

Local Law Filing

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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.

Town of WAPPINGER

Local Law No. 2 of the year 2024

A local law entitled "A Local Law 2 of the year 2024 for the Purpose of Amending Chapter 217, Subdivision of Land, of the Town Code with Respect to a Variety of Definitions."

Be it enacted by the TOWN BOARD **of the Town of** WAPPINGER **as follows:**

TEXT COMMENCES ON NEXT PAGE

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

LOCAL LAW No. 2 OF THE YEAR 2024

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section 1. Title

This Local Law shall be known and cited as “Local Law No. 2 of 2024, for the Purpose of Amending Chapter 217, Zoning, of the Town Code with Respect to a Variety of Matters.”

Section 2. Legislative Intent

The Town Board believes that it is reasonable and appropriate to update and amend Chapter 217, Subdivision of Land, of the Town Code with respect to a variety of matters. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents.

Section 3. Amendments to Chapter 217, Zoning

Items in **Blue** were suggested by CPL Engineering, Items in **Red** are additions, Items in **Red Crossed-out** are deletions from existing code.

1. Section 217-9 Definitions, shall be amended to read as follows:

§ 217-9(a). Word usage.

1. Except where specifically defined herein, all words in this chapter shall carry their customary meanings.

2. The word "shall" is always mandatory. The word "may" is always permissive. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

§ 217-9 (b). Definitions.

APPLICANT, SUBDIVIDER — Any person, firm, corporation, partnership, association or other entity who or which shall lay out any subdivision or re-subdivision, or part thereof, either on behalf of himself or for another or others.

ATTORNEY or TOWN ATTORNEY — The Attorney of the Town of Wappinger.

BUILDING CODE — The official New York State Uniform Fire Prevention and Building Code as adopted by the Town Board, together with any and all amendments thereto.

BUILDING PERMIT — An application form for a building permit or use permit obtainable from the Building Inspector or his or her appointed assistant.

CERTIFICATE OF OCCUPANCY — A permit to occupy and use a building.

CLUSTERING — shall mean a subdivision plat or plats, in which the applicable zoning ordinance may be modified what is allowed to provide an alternative permitted method for the layout,

configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping as is what is legally required within the town code in order to preserve the natural and scenic qualities of open lands providing it is in a zone that permits its use. COLLECTOR ROAD see also "STREET, COLLECTOR" — Is a County Road Only. The purpose of a Collector Road/Street is to carry traffic from Town or State Roads to various parts of the town and is designated as such in the comprehensive plan P 65.

CONCEPTUAL SUBDIVISION PLAN — A conceptual sketch made on a topographic survey map, showing the proposed subdivision in relation to existing conditions and with reference to the minimum lot and area requirements of the zoning district in which the property is located including proposed lot counts, layout and provisions for water and sewer systems. Reference 217-11.

CONCEPTUAL SUBDIVISION PLAN REVIEW — The review of a conceptual layout of a proposed subdivision by the Town and Planning Board. The review does not ensure that the proposed subdivision meets the minimum lot and area requirements. This is the responsibility of the applicant. A conceptual review determination shall not relieve the person from the responsibility of obtaining any required permits and shall be contingent upon the submission of such detailed plans, specifications and information as may be required for permit applications. A conceptual review determination shall remain in effect indefinitely for the proposed business undertaking, project, or activity as described in the master application and any additional information submitted as part of the conceptual review, provided, however, that if new permit requirements or related standards, over which a state agency has no control or discretion in establishing the effective date thereof, subsequently become effective, such new permit requirements or standards shall not be considered to have been part of the conceptual review determination..

CURB — A low barrier usually along the pavement line of a street, road or highway, controlling surface drainage and separating vehicular areas from pedestrian and/or landscaping areas.

DISTURBANCE – All land preparation activities involving the movement, placement, removal, transfer or shifting of trees, soil and/or vegetation, including, but not limited to, clearing, draining, filling, grading, regrading or the building of structures or the placement of improvements on land, including the construction of individual sidewalks, paths, roads or driveways. The condition of land disturbance shall be deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with this chapter.

EASEMENT — A recorded acquired right of use on the property of another. Authorization by a property owner for the use, by another and for a **specified purpose**, of any designated part of his property.

ENGINEER or TOWN ENGINEER — The duly designated engineer of the Town of Wappinger or the Superintendent of Highways, or the consultant or engineer employed by or assigned to the Planning Board.

