

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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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.

**TOWN OF RED HOOK
LOCAL LAW NO. A (PROPOSED) OF 2018
A LOCAL LAW TO AMEND THE ZONING LAW REGARDING SUBSURFACE UTILITY
SYSTEMS**

BE IT ENACTED by the Town Board of the Town of Red Hook as follows:

Section 1. Legislative intent.

This local law modifies Chapter 143 of the Town of Red Hook Code to permit a subsurface utility system which serves uses in the Business 1 (B1), Business 2 (B2) and Traditional Neighborhood Development—Commercial Center (TND-CC) Zoning Districts to be developed on a portion of a lot located outside the B1, B2 and TND-CC Districts. The amendments are designed to encourage the development of allowable uses within the B1, B2 and TND-CC Districts, so far as conditions may permit. The amendments are designed to protect the health, safety, and welfare of the community, and to bring the Town’s Zoning Law into conformance with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant to Chapter 17 of the Town Code. The proposed amendments are consistent with the recommendations of the Town’s Comprehensive Plan.

Section 2. Application.

This Local Law shall apply within the unincorporated areas of the Town of Red Hook.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 4. Amendments to Section 143-4 of the Zoning Law entitled “Word Usage; Definitions”.

4.1. Section 143-4 of the Code is hereby amended by amending the definition of “Accessory Structure” to read as follows:

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to that of the principal building and which is attached thereto or which is located on the same lot or premises. Except in the case of housing for farm employees, permitted accessory apartments and cottages and permitted dwellings accessory to business or institutional uses, "accessory structures" are not for the purpose of human habitation and include structures such as tennis courts, garages, swimming pools, garden or tool sheds, barns and private stables, studios, greenhouses and playhouses, subsurface utility systems, and such elements as satellite dish antennas, windmills and solar collectors.

4.2. Section 143-4 of the Code is hereby amended by inserting the following new definition:

SUBSURFACE UTILITY SYSTEM

A subsurface sanitary sewage disposal system, well, or other utility structure accessory to a principal or accessory structure on a lot.

Section 5. Section 143-18 of the Zoning Law is amended by inserting a new subsection (D) to read as follows:

D. Subsurface utility systems, which are accessory to a permitted or special permitted principal or accessory structure in the B1, B 2 and TND-CC Districts, may be located on the same lot as the related principal or accessory structure, whether or not the subsurface utility system lies within the same Zoning District as the related principal or accessory structure, and such subsurface utility systems shall not be taken into account for purposes of the limitations set forth in subsections (3), (4), (6) or (7) of subsection 143-18(A).

Section 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section twenty-seven of the Municipal Home Rule Law.