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Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of New Paltz
Year (adopted, written, etc.):	2000-2007
Community Type – applicable to:	Suburban; Rural
Title:	Town of New Paltz Wallkill River Recreation Overlay District
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Abstract

This law creates the Wallkill River Recreation District, which is to be an area that serves the combined purposes of recreation, open space preservation, floodplain management, wildlife protection and scenic resource preservation. The law outlines the procedures for obtaining land to be used in the project and creates restrictions to be placed on these lands once they become part of the project. The 2011 amendment adds “The public hearing upon the application for renewal of such special permits shall be noticed in accordance with Article XVI, Public Hearings, of Chapter 140, Zoning, of the Code of the Town of New Paltz.”

Resource

Town of New Paltz NY Wallkill River Recreation Overlay District
Code of the Town of New Paltz NY
Chapter 140: Zoning
General Code
Article XI. Wallkill River Recreation Overlay District
[Added 4-27-2000 by L.L. No. 2-2000]

§ 140-80. Legislative intent.

The Town Board of the Town of New Paltz finds that it is in the best interests of Town residents to provide a means and procedure by which river-oriented recreational facilities may be located and developed in the Town.

§ 140-81. Purpose and objectives.

A. The Community Comprehensive Plan, adopted in August 1995, affirmed environmentally sound planning along with policies for economic growth that enable responsive and responsible growth while retaining the Town's unique features, protecting agriculture and preserving natural resources. The Comprehensive Plan guides the Town Board in making provisions for appropriate recreational facilities for all ages within the bounds of affordability. The plan recognizes that recreation and tourism are an important economic driver for the Town, while it also promotes the consideration of the Town as a part of a larger environmental region.

B. The Comprehensive Plan expresses a desire to protect the unique aesthetic character of New Paltz; to maintain a balance between environmental protection and future development; to preserve open space; and to preserve one-hundred-year floodplain lands which add an additional component of open space to the character of the Town and which have recognized environmental significance. Among the purposes of the plan is to provide additional protective measures to existing regulations to ensure protection from changes to the physical character of the land.

C. For open space and recreational endeavors, the Comprehensive Plan acknowledges the importance of designating areas for open space and planning efficient, appropriate recreational facilities. The plan advances the concept that specific approaches used to protect open space should be determined by the attributes of particular sites and that development should be prevented, or restricted, in environmentally sensitive areas (floodplains, steep slopes, continuous open space areas and wildlife corridors, wetlands, lakes, ponds and streams).

D. It is the objective of the Wallkill River Recreational Overlay District to recognize the opportunities presented by the Wallkill River as an area of varied natural resources that can be used and enjoyed by the public while preserving and protecting sensitive wildlife habitat. As such, an objective of the overlay district is to encourage river-oriented recreational facilities, and associated accessory uses, as an integrated development with adequate transportation and utility facilities, while maintaining the integrity of the river environment. Provision for public access to and along the Wallkill River shall be encouraged as part of any application for designation of land as the Wallkill River Recreational Overlay District.

§ 140-82. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CAMPING/RECREATIONAL VEHICLE SITE (CR/V SITE)

A designated area within a recreational village used as a tent camping site or as a site for recreational vehicles.

RECREATIONAL VEHICLE

A vehicular structure built on a chassis primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. Typical entities include (but are not limited to) a travel trailer, camping trailer, pop-up camper, motor home and recreational vehicle.

RECREATIONAL VILLAGE (aka CAMPGROUND or RV PARK)

A parcel of land developed for the purpose of providing sites for tents, recreational vehicles or similar accommodations for temporary residence use. Campgrounds, RV parks, primitive camping facilities and other similar facilities shall fall under this definition. A recreational village may be either publicly or privately operated, offering sites for tent and recreational vehicle occupancy on a temporary residence basis. Such sites are generally rented on a daily or weekly basis and may be accompanied by the usual accessory recreational and service facilities, such as boat launch/docks, court and field game facilities and a consumer convenience goods store, primarily serving users of the recreational village. This definition is not, however, intended to cover second-home communities of single-family dwellings, labor camps, mobile homes or RV parks where sites are owned individually by deed conveyance or leased on a monthly basis or on a longer basis.

TEMPORARY RESIDENCE

A property consisting of a tract of land and any tents, vehicles, buildings, rooms, camping sites or other structures and installations, temporary or permanent, pertaining thereto, any part of which is used or maintained primarily for overnight occupancy by people, with or without stipulated agreement as to the duration of their stay, who are provided at least some portion of the use of the property's facilities with the consent or implied permission of the owner, operator or lessee thereof.

