

## Local Law # 1 of 2023

### RESOLUTION OF ADOPTION

#### Town Center District Zoning Amendments

##### *WHEREAS:*

1. This resolution proposes new legislation in the form of a local law amending various provisions of the Town of Union Vale zoning law and adds new provisions.
2. The Town Board wanted to update zoning to ensure that the TC district and its land use regulations implement policy direction as established in the adopted Town of Union Vale Master Plan, to consider modifications to the zoning code in the TC District as suggested by the Planning Board, to provide additional guidance as to how future development in the TC district can meet community goals, especially those related to community character and the environment, and to consider upgrading private road and driveway construction standards so as not to present long-term safety, upkeep and access issues for property owners and the Town.
3. This Local Law was introduced by the Town Board of the Town of Union Vale as Local Law #4 – 2022, entitled “A local law of the Town of Union Vale, Dutchess County, New York to amend Town Code Chapter 192 entitled “Subdivision of Land,” Chapter 210 entitled “Zoning,” and Chapter 128 entitled “Fees, Land Use,” relating to the TC Zone, Subdivisions, as well as Road Requirements and Related fees”; and it will now be referred to as Local Law # 1 of 2023.
4. The purpose of this action is to adopt a local law that amends selected provisions of the Town of Union Vale Subdivision Law, Zoning Law as it relates to the TC District, the Fee Schedule Law, and Highway Standards. Further purposes are to implement the 2001 Town of Union Vale Master Plan. The Master Plan outlined a variety of goals pertaining to the TC district that have not been fully implemented. Ongoing and new issues facing the Town and the TC District necessitated a re-evaluation of development standards there. The Master Plan seeks to promote the TC district as a place for mixed uses and small businesses designed to meet the needs of the Town, and in so doing, to ensure that the small and rural character and the environment of the Town are preserved.
5. Protection of the environment and maintenance of the rural character of the Town are paramount policies of the Town and this local law is established to update the zoning regulations for the TC district to ensure consistency between future development and that Master Plan.

6. The action of adopting a local law by itself will not result in any physical change to the environment. Each future proposed development in the TC district will require full review by the Planning Board and will include an environmental evaluation of that specific site. The Town recognizes that there are potential impacts that may occur and be mitigated via those projects.
7. The proposed zoning changes, however, are designed to further the environmental protection goals of the Town of Union Vale. The Town concludes that no significant adverse impacts to the environment will result upon adoption of these amendments because they are essentially strengthening the review process and mitigation measures to be used in the TC District. These measures include:
  - Requiring a conservation subdivision (for lot splits) or conservation design (for multi-structure developments on a single lot) that preserves 50% of the parcel as permanent open space. This requirement will not only result in open space that will continue to contribute to the character of the Town and its environment but will result in a development pattern that is designed with rural character as its foundation.
  - Updating the TC District purpose statement that now emphasizes development that is of the scale, intensity and design in keeping with the desire to develop this area as a traditional hamlet oriented to mixed uses and small scale commercial uses.
  - Large scale and high impact uses such as gas stations have been removed from being allowed in the TC District. Dimension standards have been updated to control the scale and intensity of those uses that are allowed.
  - Language has been added throughout the regulations to ensure proper review of traffic, well, water, aesthetic, community character, and other environmental impacts.
  - The Planned Mixed-Use Development District has been removed as an allowable technique because it had few development standards and was replaced with development standards having defined environmental performance standards.
  - A density bonus incentive has been added for the TC District specifically to promote low impact development, solar integrated buildings, buildings that meet LEED energy standards, electric charging stations, trails and pathways, pollinator friendly landscaping, and forest and wildlife management planning.
  - Emphasizes siting of new structures in a manner accessible to emergency vehicles.
  - Added design standards for all building within the TC District that will promote community character and quality development through regulation of the aesthetic

elements of buildings, parking lots, signs, lighting, and other site features.

