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PROPOSED LOCAL LAW
Electric Vehicle Recharging Infrastructure Amendments
Executive Summary

10 This proposed local law will update the Town’s zoning definitions and zoning district regulations
11 to facilitate the development of electric vehicle charging.

12 The proposed local law will:

13 1. Amend the zoning definitions (Section 140-4.C) to define terms relating to electric vehicle
14 charging infrastructure.

15 2. Amend the use table (Section 140-8.B.) to include electric vehicle charging stations (i.e.,
16 parking equipped with level-1 and level-2 EVSE) as a permitted accessory use and structure to a
17 principal use in all districts of the Town.

18 3. Amend the use table (Section 140-8.B.) to allow electric vehicle charging stations equipped
19 with DC Fast Charge EVSE as a permitted accessory use and structure to all principal uses in the
20 all districts where service stations are allowed.

21 4. Amend off-street parking requirements to specify that parking spaces equipped with EVSE
22 shall continue to be considered as a parking space for the purpose of meeting minimum parking
23 requirements

24 5. Amend the site plan regulations to require that all non-residential uses having at least ten (10)
25 contiguous paved parking spaces provide at least one space with EVSE installed.

26 6. Amend the site plan regulations to authorize the Planning Board to waive the requirement to
27 install an EVSE when it finds that circumstances warrant such waiver, provided that a sufficient
28 number of spaces have provided with conduit and such other equipment as may be necessary to
29 enable EVSE to be installed in the future with minimal inconvenience or disturbance of parking
30 areas
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32 7. Amend the site plan regulations to authorize the Planning Board to apply the simplified site
33 plan waiver procedure, where it finds the circumstances warrant, when an applicant proposes
34 installation of an EVCS.
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36 8. Concurrently with adoption of a local law amending Chapter 140, the Town Board by
37 resolution authorizes the Planning Board, in consultation with the Building Inspector, to develop
38 and implement regulations that specify design standards and criteria related to electric vehicle
39 parking and charging stations in parking facilities so as to simplify and streamline procedures for
40 installation, provide guidance for applicants and design professionals on locating EVSE
41 installations, implementing best practices for installation of an EVSE, and where appropriate,
42 providing wayfinding, parking and safe use signage.
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**TOWN OF NEW PALTZ
INTRODUCTORY LOCAL LAW
AMENDMENT TO CHAPTER 140 ZONING LAW
DEFINITIONS, TABLE OF USES, SITE PLAN
RELATING TO ELECTRIC VEHICLE CHARGING STATIONS**

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BE IT ENACTED by the Town Board of the Town New Paltz, Ulster County, New York as follows:

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Section 1. Chapter 140 of the Code of the Town of New Paltz, entitled “Zoning,” is hereby amended by adding the underlined text that follows as new definitions to existing Section 140-4.C, entitled “Definitions”:

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ELECTRIC VEHICLE Any motor vehicle that is registered with the NYS DMV and authorized to operate on public and private highways, roads, and streets, and uses electrical energy stored on-board for motive purpose. Electric vehicle includes battery electric vehicles and plug-in hybrid electric vehicles.

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PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV) An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

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ELECTRIC VEHICLE CHARGING STATION A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

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ELECTRIC VEHICLE CHARGING STATION — RESTRICTED USE An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

ELECTRIC VEHICLE CHARGING STATION — PUBLIC USE An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., parking spaces on a public street or municipal parking lot) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

CHARGING When an electric vehicle is connected to electric vehicle supply equipment (or standard outlet) for the purpose of recharging batteries on board the electric vehicle.

CHARGING LEVEL The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged.

1. LEVEL 1 is considered “slow” charging level, typically requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet.

2. LEVEL 2 is considered “medium” charging level, typically requiring a 40 amp to 100 amp breaker on a 240-volt AC circuit.

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2 3. DC FAST CHARGE is considered “rapid” charging, typically requiring a 60 amp or
3 higher dedicated breaker on a 480-volt or higher three-phase circuit with special
4 grounding equipment. DC Fast Charging uses an off-board charger to provide the AC to
5 DC conversion, delivering AC directly to the car battery.

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7 **ELECTRIC VEHICLE INFRASTRUCTURE** The structures, machinery, and
8 equipment necessary and integral to support an electric vehicle, including the electrical
9 conduit and premises wiring requirements for the installation of electric vehicle supply
10 equipment, as well as battery exchange stations.

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12 **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)** The conductors, including
13 the ungrounded, grounded, and equipment grounding conductors and the electric vehicle
14 conductors, attachment plugs, and all other fittings, devices, power outlets, or apparatus
15 installed specifically for purposes of delivering energy from the premises wiring to the
16 electric vehicle, complying and conforming with National Electric Code Article 625 and
17 Society of Automotive Engineers J1772 Standard.

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19 **Section 2.** Section 140-8.B. is amended to include Electric Vehicle Charging Stations equipped
20 with EVSE capable of charging an electric vehicle at Level 1 or Level 2, as defined in Section 140-4.C.,
21 as a “permitted accessory use and structure” in all zoning districts.

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23 **Section 3.** Section 140-8.B. is amended to include Electric Vehicle Charging Stations equipped
24 with DC Fast Charge EVSE, as defined in Section 140-4.C., as a “permitted accessory use and structure”
25 in the B-2 or I-1 zoning districts.

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27 **Section 4.** Section 140-8.B. is amended to include Electric Vehicle Charging Stations equipped
28 with DC Fast Charge EVSE, as defined in Section 140-4.C., as a “permitted principal use and structure”
29 in the B-2 zoning district, subject to site plan approval.

