

LOCAL LAW No. \_\_\_\_\_ of 2019

TOWN OF NEW PALTZ, ULSTER COUNTY, NEW YORK

A local law to amend Chapter 140 of the Town Code, Zoning, regarding the Route 299 Gateway Area.

*Be it enacted by the Town Board of the Town of New Paltz as follows:*

**Section 1. Legislative Intent.**

This local law is adopted to amend the applicable zoning regulations in the Route 299 Gateway Corridor to the Town of New Paltz, which is the primary entrance to the Town of New Paltz from the New York State Thruway and points east. This law implements the Comprehensive Plan Amendment for the Route 299 Gateway Corridor, which encourages the use of smart growth principles. The zoning amendments will maintain New Paltz's unique small-town character and quality of life while protecting environmentally sensitive areas and natural resources, encouraging higher density uses to locate in areas with the potential for development of water and sewer infrastructure, preventing inefficient, uncoordinated development that impairs the mobility and safety of motor vehicles, pedestrians and bicyclists, and integrating infill development in a manner that reflects the Town's history, vernacular design patterns and elements and local economy, among other things. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

**Section 2. Legislative Findings.**

The Town Board of the Town of New Paltz finds:

That the area along Route 299 from the Shop Rite Plaza/Empire State Bank eastward to and including the Ohioville Commercial Area, the Route 299 Gateway Area, includes several large sites and smaller areas that are ripe for revitalization and reuse; and

That the Route 299 Gateway Area is predominantly zoned as B-2, Highway Business; and

That the regulations in the B-2 District have not been thoroughly evaluated or amended in over 20 years; and

That the existing B-2 and I-1 zoning regulations do not adequately protect the community's interests and are inconsistent with the community's goals for redevelopment; and

That portions of the Route 299 Gateway Area are constrained to development due to an abundance of wetlands and limited utilities and infrastructure and development within these areas should be limited while allowing growth in areas without such constraints; and

That the creation of three new zoning districts and one new overlay district and the extension of the R-1 District in the Route 299 Gateway Area will implement the policies and goals set forth in the Town's Comprehensive Plan and Comprehensive Plan Amendment for the Route 299 Gateway Corridor; and

That the creation of the Planned Resort District is consistent with the intent and objectives of the Comprehensive Plan, which recognizes that recreation and tourism are important drivers for the Town; facilitates appropriate development at the Town's Gateway in immediate proximity to the Thruway interchange, minimizing impacts on vehicular, pedestrian and bicycle traffic in other congested parts of the Town; facilitates connectivity with bike and pedestrian connections to the Empire Trail and Ohioville Hamlet; enhances the stature of New Paltz as a tourist and outdoor recreation destination; encourages connections between tourists, local residents, and existing local recreational and tourist support providers; preserves natural resources including trees and groves of trees, outstanding natural topography, geologic features, biodiversity and water resources and prevention of soil erosion; and is consistent with regional architectural vernacular.

**Section 3. Section 140-4 of the Zoning Law is amended to include the following new definitions:**

Impervious Coverage: The area of a lot covered by impervious surfaces. To calculate a lot's impervious surface ratio, divide the area of impervious surfaces by the lot's gross area.

Impervious Surface: A hard surface area that prevents or substantially impedes the natural infiltration of water into the underlying soil, resulting in an increased volume and velocity of surface water runoff. Impervious surfaces include, but are not limited to, buildings, patios, decks, sidewalks, driveways, compacted gravel, pavement, asphalt, concrete, roadways, parking areas and hard-surfaced recreational areas.

Dwelling, Mixed-Use: A dwelling unit on the upper floor of a mixed-use building with a minimum area of 750 square feet. More than three such dwellings shall not be considered a multi-family dwelling in the MSMU, GB and GH Districts. However, such units shall comply with the requirements of an Energy Star qualified home and Section 78-21 of the Town Code.

Planned Resort: A development of a site located within the Planned Resort Overlay District in compliance with the standards applicable to the Planned Resort use. Nothing in this definition, or the Planned Resort Overlay District regulations or supplemental use regulations applies to a "Vacation Resort," as that term is elsewhere used in the Zoning Law.

**Section 4. Section 140-4 of the Zoning Law is amended to delete the existing definition of "Height of Building" and replace it with the following new definition of "Height".**

Height: The vertical distance from the average elevation of the proposed finished grade along the wall or walls of the building or structure, measured every 10 feet, to: 1) to the highest point of the roof of a flat roof; or 2) the average height between eaves and ridge of gable, hip, gambrel and other sloped roofs. Utilities located on a roof shall be included in the calculation of a structure's height.

**Section 5. Section 140-4 of the Zoning Law is amended to delete the existing definitions of "Yard, Front" "Yard, Rear" and "Yard, Side" and "District, More Restricted or Less Restricted" and replace them with the following new definitions:**

Yard, Front: The space within and extending the full width of a lot from the front lot line to the part of the principal structure which is nearest to such front lot line.

Yard, Rear: The space within and extending the full width of a lot from the rear lot line to the part of the principal structure which is nearest to such rear lot line.

Yard, Side: The space within a lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the structure which is nearest to such side lot line.

District, More Restricted or Less Restricted: In the following list, each district shall be deemed to be more restricted than the districts which precede it: I-1, A, R-1,

R-V, B-2, MSMU, GB and GH, F. The restrictiveness of districts not included in this definition will be decided on a case by case basis by the Building Inspector.

**Section 6. Section 140-5 of the Zoning Law is amended to read as follows:**

140-5. Enumeration of districts.

In order to fulfill the purpose of this Chapter, the Town of New Paltz establishes and is hereby divided into the following fourteen zoning districts:

A-1.5	Agriculture 1.5
A-3	Agriculture 3
R-1	Residence
R-V	Variable-Density Residence
B-2	Highway Business
I-1	Light Industrial
MHN	Mobile Home Neighborhood
WCF	Wireless Communications Facilities Overlay
FW	Floodway
FF	Flood Fringe
GF	General Floodplain
MSMU	Main Street Mixed Use
GB	Gateway Business
GH	Gateway Hamlet

**Section 7. Section 140-6 of the Zoning Law, Zoning Map, is amended to read as follows:**

The location and boundaries of said zoning districts are shown on the map designated “Official Zoning Map of the Town of New Paltz” which is declared to be an appurtenant part of this Chapter and is on file with the Town Clerk.

