

**ABCS OF PUDS
(PLANNED UNIT DEVELOPMENTS)**

**New York State Department of State
Division of Local Government**

PUD as zoning district

- Zoning implements land use goals expressed in comprehensive plan
- PUDs defined by community
- Permits mixed-use & mixed-density development
- Encourages flexible & efficient design



PUD district

Conventional zone

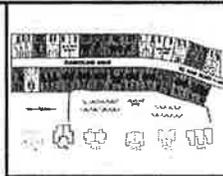
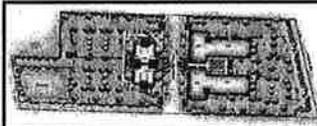
- Site(s) pre-determined based on furtherance of comprehensive plan
- Mapped as-of-right

Floating zone

- Boundaries subject to approval by review board
- Based on case specific proposal
- Upon approval site(s) are re-zoned PUD

Types of Planned Unit Development

- Residential
 - Single or multi-unit
 - Often services
- Non-residential
 - Industrial
 - Commercial
- Mixed use area
 - Offices
 - Retail
 - Restaurants



Subdivision vs. PUD

Conventional Subdivision

- Usually a single use (residential)
- Uniformity is predominant feature
- If zoning, dimensional requirements for each lot
- Strategic plat design for maximum build out

Planned Unit Development

- More likely to include mixed-uses
- Uniquely sized lots & sensitive placement
- More negotiation between developer & governing board

Subdivision vs. PUD

Cluster Subdivision

- May also provide flexibility in residential development
- Must be same as underlying zoning district
 - Use
 - Density

Planned Unit Development

- PUD units need not be clustered
- Density and uses often determined during review process

Contract and spot zoning illegal

- PUD designation should not conflict with community's comprehensive planning objectives
- Contract zoning: accommodation to private interest but with special restrictions or conditions
 - Church v. Town of Islip
 - Instead subject to use variance test
- Spot zoning: sole benefit to single property and to the detriment of neighborhood

Best practice:

- Show re-zoning is in accordance with comprehensive plan
- If imposing conditions to make PUD compatible with neighborhood, conditions must be reasonable and supported by comprehensive plan
- State in zoning law conditions or standards before PUD designation will be considered

	Benefits and disadvantages
	<p>Community</p> <p>Resident</p> <p>Developer</p>

Benefits	
<ul style="list-style-type: none"> <input type="checkbox"/> Allows mix of densities and uses <input type="checkbox"/> Offers maximum flexibility for innovative design <input type="checkbox"/> Community may negotiate public benefits <input type="checkbox"/> Attracts better quality & experienced developers 	
PUD with community farm & gardens	

Potential benefits to residents	
	<ul style="list-style-type: none"> <input type="checkbox"/> Greater choices of housing <input type="checkbox"/> Recreational & perhaps cultural amenities <input type="checkbox"/> Lower consumer costs/unit when higher densities allowed <input type="checkbox"/> Convenience of nearby shopping <input type="checkbox"/> Some employment possibilities nearby

Potential benefits to developer

- Lower costs
 - Efficient development of structures & utilities
 - Land costs lower per unit (land purchased in larger quantities)
- Greater regulatory flexibility
 - Higher density may be permitted
 - Creative design
- Recent trends suggest increased marketability
 - Diversity of housing types
 - Availability of services
- More attractive investment package



Potential economic benefits

- Higher tax yield with fewer service requirements
 - Less maintenance costs if fewer streets/roads
 - Lower storm drainage costs when less impervious surfaces
 - Opportunity for environmental & recreational amenities
- Municipality need not take ownership of:
 - Streets or parking lots
 - Stormwater structures
 - Other infrastructure
 - Private parks or recreation facilities

Potential disadvantages

- Highly discretionary process**

 - Misuse of discretionary authority by municipal officials
 - Regulations not descriptive enough to achieve intended results
 - Zoning standards relaxed with insufficient public benefit in return
- Large projects instead of incremental, organic development
 - Temptation to use PUD zone rather than revise zoning code
 - Monitoring & administration of zone can become complex, as site essentially becomes its own zoning district

Potential disadvantages to developers

- Requires significant and reliable financing
- Greater risk of investment
- Longer time period before developer realizes profit
- Lengthier review process than subdivision
- Community amenities may be required
- Local requirements may call for professional designers

Silverton, OH
 One from each category will be required for planning & design process:

- Licensed architect or professional designer
- Certified nurseryman, landscape architect, or landscape designer approved by Planning Director
- Registered engineer or land surveyor

Contents of Regulations

Statutory definition

- General City Law §81-f
- Town Law §261-c
- Village Law §7-703-a

- Use statute to guide local regulations
 - Economies of scale
 - Creative planning
 - Supported by zoning and comprehensive plan

Statutory Intent

- ...to provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the comprehensive plan and zoning...

Minimum area

- Minimum acreage
- Best with large tracts that can accommodate wide range of uses and densities
- Risk of spot zoning is greater with small tracts
- Owners of several lots may work together



Town of Naples

- ...minimum area requirements...shall be 100 contiguous acres of land...where applicant can demonstrate characteristics...meet the objectives...the Town Board may consider...projects with less acreage

Location, uses & density

- List districts permitted for PUD
 - Floating zones or mapped as-of-right
- Allowed uses & densities approach:
 - Open-ended
 - Structured

Town of Naples

Permitted uses

- Residential uses: includes variety of housing types and densities
- Service & other non-residential uses: designed primarily to serve residents of PUD

Dimensional requirements

- Application of general zoning provisions:
- Lot sizes
 - Setbacks
 - Maximum heights
 - Maximum lot coverage
 - Minimum open space requirements
 - Parking
 - Signs & billboards

Town of Olean

Yard & area requirements:

...Town Board may approve minimum front, side and rear setbacks that may be less than those otherwise required for the zoning district ...

