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

County City Town Village
(Select one.)

of Mamakating

Local Law No. 2 of the year 2015

A local law Amendments to Zoning Code
(Insert Title)

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

County City Town Village
(Select one.)

of Mamakating as follows:

Section 1. Purpose.

The Town of Mamakating Town Board, with the assistance and advice of its professional consultants, has undertaken a review of its current zoning code and determined that certain provisions of the code are not consistent with the Town’s adopted Comprehensive Plan as required by New York State law. In order to achieve consistency between the zoning code and the Comprehensive Plan, the Town Board has determined to amend certain provisions of the zoning code.

Accordingly, Chapter 199, titled “Zoning,” of the Code of the Town of Mamakating is amended as follows:

Section 2. The Zoning Map of the Town of Mamakating, established pursuant to §199-4, titled “Zoning Map,” is amended, and such amended Zoning Map is annexed to this local law. A narrative description of the Zoning Map amendments is also annexed to this local law, but the narrative description is not part of this local law.

Section 3. Subsection A of Section 199-5, titled “Interpretation of boundaries,” is amended in its entirety to read as follows:

- A. The zoning district boundary lines are intended generally to follow the center lines of rights-of-way, existing lot lines, the mean water level of rivers, streams and other waterways or Town boundary lines, or to follow a straight line connection of corners or endpoints of the above features or to follow along a parallel path from such features at a set distance, all as shown on the official Zoning Map. Where a district boundary line does not clearly follow such features, its position shall be determined by the Building Inspector upon measurement of the official Zoning Map.

Section 4. Section 199-6, titled "Word uses and definitions," is amended by deleting the term and definition of "public water or public sewer," and by adding a new term and definition to read as follows:

Town-Acknowledged Sewer System or Water System

A central sewage collection system and treatment works or central water supply system acknowledged by the Town of Mamakating Town Board, upon advice of its Town Engineer, as a system and works that are designed and constructed to provide the level of sewage treatment and water quality required to safeguard the Town's residents and ecosystems and that have established adequate funding mechanisms and maintenance mechanisms to guarantee the continued operation and maintenance in perpetuity, all in accordance with applicable State, County and Town standards.

Section 5. A new section, designated as 199-8.2, titled "Residential density based on utilities," to read as follows:

§199-8.2 Residential density based on utilities.

- A. Purpose: The Town of Mamakating finds that: (i) sewage collection systems, sewage treatment plants and central water systems constructed or funded by private developers tend to utilize the least expensive equipment and processes with prioritization to construction cost over end-user cost and longevity; (ii) most sewage collection systems and treatment plants and central water systems have limited operational lifespans with significant end-of-life costs; (iii) DEC is continuously refining permit standards, making older infrastructure obsolete; (iv) the ability for small enclaves of residences to afford on-going maintenance, compliance and end-of-life replacement/rehabilitation is extremely limited, often causing municipalities to eventually take over such private systems; (v) the receiving waters of the Basha Kill and Wallkill River support a complex ecosystem of wetland and upland habitat; (vi) small private package plants are rarely designed to meet the DEC's highest standards for tertiary treatment and have the potential to impact these ecosystems to a greater extent than lower-density development with subsurface disposal systems or larger municipal plants with tertiary treatment; (vii) only a municipally-owned plant subject to the acceptance by the Town of Mamakating can guarantee the on-going effectiveness and cost-feasibility of central sewer and water systems, thereby safeguarding the health, safety and general welfare of the Town's natural resources, Town residents and downstream neighbors.
- B. Throughout this zoning law, the permissible density of year-round occupancy residential uses as established by minimum lot size or number of permissible units per acre for a given residential use varies based on the provision of central water and sewer service. It is acknowledged that such year round residences depend on the availability of such services and there is little recourse for the Town

to require residents to relocate or vacate individual residences in the event that such central utilities cease to operate adequately nor is there a mechanism by which the Town may effectively require a utility system owned by other entities to be repaired to adequate operational status in a timely manner to prevent harm to the Town's residents and natural resources.

- C. In any zoning district where a higher density is permitted if a central water system or sewer system is provided, such system must be a Town-endorsed sewer system or water system. The foregoing requirement shall supersede any conflicting or inconsistent provision in the Town Code.
- D. Other central water and sewer utilities, whether privately-owned or publicly-owned but not endorsed by the Town of Mamakating, may be used to provide service to residences so long as they meet all applicable State, County and Town standards. However, the permitted density for year-round occupancy residences shall not be greater than that which would be permitted by the provision of individual well and subsurface waste disposal systems.

Section 6. Subsection D, titled "Minimum lot sizes for all uses," and subsection F, titled "Average density minimum," of Section 199-9, titled "Lot regulations," are repealed and replaced with new subsections D and F to read as follows:

- D. Minimum lot size for all uses. Where unusual subsoil or geological conditions are found to exist at a particular location, the Planning Board may require lots proposed to be developed with individual wells and septic system and to provide larger lot sizes and widths than the specified minimum lot sizes and widths. In such cases, the Planning Board may require that the minimum lot area and lot width otherwise required be increased to the extent necessary to allow the proposed water and/or sewer facilities to operate effectively in order to protect the public health, safety and welfare. Detailed plans for such facilities shall be prepared by a professional engineer and submitted to the Town Engineer and approved by him before a building permit maybe issued or a subdivision or site plan approved. The suitability of the proposed systems shall conform to the standards of New York State Department of Health.
- F. Minimum lot size requirements for average density (cluster development) in the BR, NR, HC, VC and TC Districts. These provisions shall apply to residential uses in these districts, which are not served by Town-endorsed central water or sewer systems.