**Section 8. Section 140-6 of the Zoning Law is hereby amended by replacing the Zoning Map prepared for the Town of New Paltz by David Clouser and Associates with a new Zoning Map which amends the existing Zoning Map as shown on the map attached hereto as Appendix A.**

**Section 9. Subsection A of 140-8 of the Zoning Law, Use Regulations, is amended by deleting subsection 3, ““X” designates a temporary and/or conditioned use contingent on securing a special use permit in each case from the Zoning Board of Appeals” and renumbering**

subsection 4 as subsection 3.

**Section 10. Subsection B of 140-8 of the Zoning Law, Use Regulations, is amended by deleting the existing schedule and replacing it with the schedule attached hereto as Appendix B.**

**Section 11. The Density Control Schedule in Section 140-11 of the Zoning Law, and appended to Chapter 140 as 140 Attachment 1, is amended by deleting the existing schedule and replacing it with the schedule attached hereto as Appendix C.**

**Section 12. The Route 299 Gateway Districts Zoning Illustrations, attached to this law as Appendix D, is hereby appended to Chapter 140, Zoning, as 140 Attachment 2.**

**Section 13. A new Section 140-22.1 of the Zoning Law, Gateway Districts, is added to the Zoning Law to read as follows:**

§140-22.1. Gateway Districts

A. The Gateway Zoning Districts are comprised of land formerly in the B-2 Zoning District located in the Main Street (Route 299) corridor, east of the Village of New Paltz. \. The three Gateway Districts are set forth on the Town Zoning Map. They are:

MSMU – Main Street Mixed Use

GB – Gateway Business

GH – Gateway Hamlet

B. The pictures and diagrams included in the Route 299 Gateway Districts Zoning Illustrations (“Illustrations”) provide examples of the application and interpretation of the zoning law.

C. In the event of any conflict between the standards for the Gateway Districts and other requirements in the Zoning Law, the standards in the Gateway District shall prevail. Development of lands located with the GH District and also within the PRO District will be governed by the provisions of 140-162B.

D. Notwithstanding Section 141-12A of the Zoning Law, corner lots in the Gateway Districts shall not be considered to have two front yards and shall designate a frontage as a front yard and the other as a side yard.

E. Distance between principal buildings. In the Gateway Districts, the minimum distance between principal buildings is zero feet.

F. Sidewalks. The development or redevelopment of any lot in the Gateway Districts shall provide a sidewalk along the full street frontage of said lot to connect adjacent lots and to enhance and provide definition to the street providing frontage for the lot.

a. All sidewalks shall be constructed of concrete or other material acceptable to the Planning Board which have a general tendency not to become slippery when wet.

b. All sidewalks shall be a minimum of five feet wide and shall be designed to be consistent with the Americans with Disability Act Accessibility Guidelines, as well as standards of the applicable highway agency if sidewalks are proposed within the right of way.

G. Standards for Redevelopment.

(1) For new development and for projects involving alterations to an existing building that involve an area equal to or greater than 75% of a building's floor area or 75% of the exterior improved area of a lot, full compliance with the design standards for the applicable district is required.

(2) For projects involving alterations to an existing building that involve an area equal to or greater than 50% of a building's floor area or 50% of the exterior improved area of a lot, the development shall bring the property into full compliance with the sign standards, lighting standards and landscaping standards for the applicable district and achieve compliance with the other design standards to the extent practicable.

(3) In the case of minor alterations to an existing developed building, structure or lot, any alterations should bring the site into greater conformance with the applicable design standards and the appropriate district purposes in either §140-22.2A for MSMU, §140-22.3A for GB, or §140-22.4A for GH.

(4) Waiver of Standards. In all cases where full compliance with the requirements of subsections F or G(1) and (2) above cannot be met, an applicant may request a waiver from the Planning Board. The request for a waiver shall include a written explanation of the difficulties in meeting the particular design standard(s) and a description of how the applicant proposes to satisfy the purposes of the appropriate district (see §140-22.2A for MSMU, §140-22.3A for GB, or §140-22.4A for GH) despite lack of compliance with the design standard(s).

(a). The Planning Board may grant a waiver of individual requirements of the design standard(s) by unanimous vote of the full Planning Board after consideration of: 1) the practical difficulties of applying the standard to the particular project; 2) the

potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; 3) the feasibility of alternate means or measures to attain the same goal as the standard. Such decision and findings shall be set forth in writing.

(b). If a majority of the full Planning Board recommends approval of a waiver, an applicant may apply to the Town Board for the waiver, which may be granted at a regularly scheduled meeting of the Town Board by an affirmative vote of a majority of the full Town Board.

**Section 14. A new Section 140-22.2 of the Zoning Law, Main Street Mixed-Use District, is added to the Zoning Law to read as follows:**

§140-22.2. Main Street Mixed Use District

A. Purpose: The objective of Main Street Mixed Use District is to ease the transition from the Village to the Town, and transition away from auto-oriented strip commercial development and extend the Village’s walkable, mixed-use, “Main Street” character into the Town as properties are improved and redeveloped over time. With the changing commercial real estate landscape, mixed-use development will provide more development options including opportunities for upper floor residential units that could offer the community much needed housing diversity and affordability. Physical, environmental, and economic constraints on the expansion of roadway infrastructure require that mobility options such as walking, bicycling, and public transportation be provided in the MSMU. The Empire State Trail traverses this District, with pedestrians guided to Main Street and bicyclists directed up North Putt Corners Road to Henry W. Dubois Drive. Development in the MSMU should be organized and designed to support a multi-modal transportation system.

B. Permitted Uses are set forth in § 140-8B. Parking is permitted as an accessory use with site plan approval. Any parking structure shall be designed to be hidden from view from the street.

C. Area and Bulk Regulations – the area and bulk regulations for MSMU are set forth below:

- (1) Minimum Lot Area                                7,500 square feet
- (2) Lot Width    75 feet
- (3) Required Lot Frontage                        75 feet
- (4) Required Yards

(a) Front: On state roads, a minimum 25 feet plus 1 foot additional for every foot of building height over 25 feet to a maximum setback of 40 feet. On local and county roads, a

minimum 0 to 10 feet to a maximum setback of 20 feet.