WATERCRAFT

Any vessel used for water transportation, including but not limited to boats, canoes, rafts, personal watercraft or other similar vessels.

§ 140-83. District eligibility criteria.

A. Location. A Wallkill River Recreation Overlay District may be established for a qualifying parcel or parcels, or sites having access to frontage on the Wallkill River and having frontage on one of the following highways:

(1) Libertyville Road.

(2) NYS Route 299 (from Libertyville Road to Springtown Road).

(3) Springtown Road.

(4) NYS Route 32 (north from Old Kingston Road).

(5) Old Kingston Road.

(6) NYS Route 208 (south from Cedar Lane).

B. Development area.

(1) To qualify for designation as a Wallkill River Recreational Overlay District, such property, at minimum, shall:

(a) Include at least 25 contiguous acres of land outside of any underlying F (Floodplain) District.

(b) Be accessible without crossing any F (Floodplain) District area.

(c) Be exclusive of wetlands, wetland buffers, protected streams and slopes greater than 15%.

(d) Include open space, exclusive of roads, CR/V sites, buildings, structures, facilities and impervious surfaces used for recreational purposes, of not less than 50% of the gross acreage of the site outside of the F (Floodplain) District.

(2) Additional uses within the property, but outside the development area, shall maintain the required density and setbacks of the underlying zoning. (See also § 140-86.)

C. Ownership. The land proposed for designation as a Wallkill River Recreational Overlay District may comprise one or more tracts, parcels or lots of land owned, leased or controlled by one or more owners or corporations, but the use of land within the Wallkill River Recreational Overlay District shall be planned and designed as a unit, and the recreational village use shall be operated, maintained and controlled by a central management agency or entity, acceptable to the Town Board, that is responsible for the improvement and maintenance of facilities and improvements shown on the site plan and for general management of the proposed use.

D. Public access. Access along the Wallkill River shall be encouraged in any application for the Wallkill River Recreational Overlay District. For example:

(1) Day-use fee.

(2) Designated parcels in locations appropriate for such use.

§ 140-84. Establishment of district.

A. The Town Board may, after Planning Board review, public notice and hearing, pursuant to Article VIII, § 140-56 of the Code of the Town of New Paltz, approve the establishment of a Wallkill River Recreation Overlay District. Where such a district is established, it shall be delineated on the Official Zoning Map of the Town.

B. Application. The application to the Town Board for designation of a district shall include:

(1) Duly acknowledged consents to the application by the record owners of land proposed for inclusion in the district;

(2) A narrative statement that generally describes:

(a) The applicant's overall plan for the proposed use of lands within the district.

(b) The proposed management entity and management plan for facilities and improvements.

(c) The proposed plan for public access.

(d) The legally binding arrangements proposed for operation of the use and maintenance of facilities and improvements.

(e) Any environmental constraints on the land proposed for the district; and

(3) Appropriate SEQRA documentation.

C. Management plan. It shall be the responsibility of the owner/applicant to prepare a management plan that addresses the following:

(1) Records. The management of every recreational village shall be responsible for maintaining accurate records concerning the occupancy of all camping/recreational vehicle sites and including the following minimum requirements:

(a) The name and address of the occupant of each camping/recreational vehicle site and the dates of arrival and departure.

(b) The name and address of the owner of each recreational vehicle which is not occupied by such owner.

(c) The state in which the recreational vehicle is registered and the registration number.

(d) The name and address of the owner of the automobile or other vehicle which propelled the recreational vehicle or which is or may be intended for use by any camper.

(e) The state in which such automobile or other vehicle is registered and the registration number.

(f) Identification of all pets registered, showing date of arrival and departure, owner's name and address and proof of rabies inoculation.

(2) Daily operations. Normal activities associated with the operation of a recreational village shall take place within the following guidelines:

(a) Setup and take-down of any campsite/recreational vehicle shall be limited to the hours of 8:00 a.m. to 9:00 p.m.

(b) Outdoor activities, such as campfires, music, barbecues and similar activities, shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(c) Area lighting of roads, buildings and other structures or areas shall be reduced to a minimum between the hours of 10:00 p.m. and 6:00 a.m.

(d) Dock use shall be limited to the hours between one-half hour before sunrise and one-half hour following sunset.

(3) Maintenance of the following:

(a) Roads.

(b) Sanitary system.

(c) Landscape litter.

(d) Sites.

(e) Bathrooms.

(f) Fences.

(g) Water supply.

(h) Garbage/refuse.

(i) Camping accessories.

(4) Recreational vehicle placement. The recreational village management shall supervise the placement of each recreational vehicle on its site, including securing its stability and installing all utility connections.

