husbandry, Animal Hospitals and Commercial Agriculture.

The following additional standards must be met in conducting animal husbandry and commercial agricultural operations:

1. No offensive odor or dust producing substance or any use producing incessant odor or dust may be permitted within 100 feet of any property line.
2. In districts where animal husbandry is allowed a Special Use permit is necessary where animal husbandry is in excess of one livestock unit per acre of land. A livestock unit shall, for purposes of this Law, be one cow, two calves, two horses, two ponies, two pigs, two goats, two sheep, one-hundred fowl or fifty rabbits. Livestock units for unspecified animals shall be determined by the Planning Board on a case by case basis, using these

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numbers as a guide.

3. Any animal husbandry use shall require a minimum of three (3) acres and minimum front, rear and side yards of fifty (50) feet each.
4. Boarding or livery stables, riding academies and breeding farms shall require a minimum of 10 acres and minimum front, side and rear yards of 200 feet. Within the Recreational River Corridor District, such uses shall conform to the River Management Plan and shall be subject to Special Use review.
5. Animal hospitals, veterinary offices, commercial or not-for-profit kennels shall be prohibited in the Recreational River Corridor District and in those districts where permitted shall be subject to the following standards:
 - (a) The minimum lot size for an animal hospital and a veterinary office shall be two acres.
 - (b) The minimum lot size for a commercial or a not-for-profit dog kennel (a structure used for harboring 5 or more dogs or cats with or without attendant commercial services such as grooming, breeding or veterinary care) shall be 10 acres.
 - (c) No kennel, runway or exercise pen shall be located within 200 feet of any lot or street line.
 - (d) No building or part thereof shall be erected nearer than 50 feet of any lot line.
 - (e) Animals shall be kept within a totally enclosed and suitably ventilated building between the hours of sundown and sunrise.
 - (f) The keeping or boarding of any dogs by a veterinarian shall conform to the requirements for a commercial kennel.
6. "Canned hunting" operations where game is stocked on a property and the privilege of hunting the same is extended to individuals on the basis of remuneration throughout the year or beyond the normal legal hunting season, shall be classified as Special Uses and allowed only in the ____ and ____ Districts. Such operations shall be subject to No. 1 through 4 above and further be subject to the following:
 - (a) Evidence of legal authority from the NYS Department of Environmental Conservation to engage in the operation shall be provided with the Special Use application and at the time of any renewals.
 - (b) All game and persons hunting the same shall be restricted from encroaching upon adjacent properties by the construction of fencing sufficient for that purpose as shall be determined by the Planning Board, including setbacks as may be required to protect the neighboring property owners from all intrusions, noise and other nuisances.
 - (c) The use of firearms and other noise-causing devices shall be restricted to normal working hours.
 - (d) Off-street parking consistent with the demands of this Law shall be provided to accommodate all visitors.
 - (e) The number of animals maintained for canned hunting purposes shall be limited in accord with No. 2 above based on similarities with those animals listed. (e.g. a deer would be considered similar to a goat and two deer would, therefore, equal a "livestock unit").

§ 5.12 Camps and Conference Centers.

1. Camps shall provide a minimum of 10,000 square feet per cabin site and the same for each principal building.

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2. No tent, activity area or recreational facility shall be located nearer than 100 feet from any public road and 100 feet from any adjoining property line.
3. Buildings and sleeping quarters (except tents) shall be set back 30 feet distance from each other; and tents shall be set a minimum of ten feet apart.
4. Cabins or cottages designed for one-family occupancy only shall be permitted.
5. Accessory recreational facilities shall be set back 200 feet from all lot lines and shall be effectively screened along lot lines as required by the Planning Board.
6. If floodlighting is used, exterior lighting shall be restricted to that essential for the safety and convenience of the users of the premises; and the source of such illumination shall be shielded from the view of all surrounding streets and lots.
7. The Planning Board may permit the use of outdoor public address systems, provided that no more sound shall carry beyond the limits of the camp site than would be inherent in the ordinary residential use of the property.
8. All structures and uses shall be effectively screened along lot lines, as required by the Planning Board.
9. All provisions of the Sanitary Code or such other regulations of the County Health Department pertaining to camps and their sanitary facilities must be met.

§ 5.13 Hotels, Motels and Resorts.

Hotel, motel and resort establishments, where permitted, shall require Special Use review by the Planning Board and be subject to the following standards:

1. A site to be used for a motel, hotel or resort establishment shall include an office and lobby and may include accessory uses as follows: Restaurants, coffee shop or cafeteria providing food and drink, amusement and sport facilities such as a swimming pool, children's playground, tennis or other game sports, and game or recreational rooms.
2. Lot area shall be a minimum of five acres plus one acre for each 15 rooms beyond the first 50 with not less than 200 feet frontage on a town, county, state or federal highway.
3. No motel unit or dwelling unit shall be within 150 feet from any other road or within 50 feet of the lot line.
4. All principal and accessory buildings and structures shall cover a total of not more than 30 percent of the site. There shall be no more than one motel dormitory unit for every thousand square feet of site area or one for every 750 square feet for second story units. No building or structures shall be more than two stories or 25 feet in height.
5. Dormitory units shall not be interconnected by interior doors in groups of more than two units. The maximum length of any single motel building shall not exceed 150 feet. The total interior floor area of each dormitory unit, inclusive of bathroom and closet space, shall not be less than 250 square feet. Distance between buildings shall not be less than 25 feet.
6. Point of ingress and egress shall be limited to a total of two on any street. All off-street parking areas shall be at least 25 feet from all property lines and parking areas serving a restaurant, cafeteria or coffee shop shall be at least 20 feet from all motel dormitory units.

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7. Individual hotel, motel and resort rooms shall not contain kitchen facilities of any nature, and shall not be used as apartments for non-transient tenants or other single-room occupancy residential uses.
8. No hotel, motel or resort use shall be permitted which is intended to accommodate activities of a health care, rehabilitative or medical nature. Such facilities shall be considered separate uses and limited to those zoning districts where specifically permitted by listing on the Schedule of District Regulations.

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Article 6 Nonconforming Uses and Structures

§ 6.1 Rights to Continue Nonconforming Uses.

1. A use, building, lot or structure lawfully in existence as of the effective date this law and non-conforming with it or any subsequent amendment may be continued, except as otherwise provided herein with respect to specific uses. Upon request, the Code Enforcement Officer may issue Certificates of Non-Conformance to owners or operators of bona fide non-conforming uses, buildings or structures who desire confirmation of their rights hereunder.
2. It is the purpose of this Article to limit the injurious impact of non-conforming uses, buildings, lots and structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses, buildings or structures may not be contrary to the public interest or the general purpose of this Zoning Law, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration.
3. It is further the purpose of this Article to set forth those standards which are to be applied by the Town in determining the reasonableness of proposals to alter, continue or extend a non-conforming use and to establish when Town review and approval shall be required for such actions.
4. The protections extended by this Article to existing non-conforming uses, buildings, lots or structures, commonly known as "grandfathering", shall not extend to any non-conforming activity occurring subsequent to the effective date of this law, as amended.

§ 6.2 Normal Maintenance and Repairs.

1. Normal maintenance and repair activities, such as painting, replacing a roof or fixing gutters, shall be permitted. Also permitted are alterations, such as adding or removing windows, and interior renovations that do not structurally alter buildings, add living areas or result in extended or increased non-conforming use of a building, lot or structure.
2. Increases in outside storage or display of retail or wholesale inventory, which in the ordinary course of business would be sold within one year, shall be permitted, provided they do not eliminate parking spaces, unoccupied open spaces or accesses required by this law. Notwithstanding this provision, however, the Planning Board, in reviewing any Special Use application for expansion or upon determining, with respect to any present use, that a condition exists which requires remedies, may establish limits on such storage or display or require removal of inventory (altogether or to another location on the site) to preserve adequate sight distances and residential buffers or otherwise protect public health, safety and welfare.

§ 6.3 Restoration, Reconstructions or Re-establishment.

1. If less than 75% of the floor area of any non-conforming use, building or structure is damaged, it may be restored or reconstructed within eighteen (18) months of the date of the damage, with an extension in time allowable where proven necessary to the Planning Board. If more than 75% is affected, then the replacement or reconstruction shall be permitted by Special Use permit.
2. A non-conforming use, building or structure may be re-established within a period of twelve (12) months after it has been discontinued or vacated, with an extension of twelve (12) months allowable where proven necessary to the Planning Board.
3. A non-conforming use, building or structure shall be considered abandoned under the following circumstances:

Town of Deerpark Zoning Law

- (a) The intent of the owner to discontinue the use is made obvious by the posting of signs, boarding up of windows, failure to pay taxes or assessments or other measures which demonstrate the enterprise is going out of business or the use is otherwise ending; or
 - (b) The building has not been occupied for twelve (12) months or more; or
 - (c) The non-conforming use has been replaced by a conforming use or changed to another use under permit from the Town; or
 - (d) The equipment and furnishings used in furtherance of the non-conforming use have been removed from the premises.
4. The Code Enforcement Officer, on determining these circumstances exist, shall, by certified mail, so notify the property owner of record, informing the owner the use is considered abandoned and may not be re-established once a period of twelve (12) additional months has expired. If an owner cannot be reached through the mail, the Code Enforcement Officer shall publish the notice once in a newspaper of general circulation in the Town and/or post the property and the owner shall be presumed to have been notified.

§ 6.4 Changes and Additions.

Excepting for activities provided for in § 6.3 above and accessory uses, all changes and additions to non-conforming uses shall be considered Special Uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Planning Board that the following conditions have been, or will be, satisfied.

- 1. There shall be no expansion in the amount of land area outside a non-conforming facility which is used for storage of materials, supplies and/or products, excepting with respect to those types of uses outlined in § 6.2.2 above and § 6.4.3 below.
- 2. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a lumberyard), the Planning Board may require dense evergreen screening sufficient to shield all such materials from the view of adjacent landowners and/or the traveling public.
- 3. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located in any material way. Moreover, no change of use shall be to one of less restrictive classification, as determined by the Planning Board. A non-conforming retail enterprise could be converted to a barber shop, for example, but not to an industrial use.
- 4. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this law. The U.S.D.A. Soil Conservation Service, a Professional Engineer or other appropriate professional may be relied upon to recommend appropriate measures to control storm water runoff. Such measures shall be attached as conditions of approval by the Planning Board.
- 5. In no case will a change, addition or extension of a non-conforming use be allowed which would result in a traffic increase which would decrease the Level of Service for the highway, the diversion of traffic closer to a nearby residence or a substantial modification of any of the parking and unloading requirements of this law. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this law, the Planning Board may require vegetative screening of the parking area from nearby residential areas.
- 6. The use may only be expanded or extended onto another property of record if; that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this law or amendments hereto and the use is not one which has been altogether prohibited as a new use under this law.