- Updated parking lot requirements to include location and landscaping standards will positively contribute to preventing erosion and runoff, heat islands, and mitigate parking lot aesthetic concerns.
  - Incorporated Dark Sky Compliant lighting standards to control glare off-site and on roads for all development in the TC District.
  - Enhanced landscaping requirements for the TC District, including screening of commercial buildings so that they will have minimal or no impact on adjacent parcels.
  - Prevented new roads and streets that are too wide, with too much pavement and over-built.
  - Added in development standards that allow for multifamily dwellings and townhouses in a manner consistent with the environment and the character of Union Vale.
  - Enhanced Site Plan and Special Use Permit application materials that detail all natural resources that may be on the site including requiring review of the Town's Natural Resource Inventory, photosimulations and traffic impact analysis. In particular, the updates address the need for thorough traffic impact analysis and mitigation of adverse impacts along Routes 55 and CR 21. Also included are authorizations for the Planning Board to require hydrology studies to ensure that the proposed use has adequate water supplies and septic system capacity. New standards to review and mitigate impacts of development in the TC District on rare species, critical habitats, or listed species.
  - Promotion of more pedestrian linkages from the TC District to other locations in Town.
8. Thus, the proposed land use regulatory changes of this action strengthen environmental protections when new development is proposed and will therefore positively benefit the Town of Union Vale and is fully consistent with the goals of SEQR. The depth and breadth of environmental topics addressed in the Town's Master Plan and translated into land use regulations via these proposed amendments illustrate the commitment Union Vale has made to protect, preserve, and enhance the environment. The primary purpose of the proposed amendments is to implement these principles through land use regulations.
9. This proposed Zoning Law is the result of hours of work over 11 months by a working/review committee comprised of members of the Planning Board, Town

Board, Highway Superintendent, Town Engineer, Land Use Attorney, and the Town's Code Enforcement Officer with professional assistance from Nan Stolzenburg, AICP of Community Planning and Environmental Associates.

10. Said Local Law has been on the desks, after distribution by email, of the members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday.
11. A copy of the proposed Local Law No. 1 of 2023 is attached hereto as Exhibit A and incorporated herein, with the language to be deleted ~~Stricken~~ and the language to be added underscored, and the Town Board does hereby waive a verbatim reading of said Local Law and directs that said Local Law be spread across the record as if it in fact, had been read verbatim.
12. Notice of said public hearing was given to the Clerks of the adjoining towns pursuant to General Municipal Law § 239-m and the proposed Local Law and notice of the public hearing were given to the Dutchess County Department of Planning and Economic Development for its advisory review in accordance with § 239-m of the General Municipal Law. Comments were duly received by the Dutchess County Department of Planning and Economic Development and taken into consideration by the Town Board.
13. Public hearings in relation to said Local Law were held on December 21, 2022 at 7:00 p.m., and a supplemental public hearing was held on January 18, 2023 at 7:00 p.m. Prevailing Time.
14. Public comments from the December 21<sup>st</sup> public hearing were reviewed by the Town of Union Vale Town Board, the review committee and Nan Stolzenburg and subsequently, the Town Board prepared a final version of the proposed zoning amendments to include clarifications attached as Amendment A to this resolution.
15. The Town of Union Vale Town Board, as lead agency, has reviewed the Action and all relevant supporting information and documentation, and has determined that there will be no significant adverse environmental impacts associated with the adoption of Local Law # 1 – 2023 has classified the adoption of this Local Law is a Type I Action pursuant to 6 NYCRR § 617.6, and will issue a Negative Declaration.

**NOW THEREFORE *BE IT RESOLVED*,**

- A. The Town Board hereby adopts the annexed Local Law, Town of Union Vale Local Law # 1 OF 2023 entitled "A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 192 ENTITLED

“SUBDIVISION OF LAND,” CHAPTER 210 ENTITLED “ZONING,” AND CHAPTER 128 ENTITLED “FEES, LAND USE,” RELATING TO THE TC ZONE, SUBDIVISIONS, AS WELL AS ROAD REQUIREMENTS AND RELATED FEES”; and

- B. That the Town Board directs the Town Clerk to inform the Dutchess County Planning and Development Office of its decision by forwarding a copy of Local Law # 1 by any method preferred by the Planning and Development Office; and
- C. That the Town Board instructs the Town Clerk to maintain a hard copy file in her office in Town Hall to contain all parts of this law and instructs the Town Clerk to ensure all parts of this law be maintained on the Town’s website until that time when the Town Code is completely updated and accessible; and
- D. That the Town Board directs the Town Clerk to file Local Law # 1 of 2023, as adopted by the Town Board, with the New York Secretary of State in accordance with applicable provisions of law, and specifically Article 3, §27 of the Municipal Home Rule Law, so that Local Law # 1 of 2023 shall take immediate effect upon such filing.

\_\_\_\_\_ offered the following Resolution, which was seconded by  
\_\_\_\_\_, who moved its adoption:

The foregoing Resolution was duly put to a vote which resulted as follows:

Councilman Durland	_____
Councilman Gusikoff	_____
Councilman McGivney	_____
Councilman Welsh	_____
Supervisor Maas	_____

Dated: Union Vale, New York  
January 18, 2023

\_\_\_\_\_  
ANDREA CASEY, TOWN CLERK