(5) Noise. The recreational village management shall be responsible for maintaining compliance by those persons lawfully upon the grounds of the recreational village with all local laws in force and effect throughout the Town, including but not limited to local laws relating to noise, as contained in the Code of the Town of New Paltz. Editor's Note: See Ch. 100, Noise. Owing to the proximity of campsites within a recreational village and to the proximity of any recreational village to surrounding or nearby neighborhoods, the following shall apply: In any prosecution for any offense alleged to have occurred in

violation of any local law affecting noise or other sounds, the making of any sound within the geographical boundaries of the recreational village in excess of 55 dB(A) or evidence of any sound measured at the shoreline of the Wallkill River in excess of 45 dB(A) shall be presumptive evidence of a violation of the provisions of Chapter 100, entitled "Noise," of the Code of the Town of New Paltz.

(6) Health. The recreational village management shall notify the Ulster County Health Department immediately of any suspected communicable or contagious disease within the recreational village.

(7) Nuisance. The recreational village management shall not permit any noxious or offensive activities within the facility.

(8) Animals. The recreational village management shall not allow animals to be kept or maintained on any camping/recreational vehicle site, except for usual household pets. No pet shall be allowed to roam free, and pets shall be confined and or leashed and under the control of the pet owner. Pet owners must register pets with the management and provide proof of current rabies inoculation.

(9) Alcohol use. The management of the recreational village is responsible to ensure that the use of any alcoholic beverages within the recreational village does not cause or contribute to any noxious or offensive activity with the recreational village (i.e. noise, litter, etc.). Editor's Note: See also Ch. 49, Alcoholic Beverages.

(10) Additional restrictions. The owner/applicant may impose more restrictive requirements with respect to use, operations and/or management of the recreational village than those contained in this article. The owner/applicant may also impose additional requirements and/or regulations in addition to those included in this article, such as alcohol use, noise, registration, pets, smoking, etc. Such additional requirements shall be included in the management plan provided to the Town.

D. Forms and filing. Application for approval of a recreational village pursuant to this section shall be upon forms issued by and filed with the Building Inspector for review by the Planning Board. Applications shall include a site plan delineating all uses in accordance with the provisions of Article VIII, § 140-52, Site plan review, of the Code of the Town of New Paltz.

§ 140-85. Review and determination of special permits.

A. Use of lands lying within an established Wallkill River Recreation Overlay District as a recreational village shall be issued by the Planning Board by special use permit following site plan approval in accordance with the provisions of § 140-52 and procedures in § 140-55E of the Code of the Town of New Paltz.

B. Lands for which a special use permit has been issued for use as a recreational village shall not be divided during the effective period of such special use permit without the approval of the Planning Board.

C. Standards for special permit.

(1) The following standards for a special permit are intended to ensure that a proposed recreational village use is in harmony with adjoining land uses, particularly those in any underlying residential zoning district, and will not adversely affect the public health, safety and welfare, the neighborhood of the proposed use or other areas of the Town of New Paltz or environmentally sensitive lands and uses.

(2) Before issuing a special permit, the Planning Board shall find and determine that:

(a) Proposed means of access, including adjoining streets and highways, are sufficient to accommodate traffic from the use.

(b) Adjoining properties, highways and streets, and residential areas, particularly existing residences and lands and waters used for recreational uses, are adequately buffered from any adverse noise, lighting or visual impact of the proposed use.

(c) Environmentally sensitive lands and waters, particularly federal and state wetlands and wetland buffer areas, watercourses, slopes in excess of 15%, existing wells or groundwater resources and floodplains, are adequately buffered or protected against any adverse impacts of the proposed use.

(d) Open space and buffer zones shall be designated so as to protect known areas of wildlife movement, feeding and rearing of young.

(e) The proposed plan of development and management of the use, including proposed access or use by the public, will avoid or minimize impacts on adjoining residences, neighborhood or community character and emergency services.

(f) The satisfactory provision has been made by the applicant to monitor compliance with the conditions of approval, including, where appropriate, covenants that can be enforced by adjoining residents or the Town, inspections by the Building Inspector, Town Engineer or other Town officials and procedures for residents to register complaints.

§ 140-86. Uses; restrictions; regulations.

Establishment of a Wallkill River Recreation Overlay District may be granted, subject to conditions, including but not limited to the following:

A. The use of the site and any buildings, structures and improvements thereto outside of the recreational village district development area, may include those allowed in the underlying zoning district in accordance with the Code of the Town of New Paltz.