(b) Side: Minimum 10 feet, except along the NYS Thruway right-of-way wherein the minimum setback is 50 feet.

(c) Rear: Minimum 25 feet, except along the NYS Thruway right-of-way wherein the minimum setback is 50 feet.

(5) Maximum Impervious Coverage: 85% for redevelopment of developed sites and 65% for development of undeveloped sites.

(6) Maximum Building Footprint: 7,500 square feet per building. More than one building is allowed per lot provided other dimensional requirements are met.

(7) Building Height

(a) Stories: A minimum of 2 occupiable stories are required for principal buildings. A maximum of 3 stories, not to exceed 35 feet, is permitted for principal buildings. Accessory structures may be up to two stories and not to exceed 25 feet.

D. Design Standards. The Planning Board shall consider the following design standards and the standards for redevelopment found in § 140-22.1G and ensure that prior to approving projects in the MSMU, the intent of the design standards has been achieved by the applicant to the fullest extent practicable.

(1) Site Organization.

Drawings and photos that illustrate required and desirable elements of site organization, site design, and architecture can be found in the Illustrations.

(a) New buildings:

- i. Buildings should be located adjacent to the street with prominent pedestrian connections to the sidewalk.
- ii. Off-street parking in the rear of buildings is preferred. Parking at the side of buildings, behind the front building line, shall only be permitted if there is insufficient space in the rear. Off-street parking in front of buildings is prohibited (see Illustrations - Picture 1).
- iii. If parking is located at the side of a building, a landscaped buffer of up to fifteen (15) feet in width, but in no case less than five (5) feet, of a density to disrupt visibility, shall be required by the Planning Board between the parking area and the back edge of the sidewalk. The landscape shall include a mixture of trees, hedges or



shrubs, with optional hardscape of low walls or fences made of brick, stone, wrought iron, or an acceptable substitute (see Illustrations - Pictures 2 and 3).

(b) Redevelopment of existing sites:

- i. Alteration of an existing developed lot shall bring the site into greater conformance with the standards of the MSMU District in accordance with §140-22.1G

For example, if an existing commercial site with parking in front (see Illustrations – Picture 4, Panel 1) is proposed to be redeveloped, improvements should be provided up to the edge of pavement of the road fronting the lot. If the proposed alterations to an existing building or structure involve an area less than 50% of a building's or structure's floor area or 50% of the exterior improved area of the lot, , bringing the facade closer to the sidewalk, or improvements such as a low wall or decorative fence with plantings at the sidewalk edge, should be provided (see Illustrations – Picture 4, Panel 2).

- ii. Any new buildings shall be located closer to the street (see yard requirements) with prominent pedestrian connections to the sidewalk (see Illustrations – Picture 4, Panel 3) and sidewalks provided where needed.

(c) Mixed-use buildings of two to three stories, with active uses (such as retail, restaurant, personal service) on the ground floor and residential or office uses on the upper levels, are preferred (see Illustrations - Picture 5).

(d) The site organization standards above are intended to provide some design flexibility. For example, Pictures 6, 7, and 8 in Illustrations provide three different design concepts for the same site that would all conform to the new design standards.

(2) Site Design.

(a) Landscape buffer. A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a property within a residential zoning district.

(b) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 3" DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed. A well-designed lot is shown in Illustrations , Picture 9.

(c) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites shall be required by the Planning Board.

(d) Pedestrian and bicycle connections through parking areas shall be provided. Examples are provided in Illustrations – Pictures 10 and 11.

(e) Use of green infrastructure and low impact development techniques for stormwater management in parking areas is required to the extent practicable. Examples of green infrastructure are shown in Illustrations – Pictures 11 and 12.

(f) Properties adjoining the NYS Thruway (I-87) must maintain, establish, or enhance, as needed, a substantial vegetated natural buffer, which may be supplemented with evergreens. The landscape buffer must have a minimum depth of 30 feet from any property line along the Thruway.

(g) All trees 7" DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may request alternative site layouts that protect significant trees.

(h) Existing grades shall be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.

(i) Signs. Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the facade, a horizontal section that divides the storefront windows from the upper façade (see Illustrations – Pictures 13–16). They should be located so as to avoid obscuring or covering facade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window signs are also appropriate (see Illustrations – Picture 17). Monument signs, as defined in §140-98 are preferred to other types of freestanding signs (see Illustrations – Pictures 18 and 19). Pole signs as defined in §140-98 are prohibited.

(j) Lighting.

(i) External sign illumination, designed to limit light spill, is preferred to internal sign illumination.

(ii) Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20 feet in height, with an even, overlapping lighting arrangement.

(iii) Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread. (see Illustrations – Pictures 20 and 21).

Lighting levels at the property lines shall not exceed 0.1 footcandle.

(k) Site Furnishings. Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design. (see Illustrations – Pictures 22 and 23)

(l) Parking Requirements. The required off-street automobile parking spaces listed in §140-34 shall be the maximum allowable in the MSMU District. To ensure the overall efficiency of parking development in the MSMU District, applicants proposing more than ten (10) spaces shall

include with their applications an analysis of the opportunities to reduce parking requirements further by using the applicable reduction strategies below. The Planning Board shall require the maximum reduction available under Section [a] and [b] below unless it determines that:

(i) A surplus of spaces on a particular site will benefit the MSMU District as a whole by providing off-site sharing opportunities for other sites in the MSMU District; or

(ii) The techniques for reduction of the number of off-street or on-site parking spaces available to the applicant are infeasible or would impose an undue hardship on the applicant.

[a] Shared On-Site Parking. To implement shared on-site parking, the applicant shall provide an analysis as part of site plan review to demonstrate that proposed uses are either competing or non-competing.

(i). Non-competing uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

(ii). Competing uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap to some extent. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

[b]. Off-Site Parking. Separate from, or in conjunction with shared parking provisions, an applicant may use off-site parking to satisfy parking requirements. As part of site plan review, the applicant shall provide the necessary information to comply with the following standards:

(i). Off-site parking shall be located within five hundred (500) feet of the subject property.

