

DRAFT Town of Gardiner

- REVISED, 11/13/23 and 11/15/23 AS PER TOWN BOARD DISCUSSION

Introductory Local Law x of 2023

Zoning and Regulation of Subdivisions Amendments

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

1. Statement of Purpose

This Local Law is authorized by the New York State Constitution, the provision of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Gardiner, and the general police power vested in the Town of Gardiner to promote the health, safety, welfare, and environment of all residents and property owners in the Town.

This Local Law also serves the purpose of bringing certain laws of the Town of Gardiner into accordance with the Town of Gardiner Comprehensive Plan, Updated Comprehensive Plan, and the adopted Natural Resources Inventory (NRI) as an element of the Comprehensive Plan. Additionally, certain references to out-of-date or unavailable guidance documents are updated.

2. The following Chapters and Sections of the Code of the Town of Gardiner are amended as follows:

Chapter 16 Conservation of the Environment, Commission for is amended as follows:

§16-5 Powers and duties of the Commission

“D. To provide a uniform base of information for use in land use and planning, and to maintain an up-to-date natural resources inventory (NRI) or index of all open spaces as defined by §220-74 to include important naturally occurring features, and conservation areas in public or private ownership within the municipality including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands, and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; cultural resources; and the ownership, present use, and proposed use of such open areas, so as to provide a base of information for recommendations by the Commission for their preservation and/or use.”

“G. Working in cooperation with the Planning Board, may provide advice on site plan, special permit, and subdivision applications as they relate to both resources and the potential for significant adverse impacts to such resources as identified in the adopted Town Natural Resources Inventory, and may make recommendation to maintain, preserve and improve the quality and functions of the natural and cultural environment within the Town. Also, in

cooperation with the Planning Board, recommend from time to time to the Town Board features, plans, and programs relating to environmental improvement for inclusion in the Comprehensive Plan and recommend to the Town Board appropriate and desirable changes in existing local law and ordinances relating to environmental control or recommend new local laws and ordinances.”

Chapter 188 Subdivision of Land is amended as follows:

All references in this Chapter to “§220-12” need to be corrected and edited to “§220-20”.

§188-24 Sketch Plan, subsection B(6) “A conservation analysis for all major subdivisions and for all minor subdivisions ~~in the SP-2 and SP-3 zoning subdistricts~~, as described in §200-20 ~~12A~~ of the Zoning Law.”

Chapter 220 Zoning is amended as follows:

§220-3 Scope, authority and purposes. Edit second sentence as follows “...in conformance with the updated Town of Gardiner Comprehensive Plan, adopted by the Town Board in ~~December 2004~~ and 2022 and in the future”

§220-5 Siting and Design Guidelines. insert new reference at end of sentence “...as well as The Community Design Manual, published by Ulster County Planning Board, 2017, and the Shawangunk Mountains Regional Open Space Plan, 2008 (see www.mtnscenicbway.org). The Town of Gardiner also encourages development that takes in consideration protection of resources as identified in the adopted Natural Resources Inventory.”

§220-12.1 Traditional neighborhood development (TND), subsection E to be edited as follows: “~~The Hamlet Design Guidelines and Building Form~~ Guidelines referred to in §220-5 ...”

§220-14.1 H (2) to be edited as follows: “The Planning Board shall consult the ~~building form~~ guidelines referred to in §220-5”

§220-16 Shawangunk Ridge Protection District, subsection A(2) includes outdated reference to 2004 Plan and to both the Green Assets program report and the Shawangunk Ridge Biodiversity Partnership. These items are either no longer functioning or difficult to find or consult. The last sentence of this subsection is amended as follows: “The significance of this areas has been documented in numerous programs and studies, including the Town’s 2002 and 2022 Comprehensive Plan, as well as the Town’s Natural Resources Inventory.” .

Subsection F(2)(a) also includes outdated reference to the “Gateway to the Shawangunks ...” 1997 publication and to a generic reference to Friends of the Shawangunk. This subsection is amended as follows: “For guidance in applying the standards in this §220-16, the Planning Board may refer to the Town Comprehensive Plan and the Town Natural Resources Inventory (NRI), as may be updated from time to time, as well as the Guidelines found in §220-5 and the report

“Planning for People and Nature Along the Shawangunk Ridge” (hereafter the “Green Assets Report”).

220-20 Standards for open space development.

220-20 A(3) – is amended as follows: delete ~~Minor subdivisions ... shall not require a conservation analysis, except within the SP-2 and SP-3 Subdistricts of the SP District.~~ And replace with “The conservation analysis will at a minimum use the adopted Town of Gardiner Natural Resources Inventory as a basis for such analysis. Such analysis can be completed in cooperation with the Town of Gardiner Commission for the Conservation of the Environment.”

Subsection A(4)(k) is amended as follows: “...Town’s Comprehensive Plan, Open Space Plan, Green Assets Report, and the Town of Gardiner Natural Resources Inventory (NRI).”

Subsection C(6) second sentence is amended as follows: “...with consideration of ~~the Rural design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation in 1994~~ the guidelines referred to in §220-5....”

§220-61 Required submissions for special permit applications, is amended as follows:

§220-61 A(7) & B(7) “A conservation analysis as described in §220-20 ~~if required by §220-16.~~”

§220-65 Site plan review and approval, is amended as follows:

§220-65B “Required information for site plan. An application for site plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. With the exception of applications for minor site plans for agricultural structures, all such applications will include a conservation analysis as described in §220-20. Minor site project site plans shall also contain”

3. Severability; Repealer

If any section, paragraph, subdivision, clause, or provision of this local law shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this local law shall be deemed valid and effective.

Any local law, ordinance, or part thereof in conflict herewith is hereby repealed.

4. Effective Date

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