B. The following additional use(s): recreational village.

C. The following site design and development requirements:

(1) Design of sanitary systems and water supply shall be in accordance with the requirements of the Ulster County Health Department and the New York State Department of Environmental Conservation and approval of the Town of New Paltz Engineer. Compliance shall be determined by the Town Engineer and any other consultant as may be required by the Town Board; provided, however, that no sanitary system shall be located within the Floodplain (F) Zoning District.

(2) Development shall be limited to a maximum of 100 CR/V sites for a combination of self-propelled recreational vehicles and vehicle-drawn trailer/pop-up units (and tents). Recreational vehicles shall not exceed 25% of the total sites.

(3) A soil erosion and sediment control plan shall be prepared in accordance with the New York Guidelines for Urban Erosion and Sedimentation Control, latest edition.

(4) Design of an individual CR/V site shall provide a minimum of 3,000 square feet of area in a configuration which accommodates the proposed use, including parking which shall be 360 square feet per CR/V site, complete with an improved access driveway to the designated parking area, and must be located outside of the boundaries of any floodplain (F) Zoning District.

(5) Any proposed on-site convenience goods store shall consist of a maximum of 1,000 square feet in gross floor area and shall be serviced by a parking area consisting of not more than 1,500 square feet containing not more than four parking spaces for temporary use and by designated pedestrian walkways. Such on-site convenience goods store shall be open only during the seasonal operation of the recreational village.

(6) Roadways.

(a) The entrance roadway from any road from which access is required pursuant to § 140-83 shall be paved and built to Town of New Paltz Town road standards.

(b) All interior circulation roadways shall be constructed with minimum twelve-inch-thick compacted shale, gravel or crushed stone.

(c) Parking areas and access driveways for CR/V sites shall be constructed with a minimum eight-inch-thick compacted shale, gravel or crushed stone.

(7) A minimum setback of 150 feet from any NYS/Ulster County/Town of New Paltz highway, or road, shall be provided for the purpose of minimizing the visual impact of any proposed development. Such buffer areas are to be densely landscaped for visual screening and noise abatement purposes.

(8) A buffer area of at least a setback of 150 feet from any proposed development and from all other property lines and from interior streams and watercourses shall be provided. Such buffer areas are to be densely landscaped for visual screening and noise abatement purposes.

(9) No development of the site shall occur within 200 feet of any stream or watercourse, except as designated and approved for access to such stream or watercourse. Such two-hundred-foot buffer area shall be densely landscaped for visual screening and noise abatement purposes.

(10) On-site presence of the owner or designated site manager is required at all times during business operation. One permanent residence may be included for this use.

(11) Seasonal operation extends two weeks prior to Memorial Day through two weeks after Columbus Day.

(12) Permitted lighting shall be noninvasive, low voltage and shall be limited to those areas, buildings or structures as designated by the Planning Board as part of its site plan review process.

(13) All site electrical primary distribution and individual services shall be underground.

(14) Disposal of trash shall be in covered dumpsters secured in fenced areas central to CR/V sites. The open storage of trash and/or food at individual sites is prohibited.

(15) Natural landscape features shall be incorporated into the site plan so as to maintain natural screening and buffering.

D. Site access. Primary site and development access shall be designated to directly connect to one of the roads identified in § 140-83 of this chapter. Consideration for connected interior access roadways (looped roadway connections) and additional primary access locations for emergency vehicle access shall be provided when required by the Planning Board.

E. River access.

(1) Access to the Wallkill River may be provided as part of the development plan for the site even where such access crosses the F Floodplain District.

(2) Where appropriate, boat access and docking may be constructed in accordance with the following:

(a) Compliance with all applicable permit provisions required by the New York State Department of Environmental Conservation (DEC) and any site plan or special use conditions imposed by the Planning Board.

(b) Docking shall be limited to one single-lane dock per recreational village, appropriate in size to accommodate small trailer-type or other small boats.

(c) Docks shall be sited on the site plan so as to minimize the impact to neighboring residents.

F. Permitted recreational uses in floodplain. Uses such as ball fields, trails, picnic areas, open pavilions and other such nonpermanent uses and structures shall be permitted within the F (floodplain) areas, provided that any use and/or structure complies in all respects to the construction standards in effect as specified by the National Flood Insurance Program and subject to the requirements of Chapter 82 of the Town Code, entitled "Flood Damage Prevention."

G. Restrictions on campfires. Campfire restrictions shall be posted at the registration area and distributed to all users at registration.

(1) Fires are restricted to designated campsites.

(2) There shall be not more than one designated open-air campfire area per site, adequately protected against fire spread through use of a fireplace, fire ring or similar device.

(3) There shall be no unattended fires.

(4) There shall be no cutting of trees, brush, bushes or other vegetation. Any on-site taking of firewood shall be limited to fallen, horizontal wood.