ENGINEER TO THE TOWN

The Engineer to the Town of Wappinger, New York as a non-employee contracted from an external firm.

FINAL PLAT — A drawing prepared by a New York State licensed professional engineer or land surveyor (with appropriate certification), in a manner prescribed by this chapter, showing a proposed subdivision and containing, in such additional detail as shall be provided by these

regulations, all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved and which, if approved, may be filed or recorded by the owner in the Office of the Dutchess County Clerk.

GRADING —The alteration of the surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling to a depth greater than six inches.

INTERIOR LOT — A lot enclosed on all sides by other lots and not abutting a public street.

LAND DEVELOPMENT ACTIVITY - Construction activity, including tree removal, clearing, grading, excavating, soil disturbance or placement of fill that results in any land disturbance, or activities disturbance land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LOT — Land, not divided by streets, that is occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by Chapter 240 for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of state law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT LINE REVISION, LOT LINE AMENDMENT—A change in the location of a boundary between two or more lots within a previously approved plat, filed in the Dutchess County Clerk's Office.

OPEN SPACE — See Open Space Chapter 240-5

OWNER — The owner of record of a tract or parcel, the subdivision of which requires approval of the Planning Board, or a person or persons holding an option to purchase a tract or parcel, contingent only upon receipt of Planning Board approval of a proposed subdivision of such tract or parcel. The owner may be represented by a duly authorized agent or representative in the conduct of business before the Board, except in those instances specified hereafter that require the appearance of the owner in person.

PARENT PARCEL — A parcel of land legally in existence on the effective date of this chapter. For purposes of this chapter, the parent parcel shall be deemed to be that lot, parcel or tract of land owned by the person or persons as shown on the records of the Town of Wappinger Assessor's Office as of the effective date of this chapter.

PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording (See §§ 276, 277, 278, 279 and 280-a of the Town Law of the State of New York).

PRELIMINARY LAYOUT — A preliminary drawing showing the proposed layout of a subdivision which is submitted to the Planning Board for its consideration and conditional approval.

PRELIMINARY PLAT — A drawing prepared in the manner prescribed in this chapter showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as this chapter requires.

PRELIMINARY PLAT APPROVAL — The approval of a proposed subdivision as set forth in a preliminary plat, but subject to the approval of the final plat in accordance with the provisions of this chapter.

ROADWAY — The portion of the street which is paved and ordinarily used for vehicular traffic (also see "street").

STREET — A way for vehicular traffic, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way, lane, place or court or however otherwise designated. An existing public way which affords principal means of access to abutting properties and is suitably improved; or a proposed access way shown on a plat approved by all appropriate official agencies. An existing state, county or Town road or highway, a street shown upon a plat approved by the Planning Board or a street shown on a plat duly filed and recorded in the office of the County Clerk.

STREET, ARTERIAL – Those streets that are used primarily for fast or heavy traffic travelling at 55 mph.

STREET, BUSINESS or INDUSTRIAL- A street which serves or is designed to serve as access to abutting business, commercial or industrial properties.

STREET, COLLECTOR — see also “COLLECTOR ROADS” Are County Roads Only which carry traffic from Town or State Roads to various parts of the town and is designated as such in the Town Comprehensive Plan

STREET, DEAD-END or CULS-DE-SAC — Those streets which are closed to traffic at one end.

STREET, LOCAL – Town Roads, i.e. those streets which are used Only for access to the abutting properties and shall not be used to develop and access future sub-divisions or extend existing sub-divisions.

STREET LINE — The dividing line between the street right-of-way and a lot.

STREET MAJOR- See Definition Street collector and Collector Road

STREET RIGHT-OF-WAY WIDTH — The width of the right-of-way or the distance between property lines, on opposite sides of a street or at right angles to the center line of the street.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

TOWN PLAN, MASTER PLAN, COMPREHENSIVE PLAN—See 240-5The Comprehensive Plan that was adopted in 2010 that identified the goals, objectives, principles, guidelines, and policies for the immediate and long-range protection, enhancement, growth and development of the Town. Resolutions to amend this Plan or parts of this Plan must precede changes to zoning.

~~TOWN DEVELOPMENT PLAN~~

~~The comprehensive plan of development for the Town of Wappinger, New York, prepared and adopted by the Planning Board pursuant to § 272-a of the Town Law.~~