(1) As part of an average-density subdivision, the minimum lot size in the BR, NR, HC, VC and TC Districts may be reduced by the Planning Board as follows:

(a) The Planning Board may permit, subject to acceptable lot and road design, a reduction in the minimum lot area requirement to no less than that required to provide individual water and subsurface waste disposal systems to satisfy the following performance standards, but in no event to less than 40,000 square feet:

[1] Soil percolation and deep hole tests verify that sufficient and appropriate lands are available for a conventional subsurface sanitary sewage disposal system* designed and constructed to serve a single-family residence and an additional area of not less than 50% of the area of the proposed conventional subsurface sanitary sewage disposal system, which area shall be available and appropriate for the expansion of said system, as shown by said tests, which additional area shall be reserved for the

construction of additions to the system. The area proposed for the subsurface sanitary sewage disposal system, including the reserve area, shall not exceed 10% in grade. [*NOTE: "Conventional subsurface sanitary sewage disposal system" shall be defined as in Paragraph 75-A.8 of Appendix 75-A of the New York State Codes, Rules and Regulations (10 NYCRR 75), last revised February 2010, or the most recent amendment.]

[2] Both the area for the conventional subsurface sanitary sewage disposal system and the additional reserved area shall be clearly delineated on any plat submitted to and approved by the Planning Board.

(b) Dwelling restriction. An average-density lot approved by the Planning Board with a reduced minimum lot size pursuant to the provisions of this Subsection F may not be used for any use other than one single-family dwelling and permitted accessory uses.

(c) Subdivision statement. On all average-density subdivision plats showing lots with a reduced minimum lot size pursuant to the provisions of this Subsection F, the subdivider shall provide on the preliminary subdivision plat and final subdivision plat the following statement: "The minimum lot sizes in this subdivision are in conformance with the minimum lot sizes required in the (applicable zoning district) as approved and modified by the Planning Board, in writing, on (date)."

Section 7. Subsection E(3), titled "Maximum density," and subsection E(6), titled "Utilities," of Section 199-18, titled "Planned resort community," are repealed and replaced with new subsections E(3) and E(6) to read as follows:

(3) Maximum density.

(a) Year-round occupancy: dwelling units. The maximum density for a PRC shall be no greater than the maximum density permitted for single-family detached dwellings in the PRO district. The PRC is a use primarily intended to accommodate nonresidential resort-type facilities that promote economic development. To meet this objective, no more than 35% of the net acreage after deduction of environmental constraints pursuant to §199-35 shall be used to calculate the residential density for dwelling units suited for year-round occupancy. The applicant shall first calculate the total number of year-round dwelling units. The remaining acreage may be used to calculate the maximum number of guest units for the PRC. The Planning Board may further restrict the year-round occupancy density to ensure that all year-round occupancy dwelling units that are to be served jointly with the resort by private water or private wastewater treatment systems have adequate lot area to allow for lawful and fully compliant installation of individual well and septic systems, including consideration of soils, slopes, all applicable standards, and the requirements of construction and access.

(b) Transient occupancy: guest units. After the net acreage used to calculate year-round occupancy dwelling units is subtracted from the net acreage of the PRC parcel, the maximum number of guest units shall be established from the net acreage of the PRC parcel after deduction of environmental constraints pursuant to §199-35, and using the following sliding scale:

Guest Unit Density	
First 1 to 300 acres	5 guest units/acre

Each acre over first 300 acres

6 guest units/acre

(c) A guest unit is a lodging unit, motel unit, condo-hotel unit, bungalow unit, villa unit or similar tourist accommodation unit designed and maintained for transient occupancy only. The Planning Board shall have the authority to impose conditions to ensure that guest units maintain their transient nature, including conditions on the design of the guest units, e.g., limitations on use of kitchens and kitchenettes, washers and dryers, limitations on the duration of visitor stays, maintenance of visitor guest books, the filing of covenants and restrictions, and similar conditions.

(6) Utilities. A planned resort community shall be served by central water and central wastewater treatment systems. Central water systems shall be constructed in accordance with standards and specifications as required by the New York State Department of Health and other applicable agencies, and central wastewater treatment systems shall be constructed in accordance with standards and specifications as required by the New York State Department of Environmental Conservation and other applicable agencies or standards and specifications promulgated by the Town of Mamakating. In developing utilities to service the proposed PRC, the applicant shall consider the infrastructure needs of adjoining neighborhoods and shall explore methods to develop a Town-endorsed system that accommodates the needs of adjoining neighborhoods. The applicant shall comply with the Town of Mamakating procedures and standards for establishment or extension of a Town water and/or wastewater treatment district should the proposed project require establishment or extension of a Town district. Gray water systems and water-saving devices shall be used to the maximum extent to limit water consumption. In the event that a Town-endorsed water and Town-endorsed sewer system are not provided, year-round occupancy units that will or may be owned separately from the ownership of the overall resort must be located on individual separate lots of adequate lot size and arrangement to accommodate the lawful and fully compliant installation of individual well and septic systems in the event that operation of any shared private utilities of the resort cease to properly operate. The sizing and arrangement of such individual lots shall consider soils, slopes, all applicable standards, and the requirements of construction and access.