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31 **Section 5.** Section 140-51.3. is amended to add the following underlined text:

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33 § 140-51.3 Planning Board review.

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35 Notwithstanding the provisions contained in § 140-52 of this chapter regarding site plan review
36 and approval, the Planning Board, upon recommendation of the Building Inspector and after
37 consultation with the Town Engineer, is authorized to waive site plan approval and the Building
38 Inspector is authorized to issue any building or other required permit for the alteration,
39 modification, improvement, conversion or change in the nature of the occupancy of the building,
40 structure or permitted use for which the application is being made, provided that:

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42 A. the applicant has demonstrated: (1) that the proposed activity for which the application is
43 being made will not require any enlargement, extension, relocation, removal or reduction of any
44 existing buildings, structures, parking areas, exterior lighting or other improvement shown on any
45 site plan approved by the Planning Board prior to the date of the application; (2) the applicant is
46 the owner or operator of a lawfully established wireless communications facility, and the
47 proposed action is to collocate, remove, or replace transmission equipment on an existing
48 wireless tower, provided the proposed action does not substantially change the physical
49 dimensions of the tower or existing base equipment; or (3) the applicant proposes to install a
50 Type I or Type II electric vehicle charging station (EVCS), and installation of the EVCS is not
51 part of an action that otherwise requires site plan approval.

1 B. That the applicant has demonstrated that the proposed activity for which the application is
2 being made will not significantly increase the anticipated vehicle trips generated by the site, the
3 anticipated parking requirements or traffic circulation on the site, the volume or quality of
4 stormwater discharges from the site, or the use of water and septic/sewer facilities;

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6 C. That the applicant has demonstrated that the proposed activity for which the application is
7 being made is a Type II action pursuant to the provisions of 6 NYCRR Part 617 for purposes of
8 SEQRA. For purposes of this paragraph, collocation, removal or replacement of antennas on an
9 existing minor wireless communications facility consistent with subparagraph A(2) and Section
10 140-77 shall be deemed a Type II action; and

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12 D. That the applicant has demonstrated that the proposed activity for which the application is
13 being made will not have an adverse effect or impact upon the physical or environmental
14 conditions of properties in the immediate vicinity nor upon the existing use or uses of such
15 properties.

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17 **Section 6.** Section 140-52.B. is amended to redesignate existing Subsection 140-52.B.(2)(o) as
18 new Subsection 140-52.B.(2)(p), and to then add as new Subsection 140-52.B.(2)(n) the following
19 underlined text:

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21 (n) Any site plan for (1) a residential use that proposes more than three dwelling units, or

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23 (2) a non-residential use that proposes more than ten (10) contiguous parking spaces,
24 shall make provision for the installation and use of one or more electric vehicle charging
25 stations (EVCS) in accordance with the following:

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27 [1] Residential structures shall include at least one parking space with an EVCS per
28 dwelling unit;

29 [2] Office, business, commercial, recreational and other non-residential uses, including
30 civic, cultural and not-for-profit uses (for instance, libraries, daycare centers, schools,
31 churches, etc.) shall provide at least one parking space with convenient and suitable
32 access to an EVCS for every 10 automobile parking spaces;

33 [3] Parking spaces for non-residential uses shall be designed and arranged so that electric
34 vehicle parking spaces are available for the parking of an electric vehicle. Parking spaces
35 designated on an approved site plan for a public EVCS shall be used exclusively for the
36 parking of a vehicle that is connected to the EVCS for charging.

37 [4] All installed EVSC parking facilities shall be maintained in good operating order at
38 all times during the duration of the proposed use.

39 [5] In the event that the Planning Board determines that the applicant has demonstrated
40 good cause to waive the installation of EVCS facilities otherwise required by this
41 Section, it shall require that a sufficient number of spaces be provided with conduit and
42 such other equipment as may be necessary to enable EVSE to be installed in the future
43 with minimal inconvenience or disturbance of parking areas.

44 [6] A parking space available for use by an electric vehicle shall continue to deemed a
45 parking space for purposes for calculating the number of parking spaces required by
46 Section 140-34.A.

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48 **Section 7.** Section 140-52.D. is amended to add the underlined text shown as follows:

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50 D. Standards for site development plan approval. In acting on any site development plan
51 application, the Planning Board shall take into consideration the public health, safety and

1 general welfare, the comfort and convenience of the general public, the recommendations
2 of the Town Master Plan and the Official Map; the proposed height, bulk, location,
3 materials and architectural features of main and accessory buildings and their
4 appropriateness and relationship to the site and to one another; screening of paved and
5 surfaced outdoor areas and areas devoted to outdoor storage from abutting residence
6 districts and from abutting streets; traffic circulation within and without the site;
7 provision of off-street parking and loading space; the provision of sufficient electric
8 vehicle charging stations and related infrastructure to meet the reasonably anticipated
9 needs of the proposed use; the nature and design of exterior lighting, signs, landscaping,
10 buffer areas and other open spaces; and the availability of supporting services and
11 facilities, so that any development on the site will satisfactorily and harmoniously relate
12 to the existing or permitted development of neighboring land and buildings, and so that
13 pedestrian and vehicular traffic will be handled safely and adequately both within the site
14 and in relation to the adjoining street system. In considering any proposed site
15 development plan, the Planning Board may require review by appropriate professionals
16 of the Town's choosing.

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18 **Section 8.** This local law shall take effect immediately upon filing in the Office of the Secretary
19 of State.