

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Phelps
Village

Local Law No. 4 of the year 2023

A Local Law Amending the Town of Phelps Zoning Ordinance to Add Regulations Pertaining to Camping Grounds

(Insert Title)

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

County
City
Town of Phelps as follows:
Village

Section 1. Paragraph B. of Section 145-4 (Word usage; definitions) of the Town of Phelps Zoning Ordinance is hereby amended to add the following definition:

CAMPING GROUND

A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy of travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence.

Section 2. The Town of Phelps Schedule of Regulations, identified in §145-8 of the Town of Phelps Zoning Ordinance and attached at the end of the Town of Phelps Zoning Ordinance, is hereby amended with the insertion of a new Special Permitted Use in i) the R-AG Residential/Agricultural District, ii) the C-1 Commercial District, iii) the C-2 Neighborhood Commercial District and iv) the M-1 Industrial District to read as follows:

Camping grounds, in accordance with § 145-20.2

Section 3. Article V (Special Uses) of The Town of Phelps Zoning Ordinance is hereby amended with the insertion of a new Section 145-20.2 to read as follows:

§ 145-20.2 Camping grounds

- A. Camping grounds may be allowed as special uses in districts: Residential / Agricultural (R-AG), Commercial District 1 (C-1), Commercial District 2 (C-2), Industrial District (M-1) with the approval of a site plan by the Planning Board and a special use permit by the Zoning Board of Appeals. Camping Grounds shall not be allowed in Residential Districts (R-1).
- B. No site preparation or construction shall commence, nor shall existing structures be occupied, until final site plan approval has been granted by the Planning Board and the Special Use Permit approval from the Zoning Board and permits have been issued by all governmental agencies involved.
- C. Camping grounds shall be occupied by only travel trailers, pickup coaches, motor homes, camping trailers, recreational vehicles, tents, cabins, A-frame, or similar structures suitable for temporary habitation and used for travel, vacation, and recreation purposes. The removal of wheels is prohibited. Permanent seasonal sites may block up the travel trailer or vehicular accommodations with wheels intact.
- D. No cabin, A-frame or similar structure shall be constructed or erected on the site without a building permit issued by the Code Enforcement Officer. The construction of all buildings for human occupancy shall be designed and built to meet the standards of the Uniform Code. The issuance of a building permit by the Code Enforcement Office shall precede the start of any construction. No structure shall be occupied for camping or any other purpose without a certificate of occupancy issued by the Code Enforcement Officer. The Code Enforcement Officer shall not issue a certificate of occupancy for any structure without written approval of the New York State Department of Health that the sewage disposal system serving the building has been installed accordingly with appropriate standards and it is functioning properly, if applicable.
- E. The minimum camping ground area shall be 20 acres.
- F. Not more than 15 travel trailers, campers, tents, recreational vehicles, or motorhomes are permitted per acre of gross site area. Not more than 2 cabins, A-frame or similar structure shall be permitted per acre of gross site area.
- G. Location and access. A Camping ground shall be located so that no entrance or exit from a site shall discharge traffic into any R-1 district nor require movement of traffic from the camping ground through a R-1 district. A camping ground shall have a minimum of 150 feet of frontage on a public street. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping area and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exists. No entrance or exit shall require a turn at an acute angle for vehicles

moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.

- H. Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or to the health or safety of the occupants. Site conditions shall not create health or safety hazards.
- I. Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions.
 - 1. Such establishments and the parking areas primarily related to their operations shall not occupy more than 5% of the gross area of the camping ground.
 - 2. Such establishments shall be restricted in their use to occupants of the camping ground.
 - 3. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.
 - 4. The structures housing such facilities shall not be located closer than 200 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from a street within the camping ground.
 - 5. One (1) owner occupied / caretaker occupied habitable residence is allowed per camping ground for overseeing the camping ground's operation.
 - 6. Campsite/dwelling conversions to year-round habitable space shall not be allowed.
- J. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Departments of Health and/or Environmental Conservation and shall receive approval from said agencies. A minimum of one (1) RV dump station is required.
- K. Each site shall have toilet facilities located not further than 300 feet from any site.