Section 8. Paragraph 4, titled "Utilities," paragraph 5, titled "Minimum lot area," and Paragraph 6, titled "Maximum density," of subsection B, titled "General design standards," of section 199-19, titled "Supplemental use regulations for the RVP District," are repealed and new paragraphs 4, 5 and 6 are added to read as follows:

(4) Utilities. Mixed-use resort projects located within the stated area shall be served by central water and central wastewater treatment systems. Central water systems shall be constructed in accordance with standards and specifications as required by the New York State Department of Health, and central wastewater treatment systems shall be constructed in accordance with standards and specifications as required by the New York State Department of Environmental Conservation or standards and specifications promulgated by the Town of Mamakating, whichever are more protective of the environment. In developing utilities to service the proposed mixed-use resort, the applicant shall consider the infrastructure needs of adjoining neighborhoods and shall explore methods to develop a Town-endorsed system that accommodates the needs of adjoining neighborhoods. The applicant shall comply with the Town of Mamakating procedures for establishment or extension of a municipal water and/or wastewater treatment district should the proposed project require establishment or extension of a municipal district. Gray water systems and water-saving devices shall be used to the maximum extent to limit water consumption. In the event that a Town-endorsed water and Town-endorsed sewer system are not provided, year-round occupancy units that will or may be

owned separately from the ownership of the overall resort must be located on individual separate lots of adequate lot size and arrangement to accommodate the lawful and fully compliant installation of individual well and septic systems in the event that shared private utilities of the resort cease to properly operate. The sizing and arrangement of such individual lots shall consider soils, slopes, all applicable standards, and the requirements of construction and access.

(5) Minimum lot area. The minimum lot area for development of mixed-use resorts shall be 200 contiguous acres. For purposes of these provisions, property in the same ownership but separated only by a road or utility easement shall be deemed to be contiguous; however, property separated by other lands not in the same ownership shall be deemed to be noncontiguous. As a result of the large minimum lot area requirement stated above, and the special requirements contained herein, § 199-35, Environmental constraints, of this chapter shall not apply in the limited purpose of meeting the minimum lot area, but shall apply in determining maximum density and for any other purpose.

(6) Maximum density.

(a) Year-round occupancy: dwelling units. The maximum density for a mixed-use resort is one dwelling unit per 7.5 net acres after deduction of environmental constraints pursuant to § 199-35. No more than 50% of the net acreage shall be used to calculate the density for dwelling units suited for year-round occupancy. The applicant shall first calculate the total number of year-round dwelling units. The remaining acreage may be used to calculate the maximum number of guest units for the mixed-use resort.

(b) Transient occupancy: guest units. After the acreage used to calculate year-round occupancy is subtracted from the total net acreage of the parcel, the maximum number of guest units shall be established. Guest units shall be permitted at a density of one and one-half (1.50) guest units per net acre after deduction of environmental constraints pursuant to §199-35.

(c) A guest unit is a lodging unit, motel unit, condo-hotel unit, bungalow unit, villa unit or similar tourist accommodation unit, designed and maintained for transient occupancy only. The Planning Board shall have the authority to impose conditions to ensure that guest units maintain their transient nature, including conditions on the design of the guest units, e.g., limitations on use of kitchens and kitchenettes, washers and dryers, limitations on the duration of visitor stays, maintenance of visitor guest books, the filing of covenants and restrictions, and similar conditions.

Section 9. Subsection C, titled "Application procedures," of Section 199-19, titled "Supplemental use regulations for the RVP District," is amended by substituting the words "mixed-use resort" for and instead of the term "PRC".

Section 10. Paragraph (4), titled "Standards," of subsection N, titled "Planned residential development (PRD)," of Section 199-26, titled "Individual standards for special uses," is amended by deleting subparagraph (b), re-lettering subparagraphs (c) – (f) accordingly, and amending newly lettered subparagraphs (d) and (e) to read as follows:

(d) For a PRD proposed as part of a PO District east of the Shawangunk Ridge, in keeping with the Comprehensive Plan recommendation for the Burlingham Road/Winterton Economic Development

area, at least 35% of the lot area of a PRD shall be devoted to nonresidential uses that are permitted in the PO District and the lot area dedicated to the nonresidential uses shall not be used in calculating residential density.

(e) For all other PRDs, at the request of the applicant, and with the approval of the Planning Board, the planned residential development may include professional office and accessory retail and personal service uses that are accessory to the PRD, except that such uses shall not occupy more than 15% of the lot area of the PRD in order to reinforce the residential character of the area. Any such lot area so dedicated to nonresidential use shall not be used for calculating residential density, although this shall not be construed to limit the location of dwelling units above nonresidential uses in traditional mixed-use form once the permitted density is established.