Review process

- Include time frames, notices, review boards, and phasing
- Application fees and reimbursement for expert review



Town of Naples's PUD Process:

- Applicant submits sketch plan to Town Board
- Town Board refers to Planning Board
- Planning Board reviews and renders a report to:
 - Town Board if favorable
 - Applicant if unfavorable
- Town Board holds public hearing on zoning change
 - Referral to county and to town engineer
 - Zoning decision within 62 days
- Planning Board reviews site plan
 - Site plan substitutes for subdivision review
 - County referral

Submission & sketch plan

Detailed list of submission requirements for each stage of review

- Sketch plan and rezoning
- Site plan combined with subdivision review



Town of Naples sketch plan:

- Location of various uses area in acres
- General outlines of interior roadway system
- Residential areas by size and composition
- Percentage allocation by dwelling unit type
- Interior open space system
- Overall drainage system
- Topographic map
- Connections with respect to transportation, water supply, and sewage disposal
- Other community facilities
- Ownership of abutting lands

Final approvals

- Procedures for amending plan after final approval
 - Public hearing
 - Submission requirements
- If conditions are not met, final approval may lapse or be withdrawn

Town of Naples

- Conditions or requirements
- ...visual and acoustical screening; land use mixes; order of construction and/or occupancy; circulation systems; availability of sites within area for necessary public services such as schools, fire houses, and libraries; protection of natural and/or historic sites; and other such physical or social demands...

Phased development

- Phasing controls
 - Generally concerned with density, open spaces & non-residential land uses
 - Simultaneous development of project elements in different development stages
- List of required infrastructure
 - Performance guarantees
- Provisions relating to ownership & maintenance of common property & facilities

Town of Naples:

- If applicant wishes to stage development, submit only those stages for site plan approval in accordance with staging plan
- Individual stages will have an integrity of use in their own right so that if entire PUD is not completed, those portions already constructed will be an asset to community by themselves

Reviewing Proposals

Review approaches

Legislative

- General PUD rules adopted
- Sketch plan approval
 - Submitted
 - Major substantive review
 - Review or recommendation
- Rezoning
 - Public hearing
 - Zoning map amended
 - Density, use & dimensional parameters set
- Site Plan
 - Design and layout details
 - Supercedure allows sketch plan, preliminary & final approvals

Administrative (A)

- General PUD rules adopted
- Identify districts where permitted
- Define by special use permit

Administrative (B)

- General PUD rules adopted
- Specific PUD zones mapped
- Site plan review for applications meeting zoning requirements

Site plan review criteria for PUD

- Pedestrian and vehicle access and circulation
- Off-street parking & loading
- Location, size, design of buildings, lighting and signs
- Relationship of uses to one another (scale)
- Type & arrangement of landscaping
- Usable open space
- Storm water and sanitary waste disposal facilities
- Structures, roads, and landscaping in areas prone to flooding or erosion
- Protection of adjacent property (noise, glare, unsightliness, etc.)
- Environmental impact
- Conformance with conditions established by governing board

Common lands

Home Owners Association

- HOA: organization established to govern private community, including open space & private infrastructure
- Most are corporations governed by by-laws & board of directors (elected by members)

Municipal ownership

- Towns may create park district to assess property owners for maintenance of recreational lands
- Municipality may assume ownership & maintenance of recreational facilities if offered by developer

Common lands continued

Final option:

- Require all land owners to own an undivided share of open space & common facilities proportionate share of assessed maintenance & taxes
- Require permanent prohibitions against later subdivision of open spaces

Town of Olean LL, 2, 2000:

- If open space is not dedicated to Town, it shall be protected by legal arrangements, satisfactory to Town board, sufficient to assure its maintenance and preservation for whatever purpose intended.

Closing thoughts

- Good comprehensive plan with scheduled revisions
- PUD should complement zoning law
- Consider incorporating affordable housing component into zoning law
- Good plan for providing public services
- Think of PUD as new neighborhood rather than "residential" development



Contacting the Department of State

(518) 473-3355 Training Unit

(518) 474-6740 Legal Department

(800) 367-8488 Toll Free

Email: localgov@dos.state.ny.us

Website: www.dos.state.ny.us



New York Department of State

Sample Planned Unit Development Laws

Town of Naples, Local Law No. 2, 1997
Excerpt from Zoning Law

Town of Bethel, Local Law No. 3, 2002
Creating the Performing Arts Center Development District

Town of Halfmoon, Local Law No. 7, 2002
Creating the Rolling Hills Estates Planned Development 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.

~~XXXXXX~~

NAPLES

~~XXXXXX~~ of

Town

~~XXXXXX~~e

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUN 16 1997

Local Law No. 2 of the year 19 97

A local law Amending Local Law No. One of the Year 1974

Alexander F. Piccinini
Secretary of State

Establishing Zoning Use Districts and Zoning

Rules and Regulations.

Be it enacted by the TOWN BOARD of the

~~XXXXXX~~

~~XXXXXX~~ of

NAPLES, ONTARIO COUNTY

as follows:

Town

~~XXXXXX~~

Section 32-507 Planned Unit Development (P.U.D.)

A. Intent

1. It is the intent of this Planned Unit Development District (PUD) to provide flexible land use and design regulations through the use of performance criteria so that large scale neighborhoods may be developed within the Town that incorporate a variety of residential types and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to

be capable of satisfactory use operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This section specifically encourages innovation in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments.

2. This section recognizes that while the standard zone-function and the subdivision function are appropriate for the regulation of land use in areas of neighborhoods that are already substantially developed, these controls represent a type of pre-regulation, regulatory rigidity and uniformity which may be harmful to the techniques of land development contained in the totally planned development concept. Further, this section recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PUD techniques are deemed appropriate through the rezoning of land to a Planned Unit Development District by the Town Board, the set of use and dimensional specifications elsewhere provided for in the Town of Naples Zoning Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

B. Objectives

In order to carry out the intent of this Section, a PUD shall achieve the following objectives:

1. A maximum choice in the types of environment, occupancy tenure (i.e., cooperative, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential Town residents.
2. More usable open space and recreation areas.
3. More convenience in location of accessory commercial and service areas.
4. The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.
5. A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.
6. An efficient use of land resulting in small networks of utilities and streets.