(ii). Off-site parking may only be provided if the off-site parking lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses which use the parking lot have non-competing peak demands.

(iii). The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to 100% of the required on-site parking.

(iv). Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to and approved by the Planning Board during the site plan review process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, it will constitute a violation of the site plan for any use approved expressly with shared parking. If shared parking is discontinued, the applicant or property owner shall provide written notification of the discontinuance to the Building Inspector and, within 60 days of that notice, provide a remedy satisfactory to the Planning Board to provide adequate parking or discontinue the use.

(v). Uses sharing a parking facility shall provide for safe, convenient pedestrian connections between uses and parking, including well-marked pedestrian crossings, signage, and pedestrian-scale lighting.

### (3) Architecture.

(a) Buildings shall have at least two occupiable stories.

(b) The main building façade and main entrance shall face the public street. On a corner lot, main facades shall be designed to face both streets irrespective of the property line's designation as a front or side yard. A secondary building entrance facing a rear parking lot is strongly encouraged.

(c) A drive-thru window for retail and service uses is permissible if: 1) it is located behind the building; 2) it is integrated architecturally into the building; and 3) it does not require additional curb cuts and/or a separate curb cut for ingress and egress to the street. Drive-thru windows for food and beverage service uses are prohibited.

(d) Building transparency is important at the street level; consequently, the ground level of buildings shall have a minimum 50% glass surface that is oriented vertically (see Illustrations – Pictures 24 and 25).

(e) Floor to ceiling windows are prohibited.

(f) First story height shall be a minimum of 12 feet measured floor to floor.

(g) Upper floor windows shall relate to the first floor windows in shape, form, and pattern.

(h) Upper floor windows shall make up at least 30% of the facade on each floor.

(i) Building styles and materials traditionally found in New Paltz are required (see Illustrations – Pictures 24–27).

[a] Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, reveal, and appearance to wood siding. Vinyl, plastic and metal siding are prohibited except for detached one-family dwellings.

[b] Building styles, textures and materials should be based on those common to local vernacular (late 1800's styles such as Mohonk Mountain House, Historic Huguenot Street, Arts & Crafts style, and rural farm/barn vernacular forms). Unique designs and aesthetic connectivity among structures are encouraged. Cookie-cutter and franchise architecture are prohibited.

(i) Facades shall utilize earth tones or natural colors using real design elements, such as cedar shake, barn wood, shale, quartz, and river rock. Modern interpretations of vernacular styles may be considered, provided that textures and materials are real design elements, as noted above, rather than imitations.

(ii) Building shape and massing. New buildings should replicate the massing of structures within the Village of New Paltz. Mass is the overall bulk of a building and can be varied by changes in setback, shapes (flat to circular), color, facade details (cornices), and roofline (parapet addition on right side of building).

(iii) Using compatible roof forms and shapes is another way to incorporate features from buildings within the Village of New Paltz.

**Section 15. A new Section 140-22.3 of the Zoning Law, Gateway Business, is added to the Zoning Law to read as follows:**

**§140-22.3. Gateway Business District.**

A. Purpose. As the primary entranceway to New Paltz and a gateway to the Shawangunk Mountains from the NYS Thruway and points east, this portion of the Route 299 corridor is home to a small number of small-scale commercial establishments. Much of the area is vacant and constrained to development due to an abundance of wetlands and limited infrastructure. The importance of NYS Route 299 as a regional east-west highway and the intersection of Route 299 with Exit 18 of the NYS Thruway require that vehicular access to Route 299 be carefully managed. With the development of New York State's Empire Trail, the Hudson Valley Rail Trail and the Wallkill Valley Rail Trail are connected. The Empire State Trail is a tremendous recreational asset for residents and visitors and a catalyst for economic growth in New Paltz.

The objective of the GB District is to improve the aesthetic quality of development in the corridor, ensure that environmental resources are protected, and manage access to NYS Route 299 for the safety of drivers, bicyclists, and pedestrians who utilize this corridor. The GB

District encourages a variety of uses. Development should be focused on welcoming visitors to New Paltz.

B. Permitted Uses are set forth in §140-8B.

C. Area and Bulk Regulations. The area and bulk regulations for the GB District are set forth below:

(1) Minimum Lot Area: 7,500 square feet

(2) Lot Width: 75 feet

(3) Required Lot Frontage: 75 feet

(4) Required Yards

(a) Front: Minimum 35 feet

(b) Side: Minimum 20 feet, except along the NYS Thruway right-of-way wherein a minimum of 50 feet is required.

(c) Rear: Minimum 25 feet, except along the NYS Thruway right-of-way wherein a minimum of 50 feet is required.

(5) Maximum Impervious Coverage: 65%

(6) Maximum Building Footprint: 10,000 square feet

(7) Building Height: A minimum of 2 occupiable stories not to exceed 30 feet is required. A third story, with building height not to exceed 35 feet, is permitted if the building is designed and built to meet US Green Building Council's LEED requirements at the level "silver" or higher.

D. Design Standards. The Planning Board shall consider the following design standards and standards for redevelopment found in § 140-22.1G and shall ensure that prior to approving projects in the GB District, the intent of these design standards has been achieved by the applicant to the fullest extent practicable.

(1) Site Organization and Site Design

Drawings and photos that illustrate required and desirable elements of site organization, site

design, and architecture can be found in the Illustrations.

- (a) Off-street parking shall be provided on the side or in the rear of buildings (see Illustrations – Pictures 1–3).
- (b) Screening with native vegetation shall be provided along the roadway to reduce the visual impact of parking and storage areas.
- (c) Landscape buffer. A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a residential zoning district.
- (d) Properties adjoining the NYS Thruway (I-87) must maintain, establish, or enhance as needed a substantial natural vegetated buffer, supplemented with evergreens. The landscape buffer must have a minimum depth of 30 feet from any property line along the Thruway.
- (e) All trees 7” DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may request alternate site layouts that protect significant trees.
- (f) Existing grades should be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.
- (g) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites shall be required by the Planning Board.
- (h) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 3” DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed. A well-designed lot is shown in Illustrations, Picture 9.
- (i) Bicycle and pedestrian connections from the Empire State Trail to building entrances shall be provided where possible. Pedestrian connections shall be delineated and defined in parking areas. Examples are provided in Illustrations – Pictures 10 and 11.
- (j) Use of green infrastructure and low impact development techniques for stormwater management in parking areas is required to the extent practicable. Examples of green

infrastructure are shown in Illustrations, Pictures 11 and 12.