Section 11. Paragraph (5), titled "Planning Board review," of subsection N, titled "Planned residential development (PRD)," of Section 199-26, titled "Individual standards for special uses," is amended by amending subparagraph (a), adding new provisions [1] and [2], amending current [1] and renumbering as [3], all to read as follows, and by renumbering the other provisions in subparagraph (a) accordingly:

(5) Planning Board review. The Planning Board in its deliberations shall consider the following:

(a) Residential building groups. The following design standards shall apply:

[1] Where individual wells and septic system are proposed, residential units may consist only of single-family detached dwellings.

[2] In any PO District east of the Shawangunk Ridge, in keeping with the Comprehensive Plan recommendation for maintaining the agricultural character of the Burlingham Road and Winterton areas, only single-family detached dwellings on lots of at least two acres shall be permitted, or on lots of at least one acre where residences are connected to a Town-endorsed sewer system and Town-endorsed water system.

[3] In all other areas where residences are connected to Town-endorsed water and Town-endorsed sewer systems, residential units may consist of a mix of single-family attached (townhomes), flats, and small lot single-family detached residential dwellings. For flats, the maximum number of dwellings in a structure shall be 12 units. For townhomes, the maximum number of dwellings in a structure shall be six units. The smallest lot size shall be 7,500 square feet for a small lot detached residential unit.

Section 12. Paragraph (7), titled "Average lot area," of subsection N, titled "Planned residential development (PRD)," of Section 199-26, titled "Individual standards for special uses," is amended to read as follows:

(7) Average lot area.

(a) The residential density for the development shall be calculated based on the total net acreage of the parcel after deduction of environmental constraints pursuant to §199-35; and deduction of the area

of any existing streets or proposed internal streets, whether public or private; and deduction of lot area dedicated to commercial use, commercial sites or commercial accessory use, such as commercial accessory surface parking. The residential density shall not exceed the maximum residential density permitted for single-family detached dwellings in the same zoning district as the proposed PRD, except as follows:

[1] For any PO District east of the Shawangunk Ridge, in keeping with the Comprehensive Plan recommendation for maintaining the agricultural character of the Burlingham Road and Winterton areas, one dwelling unit per 25 acres shall be the maximum residential density.

[2] One dwelling unit per two net acres shall be the maximum residential density in any other PO District.

[3] One dwelling unit per ten net acres shall be the maximum residential density in the PRO District, except where Town-endorsed water system and Town-endorsed sewer systems are provided with the capacity to serve at least twice the number of homes as are proposed in the PRD, the maximum residential density may be increased to one dwelling unit per two net acres.

Section 13. Paragraph (2) of subsection T, titled “Resort hotels and country inns,” of Section 199-26, titled “Individual standards for special uses,” is amended to read as follows:

(2) The maximum number of guest units permitted shall be calculated by first deducting environmental constraints pursuant to 199-35 and then applying the density factors below:

Zoning District	Density
RVP	1 unit per two acres
MG	1 unit per two acres
LIO	4 units per acre
PRO	4 units per acre
PO	4 units per acre

A maximum of four principal buildings may be permitted for the housing of guest units. Kitchenettes shall not be permitted in individual guest units. An application for a resort hotel shall be subject to the requirements contained in § 199-19B(6)(c) of these zoning regulations.

Section 14. The first sentence in paragraph (4) of subsection V, titled “Senior (adult) housing,” of Section 199-26, titled “Individual standards for special uses,” is amended to read as follows:

(4) The residential density of the project shall be determined by first establishing the net acreage, after deduction of environmental constraints pursuant to §199-35, which may be devoted to residential use.

Section 15. The Example in paragraph (5) of subsection V, titled “Senior (adult) housing,” of Section 199-26, titled “Individual standards for special uses,” is amended to read as follows:

Example: An applicant proposes a nursing home facility on a parcel of 100 gross acres. After application of §199-35, the net site acreage is 50 net acres. Fifty-five percent or 27.5 acres of the net acreage may be devoted to nursing/residential health care or dwelling units. Said net acreage can be allotted for a mix of the allowable uses – use of 7.5 acres for nursing/residential healthcare at a maximum density of 25 beds per acre would permit a 187 bed facility and allow the remaining acreage to be used for up to 160 multifamily units or 40 townhouse/patio homes or a mix thereof.

(17) Town-endorsed water and Town-endorsed sewer systems shall be required in order to develop at the densities listed above. If a Town-endorsed water or sewer system is not provided, the permissible density for adult multifamily and adult townhouse/patio homes used to calculate maximum density per subsection (5) shall be no greater than the permissible density for single-family detached dwellings in the district in which the Senior (adult) housing is proposed.

