



PLANNED WATERFRONT
ZONING DISTRICT

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 25 1995

~~XXXXX~~
~~XXX~~ of SCHODACK
Town
~~XXXXX~~

Local Law No. 1 of the year 1995

A local law to create a new zoning district to be known as
(Insert Title)
Planned Waterfront District

Secretary of State

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXX~~
~~XXX~~ of SCHODACK as follows:
Town
~~XXXXX~~

PLANNED WATERFRONT DISTRICT

A. Purpose

The purpose of this district is to permit riverfront land to be used for certain activities which depend on or are enhanced by access to the water while protecting the unique and fragile natural resources of the waterfront area. Approval of development proposals will be based on the demonstration of need for a waterfront location and evaluation of the measures proposed to protect natural resources.

B. Permitted Uses

1. One-Family dwellings.
2. Agricultural uses, subject to the conditions set forth in the Residential Agriculture District.
3. Customary accessory uses to the above.
4. Sewage Treatment Facility.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

C. Special Uses

The following uses may be approved in accord with the procedures and criteria set forth in Paragraph "D" below and subject to the development standards set forth in paragraph "E" below.

1. Marinas, boat yards, boat sale and repair, ship building and similar uses.
2. Recreation facilities requiring waterfront access such as boat launches, fishing piers, swimming facilities, etc.
3. Conference centers, camps, retreats and similar facilities which require large sites and utilize the waterfront for recreational or educational purposes.
4. Cultural, educational, or scientific uses which utilize the coastal resources.
5. Uses which require water transportation for transfer of (a) goods produced on the site (b) natural materials found on the site or (c) produces requiring such transportation.
6. Residential uses, including seasonal or second homes, which by site design, supporting facilities or other means utilize the particular advantage of a waterfront site.
7. Facilities which support or are accessory to one of the above uses including retail uses or restaurants occupying less than 10% of total floor area in the completed development.

D. Submission Requirements and Approval Criteria

1. Submission Requirements

No building permit shall be issued for any use listed in "C" above unless the Planning Board has issued a Special Use Permit and approved a Site Development Plan in accord with the provisions hereof.

In addition, all applications for uses listed in "C" above shall be accompanied by an Environmental Assessment Form (EAF) which shall provide sufficient data to determine if the proposed action is consistent with the coastal policies set forth in the Local Waterfront Revitalization Program and its impact upon natural resources in the coastal area.

2. Approval Criteria

In addition to the determinations that the Planning Board must make in accord with the provisions hereof, prior to issuance of a conditional use permit, it shall also make the following determination for any use requiring such a permit in the Planned Waterfront District.

- a. The proposed use requires or substantially benefits from its location on a site with direct access to the coastal water.
- b. The site development plan provides maximum opportunities for the recreational use of the waterfront.
- c. The greatest extent of public access to the waterfront is provided given the nature of the proposed use.
- d. Maximum protection is provided to natural resources: wetlands, fish and wildlife habitats, and significant vegetation and other site features.
- e. The visual impact of development is minimized in terms of views from the river, and the opposite shore by use of appropriate building massing and materials, use of landscaping and natural growth, and other site planning techniques.
- f. All development criteria set forth in paragraph "E" below have been satisfied in addition to all other standards required by this law,

E. Development Standards

1. Permitted Uses

Permitted uses shall conform to the standards of the RA District.

2. Special Uses

Special uses shall conform to the standard of the RA District.

It is the intent of these standards to provide maximum flexibility in site design within the parameters of the Approval Criteria set forth in "D" "2" above, and the basic standards set forth below. In its review, the Planning Board shall be guided by standards used

elsewhere in this Law and established site development practice.

Uses requiring a Special Use Permit shall conform to the following standards:

- a. No structure shall be located within 200 feet of the mean high water line of the Hudson River or Papscanee Creek, except for those structures or uses defined as "water-dependent" in the Local Waterfront Revitalization Program.
- b. Total horizontal coverage by roads, roof tops, parking lots and other impermeable surfaces shall not exceed one-third of the total site area, No such surfaces shall be located within 100 feet of the mean high water line of the Hudson River or Papscanee Creek, except for essential access roads to water dependent uses.
- c. All sewage disposal, water supply, and other utility systems shall be approved by the appropriate agency prior to issuance of any conditional use permit.
- d. Development plans shall indicate how site design and construction management employ best management practices to prevent adverse affects from erosion and siltation.

This Local Law is effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1995 of the ~~(County)(City)~~(Town)(Village) of Schodack was duly passed by the Town Board on 1/12 1995, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

James J. Cantello - Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 1-13-95

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Rensselaer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Salvatore Keeler
Signature

Town Attorney
Title

~~COUNTY~~
~~CITY~~ of Schodack
Town
~~VILLAGE~~

Date: 1/18/95