(k) Signs. Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the façade, a horizontal section that divides the storefront windows from the upper façade (see Illustrations – Pictures 13–16). They should be located so as to avoid obscuring or covering façade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window signs are also appropriate (see Illustrations – Picture 17). Monument signs, as defined in §140-98 are preferred to other types of freestanding signs (see Illustrations – Pictures 18 and 19). Pole signs as defined in §140-98 are prohibited.

(l) Lighting.

(i) External sign illumination, designed to limit light spill, is preferred to internal sign illumination.

(ii) Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20 feet in height, with an even, overlapping lighting arrangement.

(iii) Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread. (see Illustrations – Pictures 20 and 21) Lighting levels at the property lines shall not exceed 0.1 footcandle.

(m) Site Furnishings: Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design. (see Illustrations – Pictures 22 and 23)

(2) Architecture

(a) Building styles and materials traditionally found in New Paltz are required (see Illustrations C – Pictures 24–27).

- (i) Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, reveal, and appearance to wood siding. Vinyl, plastic and metal siding are prohibited except for detached one-family dwellings.
- (ii) Building shape and massing. New buildings should replicate the massing of structures within the Village of New Paltz. Mass is the overall bulk of a building and can be varied by changes in setback, shapes (flat to circular), color, facade details (cornices), and roofline (parapet addition on right side of



- building).
- (iii) Using compatible roof forms and shapes is another way to incorporate features from buildings within the Village of New Paltz.

(b) The front building façade and main entrance shall face the public street. A secondary building entrance facing a rear or side parking lot is strongly encouraged.

(c) A drive-thru window is permitted if: 1) it is located at the rear of the building; 2) it is integrated architecturally into the building; and 3) it requires no separate access to a public street or additional curb cuts.

**Section 16. A new Section 140-22.4 of the Zoning Law, Gateway Hamlet District is added to the Zoning Law to read as follows:**

§140-22.4. Gateway Hamlet District

A. Purpose: The Hamlet of Ohioville is a traditional crossroads settlement that was established years ago at the intersection of Ohioville Road and Old Route 299 (New Paltz Road). Construction of Exit 18 of the NYS Thruway and the reconstruction of NYS Route 299 changed its context but characteristics of the old mixed-use hamlet remain and are worthy of preservation. In other words, Ohioville is different than other parts of the Gateway corridor.

The objective of the Gateway Hamlet District is to provide land use regulations and design standards that ensure that the unique characteristics of the Ohioville Hamlet are preserved and enhanced. The traditional hamlet settlement pattern found in Ohioville is characterized by smaller lots and mixed uses in a compact, walkable layout. Maintaining and extending this form to the south side of NYS Route 299 and reconnecting to Paradies Lane will establish Ohioville as a unique place on the road to New Paltz. The Empire State Trail brings pedestrians and bicyclists into the hamlet, further encouraging development of a compact, safe, and walkable layout.

B. Permitted Uses are set forth in Section 140-8B.

C. Area and Bulk Regulations - the Area and Bulk regulations GH District are set forth below:

(1) Minimum Lot Area: 5,000 square feet

(2) Lot Width: 50 feet

(3) Required Lot Frontage: 50 feet

(4) Required Yards:

(a) Front: Minimum is 15 feet; Maximum is 35 feet

(b) Side: Minimum is 10 feet

(c) Rear: Minimum is 25 feet

(5) Maximum Impervious Coverage: 70%

(6) Maximum Building Footprint: 5,000 square feet

(7) Maximum Building Height: 3 occupiable stories, not to exceed 35 feet.

D. Design Standards. The Planning Board shall consider the following design standards and standards for redevelopment found in § 140-22.1G and ensure that prior to approving projects in the GH District, the intent of these design standards has been achieved by the applicant to the fullest extent practicable.

(1) Site Organization

Drawings and photos that illustrate required and desirable elements of site organization, site design, and architecture can be found in the Illustrations.

(a) New buildings:

i. Buildings shall be setback from the sidewalk no more than 10 feet.

ii. Off-street parking shall be provided on the side or in the rear of buildings (see Illustrations- Picture 1).

iii. If parking is at the side of a building, a minimum landscaped buffer of up to fifteen (15) feet in width, but in no case less than five (5) feet, of a density to block visibility, shall be required by the Planning Board between the parking area and the back edge of sidewalk. The landscape shall include a mixture of trees, hedges or shrubs, with optional hardscape. Acceptable landscape materials include: trees, hedges, shrubs, or low walls of brick, stone, wrought iron, or an acceptable substitute (see Illustrations - Pictures 2 and 3).

(b) Redevelopment of existing sites: Alteration of an existing developed lot shall bring the site into greater conformance with the standards of the GH District in accordance with §140-22.1G(i). If the proposed alterations to an existing building or structure involve an area less than 50% of a building's or structure's floor area or 50% of the exterior improved area of the lot, the alterations shall bring the site into greater conformance with the standards of the GH District.

For example, if an existing commercial site with parking in front (see Illustrations – Picture 4, Panel 1) is proposed to be redeveloped, improvements should be provided up to the edge of pavement of the road fronting the lot. Any new buildings shall be located closer to the street (see yard requirements) with prominent pedestrian connections to the sidewalk and sidewalks provided where needed (see Illustrations– Picture 4, Panel 3). Also see Illustrations – Pictures 6, 7, and 8, which illustrate three different design concepts for the same site that would all conform to the new design standards.

(c) Mixed-use buildings of two to three stories, with retail uses on the ground floor and residential or office uses on the upper levels, are encouraged in the commercial portions of the hamlet (see Illustrations - Picture 5). Small-lot single-family homes should continue to be the predominant building type in the neighborhood areas of the hamlet.

## (2) Site Design

- (a) A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a residential use.
- (b) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 3" DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed. A well-designed lot is shown in Illustrations, Picture 9.
- (c) Use of green infrastructure and low impact development techniques for stormwater management in parking areas are strongly encouraged. Examples of green infrastructure are shown in Illustrations – Pictures 11 and 12.