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7. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Town or is determined by the Planning Board to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this law, the requested expansion or extension shall be denied.

§ 6.5 Use of Existing Non-conforming Lots of Record.

A structure may be erected on any existing lot of record, providing the owner does not own adjoining property; no yard is reduced to less than fifty (50) percent of the requirement for the district in which it is located or ten (10) feet, whichever is greater; and a sewage disposal system meeting New York State standards can be placed on the lot should public facilities be unavailable.

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Article 7 Special Use and Site Plan Review Procedures

The Town of Deerpark Planning Board is authorized, in accordance with Sections 274-a and 274-b of the New York State Town Law, to review and approve, approve with modifications or disapprove Special Uses and site plans connected therewith. Site plan review shall be required for all Special Use permits and such other uses as the Town Board may from time to time designate by local law. The following procedures shall apply:

§ 7.1 Preliminary Site Plan.

An applicant for a Special Use permit may submit a preliminary site plan for review and advice by the Planning Board. Such a preliminary site plan should provide locations and dimensions of the proposed use in relation to the property boundaries and adjacent uses. It should also indicate all accesses and improvements both existing and proposed and any site features which could have a bearing on the project including the general topography and existing ground cover. This preliminary plan shall be used by the Planning Board as a basis for advising the applicant regarding information it shall require on the site plan before it conducts a public hearing or takes any action with respect to the plan. The Planning Board shall give no approval or disapproval regarding any preliminary site plan but may use it to schedule a public hearing if sufficient data is available, determine if any provisions of this article should be waived or begin its review of the application under the New York State Environmental Quality Review Act ("SEQR").

§ 7.2 Application and Site Plan Required.

The Planning Board shall be under no obligation to schedule a public hearing or take any action with respect to a Special Use permit application until formal application has been made on forms provided by the Board and a detailed site plan providing the following information has been submitted:

1. The location of all existing watercourses, wooded areas, rights-of-way, roads, structures or any other significant man-made or natural feature, if such feature has an effect upon the use of said property.
2. The location, use and floor or ground area of each proposed building, structure or any other land use, including sewage disposal and water supply systems.
3. The location of all significant landscaping and ground cover features, both existing and proposed, including detailed planting plans and a visual depiction or rendering of the final appearance of the property after all landscaping and other physical improvements are completed.
4. The location, dimensions and capacity of any proposed roads, off-street parking areas or loading berths, including typical cross-sections for all paving or regrading involved.
5. The location and treatment of proposed entrances and exits to public rights-of-way, including traffic signals, channelizations, acceleration and deceleration lanes, widenings or any other measure having an impact on traffic safety conditions.
6. The location and identification of proposed open spaces, parks or other recreation areas.
7. The location and design of buffer areas and screening devices to be maintained.
8. The location of trails, walkways and all other areas proposed to be devoted to pedestrian use.
9. The location of public and private utilities, including maintenance facilities.
10. The specific locations of all signs existing and proposed, including a visual depiction of the latter.

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11. Preliminary architectural plans for the proposed buildings or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
12. A completed SEQR Environmental Assessment.
13. Any other information required by the Planning Board which is clearly necessary to ascertain compliance with the provisions of this law and limited to such information.

§ 7.3 Waivers.

The Town of Deerpark Planning Board shall, pursuant to Section 274-a(5) of the Town Law, have the right to waive, when reasonable, any of the requirements of this article for the approval, approval with modifications or disapproval of Special Use permits and site plans submitted for approval. This waiver authority may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, or general welfare or are inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

1. No waiver shall result in allowing a use not permitted within the applicable Zoning District.
2. No waiver shall be given with respect to standards outside the scope of this article which would otherwise require a variance from the Zoning Board of Appeals.
3. Waivers shall be limited to those situations where the full application of the requirements contained herein would generate unnecessary data and create unnecessary costs with regard to deciding the matter at hand, due to the scope or nature of the project involved. The proposed enclosure of a deck or a simple change of use with no significant structural modifications in the case of a commercial property, for example, might not require typical cross-sections for proposed regrading or water supply data.
4. An applicant for site plan approval who desires to seek a waiver of certain of the above-referenced requirements pertaining to such applications shall submit a preliminary site plan as provided above. The Planning Board shall review the preliminary site plan, advise the applicant as to potential problems and concerns and determine if any additional site plan information is required. The Planning Board shall consider such site plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards contained herein and the intent of site plan review criteria found below.
5. Nothing herein shall authorize the Planning Board to waive State Environmental Quality Review requirements.

§ 7.4 Hearing and Decision.

The Planning Board shall fix a time, within sixty-two (62) days from the day an application for a Special Use permit or site plan approval is made, for the hearing of any matter referred to under this section. It shall give public notice of such hearing at least five (5) days prior to it in a newspaper of general circulation in the Town and decide upon the application within sixty-two (62) days after such hearing. It shall not, however, grant approval before a decision has been made with respect to environmental impacts pursuant to SEQR. The decision of the Planning Board shall be filed in the office of the Town Clerk and a copy thereof mailed to the applicant within five (5) business days after such decision is rendered.

§ 7.5 Conditions.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental the proposed Special Use permit or site plan. Upon approval of said permit and/or plan, any such conditions shall be met prior to the actual issuance of permits by the Town. These conditions may include requirements of the applicant to provide parkland or to provide fees in lieu thereof pursuant to Section 274-a(6) of the New York State Town Law.

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§ 7.6 Referrals.

The Planning Board is authorized to refer Special Use permit applications and site plans to other agencies, groups or professionals employed or used by the Town for review and comment and to charge the applicant fees for any reasonable expenses connected therewith. The Board shall, in particular, ensure that the requirements of Section 239-m of the General Municipal Law regarding review by the Orange County Planning Department are met. It shall also comply with all requirements of the New York State Environmental Quality Review Act.

§ 7.7 Appeals.

Any person aggrieved by any decision of the Planning Board or any officer, department, board or bureau of the town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

§ 7.8 Effect of Site Plan Approval.

The site plan as approved by the Planning Board shall be binding upon the applicant. Any changes from the approved plan shall require re-submission and reapproval by the Planning Board. The site plan shall remain effective, as an authorization to establish the use, for a maximum of two (2) years from the date of approval unless the Planning Board shall have granted an extension in writing. Absent such an extension the Special Use shall be deemed to have expired. A Special Use which has been discontinued for a period of two (2) or more years shall also be deemed to have lapsed.

§ 7.9 Renewal of Permits.

The Planning Board may require, at the time it is initially granted, that any Special Use approval be renewed periodically. Such renewal shall be granted following public notice and hearing and may be withheld only upon a determination that the conditions attached to any previous approval have not been met. A period of sixty-two (62) days shall be granted the applicant in such cases to make remedies and bring the use into full compliance with the terms of the Special Use approval. Should the applicant fail to make such remedies, the Special Use approval shall be revoked and the use immediately discontinued.

§ 7.10 Conformity with Other Plans, Laws and Ordinances.

The Planning Board, in reviewing the site plan, shall consider its conformity to the Town of Deerpark Master Plan and the various other plans, laws and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire town shall be part of the Planning Board review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following:

1. Building design and location. Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the crestlines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to an arbitrary national franchise concept.
2. Large commercial buildings. Commercial facades of more than one-hundred (100) feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in rooflines should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks and accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the

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- principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape defined pedestrian walkways breaking up all parking areas.
3. Lighting and signage. Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred.
 4. Parking and accessory buildings. Parking areas should be placed in the rear whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.
 5. Drainage systems. Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.
 6. Driveway and road construction. Whenever feasible, existing roads onto or across properties should be retained and re-sued instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated traffic flows.
 7. Construction on slopes. The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multi-storied with entrances at different levels as opposed to regrading the site flat.
 8. Tree borders. New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes and interior access drives which preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders should be permitted to recover density on the interior of their property through use of clustering.
 9. Development at intersections. Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.
 10. Streets and sidewalks. Cul-de-sac and dead-end streets should be discouraged in favor of roads and drives which connect to existing streets on both ends. Streets within residentially developed areas should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas and pedestrian access should be encouraged.
 11. Setbacks. New buildings on a street should conform to the dominant setback line and be aligned parallel to the street so as to create a defined edge to the public space.

§ 7.11 Special Use Review Criteria.

The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the Special Use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

1. Whether the proposed use will result in an overconcentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.

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2. Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Deerpark.
3. If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.
4. Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.
5. Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire-district expenses.
6. Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this law and the Town's Master Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.

§ 7.12 Landscaping Standards Applicable to Special Uses.

1. The Planning Board may, to assure an acceptable buffer between adjacent residential and non-residential uses and create a healthy, safe and aesthetically pleasing environment in the Town, require a landscape plan be prepared as part of any Special Use application. Such a plan may also be required whenever any non-residential use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses. Where it is determined that a proposed Special Use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified by the Planning Board.
2. The landscape plan, if required, shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan.
3. The Planning Board, in reviewing a landscape plan, may employ the assistance of design professionals. The Planning Board shall also specifically consider the following before approving, approving with modifications or disapproving the Special Use:
 - (a) The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
 - (b) The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
 - (c) The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.
 - (d) The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.

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- (e) The plan should be realistic in terms of maintenance and use materials which, as a minimum, are winter hardy to Zone 4.

Consideration and determination of the adequacy of the above plan requirements are at the Planning Board's discretion.