7. A development pattern in harmony with the objectives of the Town of Naples Master Plan.
8. A more desirable environment than would be possible through the strict application of other Sections of the Town of Naples Zoning Law.
9. The design and construction of all improvements within the PUD shall conform to the Town of Naples Specifications for the Design and Construction of Developments.

C. General Requirements for Planned Unit Development

1. Minimum Area

Under normal circumstances, the minimum area requirements to qualify for a Planned Unit Development District shall be 100 contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Section, the Town Board may consider for review projects with less acreage.

2. Ownership

The tract of land for a project may be owned, leased or controlled by a single person, a corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the Approval Plan shall be binding on all owners.

3. Location of PUD District

The PUD District shall be applicable to an area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article.

4. Permitted Uses

All uses within an area designated as a PUD District are determined by the provisions of this article and the approval of the project concerned.

- a. Residential Uses: Residences may be of any variety of types. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this article. In keeping with the objectives found in paragraph B, Section 1 and 6, the developer must demonstrate that he is reaching as broad a market as possible. In making these determinations, the Town Board shall consider

the size of the site, its location with respect to community services and facilities, transportation, and area wide market surveys as are available from several sources in Ontario County. Developers may avail themselves of such state, federal, and any other housing programs as may be available to accomplish these objectives.

- b. Service and other non-residential uses may be permitted (or required) where such uses are designed primarily to serve the residents of the PUD. Such uses may include:
 1. Retail business establishments which are clearly of a neighborhood service character such as, but not limited to, the following:
 - a. Stores selling groceries, meats, baked goods, and other such food items.
 - b. Drugstores and variety stores.
 - c. Stationery, tobacco and newspaper stores, and confectionery stores.
 2. Personal service establishments which are clearly of a neighborhood service character such as, but not limited to, the following:
 - a. Barber and beauty shops
 - b. Shoe repair and fix-it shops.
 - c. Customary Accessory or Associated Uses:
 1. Accessory uses such as private garages, off-street parking, including storage space for auxiliary vehicles such as travel trailers, campers, boats and snowmobiles, churches and schools shall also be permitted as appropriate to the PUD concept.
5. Intensity of Land Use

Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of dwelling units per gross building area than usually permitted in traditionally zoned districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. In most cases, however, the gross

density shall not exceed four dwellings units per acre. Generally, at least 30 percent of the PUD dwelling units should be detached, single family units.

6. Common Property in the PUD

Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists, unless approved by the Town as a public property, the ownership of such property shall be private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas, and the Town Board shall approve or disapprove such arrangements.

D. PUD Application Procedures and Zoning Approval Process

Whenever any Planned Unit Development is proposed, before any permit for erection of a permanent building in such Planned Unit Development shall be granted, and before any subdivision plat of any part thereof may be filed in the office of the Ontario County Clerk, the developer or his authorized agent shall apply for and secure approval of such Planned Unit Development in accordance with the following procedures:

1. Application for Sketch Plan Approval of the PUD

a. Requirements

In order to allow the Town Board and the developer to reach an understanding on the basic design requirements prior to detailed design investment, the developer shall submit four (4) copies of a sketch plan of this proposal to the Town Board for review. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineered drawing, and it shall clearly show the following information:

1. The location of the various uses and their areas in acres.
2. The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.
3. Delineation of the various residential areas indicating for each such area its general extent, size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rises), and general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units,

etc.); plus a calculation of the residential density in dwelling units per gross acre (total area including interior roadways) for each such use.

4. The interior open space system.
 5. The overall drainage system.
 6. If grades exceed fifteen percent (15%), or portions of the site have moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding or ponding, a topographic map showing contour intervals of not more than twenty (20) feet of elevation (as per USGS 7 minute TOPO Map), shall be provided along with an overlay outlining the above susceptible soil areas, if any.
 7. Principle ties to the community at large with respect to transportation, water supply, and sewage disposal.
 8. General description of the provision of other community facilities such as schools, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 9. A location map showing uses and ownership of abutting lands within five hundred (500) feet.
- b. Documentation to accompany the sketch plan:
1. Evidence of how the developer's particular mix of land uses meets existing community demands to include area wide as well as local considerations.
 2. Evidence of the developer's compliance with the provisions of Paragraph B with respect to the provision of an adequate mix of housing.
 3. Evidence that the proposal is compatible with the Master Plan of the Town of Naples.
 4. General statement as to how the common open space is to be owned, used, and maintained.
 5. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.

6. Evidence to demonstrate the applicant's competence to carry out the plan and his awareness of the scope of such a project, both physical and financial, including payment of suitable fees.
 7. A completed Part I: Long Environmental Assessment Form, under the State Environmental Quality Review (SEQR) Act, shall be submitted to the Town Board
- c. The Planning Board shall review the sketch plan and its related documents with the applicant, and shall render either a favorable report to the Town Board or an unfavorable report to the applicant.
1. A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering a PUD Districting. Such a report shall be based on the following findings which shall be included as part of the report.
 - a. The proposal conforms to the Town of Naples Master Plan.
 - b. The proposal meets the intent and objectives of a Planned Unit Development as expressed in Paragraphs A and B.
 - c. The proposal meets all the general requirements of Paragraph C.
 - d. The proposal is conceptually sound in that it meets local and area wide needs and it conforms to accepted design principals in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system, and scale of the elements both absolutely and to one another.
 - e. There are adequate services and utilities available, or to be made available with costs to be incurred by the developer.
 2. An unfavorable report shall clearly state the reason for such a finding.
2. Application for PUD Districting
- a. The Town Board shall collect a fee, to be determined by the Town Board at the time of application, for the review of the PUD application. In addition, all costs appropriately incurred by the Town for review of the PUD application, including but not limited to, engineering and legal services, shall be borne by the applicant.
 - b. Upon receipt of a favorable report from the Planning Board, the Town Board shall set a date for and conduct a public hearing for the purpose of considering

PUD Districting for the applicant's plan in accordance with the procedures established under Section 264 of the Town Law or other applicable law. Said public hearing shall be conducted within sixty-two (62) days of the receipt of the favorable report.

