

TOWN OF DELAWARE

A LOCAL LAW AMENDING THE TOWN OF DELAWARE "ZONING LAW" (LOCAL LAW NO. 2 OF 1988) TO ADD SECTION 703.2-1 WHICH PROVIDES PROCEDURES AND STANDARDS FOR LAND ANNEXATION TO AN EXISTING PLANNED UNIT DEVELOPMENT DISTRICT; AND REVISING THE TOWN ZONING MAP TO CHANGE THE DISTRICT DESIGNATION OF 103.11 ACRES ADJACENT TO THE EXISTING PUD DISTRICT FROM THE RU DISTRICT TO THE PUD DISTRICT.

BE IT Enacted by the Town Board of the Town of Delaware, Sullivan County, New York, under the authority of §261, §264 and §256 of the New York State Town Law, as follows:

Section 1. Purpose

The purpose of this local law is to amend the Town of Delaware Zoning Law, Local Law No. 2 of 1988, as amended by Local Law No. 1 of 1993, to include Section 703.2-1, Procedure For Annexation To An Existing PUD, in order to provide standards and procedures for the inclusion of additional lands in an existing Planned Unit Development District; and to change the district designation of 103.11 acres adjacent to the existing PUD District from the RU District to the PUD District.

§2. PUD Annexation

Section 703, Planned Unit Development Districts, of the Town of Delaware Zoning Law (Local Law No. 2 of 1988, as amended by Local Law No. 1 of 1993), is hereby amended to include the following Section 703.2-1:

703.2-1 Procedure For Annexation To An Existing PUD

This Section 703.2-1 shall only apply to the annexation of additional land area into an existing PUD which has been duly created in accord with Section 703.2 of this Zoning Law. Any such annexation shall become an integral part of the existing PUD in terms of development planning, overall density, open space, provision of utilities and other improvements, and property owner rights and responsibilities. Any parcel proposed for such annexation which will not be so integrated with the existing PUD shall be created in accord with the requirements of this Section 703 for a new PUD.

The following requirements shall apply to the annexation of additional land to an existing PUD:

- A. The land to be annexed to the existing PUD shall be substantially contiguous to the PUD (as determined by the Planning Board) and shall be held under the same ownership and/or control as the existing PUD at the time the annexation is effected.
- B. The annexation shall be considered a zoning map amendment which shall, in addition to the requirements of this Section 703.2-1, be enacted in accord with the applicable requirements of this Zoning Law, the New York State Town Law, and any other applicable statutes.

- C. The owner(s) of the land proposed for annexation to the existing PUD District shall initially apply to the Town of Delaware Planning Board. The application shall be in writing; and, although a site specific plan for the use of the parcel proposed for annexation shall not be required, the application shall include the following information:
- (1) A complete survey map prepared by a licensed land surveyor showing the parcel proposed for annexation and including the information for minor subdivisions as required by Section 301.2 and Section 301.3 of the Town of Delaware Subdivision Regulations, as amended, and the following information:
 - (a) The location of any existing public and private roads, rights-of-way and easements;
 - (b) The general location of all natural features including vegetation, drainageways, steep slopes, waterbodies, wetlands, and other environmentally sensitive areas;
 - (c) Any other information deemed necessary by the Planning Board;
 - (2) A statement regarding the provision of sewage disposal, water supply and other required utilities; and how same will relate to such facilities serving the existing PUD;
 - (3) Evidence that the proposal is compatible with the goals of the Town of Delaware Comprehensive Plan and the purposes enumerated in Section 703.1 of this Law;
 - (4) A description of anticipated common open space ownership and maintenance;
 - (5) If the development is to be staged, a general indication of how the staging is to proceed;
 - (6) An area map showing the property proposed for annexation to the existing PUD and how it relates to the PUD and adjacent property, if any, owned by the applicant and all other properties, roads and easements within 500 feet of the applicant's property;
 - (7) A statement detailing the uses, density, open space, and other features of the existing PUD and how the parcel proposed for annexation will affect same;
 - (8) A statement indicating how the development will specifically comply with or meet the special use and site plan review criteria contained in this Zoning Law.
- D. Within sixty-two (62) days of the receipt of a completed proposal for a PUD District annexation, the Planning Board shall review such submission, may conduct a public hearing on the proposal, and shall recommend action to the Town Board regarding the amendment of the zoning map to effect the annexation. Such recommendation shall be made in writing. If a recommendation for disapproval is made, the written

notice shall contain the reasons for the disapproval recommendation, and the Planning Board shall provide a copy of the written notice of same to the applicant as well as the Town Board.

- E. Upon receipt of Planning Board's recommendation, the Town Board shall proceed with the consideration of the proposed annexation in accord with the applicable zoning map amendment requirements of this Zoning Law, the New York State Town Law, the New York State Environmental Quality Review Act, and any other applicable statutes.
- F. At the time a specific development plan is proposed for any land annexed to an existing PUD, application shall be made in accord with the applicable requirements of this Zoning Law and the Town Subdivision Regulations, and all applicable standards of same shall apply.

§3. Zoning Map Change

The Town of Delaware Zoning Map, as created by Local Law No. 2 of 1988 and amended by Local Law No. 1 of 1983, is hereby revised to change the zoning district designation of the 103.11 acres shown on the map titled *SURVEY MAP OF PARCEL TO BE ANNEXED INTO THE VILLA ROMA PLANNED UNIT DEVELOPMENT DISTRICT, JANUARY 1994*, as prepared and certified by Mr. George H. Fulton, Licensed Land Surveyor, from the RU District to the PUD District.

§4. Enactment

IT IS HEREBY ENACTED, on this 18 Day of May, 1994, by the Town Board of the Town of Delaware, Sullivan County, New York, to become effective immediately.



Supervisor

ATTEST


