

Local Law Filing

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

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

County City Town Village
(Select one:)

of DEERPARK

Local Law No. 7 of the year 20¹⁸

A local law AMENDING SECTION 230-26 OF THE TOWN OF DEERPARK ZONING LAW FOR
(Insert Title)
MULTI-FAMILY RESIDENTIAL USES IN THE TOWN OF DEEPARK.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of DEERPARK as follows:

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

(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. 7 of 2018 of the ~~(County)(City)~~(Town)(Village) of DEERPARK was duly passed by the TOWN BOARD on JULY 16 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

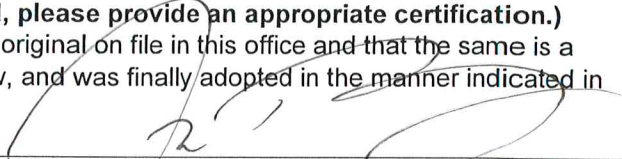
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



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

Date: 7/16/2018

(Seal)

LOCAL LAW NO. 7 OF 2018
TOWN OF DEERPARK, ORANGE COUNTY STATE OF NEW YORK
A LOCAL LAW AMENDING SECTION 230-26
OF THE TOWN OF DEERPARK ZONING LAW FOR
MULTI-FAMILY RESIDENTIAL USES
IN THE TOWN OF DEERPARK,
COUNTY OF ORANGE, STATE OF NEW YORK.

Section 1. This law shall amend the law formerly known as Section 230-26 of the Town of Deerpark Zoning Law.

Section 2. Findings

1. Section 230-26(F) shall be deleted in its entirety and shall be replaced with:

F. Multifamily dwelling density shall be granted a One Hundred Percent (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 (See Section 230-12(A)). Density shall be calculated by taking the total acreage of the development and deducting the following acreages:

1. Land contained within public rights-of-way;
2. 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 Feet (50'); L
3. Land contained within the boundaries of easements previously granted to public utility corporations providing electrical or telephone service; and
4. All wetlands, floodplains, slopes of Twenty-Five Percent (25%) or greater grad, water bodies and other undevelopable areas (unless such areas are used for some active recreational purpose, such as trails, or employed for some other development purpose, such as a storm water detention area); and dividing by the number of proposed units.

2. Section 230-26(I)(1) shall be deleted in its entirety and shall be replaced with:

I. 1. There shall be no more than Four (4) dwellings in each multi-family building.

3. Section 230-26(I)(5) shall be deleted in its entirety and shall be replaced with:

I. 5. Four (4) parking spaces shall be provided per unit, plus, for every two (2) units intended for rental or other transient occupancy, Two (2) additional spaces to accommodate parking needs during sales and other peak visitation periods.

4. Section 230-26(I)(10) shall be revised to add the following verbiage at the end of the last sentence:

“In instances where storm water facilities are impractical for engineering reasons, the Planning 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.”

5. New provisions to Section 230-26(I) shall be added as follows:

I.12. In addition to the standards for landscaping set forth herein, the ground and vicinity of buildings shall be provided with decorative landscape materials, subject to approval by the Planning Board.

I.13. Exterior lighting along walks and near buildings shall be provided utilizing architectural

grade equipment and shall not create glare on adjoining units or adjoining properties.

I.14. Walks shall be provided throughout the development area to ensure that roads shall not be required for pedestrian circulation.

I.15. The fire inspector of the fire district in which the development is proposed shall review the development for adequate access for emergency vehicles.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22