Section 16. The first, undesignated paragraph of Section 199-35, titled “Environmental constraints,” is amended to read as follows:

This section shall apply to the calculation of minimum lot size, development coverage and residential density. For purposes of calculating development yield, the following areas shall be subtracted from the gross acreage of a parcel to establish the minimum lot area and maximum permissible development coverage, in the case of non-residential projects requiring site plan approval, or development yield and permissible density in the case of residential subdivisions or site plans:

Section 17. Subsection C, titled “Soil survey alternative,” and Subsection D (untitled) of Section 199-36, titled “RVP and MG District density calculations,” is amended to read as follows:

C. Soil designation alternative. An applicant may choose to establish the maximum residential development yield by utilizing the soil data contained in the Soil Survey of Sullivan County, New York. For purposes of calculating development yield for single-family detached residential subdivisions, § 199-35, Environmental constraints, shall not apply. The letters listed below refer to the slope designations contained in the soil mapping units that are enumerated in the Soil Survey of Sullivan County, New York. To establish the development yield for a particular site, the following density provisions shall apply:

Slope Designation	Maximum Density
A (0% to 3%)	1 unit/3 acre
B (3% to 8%)	1 unit/6 acres
C (8% to 15%)	1 unit/9 acres
D (15% to 25%)	1 unit/15 acres
E (25% to 35%)	1 unit/30 acres
F (35% to 50%)	1 unit/45 acres
Hydric soils	1 unit/15 acres

D. The applicant shall calculate the number of acres contained within each slope category. The acreage of each slope category shall be multiplied by the appropriate residential density to determine the total number of units permissible. The applicant may then utilize the average density provisions (§199-38) to cluster residential units on soils with slope designations of A, B or C (0% to 15%). The minimum bulk requirements for the clustered residential lots shall be the same as for single-family detached residences in the Neighborhood Residential (NR) Zoning District (for residences with neither Town-endorsed sewer nor Town-endorsed water systems). The maximum residential yield and the final configuration and size of each building lot shall be established based on the applicant demonstrating that individual well and septic systems, adequate access, and other specifications of this chapter, the Town subdivision regulations, and all other applicable laws and regulations shall be met.

Section 18. Paragraph B(3) of Section 199-38, titled “Average density (cluster development),” is amended to read as follows:

(3) In the case of a residential plat or plats, the dwelling units may be single-family detached or single-family attached (townhouse) on individual lots, as determined by the Planning Board.

Section 19. Subsection A, titled “Purpose,” of Section 199-39, titled “Voluntary transfer of density,” is amended by amending paragraph (3) thereof to read as follows:

(3) To transfer development rights to an area of the Town of Mamakating planned for growth and by allowing a density which may encourage the provision of Town-endorsed water and Town-endorsed sewage systems.

Section 20. Subsection B of Section 199-39, titled “Voluntary transfer of density,” is amended to read as follows:

B. For purposes of this section, the sending districts and receiving districts shall be designated as follows:

(1) Sending districts. In the MG and RVP Zones, residential density may be transferred at a rate of one dwelling unit per 7.5 net acres after deduction of environmental constraints pursuant to §199-35.

(2) Receiving districts: NR and HC Zones. Within the receiving district, the maximum residential yield shall be increased by the number of dwelling units transferred from the sending district, but the total density, after transfer, shall be no more than five units per acre for single-family detached dwellings and six units per acre for single-family attached dwellings, where attached dwellings are otherwise permitted in the zoning district. Single-family detached residences shall meet the minimum bulk requirements for a single-family detached residence (with Town-endorsed sewer and Town-endorsed water) in the VC District. The minimum bulk requirements for single-family attached dwellings shall be the same as required for single-family attached dwellings in the VC District. Nothing herein shall be construed to allow residential density to exceed the capacity of the land to support individual water and individual subsurface wastewater disposal systems, except where Town-endorsed water and Town-endorsed sewer system are provided.

Section 21. Schedule I, titled “Table of Use and Bulk Requirements” for the WRA (Winterton Residential Agricultural), MRA (Mountain Residential Agricultural), and BR (Burlingham Residential) zoning districts is amended by deleting “Two-family dwelling” as a permitted use.

Section 22. Schedule I, titled “Table of Use and Bulk Requirements” for the NR (Neighborhood Residential), HC (Hamlet Center), and VC (Village Center) zoning districts is amended by adding a Note for each district to read as follows:

Note: Central water and/or sewer must be a Town-endorsed water system and sewer system as defined in Section 199-6.

Section 23. Schedule I, titled “Table of Use and Bulk Requirements” for the VC (Village Center) zoning district is amended by adding “Senior housing” as a Special Use and adding the following bulk requirements applicable to that use:

Principal Use	Use Type	Area	Minimum Lot:		Minimum Yards (ft):				Development Coverage (%)	Maximum Height	
			Width (ft)	Depth (ft)	Front	Rear	Side, 1 Side, Both	Stories		Feet	
Senior housing	SU	5 ac	200	300	50	50	75	150	35	2.5	30

Section 24. Schedule I, titled “Table of Use and Bulk Requirements” for the LIO (Light Industry/Office) zoning district is amended by amending the permitted use of “Restaurants” to read as follows:

Restaurants, excluding drive-thru

Section 25. Schedule I, titled “Table of Use and Bulk Requirements” for the LIO (Light Industry/Office) zoning district is amended by deleting “Conference Center”, “Resort; Country inn”, “Composting”, and “Recycling and recovery” as Permitted or Special Use uses.

Section 26. Schedule I, titled “Table of Use and Bulk Requirements” for the PO (Planned Office) zoning district is amended by deleting the following Special Uses: “Senior Citizen and Adult Housing”, “Retail”, “Motor vehicle sales establishment”, “Boat vehicle sales establishment (new or pre-owned)”, “Auto-related repair”, “tavern; bar”, and “Contractor-storage yard”; and by deleting note 1.

