

# 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 Saugerties

FILED  
STATE RECORDS  
ACT 25 2023

DEPARTMENT OF STATE

Local Law No. 2 of the year 2023

A local law to amend section 210-31(B) of the Saugerties Village Code's off-street parking requirements  
(Insert Title)  
for residential uses in the B-1 zoning district.

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

County  City  Town  Village  
(Select one.)

of Saugerties as follows:

See attached Local Law.

(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. 2 of 2023 of the ~~(County)(City)(Town)~~(Village) of Saugerties was duly passed by the Village Board of Trustees on October 2 2023, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**X (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.

**X (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.

**X (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.

*Peggy Melville*

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

Date: 10/13/2023

(Seal)

**VILLAGE OF SAUGERTIES**  
**LOCAL LAW NO. 2 OF THE YEAR 2023**

A local law to amend section 210-31(B)(1) of the Saugerties Village Code's off-street parking requirements.

Be it enacted by the Board of Trustees of the Village of Saugerties as follows:

**Section 1. Legislative Intent**

It is the intent of this Local Law to increase the number of off-street parking spaces required for residential uses within the Village's B-1 (Business) zoning district, subject to certain exceptions provided for in Section 4 of this Local Law. Prior to the filing of this Local Law, §210-31(B)(1) of the Saugerties Village Code has required residential uses in the in the B-1 to have one (1) off-street parking space for every two (2) dwelling units. The purpose of this Local Law is to increase the number of parking spaces in the B-1, for residential uses, to three (3) parking spaces for every two (2) dwelling units. Essentially, the purpose of this Local Law is to modify §210-31(B)(1) in the manner illustrated in the following "redline" quotation of that section:

B-1 District. No off-street parking shall be required for any use in the B-1 District, except for residential uses which shall provide one three off-street parking spaces for every two dwelling units.

**Section 2. Authority**

This local law is adopted pursuant to the Board of Trustees' authority conferred by N.Y.S. Village Law §4-412 and N.Y. Municipal Home Rule Law Article 2.

**Section 3. Amendment of Saugerties Village Code §210-31**

Following the filing of this Local Law, §210-31(B)(1) of the Saugerties Village Code is hereby amended to read as follows, and shall so appear in the Village's Code Book:

B-1 District. No off-street parking shall be required for any use in the B-1 District, except for residential uses which shall provide three off-street parking spaces for every two dwelling units.

**Section 4. Preexisting Uses, Prior Approvals and Prior Permits; Non-Retroactive Application.**

(A) Definitions. As used in this Section 4, the following terms shall have the following meanings:

- (a) "Post-Amendment Standard" means Village Code §210-31(B)(1) as amended by this Local Law, *i.e.* the new requirement that residential uses in the B-1 district "shall provide three off-street parking spaces for every two dwelling units."

- (b) “Pre-Amendment Standard” means Village Code §210-31(B)(1) as it existed *prior to* the Effective Date of this Local Law, *i.e.* the old requirement that residential uses in the B-1 District “shall provide one off-street parking space for every two dwelling units.”
- (B) The Post-Amendment Standard of this Local Law shall **not** apply to any the following (hereinafter, “Exempt Cases”):
- (a) Structures and uses that were physically in existence with fewer than one (1) off-street parking space for every two (2) dwelling units before the effective date of the Pre-Amendment Standard (as a pre-existing non-conforming use in the judgment of the Code Enforcement Officer), and which were still in existence as a pre-existing non-conforming use as of the Effective Date of this Local Law (in the judgment of the Code Enforcement Officer). Said structures and uses may continue to operate with the number of off-street parking spaces they had as pre-existing non-conforming uses before the adoption of the Pre-Amendment Standard and before the adoption of this Local Law, even if that number of parking spaces is zero (0); and
- (b) Structures and uses that were physically in existence in the B-1 zoning district prior to the Effective Date of this Local Law, with one (1) parking space for every two (2) dwelling units. Such structures and uses shall continue to comply with the Pre-Amendment Standard; and
- (c) Any project concerning property in the B-1 zoning district which has a current site plan approval application pending before the Village Planning Board as of the Effective Date of this Local Law, or which has already obtained site plan approval from the Village Planning Board prior to the Effective Date of this Local Law, wherein the site plan contemplates one (1) parking space for every two (2) dwelling units (so long as the project’s site plan approval, if any, has not expired without Planning Board renewal pursuant to §210-59[D] of the Saugerties Village Code). A project falling under this sub-section shall not be denied a site plan approval or building permit on the basis of the Post-Amendment Standard, and shall instead be subject to the Pre-Amendment Standard. As constructed, such projects shall operate in compliance with the Pre-Amendment Standard; and
- (d) Any project not requiring site plan approval, concerning property in the B-1 zoning district that has a current building permit application pending before the Village Building Inspector/Code Enforcement Officer as of the Effective Date of this Local Law, or which obtained a building permit from the Village Building Inspector/Code Enforcement Officer prior to the Effective Date of this Local Law, wherein the filed building plans on which the application or permit are based contemplate one (1) parking space for every two (2) dwelling units (so long as the building permit has not expired under §100-4[I] of the Saugerties Village Code for the owner or developer’s failure to commence work). A project falling under this sub-section

shall not be denied a building permit on the basis of the Post-Amendment Standard, and shall instead be subject to the Pre-Amendment Standard. As constructed, such projects shall operate in compliance with the Pre-Amendment Standard

- (C) Nothing in this Section shall be construed to prohibit an owner or developer in an Exempt Case from voluntarily complying with the Post-Amendment Standard if the owner or developer determines it is feasible to do so, provided, however, that if the creation of additional off-street parking spaces requires a building permit and/or an amendment to an approved site plan, the owner or developer must obtain a building permit and/or site plan amendment approval as the case may be.

**Section 5. Effective date**

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