- 4. Landscaping Guideliness. The following minimum specifications are suggested guidelines that the Planning Board may apply when new landscaping is required:
 - (a) The minimum branching height for all shade trees should be six (6) feet.
 - (b) Shade trees should have a minimum caliper of three (3) inches (measured 4 feet above grade) and be at least twelve (12) feet in height when planted.
 - (c) Evergreen trees should be a minimum of six (6) feet in height when planted.
 - (d) Shrubs should be a minimum of 24" in height when planted. Hedges shall form a continuous visual screen within two (2) years after planting.
 - (e) A buffer screen at least fifteen (15) feet in width along any residential lot line should be provided. It shall include, at a minimum, an opaque wooden stockade fence six (6) feet in height and one (1) evergreen tree for every fifteen (15) linear feet of property line. An additional row of evergreens meeting these standards, and off-set such that each row serves to place trees between the gaps of the other, should be permitted as a substitute for the stockade fence.
 - (f) A landscape strip at least fifteen (15) feet in width, that includes at least one (1) deciduous tree for every 35 linear feet of perimeter lot line should be required for any non-residential use. Such deciduous trees should also be accompanied by smaller shrubs and ground cover as may be required to effectively separate and buffer the activity from the highway but still allow for visibility of the use. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line.
 - (g) All lot area (except where existing vegetation is preserved) should be landscaped with grass, ground cover, shrubs, or other appropriate cover.
 - (h) The preservation of mature shade trees should be required unless there is no alternative but to remove them. These may be used to meet requirements of this section provided the Code Enforcement Officer or Planning Board, as the case may be, determines the purpose of this section is achieved.
- 5. A performance guarantee in a form acceptable to the Town Attorney in the amount of one-hundred-twenty-five percent (125%) of the cost of materials and installation may be required to assure that all landscaping survives in a healthy condition one (1) full year. The Code Enforcement Officer or Planning Board, as the case may be, shall determine the amount of the guarantee and consider financial impacts of this requirement on the project. The Code Enforcement Officer shall have the right to enter upon the property to inspect the landscaping and, after notifying the owner of any deficiencies, to require that the guarantee be used to pay for the replacement of any dead, dying, diseased, stunned or infested plant materials.
- 6. All applicable requirements of these landscaping regulations imposed by the Planning Board shall be fully met prior to the Code Enforcement Officer granting a Certificate of Occupancy for a new building or use subject to these regulations.

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Article 8 Administration and Enforcement

§ 8.1 Code Enforcement Officer.

The Town Board shall provide for the services of a Code Enforcement Officer to simultaneously enforce the provisions of this Law and the Uniform Fire Prevention and Building Code Enforcement Law. Such Code Enforcement Officer shall examine all applications for permits, issue permits and/or certificates of occupancy for construction and uses which are in accordance with the requirements of this law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required. Permits requiring site plan review and Special Use approval, however, shall only be issued with approval of the Town of Deerpark Planning Board. Likewise, permits requiring variances of this law shall only be issued with approval of the Town of Deerpark Zoning Board of Appeals.

§ 8.2 Permit Requirements.

1. No person shall construct, erect, alter, convert or use any building or structure, or part thereof, nor change the use of any land, subsequent to the adoption of this law, until a building permit and/or Certificate of Occupancy has been issued by the Code Enforcement Officer. Applications for such permits shall be made to the Code Enforcement Officer prior to any construction activity and/or change in the use of land. The Officer shall review such applications and act upon them according to the requirements of this law, taking no action, however, until the Planning Board and/or Zoning Board of Appeals has first taken action, should the approval of either Board be required. A building permit shall authorize the applicant to proceed with construction proposed.
2. Prior to use of the structure or the change in use of the land, a Certificate of Occupancy shall be required and shall be issued by the Officer, provided all construction has been in accord with the building permit granted and/or the proposed use is in compliance with this law. The Code Enforcement Officer shall be authorized to make such inspections as he deems necessary to ensure that construction does, in fact, comply with this law.
3. The Code Enforcement Officer, with approval of the Town Board, may issue a temporary permit for an otherwise non-conforming structure or use which will promote public health, safety or welfare, provided such permit shall be of limited duration and the use or structure shall be completely removed within ninety (90) days of expiration of the activity for which it was granted. A temporary permit shall not be valid beyond this period or three (3) years from the date of issuance, whichever is shorter.
4. The Code Enforcement Officer shall ensure that all water supply and sewage disposal facilities proposed in connection with any building permit or Certificate of Occupancy application shall conform with New York State Department of Health guidelines.
5. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided that he is satisfied that the structure, building, sign and the proposed use conform with all requirements of this law, and that all other reviews and actions, if any, called for in this law have been complied with and all necessary approvals secured therefor.
6. When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this law, he shall refuse to issue a building permit or Certificate of Occupancy, as the case may be, and the applicant may appeal to the Zoning Board of Appeals.
7. A building permit or Certificate of Occupancy may be revoked by the Code Enforcement Officer upon a finding that information provided in the application was inaccurate or invalid or that the construction or use has proceeded in a manner not consistent with the permit(s) granted.

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8. No change of use shall be made in any building, structure or premises now or hereafter erected or altered that is not consistent with the requirements of this law. Any person desiring to change the use of his premises shall apply to the Code Enforcement Officer for a Certificate of Occupancy. No owner, tenant or other person shall use or occupy any building or structure or premises thereafter erected or altered, the use of which shall be changed after the passage of this law, without first procuring a Certificate of Occupancy; provided, however, that an Certificate of Occupancy, once granted, shall continue in effect so long as there is no change of use, regardless of change in tenants or occupants.
9. Though compliance with the development and use standards of this Law will still be required, the following activities shall not demand permits, except as may be required by the New York State Uniform Fire Prevention and Building Code:
 - (a) Above-ground swimming pools of two (2) feet or less in depth.
 - (b) Portable structures of less than one-hundred-forty-four (144) square feet in size which are unoccupied and intended for storage.
 - (c) Patios, fences and landscape improvements.
 - (d) All non-structural accessory uses of a residential or temporary nature (30 days or less).
10. All applications shall be made on forms as shall be developed and periodically updated by the Code Enforcement Officer. Applications shall include plot plans and such other information as is required to determine compliance with the requirements of this law.
11. A zoning permit shall expire after twenty-four (24) months if the applicant fails to complete the improvements as approved. An extension may be approved by the Code Enforcement Officer for good cause (such as seasonal weather conditions) provided that any extension of more than twelve (12) months or subsequent extension of any length shall require approval of the Town Board.
12. Accessory building permits shall not be issued in advance of permits for principal permitted or Special Uses or without an existing principal use in place and being operated on an on-going basis. Passive uses such forestry shall not qualify for this purpose. Accessory uses permitted under such circumstances shall be limited to those with the tangible and primary purpose of serving the principal use.
13. The Code Enforcement Officer may issue a Certificate of Occupancy and/or Compliance to any legally existing use, provided the owner thereof so certifies and the Officer's investigations do not indicate otherwise.
14. No permits shall be issued for any new uses where there are unremedied existing violations.

§ 8.3 State Environmental Quality Review Act Compliance.

All actions taken with respect to this law shall comply with the New York State Environmental Quality Review Act ("SEQRA") and applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.

§ 8.4 Violations and Penalties.

1. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. Nothing herein shall, however, restrict the right of the Code Enforcement Officer to act on a violation absent a complaint.

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2. Should any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used in violation of this law, the Town Board or the Code Enforcement Officer, in addition to other remedies, may institute an appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
3. A violation of this law shall be subject to those penalties provided for in the Uniform Fire Prevention and Building Code Enforcement Law of the Town of Deerpark.
4. The Code Enforcement Officer or acting Code Enforcement Officer, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Town of Deerpark.

§ 8.5 Fees.

The Town Board shall, by resolution, establish and periodically update a schedule of uniform fees, charges and expenses associated with the administration and enforcement of this law. Such schedule may provide for the assessment to applicants of professional costs incurred in the processing and/or review of the applications made pursuant to this law.

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Article 9 Zoning Board of Appeals

§ 9.1 Establishment and Membership.

1. There is hereby established a Zoning Board of Appeals having the powers authorized under the New York State Town Law. Said Board shall consist of five (5) members of staggered 5-year terms, including a chairperson, appointed by the Town Board. Appointments shall be in accordance with the New York State Town Law and an appointment to a vacancy occurring prior to the expiration of a term shall be for the remainder of the unexpired term. In the absence of a Town Board appointment of a chairperson the Board of Appeals may designate a member to serve as acting chairperson. The Town Board may also provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper. In making such appointments, the Town Board may further require Board of Appeals members to complete training and continuing education courses.
2. The Town Board shall also supersede the New York State Town Law pursuant to the Municipal Home Rule Law and, during the annual reorganization meeting of Town Board, appoint an alternate member of the Zoning Board of Appeals to serve for a term of one (1) year or until a successor is appointed. Such alternate member shall attend meetings and act in the capacity of a full member whenever regular members cannot attend or must recuse themselves due to conflicts of interest. Alternate members shall not participate in the Board's deliberation of any matter in which they are not called upon to act in replacement of a full member.

§ 9.2 Powers and Duties.

1. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official(s) charged with the enforcement of this law and to that end shall have all powers of the administrative official(s) from whose order, requirement, decision, interpretation or determination the appeal is taken.
2. Use variances.
 - (a) The Board of Appeals, on appeal from the decision or determination of the administrative officials charged with the enforcement of this law, shall have the power to grant use variances, as defined herein.
 - (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable regulations and restrictions of this law have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that;
 - (1) he or she cannot realize a reasonable return, provided lack of return is substantial as demonstrated by competent financial evidence;
 - (2) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) the alleged hardship has not been self-created.
 - (c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall

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deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances.

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative officials charged with the enforcement of this law, to grant area variances as defined herein.
- (b) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
 - (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (3) whether the requested area variance is substantial;
 - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (6) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- 4. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 9.3 Procedures.

- 1. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
- 2. Meeting of the Zoning Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- 3. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days

Town of Deerpark Zoning Law

and shall be a public record. Every decision of the Board of Appeals shall be made by resolution and include findings establishing the basis of the decision.

4. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. It shall also have authority to refer matters to the Town Planning Board for review and recommendation prior to making a decision.
5. Except as otherwise provided herein, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative officials charged with the enforcement of this law. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town.
6. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officials charged with the enforcement of this law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
7. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative office, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
8. The Board of Appeals shall fix a reasonable time, no more than sixty-two (62) days following application, for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney. The hearing shall be conducted in accordance with rules of the Board of Appeals. Such rules shall permit cross-examination by parties, provide for evidentiary procedures and allow for rehearings on the unanimous vote of the members present.
9. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may, however, be extended by mutual consent of the applicant and the Board.
10. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
11. At least five (5) days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the Orange County Planning Department, as required by Section 239-m of the General Municipal Law. No Board of Appeals decision shall be made except in conformance with such 239-m procedures including requirements for an affirmative vote of no less than four (4) members of the Board if it shall determine to approve an application which the County has recommended it disapprove or modify.

APPENDIX B

Recommended Subdivision Regulations Update

Town of Deerpark

Orange County, New York

SUBDIVISION REGULATIONS

Prepared by:

Town of Deerpark Planning Board

April, 2002



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Upper Delaware Council, Narrowsburg, NY 12764
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I.0 General Provisions

I.1 Authority

- I.1.1 This Law is adopted under the authority provided to the Town of Deerpark by the New York State Town Law, Municipal Home Rule Law and the State Environmental Quality Review Act.
- I.1.2 The Town of Deerpark Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Town of Deerpark, pursuant to § 276 of the Town Law.
- I.1.3 The Planning Board shall be also authorized and empowered, to approve the development of those plats, filed in the office of the County Clerk prior to the enactment of Subdivision Regulations in the Town of Deerpark, where twenty percent or more of the lots are unimproved unless existing conditions such as poor drainage have prevented their development.
- I.1.4 The Planning Board shall be further authorized and empowered, pursuant to § 278 of the Town Law and simultaneously with the approval of a plat or plats, to modify applicable provisions of the Town of Deerpark Zoning Law, subject to the conditions set forth in § 278 and later herein.
- I.1.5 The regulations which follow have been prepared by the Town of Deerpark Planning Board and are approved and adopted by the Town Board of the Town of Deerpark as local law pursuant to the authority of the New York State Municipal Home Rule Law.

I.2 Purposes

This Law is adopted for the following purposes;

- I.2.1 Promoting the orderly growth and development of the Town in accordance with the Town of Deerpark Comprehensive Plan.
- I.2.2 Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
- I.2.3 Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
- I.2.4 Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Deerpark.

I.3 Jurisdiction

- I.3.1 Regardless whether or not any formal conveyance by metes and bounds shall be made, when any subdivision of land is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision shall be issued or any grading, clearing, construction or other improvements shall be undertaken, the subdivider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this Law.
- I.3.2 It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence

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of such subdivision approval, a prospective purchaser shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.

- 1.3.3 The regulations of this Law shall not apply to lot improvements as defined herein (see § 3.7). The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Deerpark, and for recording purposes only, to represent an exempt lot improvement in accord with Section 3.7 of the Town of Deerpark Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board.

I.4 Interpretation, Conflict and Separability

- 1.4.1 The provisions of this Law, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 1.4.2 This Law is not intended to interfere with, abrogate, or annul any other law, rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. This Law, however, shall repeal and replace in their entirety previous Subdivision Regulations approved by the Town Board, including all amendments thereto preceding the enactment of this Law as local law.
- 1.4.3 If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

I.5 Waivers

- 1.5.1 Applications for waivers of standards or procedures shall ordinarily be submitted in writing by the subdivider at the time the preliminary plat is filed. The application shall state fully the grounds on which it is made.
- 1.5.2 The Planning Board may, by resolution, authorize a waiver or modification of the regulations of this Law when, in its opinion, unreasonable restriction will result from strict compliance.
- 1.5.3 Waiver applications shall, in those instances where the Planning Board determines they could, if granted, have an impact on adjoining properties, be subjected to a public hearing at the applicant's expense.
- 1.5.4 Any resolution by the Planning Board authorizing a waiver of these regulations shall include the basis for its finding that unreasonable hardship will result from strict compliance with this Law.
- 1.5.5 In authorizing a waiver, the Planning Board shall attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations. No waiver shall be granted which would substantially change the character of an area or compromise the purposes of these regulations.

I.6 Appeals

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Any person or persons, jointly or severally aggrieved by the decision of the Planning Board or Town in regard to the administration of this Law may apply to the supreme court for review under article seventy-eight of the civil practice laws and rules.

I.7 Violations and Penalties

- I.7.1 Any person who shall lay out, construct or open any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings located or abutting thereon, or who sells, transfers, rents, leases, conveys by other means, or agrees or enters into an agreement to do the same with any land in a subdivision, unless and until a final plat has been prepared, approved and recorded in full compliance with the provisions of this Law, shall be deemed to have committed a violation of this Law and shall be liable for such violation.
- I.7.2 Any person found in violation of this Law shall be subject to a fine not exceeding three hundred fifty dollars (\$350) per lot, parcel or dwelling. All fines collected for such violations shall be paid over to the Town of Deerpark.
- I.7.3 Each day that a violation continues shall be a separate violation, but nothing herein shall require the Town to post separate notice each day that a violation continues.
- I.7.4 The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- I.7.5 The Town shall be authorized to initiate and maintain a civil action to obtain a writ of injunction against subdividers who attempt the improper sale, lease, or conveyance of land, or to set aside and invalidate any conveyance of land made prior to Town approval. It shall take other action as necessary to prevent or remedy any violation.

I.8 Amendments

Amendments to this Law shall be made pursuant to the New York State Municipal Home Rule Law. Also, should provisions of New York State Town Law be amended to require actions different from those specified herein, the State requirements shall prevail.

I.9 Effective Date

This Law shall be effective immediately upon enactment.

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2.0 Definitions

2.1 General

As used in this Law, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of this Law are defined as mandatory.

2.1.1 For the purpose of this Law, the following terms shall be considered interchangeable:

- (1) The words "Law," "regulation(s)" and "Law."
- (2) The terms "Town" and "Town of Deerpark."
- (3) The terms "subdivider" and "developer" and the terms "subdivision" and "development."
- (4) The terms "State Environmental Quality Review Act" and "SEQRA."

2.1.2 Unless otherwise expressly stated, the following definitions shall, for the purpose of this Law, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

2.2 Glossary of Terms

The following is a list of specific terms, found elsewhere in the Law, along with definitions of their intended meaning:

ALLEY - A permanent service way providing a secondary means of access to abutting lands.

ALL-WEATHER SURFACED - The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the approval of the Engineer for the Town.

APPLICANT - A landowner, developer or subdivider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

BERM or SHOULDER - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

BLOCK - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

BUILDING - A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind.

CENTRAL SEWAGE or WATER SUPPLY - A sewage system or water supply system designed to serve more than one dwelling unit or building; not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "ON-SITE SEWAGE or WATER SUPPLY" for further information.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between

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points at a given distance from the intersecting street centerlines.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

COMMON PROPERTY - All of the land and improvements part of a subdivision which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the subdivider on any plat offered to the Town for approval.

CONSERVATION SUBDIVISION - A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 50% of the total land area is devoted to permanent open space.

COUNTY - The County of Orange, State of New York, and its planning agency.

CUL-DE-SAC - A minor street providing a single access to a group of lots with a turn-about area at the end of such street.

DEC - The New York State Department of Environmental Conservation

DEVELOPER - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or any of the activities covered by this Law, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of this project may vary.

DRIVEWAY - A defined private access from an individual lot to a public or approved private right-of-way.

DWELLING - A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

A. **DWELLING, SINGLE-FAMILY** - A building arranged, designed and intended, for and occupied exclusively by, one family.

B. **DWELLING, TWO-FAMILY** - A building arranged, designed and intended for and occupied by two families living independently.

C. **DWELLING, MULTI-FAMILY** - A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

ENGINEER, TOWN (ENGINEER FOR THE TOWN) - A Professional Engineer licensed as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front lot, but it shall not be

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considered as the ordinary side of a corner lot.

LOT - A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.

A. **LOT AREA** - The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

B. **LOT IMPROVEMENT** - A division or redivision of land wherein lot area is shifted from one parcel to another so to improve the shape or dimension of each. See Section 3.7 for further clarification.

C. **LOT WIDTH** - The average of the widths of a lot at the building setback line and the rear lot line.

MAJOR SUBDIVISION - Any subdivision or land development which is not a minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

MINOR SUBDIVISION - A subdivision or development containing not more than ten lots, or a cumulative development on a lot-by-lot basis for a total of ten (10) lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this Law, by the owner or the owner's duly appointed agent) where no new streets or accesses are required. Notwithstanding this, the Planning Board may, however, by waiver classify any subdivision as minor which does not involve new improvements.

ON-SITE SEWAGE or WATER SUPPLY - Any sewage system designed to; (1) treat sewage by subsurface means or (2) to provide water from a drilled well or spring; within the boundaries of an individual lot. See "CENTRAL SEWAGE or WATER SUPPLY " for further information.

PARCEL - An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

PAVEMENT - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Town of Deerpark Road Law.

PERFORMANCE or COMPLETION GUARANTEE - A surety bond, certified check or other security meeting the requirements of Section 277 of the Town Law, and the terms of which are satisfactory to the Town Attorney, guaranteeing the subdivider will install all required or planned improvements.

PERSON - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

PLAT - A drawing, map, chart, plan or plotting indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

A. **Sketch Plat** - A general plan, identified as such with the title "Sketch Plat" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town, Planning Board site inspection and, in the case of conservation subdivisions, determining allowable density.

B. **PRELIMINARY PLAT** - A complete plan prepared by a registered professional engineer or licensed land surveyor, identified as such with the wording "Preliminary Plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this Law.

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C. FINAL PLAT - A complete and exact plan, identified as such with the wording "Final Plat" in the title, with a professional engineer's or registered surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the Preliminary Plat.

SECRETARY - The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Deerpark Planning Board.

STREET - A highway or road intended primarily for the purposes of vehicular traffic, including the following:

A. STREET, MINOR - A road. the primary purpose of which is, to collect vehicular traffic from individual dwellings or places of business.

B. STREET, COLLECTOR - A road. the primary purpose of which is, to collect vehicular traffic from minor streets and deliver it major traffic streets.

C. STREET, MAJOR - A road. the primary purpose of which is, to collect vehicular traffic from collector streets and deliver it to destination points or arterial highways such as Interstate Route I-86.