Section 27. Schedule I, titled “Table of Use and Bulk Requirements” for the PRO (Planned Resort-Office Development) zoning district is amended by changing the minimum lot area requirement for a Planned Resort Community (PRC) to 100 acres.

Section 28. Schedule I, titled “Table of Use and Bulk Requirements” for the PRO (Planned Resort-Office Development) zoning district is further amended by adding “Planned residential development (PRD)” as a Special Use and adding the following bulk requirements applicable to that use:

Principal Use	Use Type	Area	Minimum Lot:		Minimum Yards (ft):				Development Coverage (%)	Max. Height	
			Width (ft)	Depth (ft)	Front	Rear	Side, 1	Side, Both		Stories	Feet
Planned residential development (PRD)	SU	25 ac	300	400	100	100	100	200	25	3.5	40

Section 29. Severability.

If a provision of any article, section, subsection, paragraph, subdivision or clause of this local law shall be adjudged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

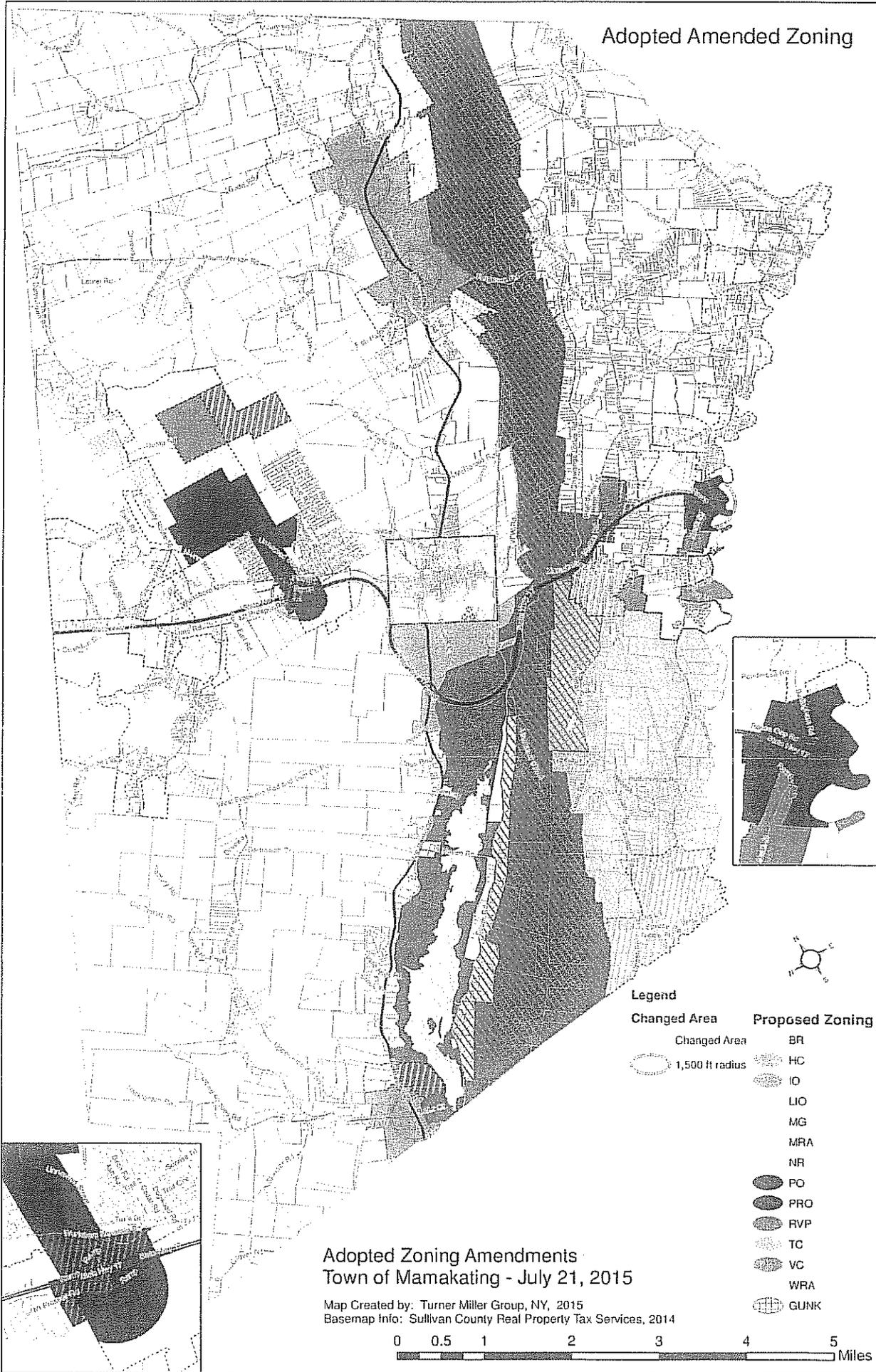
Section 30. Supersession.

Pursuant to the state Municipal Home Rule Law, this local law is intended to supersede any inconsistent provision of state Town Law, and any other special law.