(d) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites shall be required by the Planning Board.

(e) Pedestrian and bicycle connections through parking areas shall be provided. Examples are provided in Illustrations, Pictures 10 and 11.

(f) All trees 7" DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may require alternate site layouts that preserve significant trees.

(g) Existing grades shall be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.

(h) Signs. Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the façade, a horizontal section that divides the storefront windows from the upper façade (see Illustrations – Pictures 13–16). They should be located so as to avoid obscuring or covering façade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window signs are also appropriate (see Illustrations – Picture 17). Monument signs, as defined in §140-98 are preferred to other types of freestanding signs (see Illustrations – Pictures 18 and 19). Pole signs as defined in §140-98 are prohibited.

(i) Lighting.

i. External sign illumination, designed to limit light spill, is preferred to internal sign illumination.

ii. Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20' in height, with an even, overlapping lighting arrangement.

iii. Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread. (see Illustrations – Pictures 20 and 21) Lighting levels at the property lines shall not exceed 0.1 footcandle.

(j) Site Furnishings. Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design. (see Illustrations – Pictures 22 and 23)

(3) Architecture

(a) Building styles and materials traditionally found in the Ohioville Hamlet or from other areas of New Paltz are required (see Illustrations– Pictures 24–27 for images from downtown in the Village of New Paltz).

(b) Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, appearance and reveal dimension to wood siding. Vinyl, plastic and metal siding are prohibited except for detached one-family dwellings.

(c) The main building façade and main entrance shall face the public street. A secondary building entrance facing a rear or side parking lot is strongly encouraged.

(d) A drive-thru window is prohibited.

**Section 17. A new Article XVII, entitled Planned Resort Overlay District, is added to the Zoning Law to read as follows:**

§ 140-60. Legislative Intent. The Town Board of the Town of New Paltz finds that it is in the best interests of the Town to provide a means and procedure by which a Planned Resort can be developed at the gateway entrance to the Town from the New York State Thruway, in keeping with the character of the nearby Gateway Districts.

§ 140-161. Purpose.

A. It is the purpose of the creation of the Planned Resort Overlay (“PRO”) District:

(1) To further the goals of the Town Comprehensive Plan, which recognizes that recreation and tourism are important drivers for the Town, and also promote the consideration of the Town of New Paltz as part of a larger environmental region, by encouraging recreation tourism, which supports the local economy since tourist visitors who stay overnight contribute substantially to the local economy, and also promotes healthy recreational and entertainment activities.

(2) To facilitate appropriate development at the Town’s Gateway, close to the Thruway interchange, thus minimizing impacts on vehicular, pedestrian, and bicycle traffic in downtown and other congested parts of the Town and Village.

(3) To encourage development that meets the design standards of the Town's Gateway Committee report, including connectivity with bike and pedestrian connections to the Empire State Trail and Ohioville Hamlet.

(4) To contribute to the creation of diverse full and part-time employment opportunities for residents of the Town, County, and region by providing for development at a Gateway location that will not compete with existing local merchants.

(5) To capitalize on the Town's location near major existing regional historic, educational, and tourism attractions, such as Historic Huguenot Street, Mohonk Preserve, Minnewaska State Park, the Catskill Mountains, the Appalachian Trail, West Point, the Franklin D. Roosevelt and Eleanor Roosevelt National Historic Sites, Vanderbilt Mansion National Historic Site, the Walkway over the Hudson, and the Culinary Institute of America; and to enhance the stature of the community as a tourist and outdoor recreation destination.

(6) To provide for Planned Resort development in a manner that is consistent with the character of the Town of New Paltz, that enhances the aesthetic aspects of the proposed development and its community context, and that encourages a plan of development that will meet design objectives to suitably protect environmentally sensitive resources, community character and natural features to the extent practicable.

(7) To encourage connections between tourists, local residents, and existing local recreational and tourist support providers.

§ 140-162. Description of Planned Resort Overlay District.

A. The PRO applies to the designated property in addition to the zoning designation in the underlying zoning. Property within the PRO District retains its underlying zoning character.

B. Development and use of lands lying within the PRO District as a Planned Resort shall be authorized by the Planning Board by site plan approval in accordance with the provisions of this Article, in accordance with the procedures applicable for site plan approval. Such proposed Planned Resort development shall be governed exclusively by the use, bulk, area, and development standards of the PRO District as set forth in this Article, and not by those applicable to the underlying district. Development and use of lands within the Planned Resort Overlay (PRO) District, which is outside the area of any approved Planned Resort development, may also be proposed for development for uses allowed in the underlying zoning district, in accordance with the applicable permitting standards in such district. Such proposed development shall be governed exclusively by the use, bulk, area, and development standards of the underlying zoning district.

C. The PRO District includes all land designated as such on the Town Zoning Map.

§ 140-163. Planning Board Site Plan Review. Use of lands within the PRO for a Planned Resort in

accordance with this article shall be permitted by the Planning Board subject to site plan approval in accordance with the substantive provisions of this Article and in accordance with the procedures for site plan review and approval set forth in the Town Zoning Law. Any subdivision or lot line adjustment of lands within a Planned Resort shall be reviewed by the Planning Board in accordance with the subdivision regulations.

§ 140-164. Uses.

A. The principal permitted use in the PRO is a Planned Resort, which shall include the following:

(1) Hotel facilities providing not less than 75 rooms and not more than 250 rooms. Guest rooms shall not include cooking facilities, but may include convenience-size small refrigerators, coffee maker, microwave, and similar convenience accessories.

(2) Restaurants, cafes and similar dining facilities primarily oriented to guests.

(3) Seasonal and year-round indoor and outdoor recreation and nature-oriented uses, such as water parks; pools; conservatories; climbing facilities; adventure facilities such as zip lines, ropes and similar activities; athletic and recreational facilities including court games; miniature golf; ice skating facilities; trails and tracks for runners; non-motorized bicycles; pedestrian walking trails; bowling alleys, arcades, and similar indoor recreation facilities; and activities similar to the above.

(4) concierge services to connect resort guests with local recreation and tourist-oriented service providers.

B. Permitted additional uses include:

(1) Spa services and facilities; including personal and group fitness/wellness/weight programs, yoga, meditation, relaxation, exercise or other similar wellness programming, sauna/pool facilities, and related spa programming and facilities.