- c. The Town Board shall refer the application to the County Planning Board for its analysis and recommendation pursuant to the provisions of Section 239-m of the General Municipal Law and the provisions of this Section, and the Town Board shall also refer the application to the Town Engineer for his review.
 1. The Town Board shall give the County Planning Board at least thirty (30) days to render its report.
 2. The Town Engineer shall submit a report to the Town Board within thirty (30) days of the referral duly noting the feasibility and adequacy of those design elements under his sphere of interest. This report need only concern itself at this time with general conceptual acceptance or disapproval, as the case may be, and in no way implies any future acceptance or disapproval, and in no way implies any future acceptance or reflection of detailed design elements as will be required in the later site plan review stage. The Town Engineer may also state in his report any other conditions or problems that must be overcome before consideration of acceptance on his part.
- d. Within sixty-two (62) days after the public hearing, the Town Board shall render its decision on the application.

3. Zoning for Planned Unit Development

Upon approval of the application by the Town Board, the area in question shall be conditionally rezoned as a PUD District, subject to final approval by the Town Board as set forth in Paragraph D and the zoning map shall be so noted. The Town Board may, if it feels it necessary in order to fully protect the public health, safety, and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not limited to: visual and acoustical screening; land use mixes; order of construction and/or occupancy; circulation systems, both vehicular and pedestrian; availability of sites within the area for necessary public services such as schools, fire houses, and libraries; protection of natural and/or historic sites; and other such physical or social demands. Following review of the recommendations by the Planning Board, the Town Board shall, at this time, approve the density standards for the development.

E. Site Development Plan Approval Process

1. All development within the PUD District shall require site plan approval. Application for site plan approval shall be made to the Planning Board and shall be reviewed under Section 32-800 of the Town of Naples Zoning Law.
2. If, in the site plan development plan process, it becomes apparent that certain elements of the approved PUD, as it has been approved by the Town Board, are unfeasible and in need of significant modifications, the applicant shall then present his solution to the Planning Board as the site plan approval application. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the zoning resolution.
 - a. If a negative decision is reached, the site development plan shall be considered disapproved. The developer may then, if he wishes, produce another site development plan in conformance with the approved PUD resolution.
 - b. If an affirmative decision is reached, the Planning Board shall notify the Town Board stating all of the particulars of the matter and its reasons for feeling the project should continue.
3. Site Development Plan Review under the provisions of this Section shall suffice for Planning Board review of subdivision under Town Subdivision Regulations, subject to the following conditions:
 - a. The developer shall prepare sets of subdivision plats suitable for filing with the Office of the Ontario County Clerk in addition to those drawings required above.
 - b. The developer shall plat the entire development as a subdivision; however, PUD's being developed in stages may be platted and filed in separate stages.
 - c. Final site development plan approval under Section 32-800 of the Town of Naples Zoning Law shall constitute final plat approval under the Town Subdivision Regulations; and provisions of Section 276 of the Town Law requiring that the plat be filed with the Ontario County Clerk within thirty (30) days of approval shall apply.

F. Other Regulations Applicable to Planned Unit Development

1. Staging

If the applicant wishes to stage his development, and he has so indicated, then he may submit only those stages he wishes to develop for the site plan approval

in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed, shall be required to be staged; and a staging plan must be developed. It is the intent of this Section that; individual stages of the PUD will have an integrity of use in their own right so that, if for any reason, the entire PUD would not be completed, those portions of the PUD already constructed will be an asset to the community by themselves. Staging plans must take account of this objective, and developers proposing individual stages that deviate significantly from the overall character of the PUD should present convincing evidence that such a stage is indeed in keeping with this Section.

2. Regulations after Initial Construction and Occupancy

For the purposes of regulating development and use of property after initial construction and occupancy, any changes other than use changes may be processed only upon presentation to and approval by the Planning Board. Use changes shall also be in the form of a request for special permit except that Town Board approval shall be required. It shall be noted, however, that properties lying in Planned Unit Development Districts are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

3. Financial Responsibility

No building permits shall be issued for construction within a PUD District until the required improvements are installed, or, alternatively, a letter of credit is provided in accordance with the same procedures as provided for in Section 276, of the Town Law relating to subdivisions. Other such requirements may also be established from time to time by the Town Board.

Section 32-508

Natural Products District (NP)

A. Purpose

1. It is an essential goal of the Town, in conformance with the Town's Comprehensive Plan, that it protect its residents by safeguarding residential and agricultural land as well as water resources and the natural environmental features of the Town. The Town also recognizes that its residents are dependent on ground water supplies for domestic use.
2. In recognition of its obligation to protect the public health, safety and general welfare of persons within the Town and consistent with Environmental Conservation Law Section 23 et. seq., (The Mined Land Reclamation Law, hereinafter "MLRL"), presently existing land uses, zoning districts, and the

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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 06 2003

County
City of Bethel
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2002.

A local law amending Chapter 130 of the Town of Bethel
(Insert Title)
Code to create a Performing Arts Center
Development District (PA District)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Bethel as follows:
Town
Village

(see following pages)

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

**TOWN OF BETHEL
LOCAL LAW No. 3 of 2002**

A local law amending Chapter 130 of the Town of Bethel Code.

BE IN ENACTED by the Town Board of the Town of Bethel, Sullivan County, as follows:

Section 1. Section 130-7 of the Town of Bethel Code entitled "Enumeration of Districts" is hereby amended to add a new district designated as follows:

PA Performing Arts Center Development District

Section 2. Section 130-8 of the Town of Bethel Code entitled "Zoning Map" is hereby amended by placing the following properties in the PA district.

SECTION	BLOCK	LOT	SECTION	BLOCK	LOT
21	1	1.1	21	1	5.3
21	1	1.3	21	1	5.4
21	1	1.4	21	1	5.5
21	1	1.25	21	1	5.7
21	1	1.30	21	1	5.6
21	1	2	21	1	6
22	1	3	21	1	7
21	1	3.1	21	1	8
22	1	4	21	1	10
21	1	4.1	22	1	63.1
21	1	4.2	22	1	63.2
21	1	4.3	22	1	64
21	1	5.1	21	1	11
21	1	5.2			

Section 3. Section 130-10 of the Town of Bethel Code (Schedule of District Regulations) is hereby amended to include the following pertaining to the PA Performing Arts Center Development District follows:

DISTRICT:

PA PERFORMING ARTS CENTER DEVELOPMENT DISTRICT: This district is intended to recognize the importance of the "Woodstock Festival" site and its surrounding environs as a premier location of our national musical heritage. The Town desires to preserve and further this national heritage by creation of this zoning district.