SUBDIVIDER - Same as DEVELOPER.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SURVEYOR - A land surveyor licensed by the State of New York.

TOWN - Town of Deerpark, Orange County, New York.

TOWN ATTORNEY (ATTORNEY FOR THE TOWN) - The attorney appointed by the Town Board to represent the Town of Deerpark in any given matter.

TOWN BOARD - Governing council - the Town of Deerpark.

TOWN LAW - The New York State Town Law which governs the operation of all Towns within the State.

Town Street Specifications - The standards of the Town of Deerpark pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town.

WATERCOURSE - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations including intermittent streams but excepting drainage ditches, swales or diversion terraces.

3.0 Plan Submission and Review Requirements

3.1 Procedures and Requirements for Minor Subdivisions

The following procedures and requirements shall apply to minor subdivisions only (See Definitions). All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

- 3.1.1 Sketch Plat required. Submission of a Sketch Plat showing existing site features and a tentative layout of the subdivision shall be required as part of the plat approval process for all minor subdivisions. The Planning Board shall use the Sketch Plat for determining the number of lots permitted, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District.
- 3.1.2 Application. Any person proposing to create a minor subdivision shall submit along with plans required below, five copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or be accompanied by:
 - (1) The name, address and telephone number of the property owner of record and those of the subdivider, if different.
 - (2) The name or number of the road where the proposed subdivision is to be located.
 - (3) The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
 - (4) The type of water supply proposed.
 - (5) The type of sewer system proposed.
 - (6) The required fee or receipt for the same from the Planning Board Secretary.
 - (7) A completed Environmental Assessment as required by SEQRA.
- 3.1.3 Final Plat. The subdivider shall submit seven (7) copies of a Final Plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a Professional Engineer or Surveyor and shall show all the lots proposed to be created. The Final Plat shall meet the following requirements:
 - (1) The subdivision plat shall, ordinarily, be not less than 8 1/2" X 11" nor more than 24" X 36" in size.
 - (2) The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
 - (3) The plat shall show the name of the municipality, name of the owner of record, North Point, graphic scale, and date.
 - (4) Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
 - (5) Existing public roads shall be identified by traffic route numbers and private roads by their

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posted names and numbers.

- (6) Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel.
- 3.1.4 Soil tests. Documentation as may be required by the New York State Department of Health, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal shall be submitted.
- 3.1.5 Street encroachment permits. A completed application to the Deerpark Highway Superintendent, the State Department of Transportation or County Department of Public Works, as the case may be, for a street encroachment permit, shall also be required.
- 3.1.6 Public Hearing. The Planning Board shall, within sixty-two (62) days of the receipt of a complete Final Plat by the Planning Board Secretary, shall hold a public hearing, advertising such hearing at least once in a newspaper of general circulation in the Town at least five (5) days prior to the hearing and providing such other notice as it deems appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
- 3.1.7 Action on Final Plat. The Planning Board shall, by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize signing such plat within sixty-two (62) days of the close of the public hearing, provided it has first acted upon the Environmental Assessment and made a Negative Declaration with respect to environmental impacts. Should the Board be unable to make a Negative Declaration, it shall proceed in the manner provided by New York State Town Law § 276.
- 3.1.8 Certification, filing and signing of Final Plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- 3.1.9 Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
- 3.1.10 Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the subdivider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the Town Law
- 3.1.11 Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the Town Law.
- 3.1.12 County Planning Board review. Applications for preliminary or final plat approval shall be subject to referral to the County Planning Board pursuant to Section 239-n of the General Municipal Law, if

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located within five-hundred (500) feet of:

- (1) the Town boundaries; or
- (2) the boundaries of any existing or proposed County or State park or other recreation area; or
- (3) the right-of-way of any County or State highway, or
- (4) the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
- (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
- (6) the boundary of a farm operation in an Agricultural District.

3.2 Procedures for Major Subdivisions

Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:

- 3.2.1 Sketch Plat required. Submission of a Sketch Plat as provided in § 3.3 shall be required as part of the Preliminary Plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, determine whether the subdivision will involve other agencies and make a preliminary classification of the subdivision as a Type I or Unlisted SEQRA action. The Planning Board shall also use the Sketch Plat for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. A Sketch Plat shall be considered filed at the first regular meeting of the Planning Board following the Secretary's receipt of the plan and all determinations with respect to the plan shall be made within twenty (20) days of said meeting.
- 3.2.2 When Planning Board is not lead agency or an EIS is required. Should the Planning Board not assume lead agency responsibilities in the SEQRA review of the subdivision, or should an Environmental Impact Statement be required, the provisions contained herein pertaining to public hearings, notices and decisions shall be modified as provided in § 276 of the Town Law.
- 3.2.3 When Planning Board is lead agency and no EIS is required. If the Planning Board acts as lead agency and determines an Environmental Impact Statement is not required, the subdivider shall complete preparation of the Preliminary Plat as required by § 75-15 and provide Part I of the SEQRA Long Form Environmental Assessment. The Planning Board, within sixty-two (62) days of the receipt by the Secretary of a Preliminary Plat which is complete except for a negative declaration filed pursuant to SEQRA, shall hold a public hearing on this Preliminary Plat, advertising such hearing at least once in a newspaper of general circulation in the Town at least five days prior to the hearing and providing such other notice as it may deem appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
- 3.2.4 Action on Preliminary Plat. The Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days of the close of the public hearing, provided a negative declaration has first been filed pursuant to SEQRA.
- 3.2.5 Grounds for action. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat the Planning

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Board shall state in writing any modifications it deems necessary for submission of the Final Plat.

- 3.2.6 Preliminary Plat certification. Within five (5) business days of the approval of any preliminary plat, such plat shall be certified by the Secretary as approved and a copy of the plat and approval resolution shall be filed in the Secretary's office with a copy of the resolution provided to the subdivider and also filed in the office of the Town Clerk. Disapproval resolutions shall be filed and mailed in the same manner.
- 3.2.7 Time to submit final plat. The subdivider, within six (6) months of the approval of the preliminary plat, shall install or, pursuant to § 3.5, financially guarantee all subdivision improvements and submit the plat in final form as provided in § 3.6. The Planning Board may revoke preliminary plat approval if a final plat is not submitted within six (6) months or grant a limited extension of the preliminary approval provided that no preliminary plat shall remain valid if a final plat has not been submitted within three (3) years.
- 3.2.8 Action on final plat. When the final plat is in substantial agreement with the preliminary plat, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approvals and authorize signing of such plat within sixty-two (62) days of its receipt by the Secretary. No additional public hearing shall be required. When the final plat is not in substantial agreement with the preliminary plat, the preliminary plat procedures shall apply to a final plat insofar as SEQRA review, public hearing, notices and decision.
- 3.2.9 Certification, filing and signing of final plats. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- 3.2.10 Final plats by section. The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
- 3.2.11 Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
- 3.2.12 Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the subdivider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the Town Law.
- 3.2.13 Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the Town Law.
- 3.2.14 County Planning Agency review. Applications for preliminary or final plat approval shall be subject to referral to the County planning agency pursuant to Section 239-n of the General Municipal Law, if located within five-hundred (500) feet of:
 - (1) the Town boundaries; or

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- (2) the boundaries of any existing or proposed County or State park or other recreation area; or
- (3) the right-of-way of any County or State highway, or
- (4) the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
- (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
- (6) the boundary of a farm operation in an Agricultural District.

3.3 Sketch Plats for Major Subdivisions

The Sketch Plat should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- 3.3.1 The location of that portion which is to be subdivided in relation to the entire tract.
- 3.3.2 An existing and natural site features analysis which depicts all structures, wood area, stream, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.
- 3.3.3 The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- 3.3.4 All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- 3.3.5 The tentative layout of the remainder of the tract owned by the subdivider.
- 3.3.6 North Point, graphic scale, date and name/address of subdivider and landowner.
- 3.3.7 A location map with sufficient information to enable the locating of the property.
- 3.3.8 Proposed open spaces.

3.4 Preliminary Plat Requirements for Major Subdivisions

- 3.4.1 The Preliminary Plat shall be clearly and legibly drawn and ordinarily shall be not less than 11" X 17" nor more than 24" X 36" in size and should, when possible, show the entire tract to be divided.
- 3.4.2 The Plat shall be based on the concepts presented in the Sketch Plat and contain the following information:
 - (1) Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Orange County. The name and address of landowner and subdivider shall also be provided.
 - (2) Location by Town, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
 - (3) North point, date and graphic scale.

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- (4) Boundaries of total tract and acreage contained within it. (Also see Section 3.6.7)
- (5) Locations, and where appropriate, dimensions of parks and public grounds, permanent buildings in, or adjacent to, the subdivision, open space easements and other significant existing site features.
- (6) Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
- (7) Names of owners of abutting properties, and lines showing where they intersect.
- (8) Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Town reserves the right to request greater detail when the scope or nature of the development demands the same.
- (9) Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Town Road and Street Encroachment Laws, including profiles, cross-sections, and preliminary designs for bridges and culverts.
- (10) The proposed layout, numbering and approximate dimensions and acreage of lots.
- (11) Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
- (12) Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- (13) All drainage easements shall be shown and marked as such.
- (14) Approximate final grades in areas of cut or fill shall be shown.
- (15) Any lots designated for uses other than residential shall be indicated.
- (16) Proposed covenants and restrictions.
- (17) Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs existing wells established by professional well drillers.
- (18) Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- (19) An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.
- (20) A storm water management plan prepared in accord with the requirements hereof and DEC

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guidelines and standards (see "Reducing the Impacts of Stormwater Runoff from New Development").

- (21) Documentation as may be required by the New York State Department of Health or the Planning Board, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
- (22) All applicable zoning data.
- (23) Completed applications to Town of Deerpark, County of Orange or the New York Department of Transportation, as the case may be, for street encroachment or highway occupancy permits.
- (24) Detailed landscaping plans for such common areas or improvements as may require new landscaping.

3.5 Requirements for Guarantee of Improvements

3.5.1 After approval of the Preliminary Plat, the subdivider, in a manner consistent with the New York State Town Law, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plat approval the subdivider must:

- (1) Install all the improvements approved on the Preliminary Plat or required by § 4.0 standards, or
- (2) File with the Town Board a performance guarantee to insure installation and construction of those improvements at the standards required. Such guarantee shall meet with the approval of the Town Attorney as to form and procedure.