(2) Catering and banquet facilities.

(3) Gathering spaces such as auditoriums, amphitheaters, meeting rooms and conference facilities, demonstration kitchens, exhibition space, or similar spaces developed for the purpose of accommodating groups of persons for exhibitions, festivals, and other tourism or recreational and educational events.

(4) Campground, nature center, botanical, horticultural and other greenhouse structures and facilities used for guest enjoyment and open year-round for tourist attraction.

(5) Cultural facilities (library, art gallery, museum, etc.)

C. Permitted accessory/support uses are:

- (1) Uses and facilities accessory to any of the components of the permitted uses.
- (2) Public and private utility structures and facilities serving the Planned Resort. Utilities which additionally serve areas outside of the Planned Resort may be permitted by the Planning Board as an accessory use provided that they do not interfere with the use of the property as a Planned Resort or conflict with the objectives of the PRO District.
- (3) Residential accommodations for up to 10 employees performing supervisory work at the hotel.
- (4) Convenience services for guests, such as small gift/sundries; barber shops, newsstand services, travel service and car service to public transportation, and similar services.
- (5) On-premises laundry facilities serving on-site uses.
- (6) Animal exhibits, structures, and facilities, such as small mammals and reptiles.
- (7) Banking institutions.
- (8) Specialty retail or business.
- (9) Small agricultural retail (farmers market).
- (10) Transportation oriented uses and accessory parking related thereto, such as facilities to interface with public and commercial transportation, charter tourism, bicycle and other non-motorized transportation, walking trails, and similar tourism-related transportation.
- (11) Minor wireless communication facility.

D. Prohibited Elements and Uses:

- (1) Motorized vehicle racing, including but not limited to automobiles, motorcycles, dirt bikes, and four-wheelers.
- (2) Flashing lights.
- (3) Discharge of firearms.

§ 140-165. Area and Bulk Regulations. The following area and bulk requirements apply in the Planned Resort Overlay District and supersede any requirements of the underlying zoning districts.

Minimum lot area: 50 acres

Minimum lot width: 200 feet

Minimum lot depth: 500 feet

Minimum frontage on state highway: 200 feet

Front setback (all buildings): 50 feet

Front setback (parking): 40 feet

Front setback (outdoor recreation facilities such as tennis courts): 50 feet

Side and/or rear setbacks (all buildings and outdoor recreation facilities): 50 feet, except 100 feet when adjoining a residential zoning district. Side and rear setbacks may be reduced by the Planning Board to a minimum of 25 feet along any boundary adjoining an existing single-



family residence or residential district, and to a minimum of 5 feet in all other cases, upon a finding that existing or proposed topography or vegetation provide suitable screening to soften views and suitable separation of uses. Side and rear setbacks (parking): 20 feet

Height:

Maximum height of principal buildings: 4 stories, not to exceed 48 feet, except that no more than 25% of the total footprint of all principal buildings may have a maximum height of 5 stories, not to exceed 60 feet.

Maximum height of non-principal buildings: 2.5 stories not to exceed 35 feet.

Maximum height of recreational structures: 65 feet

District building height regulations shall not apply to recreational structures within the recreational facilities of the resort, such as stair towers for rides or climbing towers, provided that:

- (1) the footprint of an outdoor recreational structure shall not exceed 1000 SF;
- (2) fully enclosed indoor recreational structures are permitted within a principal building.
- (3) indoor recreational structures shall not exceed a combined total area of 2,025 square feet, and shall occupy floor area equal to not more than 10% of the roof area of the principal building in which they are located;
- (4) recreational structures shall in no event contain signage, flashing lights, or up-lighting calling attention to the height; and
- (5) the Planning Board must determine that any adverse visual impacts of the increased height have been suitably addressed and mitigated.

Water Storage Tank: 125 feet

Maximum building coverage: 25%

Minimum required open space: 35%

Maximum impervious coverage: 65%

Minimum distance between principal buildings: 0 feet.

§ 140-166. Development Standards and Objectives

- A. The massing of the buildings and the architectural design shall be appropriate for the site, considering views from off-site viewing points, including the surrounding residential properties, viewing points overlooking scenic viewsheds, and any views from the Thruway. Views into the site from adjoining residentially zoned properties should be softened by well-planned architectural and landscape materials. On any facade that exceeds 75 linear feet in length, building off-sets of at least four feet are required every 25 feet.
- B. Building styles and materials shall consist of those traditionally found in the New Paltz area. Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable

material for new construction when it holds a similar texture, appearance and reveal to wood siding. Vinyl, plastic and metal siding are prohibited.

- C. The project shall incorporate architectural design and site layout features that minimize glare, noise, and other inappropriate impacts from the development. Where possible, architecture shall draw from New Paltz and the surrounding region.
- D. The development shall provide appropriate access to the surrounding State Highway network and Thruway interchange without undue interference with local traffic, and appropriate access for fire and other emergency service providers.
- E. The development shall provide for bicycle and pedestrian travel and amenities within the site and provide connection points to existing adjacent public trails. The owners shall work with the Town and other public agencies to plan for and facilitate connection to the adjacent Empire State Trail and western extension of the Hudson Valley Rail Trail systems.
- F. The Site Plan design shall be sensitive to areas of environmental constraints and incorporate protection of environmental resources.
- G. A Planned Resort may consist of more than one parcel. However, the entire project site shall collectively be deemed a single project site approved for a Planned Resort Use. Such zoning lot shall be planned, designed, developed, and operated as an integrated unit under a unified plan of operation, even if separate elements are owned or operated by separate legal entities.
- H. The plan shall provide suitable building setbacks, open space, and, if the Planning Board deems it appropriate, landscaping, along any residential zoning district boundary lines to soften views into the site. Open space (pervious areas) provided along residential district boundaries may be either landscaped or open, and such open space may contain pedestrian or bicycle recreation trails. Where the Planning Board determines that landscaping is required along residential boundaries, it should generally include a total of at least 20 feet of vegetated landscaping, whether contiguous or separated by a trail or walkway, to soften views of the site from adjacent residential homes. The site plan shall incorporate appropriate mitigation measures identified by a visual impact analysis of the proposed development. Such visual impact analysis shall consider landscaping throughout the proposed site.
- I. Off-street parking areas shall be suitably landscaped with plantings as determined by the Planning Board. Interior parking area landscaping shall be provided to break up continuous areas of pavement. Landscaped island equal to one parking space for every ten spaces is the minimum requirement for all parking lots with ten or more spaces. Landscaped islands must equal two spaces if adjacent to two perpendicular spaces. Minimum of one shade tree, at least 3.0" DBH at planting, for every 12 parking spaces required. Parking areas shall be suitably separated from surrounding properties by vegetative landscaping materials meeting the standards of 140-34I at least 20 feet deep and deemed satisfactory to the Planning Board to provide reasonable screening of parking areas.
- J. At least one point of access to a Planned Resort must be provided from a State or County Highway. All roads providing access to the project must be suitably improved, at the time of project implementation, to handle the anticipated traffic volumes created by the proposed