The Performing Arts Center Development District is intended to encourage and permit and orderly and planned development of uses devoted to the performing arts and to provide economic development within the community by creating a tourist destination on a large tract of land compatible with the natural surroundings of its location. These district regulations allow a range of land uses and supporting services necessary to facilitate development of a nationally prominent performing arts destination and a planned development. These regulations are further intended to encourage flexibility, creativity and innovation in design as well as the protection of ecologically sensitive land.

PRINCIPAL PERMITTED USES:

All agricultural land uses, buildings and activities, including the growing of crops, dairying, livestock raising, low-density poultry raising, and similar agricultural uses.

Cemeteries

Essential Services

Houses of worship and related residences

Nurseries and greenhouses

Parks and playgrounds

Public and private schools

One-Family Detached Dwellings

ACCESSORY USES:

Accessory farm buildings

Garages and parking and loading areas

Home occupations, professions and trades

Signs not including billboards

Uses and structures accessory to the operation of a Performing Arts Center Planned Development subject to the development standards in Section 130-10.

Other accessory uses and structures customarily appurtenant to principal permitted uses.

SPECIAL USES:

Bed and Breakfasts

Planned Unit Developments

Recreation and amusements uses, including golf courses and other outdoor recreation facilities not part of a Performing Arts Center Planned Development

Campgrounds and RV Parks subject to Chapter 57 of the Town of Bethel Code and the Review Criteria and Design Standards for Performing Arts Center Planned Developments

Hotels, motels and inns subject to the Review Criteria and Design Standards

Performing Arts Center Planned Developments

Discussion, study and research centers and facilities

DEVELOPMENT STANDARDS:

Minimum Lot Area:	
With Public Sewer & Water	15,000 sq. ft.
With On-site Water or Sewer	40,000 sq. ft.
Minimum Yards:	
Front Yard	50 feet
Side Yards (both combined)	50 feet
Side Yard (one yard)	25 feet
Rear Yard	50 feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet
Maximum Building Coverage:	25%
Maximum Building Height	30 feet
Note: Development standards for Performing Arts Center Planned Developments shall be in accordance with the requirements of Section 130-17.	

Section 4. Section 130.17-E of the Town of Bethel Code shall be added to read as follows:

§ 130.17-E. Performing Arts Center Planned Development

A. Definition. A Performing Arts Center Planned Development is a planned facility or land development encompassing a variety of performing arts activities, improvements and ancillary uses, including but not limited to amphitheaters, pavilions, concert halls and other musical and performing arts performance areas together with administrative, food service, interpretive and learning centers and museums, lodging, parking, residential and seating facilities together with various other accessory uses to accommodate performing arts and related patrons.

B. Minimum Area. The minimum areas necessary to implement a Performing Arts Center Planned Development shall not be less than 500 acres.

C. Approvals Required. Any person desiring to construct a Performing Arts Center Planned Development shall apply for and obtain special use permit and site plan approval from the Town Planning Board.

D. Principal Permitted Uses. The following principal uses are permitted in a Performing Arts Center Planned Development:

amphitheaters and pavilions with associated lawn seating
performance halls and theaters
outdoor stages suitable for festival type performance with associated lawn seating
performing arts schools
hotels, motels, inns, and other lodging facilities including campgrounds and seasonal residences for performers
residential uses provided they are integrated into an overall development plan with performing arts uses as the principal component
retail uses provided they are integrated into an overall development plan with performing arts uses as a principal component
interpretive and learning centers and museums
visitors and administrative buildings
community sites available for use by the Town of Bethel, County of Sullivan and authorized community groups

E. Permitted Accessory Uses. The following accessory uses are permitted in a Performing Arts Center Planned Development:

off-street parking and loading
utilities necessary to service the principal permitted uses
food and craft concessions
signs
fences
other uses customarily incidental to any principal permitted use

F. Review Criteria and Design Standards. A Performing Arts Center Planned Development shall be subject to the special use permit and site plan review criteria found in Section 130-27 hereof and the additional review criteria and design standards set forth herein. These criteria and standards may be modified by the Planning Board provided such waiver or reduction is consistent with the stated intent of the Zoning District, helps to achieve the objectives of the Planned Development and does not impinge upon the health, safety and welfare of adjoining properties or the Town of Bethel.

- (1) The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, topography, and public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by said street; whether private or public. Streets shall conform to Town of Bethel street and road specifications. A pedestrian system shall also be provided to link uses within the development site.

