



TOWN OF NEW PALTZ

PLANNING BOARD

October 17, 2013

Town of New Paltz
Susan Zimet, Supervisor
P.O. Box 550
New Paltz, NY 12561

RE: R-V Zoning Amendment

Dear Supervisor Zimet and Town Board Members:

During the October 16, 2013 meeting of the Town of New Paltz Planning Board, it was unanimously agreed upon that the Planning Board would like to recommend approval of the proposed R-V Zoning Amendment. We are in agreement with the proposed local law that would amend Section 140-20.B (5) (c), adding definitions of a municipal water supply/facility and a central water supply/facility, as well as amend the water supply requirement of the R-V Zoning District regulations.

Sincerely,

Mike Calimano, Chairman

cc: George W. Lithco

Memo

TO: Planning Board
FROM: George Lithco
CC: Town Board
RE: R-V Zoning Amendment

Attached is a proposed local law that would amend the Zoning Law to (1) add definitions of a municipal water supply/facility and a central water supply/facility, and (2) amend the water supply requirement of the R-V Zoning District regulations.

Section 140-20.B. (5)(c) would be amended to provide that the requirement for a municipal water supply would be met if the Town Board establishes a water district encompassing the area served by an existing or proposed central water supply system; the owner gives the Town an irrevocable offer of dedication of the system and all necessary rights to operate it, acceptable in form to the Town Board; and the owner of the system has entered into a written agreement with the Town setting forth the circumstances in which the district may assume ownership of the water supply system and operate it for water supply purposes and the terms on which ownership of the system will be transferred to the district on acceptance of the offer of dedication.

The R-V Zoning District is the only district in which units are required to be served by a municipal water supply. The Town's Comprehensive Plan indicates that it was contemplated that municipal water systems would be necessary to serve the density of development allowed by the R-V district regulations.

As drafted, it appears that the requirement for a municipal water supply contemplated development would occur in districts contiguous to the Village or served by existing Town water districts.

A central water supply owned and operated by a municipality is generally considered preferable to serve properties in a district, as municipal ownership affords some additional assurance that the system will be properly operated and maintained.

However, municipal ownership of a central water system established to serve a single property may not bring the same advantage, unless or until such time as the system and district are extended to serve other properties.

The amendment clarifies that that a central water supply system would be considered to satisfy the requirement if a "back up" district is established by the Town Board, the owner and the Town reach agreement on the terms on which the Town would take over the system, and the owner gives the Town an irrevocable offer of dedication.

Generally, I would expect such an agreement to provide that the Town could elect to – but would not be obligated to – take over the system if it failed to provide a safe and adequate supply of water, in which

case the Town could remedy such conditions and charge the costs against the benefitted property, or if the Town determined it would be in the overall public interest to take over the system and extend the water supply to other properties.

In either case, the takeover agreement would govern the terms of the takeover.

Amendment of the requirement for a municipal water supply in an R-V District appears warranted for a number of reasons.

First, the issue may arise in the future. The district is an overlay district, so additional districts can be established by petition of owners. A number of inquiries have been made about the feasibility of projects that would include rezoning property into the R-V classification.

Second, both the Village water supply and the Town water districts are substantially dependent upon NYC's Delaware Aqueduct, which will be shut down for repair. Due in part to the uncertainty created by the repairs, the existing sources of municipal water supply may not be available.

Third, since adoption of the R-V zoning law, the Village amended its law to require that properties seeking a water supply from the Village annex to the Village.

For all those reasons, it appears that the proposed amendment would facilitate the premise of the original R-V District regulations, by ensuring that units in a development with the higher density allowed by the R-V District can be served by a Town district if the Town determines that it would be in the public interest to own and control the system.

Prior to establishing a back up water district, the Town Board will review the proposed plan for the water system and supply, and determine that the system is appropriately designed, and that the supply is adequate for its intended purpose, and that the takeover agreement is fair and equitable to the residents and property owners of the district.

Even before that step, the Town Board will review any proposed petition to establish a new R-V district and determine that it is appropriate to do so.

**TOWN OF NEW PALTZ
INTRODUCTORY LOCAL LAW
AMENDMENT TO CHAPTER 140 ZONING LAW DEFINITIONS**

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

Section 1. Chapter 140 of the Code of the Town of New Paltz, entitled “Zoning,” is hereby amended as follows:

1. By adding definitions of “Municipal Water Supply Facility or System” and “Central Water Supply Facility or System” to existing Section 140-4.C, entitled “Definitions”, to read as follows:

MUNICIPAL WATER SUPPLY FACILITY OR SYSTEM

a permanently installed water supply system, including the facilities, works and water sources used by such system to provide a potable water supply to users for domestic purposes, and which is owned by, or operated under the control of, a municipality or a municipal water district duly established pursuant to New York State law.

CENTRAL WATER SUPPLY FACILITY OR SYSTEM

a permanently installed water supply system, including the facilities, works and water sources used by such system, that is owned and operated by a single entity lawfully authorized to provide a supply of potable water to more than one user for residential, commercial, industrial or other institutional purposes. A central water supply system may be a municipal central water system or a private central water system.

Section 2. Section 140-20.B. (5)(c) is amended by deleting the existing subparagraph (5)(c) and adding the following provision:

(c) Water supply and sewerage. Each dwelling unit shall be served by municipal water supply facilities and wastewater treatment facilities as approved by the appropriate state and municipal agencies and the County Health Department. If the Town Board has established a water district encompassing the area served by an existing or proposed central water supply system; the owner of such system has made an irrevocable offer of dedication to the district of the system and all necessary rights to operate it, acceptable in form to the Town Board as governing board of the district; and the owner of the system has entered into a written agreement with the Town setting forth the circumstances in which the district may assume ownership of the water supply system and operate it for water supply purposes and the terms on which ownership of the system will be transferred to the district on acceptance of the offer of dedication, including demonstrating that the facility or system has adequate

water supply capacity and will comply with all applicable water conservation requirements and standards of the Town and other regulatory agencies, such central water supply system shall be deemed to be under the control of a municipal water district and meet the requirements of this section.

Section 3. This local law shall take effect immediately upon filing in the Office of the Secretary of State