development. Privately owned vehicular and pedestrian circulation routes, including internal sidewalks, internal pedestrian and bike circulation, pedestrian and bike access from the public road network or community trail facility, such as connections to the Empire State Trail and the Ohioville Hamlet, shall be suitably designed to carry the intended traffic and provide support facilities for such circulation, including bike racks for guests and employees. Access management shall be coordinated with the state and county for Route 299 and Ohioville Road.

- K. Any streets on the site plan providing access to the proposed Planned Resort and proposed to be offered for dedication as public streets shall meet the applicable municipal or state specification for such public street or highway.
- L. Water supply and sewerage. The project shall be served by public or private central water supply facilities and wastewater treatment facilities as approved by the appropriate state and municipal agencies and the County Health Department.
- M. Infrastructure facilities, such as roadways, parking areas, utilities, drainage, screening and other landscaping, and other facilities, such as storm drainage facilities, curbs, gutters, solid waste disposal facilities, lighting, signs shall be appropriately planned, designed and operated to serve all uses on the lot. Stormwater management shall incorporate green infrastructure techniques. Impervious surfaces shall be limited as much as reasonably possible.
- N. Lighting. All outdoor lighting shall be glare-free and shielded from the sky and adjacent properties using cut-off technology that controls light spread to a maximum of 0.1 foot-candle at the property line.
- O. Signs: Only signs affecting outside vehicle and pedestrian traffic will be illuminated from a structure and avoid ground up lighting when feasible. There shall be no internally illuminated monument signage.
- P. Project phasing. If the project is to be phased, then a phasing plan shall be submitted and approved as part of the site plan application.
- Q. Conditions. The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this chapter.
- R. Modification of Development Standards. The Planning Board is authorized to modify the Development Standards set forth in § 140-166. In all cases, the applicant shall be required to submit to the Planning Board a list of any design standards herein that it cannot meet, supporting reasons and documentation as to why the standards cannot be met, how the public health, safety and welfare will be preserved, how the deviation will not detract from the intent and spirit of these design standards, and a description of how it proposes to satisfy the purpose of the Planned Resort Overlay District short of adhering to the design standards in their entirety. The Planning Board may modify or waive individual requirements if it finds, based on the applicant's explanation, that adherence would be impractical and if it is satisfied with the applicant's proposed alternative for satisfying the purpose of the Planned Resort Overlay District.

**Section 18. Subsection A Section 140-26.1 of the Zoning Law, Shopping Centers, is hereby amended as follows and Subsection B is hereby deleted and the remaining sections are renumbered accordingly.**

- A. Within that portion of the B-2 Zoning District lying generally on the northerly side and on the southerly side of New York State Route 299, extending from the easterly boundary of the incorporated Village of New Paltz Ulster County, New York, shopping centers shown on site plans for which final approval has been granted prior to March 18, 1999, shall be deemed a use permitted in the B-2 Zoning District and may be developed or expanded, subject to the requirements of § 140-52 of this Chapter, and any applicable provisions of the Town Code in effect at the time of any application for approval of a site plan; provided, however, that no single store in such shopping center shall be permitted to expand beyond 50% of its approved floor area or beyond 65,000 square feet of floor area, whichever is less.

**Section 19. Section 140-34I of the Zoning Law is amended to replace “8%” with “10%” so that the first sentence reads as follows:**

At least 10% of the total area within any off-street parking area, including driveways and other paved areas, shall be landscaped.

**Section 20. Section 140-44, Nonconforming Buildings, is hereby modified to read as follows:**

A. A nonconforming building not located in the Gateway Districts may be repaired, enlarged, altered, extended, reconstructed, restored or relocated, provided that such action does not create any new noncompliance or increase the degree of noncompliance with regard to the regulations pertaining to such building.

B. In the event a nonconforming building not located in the Gateway Districts has been damaged by fire or other causes to the extent of more than 50% of its fair market value, it shall not be repaired or rebuilt unless the nonconforming aspects of any portion of such building being reconstructed, restored or rebuilt are reduced to the maximum extent practicable.

C. A nonconforming building located within the Gateway Districts may be altered, extended, reconstructed, restored or relocated only in accordance with the standards of the applicable Gateway District.

**Section 21. The heading of Section 140-109 of the Zoning Law, Highway Business Zoning Districts, is hereby amended to be “Highway Business, Gateway, and Planned Resort Overlay Zoning Districts.”**

**Section 22. The first paragraph of Section 140-109 of the Zoning Law, “Highway Business, Gateway, and Planned Resort Overlay Zoning Districts” is hereby amended to read as follows:**

Each business establishment shall be permitted two signs. No establishment may have two of any single freestanding type of sign (e.g., two pole signs are not allowed; two wall signs are allowed). Individual business signs shall incorporate the street number(s) at the top center. The following signs are permitted unless otherwise indicated in the design guidelines for the district:

**Section 23. Section 140-113 of the Zoning Law, Schedule of Sign Specifications, is deleted and replaced with the new schedule as set forth in Appendix E to this law.**

**Section 24. Supersession.**

This local law supersedes Sections 267, 267-a, 267-b, 274-a, 274-b and 276 of New York Town Law.

**Section 25. Severability.**

Should any sections or provisions of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 26. Effective Date.**

This local law shall become effective upon its adoption and after filing in the Office of the Secretary of State of New York.