Section 31. Effective date.

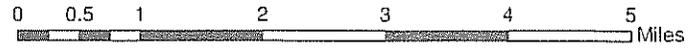
This local law shall take effect immediately upon filing with the Secretary of State.

Adopted Amended Zoning

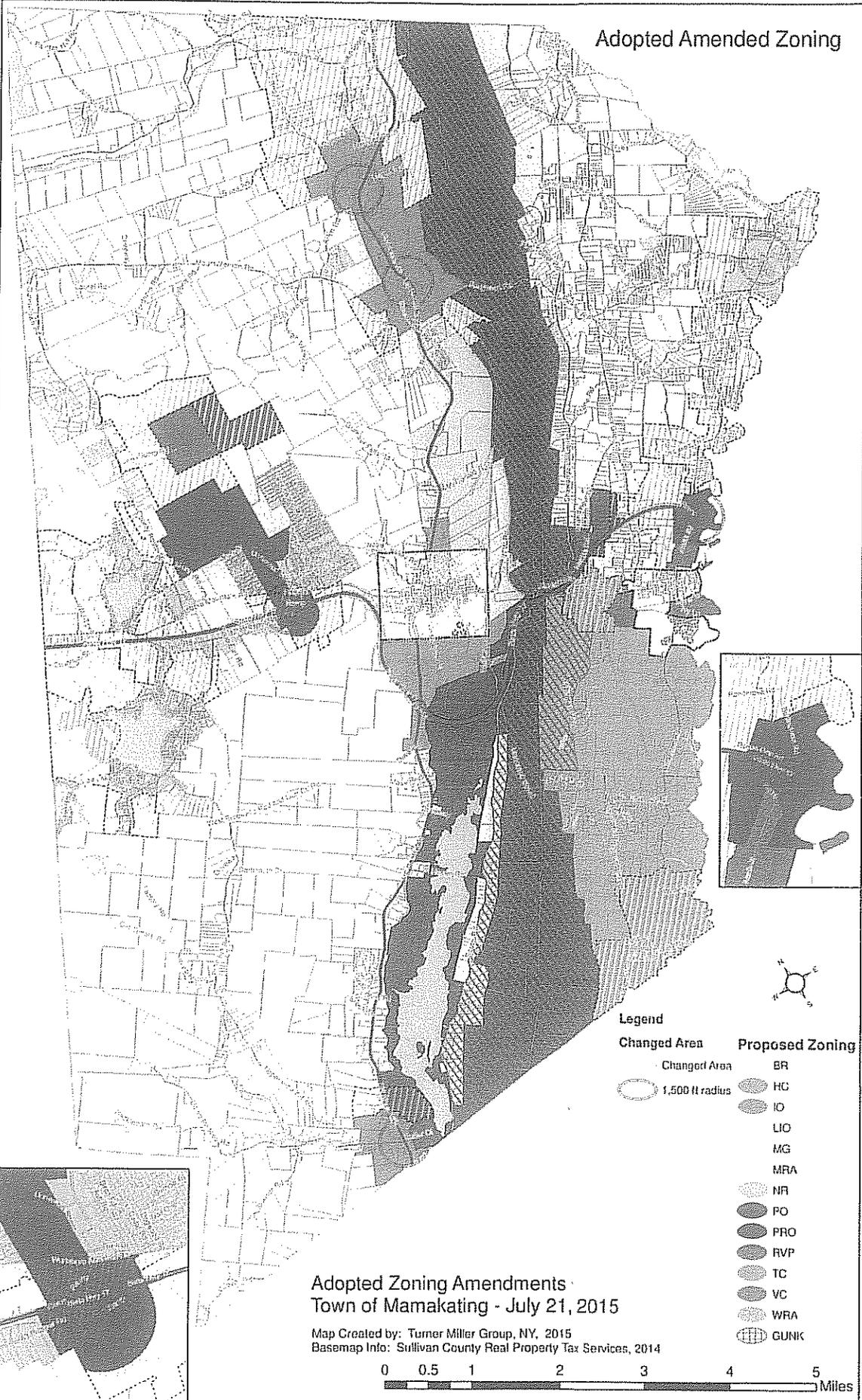


Adopted Zoning Amendments Town of Mamakating - July 21, 2015

Map Created by: Turner Miller Group, NY, 2015
 Basemap Info: Sullivan County Real Property Tax Services, 2014



Adopted Amended Zoning



Legend

- | Changed Area | Proposed Zoning |
|-----------------|-----------------|
| Changed Area | BR |
| 1,500 ft radius | HC |
| | IO |
| | LIO |
| | MG |
| | MRA |
| | NR |
| | PO |
| | PRO |
| | RVP |
| | TC |
| | VC |
| | WRA |
| | GUNK |

Adopted Zoning Amendments
Town of Mamakating - July 21, 2015

Map Created by: Turner Miller Group, NY, 2015
Basemap Info: Sullivan County Real Property Tax Services, 2014



**Narrative Description of Zoning Map Amendments
Not Part of Local Law – For General Information Only
Refer to Zoning Map Made Part of This Local Law**