- L. Streets and Parking Lots. Streets in camping grounds shall be private but shall be constructed in compliance with the site design. Plans and specifications for streets shall be reviewed and approved by the Town Engineer. All roadways and public parking areas shall be either paved or dust treated. Public Parking areas shall be provided to store transient trailers, boats along with guest parking. Street Sign identifiers shall be maintained at all intersections and the camping ground shall have a posted speed limit not to exceed five (5) mph.
- M. Sites. Travel trailers, pickup coaches, motor homes, camping trailers, and recreational vehicle sites shall be at least 2,800 square feet in area and have a minimum width of 40 feet. Tent sites shall be at least 1,500 square feet in area. All sites shall be identified with their own individual unique identifier.
- N. Camping Fires. All campsites shall be provided with a fire ring or fire pit to contain individual campfires.
- O. Recreation facilities. A minimum of 20% of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel trailers, pickup coaches, motor homes, camping trailers, recreational vehicles, tents, or cabins, required buffer strips, street rights-of-way, parking or storage areas or utility sites shall be counted as recreational purposes.
- P. Off-street parking and loading. In connection with use of any camping ground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any street, sidewalk or required buffer or right-of-way or on any public grounds or on any private grounds not part of the camping ground unless the owner has given written permission for such use. Each camping ground shall provide off-street parking, loading and maneuvering space so located and scaled that the prohibitions above may be observed, and camping ground owners shall be responsible for violations of these requirements.
- Q. An adequate lighting system shall be provided for the camping ground. All lighting shall be in accordance with Chapter §92 of the Phelps Town Code.,
- R. All utilities shall be underground. Travel trailers, pickup coaches, motor homes, camping trailers, recreational vehicles, and cabins shall have electric per site. Potable water shall be provided with New York State Health Department approval. All applicable sanitation standards promulgated by the State of New York shall be met.
- S. The owner shall provide an adequately sized dumpster for disposal of garbage and refuse. The owner shall provide an adequately sized dumpster for the disposal of recycled materials such as paper, plastic, tin, steel, glass, and cardboard. Dumpsters shall be independent of each other. Camping ground owners are encouraged to have a positive environmental impact. Garbage and refuse shall be disposed of as often as may be necessary to ensure sanitary conditions. The Planning Board shall require fencing or natural buffering.

- T. Setbacks. Each building or structure within a camping ground shall comply with the setback regulations applicable to the zoning district in which such camping ground is located, except that travel trailers, pickup coaches, motor homes, camping trailers, recreational vehicles, tents, and cabins may be located not closer than 250 feet to any side or rear line nor closer than the management headquarters to any front lot line.
- U. Emergency contact information shall be posted outside the management headquarters. Information shall include 911 emergency numbers, the Ontario County Emergency Services non-emergency number, and camping grounds after hours management numbers.
- V. Recreational Vehicle commercial sales are prohibited.
- W. Adherence is required to Phelps Town Code §96 on noise levels and time frames.
- X. All camping grounds are required to provide an orientation to the local law enforcement, fire department and ambulance services for camping ground layout, facilities, and amenities. Such orientation shall be biennial.
- Y. The annual license fee for each camping ground shall be \$10.00 per camping site per year in conjunction with the annual special use permit fee, an amount to be determined by the Phelps Town Board. The special use permit will be considered following the annual inspection performed by the Code Enforcement Officer to include habitable buildings and the approved site plan.
- Z. No unregistered vehicles or trailers shall be kept at the camping ground.

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the **Town of Phelps** was duly passed by the Phelps Town Board on July 10, 2023, 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 Officer¹.)

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.

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 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)(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.

¹ 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 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

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

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

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

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


Clerk of the Town

(Seal)

Date: 7/18/2023

**RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 OF 2023
A LOCAL LAW AMENDING THE TOWN OF PHELPS ZONING ORDINANCE TO ADD
REGULATIONS PERTAINING TO CAMPING GROUNDS**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Phelps for a public hearing to be held by said Town Board on July 10, 2023, at 7 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, to hear all interested parties on a proposed Local Law Amending the Town of Phelps Zoning Ordinance to Add Regulations Pertaining to Camping Grounds; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Phelps, on June 23, 2023 and all other notices required by law to be given were properly served; posted or given; and

WHEREAS, said public hearing was duly held on July 10, 2023, at 7 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Phelps, after due deliberation, finds it in the best interest of the Town of Phelps to adopt said Local Law.


NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Phelps hereby adopts said Local Law No. 4 of 2023, entitled, "A Local Law Amending the Town of Phelps Zoning Ordinance to Add Regulations Pertaining to Camping Grounds", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Phelps, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Phelps sign board.

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on July 10, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Norman Teed	<u>X</u>	—
Bill Wellman	<u>X</u>	—
Kent Ridley	<u>X</u>	—
John Duchesneau	<u>X</u>	—
Ron Allen	<u>X</u>	—

Dated: July 11, 2023


Linda Nieskes, Town Clerk

SEAL

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PHELPS,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 4 OF 2023**

WHEREAS, the Town of Phelps Town Board, hereinafter referred to as Town Board, has determined Local Law No. 4 of 2023 to be a Type 1 action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on July 10, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Norman Teed	<u>X</u>	—
Bill Wellman	<u>X</u>	—
Kent Ridley	<u>X</u>	—
John Duchesneau	<u>X</u>	—
Ron Allen	<u>X</u>	—

Dated: July 11, 2023


Linda Nieskes, Town Clerk

SEAL

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

September 1, 2023

Robyn L Hanna
Graff Law Office
26 East Main Street
Clifton Springs NY 14432-0604

RE: Town of Phelps, Local Law 2, 3, 4 2023, filed on August 24 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492