3.5.2 The subdivider shall meet with the Engineer for the Town to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.

3.5.3 This Section is designed to be consistent with § 277 of the New York State Town Law and the Town of Deerpark hereby incorporates all authorities and requirements contained therein as part of this Law.

- (1) Posting - The performance guarantee must be approved by the Town Board and Town Attorney, with the advice of the Engineer for the Town, and must:
 - (a) Be a corporate surety bond, irrevocable letter of credit from a bank or certified check, provided the same is satisfactory to the Town Board and Town Attorney and meets Town Law § 277 requirements.
 - (b) Be payable to the Town of Deerpark.
- (3) Be in an amount sufficient to complete the improvements in compliance with these regulations plus any expected cost increases over the period of the guarantee. Costs shall be assumed to escalate a minimum of 10% per year for purposes of determining the amount of a guarantee.
- (4) In the case of cash or its equivalent, be held in an escrow fund in the name of the Town of Deerpark.

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- (5) Specify a satisfactory completion date for improvements which shall, unless extended by mutual consent of the subdivider and the Planning Board, be not more than three (3) years from the date of the Final Plat approval. Should an extension be granted the amount of the guarantee shall be increased as may be required to cover further cost increases as provided in sub-section (3) above. Provisions may also be made, pursuant to the aforementioned Town Law § 277, for completion of improvements in phases.
 - (a) Return - When the improvements have been completed and approved for conformity with these regulations by the Planning Board and Engineer for the Town or other qualified individual designated by the Town and accepted by the Town Board, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
 - (b) Default - In the event of default, the obligor and surety shall be liable thereon to the Town of Deerpark for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Town Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- (6) Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in this Law. Said payment shall be made to the Town of Deerpark.

- 3.5.6 Where improvements are being dedicated to the Town, the subdivider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets and nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.

3.6 Final Plat Requirements for Major Subdivisions

The Final Plat shall be prepared on one or more sheets of a uniform size coinciding with requirements of the Orange County Clerk's office. Final Plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Town. The Final Plat shall include, in addition to the information required for the Preliminary Plat submission, the following:

- 3.6.1 Exact locations, widths and names of all streets and all crosswalks within the subdivision.
- 3.6.2 Complete curve data for all curves included in the Plat.

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- 3.6.3 Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- 3.6.4 Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.
- 3.6.5 Front building lines, shown graphically with dimensions.
- 3.6.6 A final version of all restrictions and covenants, if any, the subdivider intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- 3.6.7 The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plat sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.
- 3.6.8 The Final Plat shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Engineer for the Town and sufficient to ensure their installation has been submitted to the Town.
- 3.6.9 Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
- 3.6.10 Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- 3.6.11 Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- 3.6.12 A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- 3.6.13 Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
- 3.6.14 A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the Orange County Soil and Water Conservation District.
- 3.6.15 Copies of street encroachment or highway occupancy permits and complete final construction plans, including agreements as may be required to ensure maintenance of private streets.
- 3.6.16 Each Final Plat submission shall, in addition to the items required above, include new submissions of

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Preliminary Plat data in any instance where there has been a change in the plans or the circumstances surrounding them.

3.7 Lot Line Changes (Lot Improvements)

Lot line changes shall be exempt from the requirements contained herein provided five (5) copies of a plan prepared by a licensed Land Surveyor or Professional Engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a lot improvement, the parcels shall:

3.7.1 Involve the addition of land to an existing parcel so as to:

- (1) Improve ability of that parcel to comply with setback or other building standards; or
- (2) Increase suitability of the parcel for building development; or
- (3) Add to the availability of open space; or
- (4) Resolve a boundary line dispute or produce a corrected deed if a map reflecting the same is desired for recording purposes.

3.7.2 Not substantially reduce the ability of the lot, from which the lot improvement parcel is taken, to comply with the applicable standards of this Law.

3.7.3 Include a map restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.

The Planning Board shall, within thirty-one (31) days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should it fail to act in the provided time or find the plans do not meet the criteria, such plans shall be processed as a minor or major subdivision. If it finds they do qualify as a lot improvement, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Town of Deerpark, and for recording purposes only, to represent an exempt lot improvement in accord with Section 3.7 of the Town of Deerpark Subdivision Regulations. No subdivision approval is required or given." No person shall record plans for any lot improvement without so first obtaining the Planning Board's clearance.

3.8 Fees

At the time an application for subdivision approval is filed, a fee shall be paid to the Town by the subdivider; such fee to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance, as well as the expenses connected with notices and hearings.

4.0 Design Standards

4.1 Application

The design standards and requirements set forth in this Article shall be observed as minimums by the subdivider in the design of each subdivision within Town of Deerpark. The Planning Board shall require more-restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

4.2 General Site Requirements

- 4.2.1 Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.
- 4.2.2 In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating potential hazards use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies.
- 4.2.3 All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.
- 4.2.4 In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15% the Planning Board may require larger lot sizes than the minimum standards set forth herein.
- 4.2.5 Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Board and, where appropriate, DEC.
- 4.2.6 Wherever possible, lot lines shall follow Town boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

4.3 Blocks and Lots

- 4.3.1 Blocks shall ordinarily not exceed 1,200 feet in length.
- 4.3.2 Pedestrian interior walks or trails may be required, where necessary to assist circulation or provide access to community facilities and open space. Such walks or trails shall have a right-of-way width of not less than 6 feet and be all-weather-surfaced for not less than 3 feet in width.
- 4.3.3 Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier unsubdivided area.
- 4.3.4 Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or

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more and carries at least 1000 vehicles per day), the greater dimension of the block shall front along said highway, and interior streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Planning Board determines, after inspection, that safety demands restricting access.

- 4.3.5 No subdivision shall include more than three (3) lots where the average depth of the lot is more than four (4) times its average width.
- 4.3.6 Cul-de-sac streets, permanently designed as such, shall not exceed 2,000 feet in length and shall furnish access to not more than 9 dwelling units. Cul-de-sac streets shall have, at the closed end, a turn-around with the right-of-way having an outside diameter of not less than 80 feet and not more than 120 feet and shall be paved to a diameter of not less than 80 feet and not more than 100 feet. An inside landscaped area of not more than 60 feet in diameter shall be encouraged. Drainage of cul-de-sacs shall preferably be toward the open end.
- 4.3.7 All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- 4.3.8 Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- 4.3.9 If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area or dedicated to open space.
- 4.3.10 Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated.
- 4.3.11 All lots shall front on a public or private street (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of fifty (50) feet in width. However, upon written request by the subdivider, the Town may grant a waiver from this and other street requirements of this Law to permit access to no more than three (3) single-family residential lots from a private drive, provided a release has been given the Town and approved by the Town Board making clear that the Town is exempted from all responsibility for the maintenance of the same and that the lot in question is not capable of being subdivided further or is so restricted. Evidence of satisfactory shared arrangements for ownership and maintenance of the drive shall also be provided. Also, see Section 4.9.18 hereof.
- 4.3.11 Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.

4.4 Common Open Space

The Planning Board may, in the case of subdivisions of fifty (50) or more lots or dwellings, require that not less than 10% of the gross area of the entire tract, exclusive of lakes or ponds, be reserved for common open space directly accessible from the lots to be created. Such open space shall be suitable for recreational use of the residents of the subdivision or the general community. The following and similar facilities shall meet this requirement: trails, swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. Sites so dedicated shall not be deemed to be accepted by the Town unless and until the Town Board has taken formal action to accept the same. The

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subdivider and the Town may also agree to otherwise provide recreational land for the use of residents pursuant to the authority of § 277 of the Town Law including fees in lieu of dedication.

4.5 Water supply

- 4.5.1 Where a central water supply is available within 1000 feet of the proposed residential development, the subdivider shall, if legally and practically feasible, construct a system of water mains tied to such system and provide a connection for each lot.
- 4.5.2 Plans and specifications for central water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to requirements of the New York State Department of Health and the local fire district(s). Suitable agreements shall also be established for the ownership and maintenance of such distribution system.
- 4.5.3 The applicant proposed a central water supply must demonstrate ability to provide a minimum of 100 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
- 4.5.4 New central water supply wells shall be sited, drilled, and tested under the direct supervision of a professional engineer or a professional groundwater geologist. Wells shall be so located that no potential pollution sources can exist within a 100 foot radius (200 feet if located downslope from the pollution source). Wells shall also be located on reserved parcels.

4.6 Sewage Disposal

- 4.6.1 All residential lots shall contain suitable areas for on-site sewage disposal systems or be served by an approved central sewage disposal system. Plans and specifications for central systems, as required by the New York State Department of Environmental Conservation ("DEC"), shall be submitted with all preliminary subdivision plats and design standards shall meet DEC requirements. Formal approval of DEC shall be required prior to final plat approval.
- 4.6.2 When a central sewage disposal system is located within 1000 feet of the proposed residential development, the subdivider shall, if legally and practically feasible, provide a system of collection lines to connect to said system. Regardless of this requirement, all subdivision and land developments shall be provided with an adequate sewage disposal system(s). Central sewage disposal systems shall also be required for all residential lots and non-residential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.
- 4.6.3 Where connection to a central sewage disposal system is not required, on-site systems shall be provided in accordance with criteria set forth by the New York Department of Health. The applicant's professional engineer, subject to the approval of the Planning Board, shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision for on-site subsurface sewage disposal.
- 4.6.4 Sanitary sewers shall not be used to carry storm water.

4.7 Erosion and Sedimentation

In the event that any subdivider shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision plan submitted to the Town, the same shall only be approved and accomplished after the developer has submitted to the Town an Erosion and

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Sedimentation Control Plan. Erosion control measures shall be employed as necessary to prevent loss of soil from erosion and also to prevent resulting property damage, siltation and contamination of water courses or impoundments. Erosion control measures may include hay bales, silt fences or other provisions or combinations thereof.