- The entire approximately 234 acre NR - Neighborhood Residential Zoning District, directly west of the Village of Bloomingburg on the easterly slopes of the Shawangunk Ridge is rezoned to WRA - Winterton Residential Agricultural in its entirety.
- The entire approximately 801 acre NR - Neighborhood Residential Zoning District along the southerly border of the Town east of the Shawangunk Ridge is rezoned to WRA - Winterton Residential Agricultural.
- Approximately 651 acres of land in the NR - Neighborhood Residential Zoning District west and south of Masten Lake is rezoned to MG - Mountain Greenbelt. Only developed lands surrounding the lake and directly adjacent vacant lands will remain NR - Neighborhood Residential.
- Approximately 49 acres of land along Sullivan County Route 56 in the vicinity of its intersection of Munn Road is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 63 acres of land between the land immediately fronting on Park Road and County Route 56 is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 115 acres of land southeast of Masten Lake along both sides of Wurtsboro Mountain Road zoned NR - Neighborhood Residential is rezoned to MG - Mountain Greenbelt.
- Approximately 120 acres of land located in the NR - Neighborhood Residential Zoning District north of Yankee Lake, west of Smith Road and South of Route 17 is rezoned to MG - Mountain Greenbelt.
- The entire approximately 396 acre PRO - Planned Resort Office Zoning District north of Yankee Lake is rezoned to MG - Mountain Greenbelt.
- Approximately 407 acres in the NR - Neighborhood Residential Zoning District west and south of Yankee Lake is rezoned to MG - Mountain Greenbelt.
- Approximately 47 acres of land west of the land immediately fronting on Old Westbrookville Road is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 84 acres of land east of the land immediately fronting on Old Westbrookville Road is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 175 acres of land east of the land immediately fronting on Smith Road is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 630 acres of land north, south and west of the existing County/Town Recycling/Transfer station, but not immediately adjacent thereto is rezoned from IO - Industrial Office to MG - Mountain Greenbelt.
- Approximately 241 acres of land east of the IO - Industrial Office Zoning District on Dump Road and currently used as quarry is rezoned from MG - Mountain Greenbelt to IO - Industrial Office.

- Approximately 18 acres south of the Mountain Lakes Camp neighborhood is rezoned from NR - Neighborhood Residential to MG - Mountain Greenbelt.
- Approximately 67 acres south of the Wurtsboro Hills neighborhood and surrounding both sides of the Route 17 Exit 112 is rezoned from NR - Neighborhood Residential to PO - Planned Office
- Approximately 127 acres west and south of Route 17 Exit 112 and more than approximately 1,500 feet distant from the exit is rezoned from PO - Planned Office to MG - Mountain Greenbelt.
- Approximately 67 acres west of Route 209 and approximately 2,250 feet north of its intersection with Pine Kill Road is rezoned from HC - Hamlet Center to MG - Mountain Greenbelt.
- Approximately 104 acres east of Route 209 and more than approximately 2,000 feet north of its intersection with Pine Kill Road and fronting on the Basha Kill wetlands is rezoned from HC - Hamlet Center to MG - Mountain Greenbelt.
- Approximately 84 acres of land east of the D&H Canal and more than approximately 1,300 feet south of Ferguson Road is rezoned from HC - Hamlet Center to MG - Mountain Greenbelt.
- Approximately 115 acres of land west-southwest of the intersection of Mount Vernon Road and Fish Hatchery Road is rezoned from HC - Hamlet Center to MG - Mountain Greenbelt.
- Approximately 2,140 acres of land located more than approximately 2,000 feet north, northeast and northwest of the intersection of Route 209 and Red Hill Road is rezoned from HC - Hamlet Center to MG - Mountain Greenbelt.
- Approximately 1,290 acres of the NR - Neighborhood Residential Zoning District along the eastern border of the Town north of Route 17 and generally more than 1,500 feet from the intersection of Ski Run Road and Burlingham Road is rezoned to Burlingham Residential.
- Approximately 319 acres of the PO - Planned Office Zoning District at the intersection of Route 17 and Burlingham Road and more than approximately 1,500 feet northwest, west and southwest from the intersection is rezoned to BR - Burlingham Residential.
- Approximately 31 acres of land located within 3000 feet east of the intersection of Horton Road/Horton Road Extension and Route 17 and along the north and south sides of Route 17 and adjacent to RVP-zoned lands is rezoned from BR - Burlingham Residential to RVP - Ridge and Valley Protection.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the ~~(County)~~(City)(Town)(Village) of Mamakating was duly passed by the Town Board on July 21, 2015, in accordance with the applicable provisions of law.

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

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

(Name of Legislative Body)

(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors thereon at the (general)(special)(annual) election held on _____ 20__ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

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

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

(Name of Legislative Body)

(Elective Chief Executive Officer)*

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

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

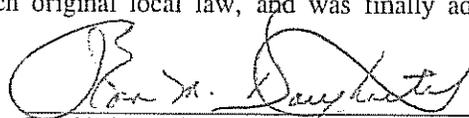
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



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

Jean M. Dougherty, Town Clerk

Date: 7/21, 2015

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

JACOBOWITZ AND GUBITS, LLP

By: J. Benjamin Gailey
Signature J. Benjamin Gailey

Attorneys for the Town of
Title

Date: July 30, 2015