- (2) Building height for residential and retail uses may not exceed two stories or 30 feet. Any structure that exceeds thirty (30) feet in height shall, regardless of classification, be subject to site plan review by the Town Planning Board which shall ensure that the building or structure is compatible with the character of the community and its natural surroundings and, further, that the ability to deal with fire safety is not threatened.
- (3) The applicant shall demonstrate to the satisfaction of the Planning Board that adequate emergency services are provided for the proposed use. The applicant shall also demonstrate that adequate emergency access is provided to the development site. Police, fire, ambulance and other agencies that are required to service the proposed development shall be provided with a copy of the site plan application for their review and comment, and the Planning Board shall take said comments into consideration in its deliberations.
- (4) No building, parking area or road shall be permitted within fifty (50) feet of any property line not part of the development in order to minimize visual and noise impacts on adjoining parcels. A combination of fencing, natural, undisturbed areas, supplemental plantings or landscaping shall be provided to create a transitional separation between surrounding existing and prospective uses and the proposed development.
- (5) The number of off-street parking spaces required to serve the development shall be calculated utilizing the applicable parking generation rates set forth in the most recent edition of the Institute of Traffic Engineers' publication Parking Generation. Parking space sizes and aisle widths shall be in accordance with § 130-22 of this Chapter. Parking areas shall be broken up to avoid the appearance of significant expanses of impervious surfaces and amply landscaped pursuant to section 130-16 hereof. Truck loading facilities shall be provided as required in § 130-22 of this Chapter.
- (6) All areas of the development shall be amply landscaped with a combination of decorative and native plant materials. A landscaping plan shall be submitted and approved as part of the site plan application pursuant to Section 130-16 hereof.
- (7) On-site lighting shall be designed and installed in a manner that minimizes visual impacts to the night sky. A lighting plan depicting the level and intensity of illumination within the site and at the property boundary shall be submitted to the Planning Board as part of the site plan. The level of illumination shall not exceed a minimum average horizontal level of .5 footcandles at the property boundary. Decorative lighting fixtures shall be incorporated into the overall design of the development; cobra-head light fixtures shall be discouraged.
- (8) The applicant shall furnish a Master Signage Plan pursuant to Section 130-23 hereof illustrating the location and design of on-site signs to be approved as part of the site plan. Signs shall be uniform and attractive in appearance. The Planning Board shall be authorized to modify sign standards to accommodate this Master Signage Plan provided the signage is part of a consistent theme that blends into the natural environment, makes maximum use of ground signs as contrasted with pole signs, mostly utilizes natural materials such as wood and stone for sign construction and employs landscaping of such signs to enhance appearances.

- (9) All buildings within the development shall maintain a consistent architectural theme or shall be deemed by the Planning Board as architecturally compatible. Architectural facades and elevations of all buildings and structures shall be provided with the site plan.
- (10) Maximum building coverage shall not exceed 25% of the overall planned development site.
- (11) A variety of residential dwelling types are permitted including, but not limited to, single family detached and attached dwellings and multiple residences. Minimum lot area shall be calculated at (1) dwelling unit per 15,000 square feet if central sewer and water services are provided or (1) dwelling unit per 40,000 square feet if individual on-site water or sewer systems are utilized.

G. Application Procedures.

(1) An application for a Performing Arts Center Planned Development shall include an overall development plan for consideration by the Planning Board. The overall development plan may be prepared at conceptual level but, at a minimum, must depict those uses proposed for development or that may reasonably be anticipated for development by the applicant, including but not limited to, pavilions, amphitheaters, concert halls and other musical and performing arts performance areas together with major administrative, food service, interpretive, lodging, parking, residential structures and seating facilities to accommodate performing arts patrons. The overall development plan must also depict off site parking areas to service the proposed uses and the means of traffic circulation, both automotive and pedestrian, between and among the uses. The overall development plan must also demonstrate on a conceptual level that the development design standards listed above will be met or the extent to which any modifications will be necessary. The plan need not encompass all the details required for a site plan but shall set forth in reasonable detail the anticipated locations within the development and sizes of all major improvements anticipated such that the Planning Board can evaluate the overall plan for environmental, traffic and other impacts on the community with a view toward attaching any conditions of approval which must be met at the time a detailed site plan is submitted for approval for any section of the development.

(2) Concurrent with its overall development plan submission, an applicant may also submit a detailed site plan application for one or more phases of its overall development. That site plan must comply with the requirements of this section and of § 130-27 of this Chapter.

(3) The applicant shall demonstrate to the satisfaction of the Planning Board that its application for a special use permit complies with the findings statement issued in connection with the Final GEIS issued for the PA Performing Arts Development District. To establish that its application for a special use permit complies with the Final GEIS findings statement, the applicant may prepare and submit with its application relevant information in any form chosen by the applicant. Notwithstanding the foregoing, the burden to establish that its application for a special use permit complies with the Final

GEIS findings statement shall rest solely with the applicant and the Planning Board shall have the authority to determine whether that burden has been met.

In the event the applicant has submitted a site plan for one or more phases of its development, the application for a special use permit must also address that development proposal at the appropriate level of detail.

(4) Upon completion of the review of the special use permit application, the Planning Board shall act to approve or disapprove the issuance of a special use permit for the Performing Arts Planned Development and any site specific plan phase submitted with it. The special use permit approval shall detail the specific performance criteria that, in addition to these regulations, will govern future site specific development of the overall plan.

(5) Subsequent to Special Use Permit approval of the overall-development plan an application may be submitted for site plan approval for any additional section(s) of the overall development plan for which it has not yet been granted site plan review approval provided the same is generally consistent with the overall development plan previously approved. That application shall be made in accordance with this section and § 130-27 of this Chapter. If the Planning Board determines that the site plan application is consistent with both these regulations and the performance criteria established as part of the overall development plan approval (the Special Use Permit approval), then the Planning Board shall approve the site plan without the need for further SEQRA review or conduct of a public hearing.

(6) The Town Planning Board, at its discretion, may attach any reasonable conditions on an approval as necessary to assure conformance with the intent and objectives of these regulations.

H. Ownership. The land proposed for development may have one or more owners, and every application shall require the written consent of all individuals, firms, associations, syndicates, partnerships or corporations with direct ownership interest in the affected land, authorizing the applicant to act on behalf of the owner or owners in connection with all matters pertaining to the application. In the case of multiple ownership, a plan once approved shall be binding on all owners, their successors and assigns.

I. Public Assemblies. Any Performing Arts Center Planned Development receiving site plan approval under this section shall be exempt from compliance with Chapter 46 of the Town Code.

Section 5. This local law shall take effect upon its filing with the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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 23 2003

County
City of HALFMOON
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 7 of the year 2002.

A local law amending Local Law #5 of the year 1995, "Local Law Relating to
(Insert Title)

Zoning for the Town of Halfmoon" creating Planned Development District
known as Rolling Hills Estates Planned Development District

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Halfmoon as follows:
Town
Village

As Per Attached Page

LOCAL LAW NO. 7 OF THE YEAR 2002

A Local Law amending Local Law #5 of the year 1995, of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented by Local Laws and Ordinances relating to zoning of the Town of Halfmoon, and creating a new Planned Development District known as Rolling Hills Estates Planned Development District, as shown on a Project Narrative submitted by Percy B. Cotton Associates, P.C. and a preliminary map made by Percy B. Cotton Associates P.C. entitled "Schematic Development Plan, Rolling Hills Estates Planned Development District" containing 139 single family residential units and approximately 600,000 square feet of Light Industrial Use in the Town of Halfmoon, Saratoga County, New York off of New York State Route 9, south of Tabor Road and west of Cary Road in the Town of Halfmoon.