4.8 Storm Drainage

- 4.8.1 A storm water drainage plan shall be required for major subdivisions. Such a plan shall be prepared using DEC guidelines and standards (see "Reducing the Impacts of Stormwater Runoff from New Development"), but complying with the following standards.
- 4.8.2 Stormwater drainage facilities shall be designed to accommodate storms of a 25 year frequency unless a more stringent standard shall be required by the Planning Board. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Town may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances. The subdivider shall provide full information, prepared by a professional engineer, regarding the pre-development stormwater flows and estimates at the time of application.
- 4.8.3 The following additional requirements shall apply:
 - (1) Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
 - (2) The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all affected land owners.
 - (3) No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions.
 - (4) Stormwater calculations and design shall be prepared by a professional engineer, land surveyor, landscape architect or others certified to perform such work.
 - (5) Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being subdivided.
 - (6) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 25 feet to each side of the stream from that stream bank, or such additional width as will be adequate to preserve the unimpeded flow of natural drainage.
 - (7) Drainage structures that are located on State highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Town prior to final plan approval.
 - (8) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.

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- (9) All proposed surface drainage structures shall be indicated on the Preliminary Plat.
- (10) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- (11) Whenever storm drains are required by the Town, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Town Board determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- (12) Drainage systems shall be designed in accordance with engineering practice, using hydraulic computations to show effects of the flow of water. The general standard shall be that the amount of stormwater leaving the site along any property line after development shall not exceed pre-development stormwater flows for that area. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway.
- (13) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width (minimum 20 feet) as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- (14) All drainage systems and structures shall be subject to the approval of the Engineer for the Town, or any such other qualified person as may be appointed for this purpose by the Planning Board.

4.9 Street Requirements

4.9.1 The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein and to Street Specifications of the Town of Deerpark adopted on March 24, 1986. Should there be a conflict between the standards, those contained herein shall apply.

- (1) Every subdivision shall have access to a public right-of-way. All streets shall, in general, be continuous, in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
- (2) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this Law.
- (3) Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- (4) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
- (5) Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one-hundred-twenty-five feet (125').

Town of Deerpark Subdivision Law

- (6) Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- (7) Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
- (8) Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than ten (10) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the subdivider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Planning Board as to form.

4.9.2 Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.

4.9.3 Profiles: No street grade shall be less than one (1) percent or exceed the following, with due allowances for reasonable vertical curves:

<u>Type of Street or Way</u>	<u>Maximum Grade</u>
Major Traffic and Collector Streets	10%
Minor Streets	15%

Streets shall have a grade not to exceed two percent (2%) for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.

4.9.4 Cross Section: The cross-section gradients of streets shall be not less than two percent (2%).

4.9.5 Minimum vertical and horizontal visibility (measured 3.5 feet eye level to tail lights 1.5 feet above ground level), for curves.

<u>Type of Street or Way</u>	<u>Minimum Visibility Distance</u>
Major Highways	500 feet
Collector Streets	300 feet
Minor Streets	300 feet
Streets shorter than 500 feet	150 feet

4.9.6 The minimum right-of-way widths for streets are as follows:

<u>Type of Street or Way</u>	<u>Minimum Right-of-Way Width</u>
Major Streets	50 feet
Collector Streets	50 feet
Minor Streets	50 feet
Alleys	25 feet
Private Drives	(See § 4.9.18)

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- 4.9.7 On all dead-end roads a turn-about area with a eighty (80) foot diameter right-of-way and sixty (60) foot diameter traveled portion shall be provided.
- 4.9.8 The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving and drainage structures, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards of the Town Street Specifications.
- 4.9.9 The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

<u>Type of Street</u>	<u>Minimum Shoulder Width</u>	<u>Minimum Clearance Beyond Shoulder</u>	<u>Minimum Pavement Width</u>
Major Streets	5 feet	4 feet	24 feet
Collector Streets	5 feet	4 feet	24 feet
Minor Streets	3 feet	4 feet	20 feet
Private Drives	(See § 4.9.18)	None	(See § 4.9.18)

- 4.9.10 The pavement shall be constructed in accordance with specifications and standards contained in the Town Street Specifications.
- (1) Street shoulders shall be constructed with materials as specified by the Town Street Specifications. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and should slope gently from the edge of the roadway surface to the drainage ditch.
- (2) Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of three (3) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Engineer for the Town may require more-rigid standards.
- 4.9.11 In commercial or multi-family subdivisions or any other case where other similar intensive uses exist or are anticipated, curbs may be required, if such construction is deemed necessary for public safety by the Planning Board, based on consultation with the Engineer for the Town and shall be constructed to according to good engineering practice. Curbs shall not be constructed, however, where pavements are less than 22 feet in width.
- 4.9.12 Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Planning Board, and shall be sufficient to support the street or the adjacent land, as the case may be. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Engineer for the Town.
- 4.9.13 All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary and Final Plat approved by the Planning Board and in conformity with the Town Street Specifications. Where such Law does not provide a clear standard, the Town may rely upon the standards promulgated by the New York State Department of Transportation for local streets.
- 4.9.14 Four-way street name signs of a design approved by the Planning Board will be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in

Town of Deerpark Subdivision Law

alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Town and shall be subject to Planning Board approval.

- 4.9.15 Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Engineer for the Town will determine when and if streetlighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.
- 4.9.16 Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible and cuts and fills which would necessitate removing such cover shall be minimized. Wide swath cuts or removal of natural vegetation shall not be permitted without compelling safety reasons.
- 4.9.17 No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the New York State Department of Transportation shall be altered or connected onto without first obtaining a permit from the New York State Department of Transportation. No driveway, local road or drainage facility or structure shall be constructed or altered within a Town right-of-way, and no drainage facility of the Town of Deerpark shall be altered or connected onto without first obtaining a permit from the Town of Deerpark Highway Superintendent.
- 4.9.18 Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Law or on the Town Street Specifications. Also, private drives to service no more than three (3) single-family dwellings shall be permitted provided the Town is given satisfactory evidence, in the form of declaration of restrictive covenants, that the private status of said road is permanent and the following standards are met:

<u>Type of Street or Way</u>	<u>Minimum Right-of-Way Width</u>
Minimum Right-of-Way	50 feet
Minimum Pavement Width	16 feet
Minimum Shoulder Width	3 feet

Pavement may consist of any all-weather surface satisfactory to the Engineer for the Town. If there is a potential for re-subdivision of either of the lots to be serviced by private drive such that eventually more than two lots might result, the subdivider shall provide additional right-of-way as necessary to serve the maximum potential number of lots. All drainage plans shall be subject to approval of the Engineer for the Town.

- 4.9.19 Nothing contained herein shall be construed in any way to require the Town of Deerpark to accept dedication of any street. These regulations are intended, rather, to set standards of construction for private streets and a proposed dedication of any such streets shall be subject to the specific dedication requirements of the Town Street Specifications.

4.10 Multi-Family Residential Subdivisions

Multi-family dwelling projects shall be considered major subdivisions as well as Special Uses under the Town of Deerpark Zoning Law (see Section 5.4 thereof). This "major subdivision" classification shall apply to all subdivisions of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Town in the manner provided under these

Town of Deerpark Subdivision Law

Subdivision Regulations. The subdivider shall also submit all information required by the Special Use procedures of the Town of Deerpark Zoning Law.

4.11 Conservation Subdivisions

The Town of Deerpark Planning Board shall be authorized, pursuant to and in supersession of § 278 of the Town Law, to modify applicable provisions of the Town of Deerpark Zoning Law and these Subdivision Regulations so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within the Town of Deerpark and be processed pursuant to the subdivision plat approval procedures contained herein and Section 5.9 of the Town of Deerpark Zoning Law.

APPENDIX C

Recommended Manufactured Home Law

Town of Deerpark

Orange County, New York

Manufactured Home Law

Prepared by:

Town of Deerpark Planning Board

April, 2002



This project was assisted by a grant from the
Upper Delaware Council, Narrowsburg, NY 12764

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Town of Deerpark Manufactured Home Law

Local Law No. ___ of the Year 2002

MANUFACTURED HOME LAW

BE IT ENACTED by the Town Board of the Town of Deerpark, Orange County, New York, as follows:

1.0 Purpose.

The purpose of this Law is to promote the general welfare of the Town of Deerpark, including the retention of its rural character, preservation of the qualities of its natural environment and the protection of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of manufactured home parks.

2.0 Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

- 2.1 **Manufactured Home.** A transportable single-family dwelling unit intended for permanent occupancy which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed on a chassis so that it might be towed, not including a modular or sectional dwelling, recreational vehicle or travel trailer.
- 2.2 **Manufactured Home Lot.** A designated site of specific total land area which is located within a manufactured home park for the accommodation of one manufactured home and its occupants.
- 2.3 **Manufactured Home Park.** A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing three (3) or more manufactured homes for occupancy as single-family dwellings.
- 2.4 **Manufactured Home Base.** A permanent base located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home. Such base may consist of concrete pad or system of concrete piers or runners.
- 2.5 **Off Site Sewer System.** A system of collection lines and treatment facilities that: (1) discharges treated effluent to a stream pursuant to the discharge requirements of New York State, (2) utilizes community subsurface sewage disposal systems serving five (5) or more dwelling units each or (3) utilizes other central treatment options approved by New York State.
- 2.6 **Pavement.** An all-weather road surface constructed upon a minimum 4" base of 3/4" crushed stone.
- 3.0 **Licenses Required for Manufactured Home Parks.**
 - 3.1 No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Deerpark, shall use or allow the use of such land for a manufactured home park unless a license has been obtained as herein provided.

Town of Deerpark Manufactured Home Law

3.2 Issuance of license.

3.2.1 The Town Code Enforcement Officer of the Town of Deerpark shall issue a license after approval of the application by the Town Planning Board. The Board shall apply site plan review and special use criteria contained in the Town of Deerpark Zoning Law as a factor in making a decision on the project but only after the Town Board shall have first created a district for such housing as provided for in that Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer and shall be renewed annually based on an inspection by the Code Enforcement Officer as to continued compliance with the standards of this Law.

3.2.2 No license shall be issued until the Code Enforcement Officer has received;

(1) A written application from the applicant on the form provided by the Town Code Enforcement Officer.

(2) The required fee as herein provided. Such fees shall be set by resolution of the Town Board.

(3) Evidence there is a or will be a New York State Approved sewage disposal system designed by a Licensed Professional Engineer.

3.2.3 The license shall be transferred to a new owner of a manufactured home park provided all of the requirements of this Chapter are met and provided the Town is so notified.

