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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 to
11 facilitate the development of electric vehicle charging stations. It will also provide for simplified site plan
12 review of photovoltaic and solar hot water systems that do not increase impervious surface on a site, and
13 the colocation of antennas on existing wireless communication facilities, as required by FCC regulation.
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15 The proposed local law will:

- 16 1. Amend the zoning definitions (Section 140-4.C) to define various terms relating to electric vehicle
17 charging infrastructure.
- 18 2. Amend the use table (Section 140-8.B.) to include electric vehicle charging stations (i.e., parking
19 equipped with level-1 and level-2 EVSE) as a permitted accessory use and structure to a principal use in
20 all districts of the Town.
- 21 3. Amend the use table (Section 140-8.B.) to allow electric vehicle charging stations equipped with DC
22 Fast Charge EVSE as a permitted accessory use and structure to all principal uses in the all districts where
23 service stations are allowed, and as a principal permitted use in the B-2 Zoning District.
- 24 4. Amend the site plan regulations to authorize the Planning Board to consider in the course of site plan
25 review (1) how sufficient EVCS and related infrastructure can be provided to meet the reasonably
26 anticipated needs of the proposed use; and (2) opportunities to incorporate the use of energy conservation
27 techniques and technologies into the design and operation of the proposed use, including the utilization of
28 solar, wind, biomass or alternative energy systems where practicable and feasible.
- 29 5. Amend the site plan regulations to require that certain uses requiring site plan approval provide for the
30 installation and use of at least one EVCS; establish general standards for the provision of EVCS;
31 authorize the Planning Board to waive that requirement when appropriate, provided that a sufficient
32 number of parking spaces are provided with conduit and other equipment that enable EVCS to be
33 installed in the future with minimal inconvenience or disturbance of parking areas; provide that parking
34 spaces equipped with EVSE shall continue to be considered as a parking space for the purpose of meeting
35 minimum parking requirements,
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- 37 6. Amend the site plan regulations to authorize the Planning Board, when it finds the circumstances
38 warrant, to follow the simplified site plan waiver procedure when an applicant proposes: (1) installation
39 of an EVCS; (2) colocation of new or replacement antennas on an existing approved wireless
40 communications facility; or (3) installation of photovoltaic or solar hot water systems that do not increase
41 the impervious surface coverage on the site.
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- 43 7. Concurrently with amending Section 140-52.B, the Town Board would, by resolution, authorize the
44 Planning Board, in consultation with the Building Inspector, to develop and implement regulations that
45 specify design standards and criteria related to electric vehicle parking and charging stations in parking
46 facilities so as to simplify and streamline procedures for installation, provide guidance for applicants and
47 design professionals on locating EVSE installations, implementing best practices for installation of an
48 EVSE, and where appropriate, providing wayfinding, parking and safe use signage.
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1 **RESOLUTION**
2 **INTRODUCTORY LOCAL LAW**
3 **AMENDING THE ZONING CODE TO PROVIDE**
4 **DEFINITIONS RELATED TO ELECTRIC VEHICLE CHARGING STATIONS, AMENDING**
5 **THE CRITERIA FOR SIMPLIFIED SITE PLAN REVIEW FOR EVCS AND CERTAIN MINOR**
6 **WIRELESS COMMUNICATION FACILITIES,**
7 **AND ESTABLISHING CERTAIN REGULATIONS RELATED THERETO.**
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9 WHEREAS, emissions from vehicles using fossil fuels contribute a substantial percentage of all air
10 pollution and greenhouse gas emissions in the Town of New Paltz and elsewhere in the United States; and
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12 WHEREAS, air pollution, in high levels, has been shown to contribute to premature death and to
13 aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and
14 lung cancer, all of to which children and the elderly are more susceptible; and
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16 WHEREAS, the use of electric vehicles for transportation reduces air pollutants, including greenhouse
17 gases, emitted from said sector and ameliorates the effects of air pollution; and
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19 WHEREAS, the State is undertaking efforts to reduce air pollution and greenhouse gas emissions by
20 encouraging the transition to electric vehicle use and facilitating the development of a convenient, cost-
21 effective electric vehicle charging infrastructure; and
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23 WHEREAS, electric vehicles need to be electrically recharged, and the driving distance between battery
24 charges in current electric vehicle models is limited, which limited driving distance is a fundamental
25 disadvantage to broad consumer adoption of electric vehicles, and
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27 WHEREAS, this disadvantage inhibits consumer acceptance and usage of electric vehicles, and an
28 infrastructure that allows convenient electric vehicle charging opportunities is essential; and
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30 WHEREAS, electric charging of private electric vehicles typically takes place in residential settings,
31 allowing and establishing regulations for electric vehicle charging infrastructure in the districts of the
32 Town that permit residential uses is in the public interest; and
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34 WHEREAS, businesses in non-residential areas may want to install electric vehicle infrastructure for their
35 business uses or for their clients and/or employees to use, allowing and establishing regulations for an
36 electric vehicle charging infrastructure in commercial districts of the Town is in the public interest; and
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38 WHEREAS, the development of an electric vehicle charging infrastructure and of related regulations will
39 allow the residents and businesses of Town to use safe electric vehicle charging equipment at their place
40 of residence and employment, and will give the opportunity for commercial and industrial projects to
41 provide electrical vehicle charging services to customers and employees; and
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43 WHEREAS, the Town supports the goals of the regional Sustainability Plan, including improving air
44 quality by reducing pollutants, and making possible sustainable land use and transportation policies by
45 incorporating development standards support the use of electric vehicles; and
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47 WHEREAS, it is in the best interest of the Town to define terms related to electric vehicles and their
48 charging infrastructure, to provide that such infrastructure meets the definition of “permitted accessory
49 use and structure” in all zoning district regulations, and to provide site plan and other land use regulations
50 relevant to such use;
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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 level, typically requiring a 60
3 amp or 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; (3) the applicant proposes to install a Type I
50 or Type II electric vehicle charging station (EVCS), and installation of the EVCS is not part of an
51 action that otherwise requires site plan approval; (4) the applicant proposes to install a