(5) The use of portable camp cooking stoves shall be encouraged.

(6) Campfires are prohibited during periods of drought upon order of the appropriate federal, state or local governmental official or other authority having jurisdiction.

H. Prohibited uses and facilities. Notice of all prohibited or restricted uses and facilities shall be posted at the registration area and distributed to all users upon registration.

(1) On-site laundry.

(2) Docking and/or launching of fossil fuel motorized boats or fossil fuel motorized personal watercraft.

(3) The discharge of firearms except by law enforcement personnel actually engaged in the course of their official duties.

(4) Trapping.

(5) Firearms for target, skeet or similar shooting purposes.

(6) All-terrain vehicles (commonly referred to as ATV's, three-wheelers or four-wheelers or similar vehicles) and off-road type motorcycles except for use as maintenance vehicles by the site owner, site manager or site employees.

(7) Paved surfaces shall be kept to a minimum. There shall be no paved surfaces except as expressly permitted by the Planning Board as, for example, to service any convenience goods camp store, dump stations or dumpsters.

(8) There shall be no exterior lighting except as permitted pursuant to § 140-86 of this chapter.

(9) Concerts and other nonrelated public functions.

(10) Except in the case of emergency, the use of loudspeakers, public address systems or similar sound amplification devices is prohibited.

(11) There shall be no storage of vehicles beginning two weeks after Columbus Day through two weeks before Memorial Day.

(12) Any and all uses not specifically permitted on the site plan shall be prohibited.

§ 140-87. Review and renewal of special permits.

A. Annual review.

(1) The Building Inspector or designee shall be responsible for conducting an annual review of the project site and facilities and shall report his/her findings to both the owner and Planning Board. In conducting such review, the following issues shall be considered:

(a) Compliance with the approved special permit and approved site plan.

(b) Nature of emergency calls and neighbor complaints, if any.

(c) Compliance with conditions of approval by the Ulster County Health Department.

(d) Maintenance of the site, including but not limited to site access road(s), camping sites, recreational facilities, docks (if any), wooded areas, etc.

(2) The Town of New Paltz Engineer shall review the adequacy and safety of the septic system(s), water supply and site drainage to determine whether their use and operation adequately protect the public health and safety and report his or her findings to the Building Inspector and Planning Board.

(3) Where noncompliance issues or new information relevant to public health and safety are identified by the Building Inspector or his or her designee, the Planning Board shall

review the approved special permit/site plan to enable compliance with the intent of this section.

(4) The special permit, as approved by the Town of New Paltz, may be terminated:

(a) In writing by the owner; or

(b) By the Building Inspector for noncompliance with the approved special permit.

(5) The fee for annual review shall be as determined by the Town Board. Upon receipt of such fee, the Building Inspector or designee shall certify to the Town Board in writing whether the recreational village is in compliance with the approved special permit and approved site plan.

B. Special permit renewal.

(1) Special permits issued for recreational village uses shall expire one year after the date of issuance unless renewed by the Planning Board upon application by the holder of the special permit and a public hearing. The application for renewal of the special permit shall be submitted, with any required fee, to the Planning Board at least one month prior to the expiration of the permit, in which case the expiration date of the permit shall be extended to the date of Planning Board action on the application for renewal. The public hearing upon the application for renewal of such special permits shall be noticed in accordance with Article XVI, Public Hearings, of Chapter 140, Zoning, of the Code of the Town of New Paltz.

[Amended 5-24-2007 by L.L. No. 2-2007]

(2) Upon receipt, the Planning Board Clerk shall refer the application to the Building Inspector and the Town Engineer for review and report as to the compliance of the applicant with the requirements of the Town zoning law and all conditions of approval. The Planning Board shall consider the reports of the Building Inspector, the Town Engineer and any other Town departments, conduct a public hearing and take action on the application within 62 days of the close of the public hearing to approve, approve with modifications or deny the application for renewal of the special permit.

(3) An application for renewal shall be approved when the Planning Board determines that the management and operation of the use has conformed with the requirements of the Town zoning law and the conditions of special permit and site plan approval and that there is no new information or changed circumstances which would have, if known at the time of the prior application, resulted in denial or modification of the expiring approval. In the event that the Planning Board approves the renewal application with modifications or denies approval, it shall make specific findings as to the grounds for its action. The Clerk shall file a copy of the Planning Board's determination, together with any conditions of approval, with the Town Clerk and the Building Inspector and mail a copy to the applicant within five business days of its filing in the office of the Town Clerk.

§ 140-88. Severability.

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

§ 140-89. When effective.

This article shall be effective immediately upon filing pursuant to the Municipal Home Rule Law.