3.3 Supplemental license.

3.3.1 Any person holding a license for a manufactured home park who desires to add additional lots to such park shall file an application for a supplemental license.

3.3.2 The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new manufactured home parks.

3.3.3 When approved, the Town Code Enforcement Officer shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revocation by the Code Enforcement Officer.

3.4 The applicant shall pay the Town such a fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.

4.0 Application Procedure.

4.1 Each application for a manufactured home park license shall be in writing and signed by the applicant.

4.2 Four (4) copies of the application and plans and related information shall be filed with the Code Enforcement Officer on a form supplied by the Code Enforcement Officer. No application shall be deemed filed until all required information shall have been filed with the Town of Deerpark Planning Board. The Planning Board shall advise the applicant of any such deficiencies within thirty (30) days of its receipt thereof.

Town of Deerpark Manufactured Home Law

- 4.3 The Code Enforcement Officer promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the site plan review and special use requirements of the Town of Deerpark Zoning Law and New York State Town Law.
- 4.4. The Code Enforcement Officer, within ten (10) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.
- 4.5 Any disapprovals shall be in writing and include the reasons therefore. The Code Enforcement Officer shall not issue a license, in any instance, where the Board has not approved the Site Plan. If the application is disapproved, the applicant shall have the right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.
- 5.0 Application Data.
- 5.1 Each application shall be accompanied by four complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- 5.2 Each application shall contain the following information:
- 5.2.1 The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
- 5.2.2 The description of the land that is proposed to be used as a Manufacturing home park, together with a map showing its location in the Town.
- 5.2.3 The number of lots to be provided in such Manufacturing home park.
- 5.2.4 The names and addresses of the owners of the property on which the manufactured home park is to be located and a written statement signed by the owners consenting that the premises be used for a manufactured home park.
- 5.3 Four copies of a location map shall be presented with the application which shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- 5.4 Proposed development. The application shall be accompanied by four copies of a development plan showing the following:
- 5.4.1 The location and widths of all entrances, exits and streets.
- 5.4.2 The location, size and arrangement of each lot within the park.
- 5.4.3 The method and plan for electric lighting.

Town of Deerpark Manufactured Home Law

- 5.4.4 The location and plan of all proposed structures and improvements.
- 5.4.5 Plans for landscaping.
- 5.4.6 Storm water drainage.
- 5.4.7 Utilities.
- 5.4.8 Off-street parking facilities.
- 5.4.9 Fencing and screening.
- 5.4.10 Signs and other structures.
- 5.4.11 Names of owners of adjoining properties.
- 5.4.12 Recreational facilities.
- 5.4.13 Location and type of trash receptacles.
- 5.4.14 All other applicable information required by the Town Zoning Law.
- 6.0 Requirements for Manufactured Home Parks.
- 6.1 Site
 - 6.1.1 The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
 - 6.1.2 The park shall be at least ten (10) acres in size and have at least three-hundred (300) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new such road may be approved as part of the plan.
- 6.2 Manufactured Home Lots
 - 6.2.1 Reserved.
 - 6.2.2 Reserved.
 - 6.2.3 Each manufactured home lot shall have a total area of not less than 5,000 square feet.
 - 6.2.4 No more than (1) manufactured home shall be placed on any manufactured home lot.
 - 6.2.5 The lot numbers shall be legibly noted for each lot on the plans submitted

Town of Deerpark Manufactured Home Law

6.3 Manufactured Home Placement

6.3.1 All manufactured homes shall be parked or otherwise be located:

- (1) At least twenty-five (25) feet from an adjacent manufactured home.
- (2) At least seventy-five (75) feet from an adjacent manufactured home park property line.
- (3) At least seventy-five (75) feet from right of way line of any existing public street or highway.
- (4) At least twenty-five (25) feet from the nearest edge of any roadway located within the park.

6.4 Manufactured Home Stand. Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on a base on the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.

6.5 Accessibility and Lighting

6.5.1 Each manufactured home park shall be accessible from an existing public highway or street.

6.5.2 Any manufactured home park shall provide, two (2) points of entry/exit at least one-hundred (100) feet apart.

- (1) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
- (2) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit.
- (3) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
- (4) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width for at least twenty-five (25) feet into the property.

6.5.3 Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.

- (1) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, all-weather surfaces.
- (2) All roads shall have minimum pavement widths of eighteen (18) feet:

Town of Deerpark Manufactured Home Law

- (3) The roads shall be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications if proposed for dedication.
 - (4) No parking shall be allowed on the street.
- 6.5.4 All means of egress, drives and public places shall be adequately lighted.
- 6.5.5 One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater in area than 50 square feet and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line.
- 6.6 Parking
 - Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet
- 6.7 Utilities and Service Facilities
 - The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the New York State Department of Health:
- 6.7.1 An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.
 - 6.7.2 Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private off-site sewer system meeting New York State Department of Health standards so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
 - 6.7.3 Garbage removal shall be provided on an individual lot pick-up basis.
 - 6.7.4 Manufactured homes which do not contain toilets, lavatory and tubs or showers shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager or the park in a clean, sightly and sanitary condition.
 - 6.7.5 Each manufactured home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
- 6.8 Recreation and Open Space

Town of Deerpark Manufactured Home Law

- 6.8.1 Each manufactured home park shall provide common open space for the use of the occupants of the park. Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least fifty (50) percent of the gross land area of the park including all lots and unplatted areas .
- 6.8.2 This open space may include any area devoted to common amenities including roads and sewage disposal areas.
- 6.8.3 Any manufactured home park or more than ten (10) manufactured home sites shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than two (2) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. Unless the park shall be restricted to senior citizens, it shall also include at least one improved ballfield. These recreational improvements shall be included on the landscaping plans presented as part of the application package.
- 6.9 Landscaping
- 6.9.1 Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- 6.9.2 Screening acceptable to the Planning Board and Code Enforcement Officer shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. It shall include landscaping materials meeting the requirements of the Town of Deerpark Zoning Law. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board and Code Enforcement Officer. Such screening shall be designed to create and maintain a high quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured homes, provide shade and green areas and ensure a wholesome living environment.
- 6.9.3 Skirting acceptable to the Planning Board and Code Enforcement Officer shall be installed along the perimeter of each manufactured home, extending from the manufactured home stand to the floor of the manufactured home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.
- 6.10 The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register

Town of Deerpark Manufactured Home Law

shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Town Code Enforcement Officer, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.

6.11 Fire District Approval and Firefighting Requirements

6.11.1 No application for a manufactured home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district fire-fighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the fire-fighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.

6.11.2 If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board and Code Enforcement Officer, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.

7.0 Enforcement.

The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any manufactured home park or other premises used for the parking and placing of manufactured homes.

7.1 If the Code Enforcement Officer finds that a manufactured home park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve, personally or by certified mail to the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Code Enforcement Officer shall, for purposes of determining compliance with this Law, be authorized to make periodic inspections of all manufactured home parks and shall be provided entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.

7.2 If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend such license and the holder of the license shall thereupon terminate the operation of such manufactured home park provided residents have been afforded adequate opportunities consistent with State and/or Federal law to re-locate.

7.3 However, if the owner or operator of such manufactured home park shall thereafter correct such conditions and bring the manufactured home park into compliance with this Law, such owner may then apply for the issuance of a new license for such park and if the application is approved and a license granted, the applicant

Town of Deerpark Manufactured Home Law

shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

- 7.4 Any license which is not used for the purpose intended within two (2) years of the date of issuance as evidenced by placement of the home(s) on the designated site, shall automatically expire.
- 7.5 No license for a manufactured home park, or any portion of a manufactured home park, shall be issued unless and until all improvements as required herein, including landscaping and screening, have been physically installed, inspected and approved by the Code Enforcement Officer, excepting that roads shall be approved by the Town Highway Superintendent in consultation with the Town Engineer as may be required. In those instances where a manufactured home subdivision is to be created and individual lots are to be conveyed for purposes of placing a manufactured home, all required improvements will be installed or financially secured pursuant to Section 277 of the Town Law and all other requirements of the Town of Deerpark's Subdivision Law shall be met. Such subdivisions shall be subject to the development standards provided herein and in the Town Zoning and Subdivision Laws. Should the latter development standards and the standards herein conflict the more restrictive standard shall apply.
- 8.0 Penalties.
- 8.1 Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than one-hundred dollars (\$100) or more than five hundred dollars (\$500). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- 8.2 In addition to the above provided penalties, the Code Enforcement Officer may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.
- 9.0 Exceptions.
- None of the provisions of this Law shall be applicable to the following:
- 9.1 The business of manufactured home sales, except that where units are used as living quarters, they shall conform with the provisions of this Law
- 9.2 The storage of an unoccupied manufactured home, provided, however, that such unoccupied manufactured home shall not be parked or located between the street line and the front building line of any premises or within any required yard area.
- 9.3 A manufactured home located on the site of a construction project, survey project or other similar work project which is used solely as a field office or work or tool house in connection with such project, provided that such manufactured home is removed from such site within thirty (30) days after the completion of such project.
- 9.4 A modular house or manufactured home, other than a double-wide manufactured home, which is

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prefabricated in sections, transported to the building site then fastened together and anchored to a permanent and totally enclosed masonry foundation and which has a minimum width of 24 feet for its entire length and contains a minimum of 960 square feet of usable living space.

10.0 Validity and Non-waiver.

10.1 If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.

10.2 The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance; by the holder thereof, by the property owner or by any occupant; of any court or manufactured home park statute of the State of New York Law or health regulation of the State of New York or the County of Orange or the Town of Deerpark or of any provision of this Law.

11.0 Reserved.

12.0 Waivers.

12.1 The Planning Board may, for good cause shown, authorize waivers from the strict interpretation of the provisions of this Law affecting existing manufactured home parks and manufactured homes, excepting that it shall not waive any requirement which would otherwise require a variance of the Town of Deerpark zoning ordinance and necessarily be handled by the Zoning Board of Appeals.

12.2 Procedure for waivers

12.2.1 The owner of an existing manufactured home park or manufactured home outside a manufactured home park may apply for a variance by filing an application with the Code Enforcement Officer together with an application for a license setting forth the reasons for the variance.

12.2.2 Fees for waiver applications shall be established by resolution of the Town Board.

13.0 Separability.

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.