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Section 1. Title. This Local Law shall be known and may be cited as Local Law No 7 of the year 2002, a local law amending Local Law #1 of the year 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented providing for the creating of a Planned Development District known as Rolling Hills Estates Planned Development District.

Section 2. Establishment of District. Local Law #1 of the year 1995, of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" and the Zoning Map of the Town of Halfmoon, as set forth and enacted in Local Law #1 of the year 1995, as previously amended and supplemented; be and the same hereby are amended to create Rolling Hills Estates Planned Development District.

Section 3. Boundaries. The area of said Rolling Hills Estates Planned Development District is bounded and described as set forth in Exhibit A attached hereto and made a part hereof and as shown on a certain Schematic Plan map thereof, prepared by Percy B. Cotton Associates, P.C. dated November 13, 2002 and revised December 16, 2002 entitled "Rolling Hills Estates Schematic Development Plan".

Section 4. Development. There shall be developed within the area of said Rolling Hills Estates Planned Development District a total of an additional 139 residential units and approximately 600,000 square feet of light industrial space with ancillary structures, facilities, roads or streets as follows:

- A. Off street parking will be provided with a minimum of two spaces per residential unit.
- B. Privately owned and maintained access roads, as shown on the preliminary map on file with the Town Clerk, shall be constructed for the light industrial area.
- C. Potable water for the District shall be provided by connection with the Town of Halfmoon Water District No. 15 (Zone 3) at the applicants sole cost on Smith Road. Approval of the water distribution system shall be obtained by the applicant from the Town of Halfmoon and execution of an acceptable Outside District User Agreement and the New York State Department of Health.
- D. Waste Water disposal will be provided by connection to the Saratoga County Sewer District No. 1. Plans for the collection system and discharge must be approved by Saratoga County Sewer District No.1 and the New York State Department of Health. The cost of such connection shall be borne by the applicant.
- E. A stormwater management system will be installed to minimize the impact of the project on adjacent and downstream properties and shall meet applicable New York State Department of Environmental Conservation and Town of Halfmoon standards and shall be, at the sole option of the Town of Halfmoon, dedicated to the Town in whole or in part, including access road, with appropriate title insurance, as-built maps, etc., as acceptable to the Town Attorney.

- F. Existing vegetation shall be maintained to the maximum extent possible to fully buffer views into the site from adjacent lands uses, and a 100 foot no cut buffer will be maintained between any adjacent residential area and the Planned Development District.
- G. As a condition of the granting of the Planned Development District approval, it is understood and agreed that the connector road between Cary Road and New York State Route 9, connecting to Liebach Lane will be constructed as a part of Phase Two infrastructure immediately or at the termination of Phase One and before the completion of Phase Two.
- H. That the parcel of land within the residential Planned Development District and deeded to the Town of Halfmoon for a water storage tank shall provide sufficient additional area for a second tank in the future and will be identified to assure that it is consistent with and supplies adequate size for the additional tank. The connection to the water storage tank will be permitted and connection to the distribution system of the Town of Halfmoon will be permitted at Smith Road to provide water to the residential / industrial Planned Development District and provide fire protection and for service and flexibility subject to the entering into an original Outside District User Agreement with the Town of Halfmoon, acceptable to the Town Board and the Town Attorney, subject to the anticipated average daily use being no more than 65,150 gallons per day. Any adjacent neighbor shall be permitted to connect to the water and gravity sewer line.
- I. Final subdivision approval and layout of the lots shall be the responsibility of and shall be referred to the Planning Board of the Town of Halfmoon, except for and particularly the Light Industrial Uses will be subject to review and approval of the uses.
- J. The project will comply with the Generic Environmental Impact Statement for North Halfmoon as a condition precedent of the project that it comply with and meet all requirements, including the mitigation fees contained in that Generic Environmental Impact Statement for North Halfmoon and the determination based upon the SEQRA adopted by the GEIS for this property and no independent or separate DEIS or EIS has been required for this project, as it has been specifically represented that it will comply with and will be subject to the GEIS.
- K. That the Applicant is required to construct when the level of service is determined by the New York State Department of Transportation to require the traffic signal or light at the intersection of Liebach Lane and Route 9.

Section 5. Construction Regulations.

A. Before Construction of the Rolling Hills Estates Planned Development District is started or any building permit is issued relative thereto, final site plans and specifications, sufficient for the site plan review and engineering analysis, shall be submitted to and approved by the Planning Board of the Town of Halfmoon and filed with the Town Clerk of the Town of Halfmoon and said approval is a condition precedent to any construction.

B. All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect and/or engineer and in strict compliance with the New York State Uniform Fire prevention and Building Code. All construction shall be performed subject to the direction and control of a duly licensed architect and/or engineer and, when completed, shall be certified as having been constructed in full compliance with the New York State Uniform Fire Prevention and Building Code. The engineer and/or architect performing the work herein described shall be employed by and at the sole expense of the developer. The Planning Board shall not give approval as referred to in said Local Law Relating to Zoning unless or until all approvals required by each and every other government or governmental entity have been obtained. All construction during the performance thereof and upon completion shall be subject to the inspection and approval of the Code Enforcement Officer and Fire Marshall of the Town of Halfmoon.

C. The exact location, number and size of buildings, parking areas, green space, sidewalks, interim roads and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board site plan review process in a manner generally consistent with the preliminary plan and this local law.

D. During construction of the Rolling Hills Estates Planned Development District, there shall be constructed and set forth in general conformity with the preliminary plans, as a part of the plans and specifications to be approved by the Planning Board of the Town of Halfmoon, parking areas and access drives, providing sufficient parking and, access for all buildings per Town specifications.