1 photovoltaic or solar hot water system on an existing building or structure, or within the bounds
2 of a parking area or other area constructed with a paved impervious surface, so as to not increase
3 the amount of impervious surface on the site.

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5 B. That the applicant has demonstrated that the proposed activity for which the application is
6 being made will not significantly increase the anticipated vehicle trips generated by the site, the
7 anticipated parking requirements or traffic circulation on the site, the volume or quality of
8 stormwater discharges from the site, or the use of water and septic/sewer facilities;
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10 C. That the applicant has demonstrated that the proposed activity for which the application is
11 being made is a Type II action pursuant to the provisions of 6 NYCRR Part 617 for purposes of
12 SEQRA. For purposes of this paragraph, collocation, removal or replacement of antennas on an
13 existing minor wireless communications facility consistent with subparagraph A(2) and Section
14 140-77 shall be deemed a Type II action; and
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16 D. That the applicant has demonstrated that the proposed activity for which the application is
17 being made will not have an adverse effect or impact upon the physical or environmental
18 conditions of properties in the immediate vicinity nor upon the existing use or uses of such
19 properties.
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21 **Section 6.** Section 140-52.B. is amended to redesignate existing Subsection 140-52.B.(2)(o) as
22 new Subsection 140-52.B.(2)(p), and to then add as new Subsection 140-52.B(2)(n) the following
23 underlined text:
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25 (n) Any site plan for (1) a residential use that proposes more than three dwelling units, or
26 (2) a non-residential use that proposes more than twenty (20) parking spaces, shall make
27 provision for the installation and use of one or more electric vehicle charging stations
28 (EVCS) in accordance with the following:
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30 [1] Residential structures shall include at least one internal or external parking space with
31 a Type 1 or Type 2 EVCS per dwelling unit;

32 [2] Office, business, commercial, recreational and other non-residential uses, including
33 civic, cultural and not-for-profit uses (for instance, libraries, daycare centers, schools,
34 churches, etc.) shall provide at least one parking space with convenient and suitable
35 access to an EVCS for every twenty (20) automobile parking spaces;

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

40 [4] All installed EVSC parking facilities shall be maintained in good operating order at
41 all times during the duration of the proposed use.

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

47 [6] A parking space available for use by an electric vehicle shall continue to deemed a
48 parking space for purposes for calculating the number of parking spaces required by
49 Section 140-34.A.
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1 **Section 7.** Section 140-52.D. is amended to add the underlined text shown as follows:
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3 D. Standards for site development plan approval. In acting on any site development plan
4 application, the Planning Board shall take into consideration the public health, safety and
5 general welfare, the comfort and convenience of the general public, the recommendations
6 of the Town Master Plan and the Official Map; the proposed height, bulk, location,
7 materials and architectural features of main and accessory buildings and their
8 appropriateness and relationship to the site and to one another; screening of paved and
9 surfaced outdoor areas and areas devoted to outdoor storage from abutting residence
10 districts and from abutting streets; traffic circulation within and without the site;
11 provision of off-street parking and loading space; the provision of sufficient electric
12 vehicle charging stations and related infrastructure to meet the reasonably anticipated
13 needs of the proposed use; opportunities to incorporate the use of energy conservation
14 techniques and technologies into the design and operation of the proposed use, including
15 the utilization of solar, wind, biomass or alternative energy systems where practicable
16 and feasible; the nature and design of exterior lighting, signs, landscaping, buffer areas
17 and other open spaces; and the availability of supporting services and facilities, so that
18 any development on the site will satisfactorily and harmoniously relate to the existing or
19 permitted development of neighboring land and buildings, and so that pedestrian and
20 vehicular traffic will be handled safely and adequately both within the site and in relation
21 to the adjoining street system. The Planning Board may, in accordance with Chapter 31,
22 adopt guidelines for site plan review setting forth best practices and procedures for
23 implementing site plan review. In considering any proposed site development plan, the
24 Planning Board may require review by appropriate professionals of the Town's choosing.
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26 **Section 8.** This local law shall take effect immediately upon filing in the Office of the Secretary
27 of State.