Section 6. Water Distribution Facilities; Dedication. Upon satisfactory completion in accordance with the requirements of the appropriate state agencies, all water distribution facilities including mains, valves, fittings, hydrants and that portion of the service connection which lie outside the limits of dedicated roadways shall be offered to the Town of Halfmoon with delivery to the Town of Halfmoon of duly executed deeds, title insurance, easements and bills of sale as appropriate at no cost to the Town of Halfmoon with title insurance and documents as required by the Town attorney.

Section 7. Water Distribution Facilities; Easements. For those portions of the water distribution system, including mains, valves, fittings and hydrants, which lie outside the limits of dedicated highways, easements for the maintenance, repair and replacement of the system shall be conveyed to the Town of Halfmoon at no cost to the Town of Halfmoon with appropriate title insurance and documents satisfactory to the Town Attorney together with title insurance and documents as required by the Town attorney.

Section 8. Sewage Facilities; Dedication. Upon satisfactory completion and connection in accordance with the requirements of the appropriate state agencies and Saratoga County Sewer District, all sewage facilities including mains, manholes and pumping stations shall be offered to Saratoga County Sewer District No. 1 at no cost to said district with delivery to said Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate, together with easements for the maintenance, repair and replacement of all those portions of the system which lie outside the limits of the dedicated streets. Parcels of land for pumping station and access thereto shall be offered in fee to said district with delivery to said district of a duly executed deed or deeds, at no cost to said district, if necessary.

Section 9. Storm Water Management Facilities; Dedication. Upon satisfactory completion in accordance with the approved drawings of all stormwater management facilities within the limits of dedicated streets shall be offered to the Town of Halfmoon with duly executed deeds, easements and bills of sale as appropriate at no cost to the Town of Halfmoon which the Town, in its sole discretion, may accept for dedication at any time it determines together with title insurance and documents as required by the Town.

Section 10. Storm Water Management Facilities; Easements. For all those portions of the storm water management facilities, including pipes, catch basins, manholes and retention areas, which lie outside the limits of dedicated streets, easements for the maintenance, repair and replacement of the system shall be conveyed to the Town of Halfmoon at no cost to the Town of Halfmoon if requested by the Town of Halfmoon at any time together with title insurance and documents as required by the Town.

Section 11. Storm Water Retention/Detention Tax District. In the event the Town of Halfmoon chooses to create a stormwater retention or detention tax district or stormwater management tax district or the equivalent, it is the intent that the stormwater management areas created as a part of this Planned Development District will be dedicated to and become a part of that tax district to be serviced and paid for pursuant to the legislation adopted therefor by the development serviced by said areas, for the development area.

Section 12. Roads. All roads will be constructed in conformance with the Town of Halfmoon standards and if no standard applies, in accordance with the review and approval of the Planning Board of the Town of Halfmoon and the Town Engineers, Clough Harbour & Associates, or its successors. All roads will be dedicated to the Town at the option of the Town in accordance with the Road Dedication Policy in existence and in effect for the Town of

Halfmoon, it being the intent that all roads in the residential subdivision will become and be Town roads and be dedicated to the Town in accordance with the Rules, Regulations and Policies of the Town. It will be determined at the time of the review and approval of the site plan for the Light Industrial Area, whether or not the roads will be dedicated to the Town, and if so, they will meet Light Industrial Standards for the Town of Halfmoon and be built to the those standards. If the Town of Halfmoon determines in it's sole discretion to accept said roads in the Light Industrial Section, they will be built to Town Light Industrial Standards and also dedicated in accordance with the Subdivision Rules and Regulations and Road Dedication Policy of the Town of Halfmoon.

Section 13. Signs. All signs within the District shall comply with the requirements established by the Planning Board during site plan review and must be approved by said Planning Board.

Section 14. Letter of Credit. The developer shall file bonds or letters of credit in the amounts established by the Town Planning Board and acceptable as to amount and form to the Town Engineers and Town Attorney to guarantee the following:

A. Return of the site to its original condition after clearing and grading should this be deemed necessary by the Planning Board;

B. The satisfactory completion of the utilities, roadways, detention/retention areas paving and other infrastructure for the project, including dedication thereof;

C. The satisfactory completion and maintenance of landscaping and buffers on the project site and assurance of performance of stormwater management facilities.

The bonds or letters of credit shall be filed for the period of time to be determined by the Planning Board.

Section 15. Zoning Map. Section 402 of the said Local Law No. 1, 1968, Zoning Map, as revised, amended and supplemented by the local law No 1 of the year 1995 relating to zoning of the Town of Halfmoon, is hereby amended by providing that Rolling Hills Estates Planned Development District be set forth on a supplementary map which is hereby made a part of this Local Law as Exhibit "B", dated November 13, 2002, the property set forth on such map is the same real property described in the description annexed hereto and marked Exhibit "_B" made by Percy B. Cotton Associates, P.C., dated November 13, 2002 and revised December 16, 2002.

Section 16. Revocation; regulations for construction completed at time of revocation; waiver.

A. This amending local law shall be automatically revoked and void and the previous statutory regulations shall apply under the following circumstances:

(1) Commencement of the construction of Rolling Hills Estates Planned Development District has not begun within twelve (12) months from the effective date of this local law; or

(2) Substantial progress is not being made without undue interruption after construction has commenced.

(3) Completion of the proposed Planned Development is not completed within six (6) years from the start of construction.

B. As to the area within which a building or buildings have been constructed pursuant to this local law, there shall be no voiding of this amendment, and as to said area and buildings, this amending local law shall continue in full force and effect an the areas zoned by this local law shall be the area within which said building or buildings was or were constructed pursuant to this amended local law plus an additional area of fifty (50) feet of open space beyond the outside boundaries of each building constructed.

C. For proper cause shown, the Town Board may, under such terms and conditions as it deems proper, waive either or both of said requirements by resolutions, without first conducting a public hearing thereon.

: **Effective Date.** This Local Law shall take effect upon being filed in the Office of the Secretary of State and the Office of the Comptroller as provided in the Municipal Home Rule Law.