

# Local Law Filing

(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.

County  City  Town  Village  
*(Select one.)*

of DEERPARK

Local Law No. \_\_\_\_\_ of the year 20<sup>10</sup>

A local law AMENDING CERTAIN SECTIONS OF ARTICLES II, III AND VII OF THE ZONING LAW  
*(Insert Title)*  
OF THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK, AND REPEALING  
SECTION 230-49 OF THE DEERPARK TOWN CODE (ZONING LAW).

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

County  City  Town  Village  
*(Select one.)*

of DEERPARK

as follows:

SEE ATTACHED PAGES.

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

**THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK**

**LOCAL LAW NO.        OF 2010**

**A LOCAL LAW AMENDING CERTAIN SECTIONS OF  
ARTICLES II, III AND VII OF THE ZONING LAW OF THE TOWN  
OF DEERPARK, ORANGE COUNTY, NEW YORK  
AND REPEALING SECTION 230-49 OF THE DEERPARK  
TOWN CODE (ZONING LAW)**

1. Purpose – The purpose of this local law is to make the Interchange Business Zoning District (IB) enumerated within the Zoning Law of the Town of Deerpark a more viable area for the orderly and desirable development and use of the land within said District. The proposed amendments set forth herein are intended to provide more appropriate features in order to guide new development to facilitate desirable change in this District of the Town.

2. Legislation – Section 230-4 of Article II of the Zoning Law of the Town of Deerpark is hereby amended to specifically repeal the definition of “HOTEL” as set forth in said Section and Article. In the place and stead of said repealed definition, the following definition is adopted:

A. HOTEL – A building containing rooms used for overnight accommodations of those in transit or for short term or extended business stays or short term personal stays. Single room occupancy residential projects will not be considered to be hotels but shall be considered to be multi-family dwellings under the provisions of the Zoning Law. A hotel may have facilities that provide meals and other services within the main building or in an accessory building located on the hotel site.

B. A definition entitled “PERMITTED USE WITH PLANNING BOARD APPROVAL” shall be added to Section 230-4 of Article II of the Town’s Zoning Law. Said definition shall be inserted within Section 230-4 following the existing definition of “PERMITTED USE”. The new definition shall read as follows:

**PERMITTED USE WITH PLANNING BOARD APPROVAL** – The specific main use of a building, structure, lot or land or part thereof which this Chapter provides for in a particular district as a matter of right only upon Planning Board approval and site plan review. Any use that is not listed as permitted, permitted with Planning Board approval, special use or accessory use shall be considered a prohibited use, unless a use variance shall have been granted by the Zoning Board of Appeals.

C. The following title of Article VII of the Town’s Zoning Law shall be changed to read “**PERMITTED USES; PERMITTED USES WITH PLANNING BOARD APPROVAL; SPECIAL USES AND SITE PLAN REVIEW PROCEDURES**”.

D. The following sentence shall be added at the end of the existing Section 230-40 of the Town’s Zoning Law:

“All enumerated procedures and regulations set forth in this Article shall also apply to site plans submitted for review and approval for all permitted uses and all permitted uses with Planning Board approval.”

E. Section 230-48 of the Town’s Zoning Law entitled “**EFFECT OF SITE PLAN APPROVAL**” shall be amended to change the final sentence of said Section. The final sentence of said Section shall now read:

“Permitted use, permitted use with Planning Board approval, special use or accessory use which has been discontinued for a period of five (5) or more years shall also be deemed to have lapsed.”

F. Section 230-8 of Article III of the Town’s Zoning Law is hereby amended so as to repeal the current Schedule of District Regulations for the Interchange Business District (IB) as they exist on the date of the adoption of this Local Law and to adopt a new Schedule of District Regulations for the Interchange Business District (IB) as attached to this Local Law and made a part hereof effective immediately.

3. Repeal of Section 230-49 – Section 230-49 of the existing Zoning Law, as codified in the Deerpark Town Code, is herein and hereby repealed basically having the affect that renewals will not be required for special use permits granted by the Town’s Planning Board.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>10</sup> of the ~~(County)(City)~~(Town)(Village) of DEERPARK was duly passed by the TOWN BOARD on 20<sup>10</sup>, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on 20<sup>□□</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

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

STATE OF NEW YORK  
COUNTY OF ORANGE

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

\_\_\_\_\_  
Signature  
WILLIAM D. BAVOSO, ESQ., TOWN ATTORNEY

Title

~~County~~  
~~City~~ of DEERPARK  
Town  
~~Village~~

Date: \_\_\_\_\_

Town of Deerpark - Zoning Law - Schedule of District Regulations

District Intent	Principal Permitted Uses with Planning Board Approval	Special Uses	Accessory Uses	Development Standard			
				A*	B*	C*	D*
IBM Interchange Business District: This district is intended to provide for the general development of business at significant highway interchange areas and attracting business from within both the region and the Town.	Animal Hospitals and veterinary offices Building supply/lumber yards Business service and trade shops Business/professional offices Clubhouses/fraternal uses Commercial greenhouses Essential services Health care, rehabilitative and medical facilities Home occupations Hotels with extended stay Motels and resorts Nursing and senior care facilities Personal service shops Restaurants/Fast Food Retail stores and shopping centers Vehicle: equipment, sales, and services Wholesale establishments	Building contractor yards Extractive uses Indoor/outdoor recreation facilities Light manufacturing Movie houses and Outdoor theatres Self-storage warehouses Vehicle service establishments	Bulk storage Dwellings accessory to commercial uses Garages Parking areas Private swimming pools Signs Storage sheds Other activities or structures customarily accessory to permitted principal or special uses	100/100 FT	100/150 FT	125/200 FT	200/200 Ft
				35 ft	35 ft	35 ft	35 ft
				35 ft	35 ft	15 ft	35 ft
				15 ft	15 ft	15 ft	15 ft
				75 ft**	75 ft**	75 ft**	75 ft**
				600 ft	600 ft	600 ft	600 ft
				40%	40%	40%	40%
				70%	70%	70%	70%
				10,000 SF	15,000 SF	25,000 SF	40,000 SF

- \*A. Public Water and Sewer
- \*B. Public Sewer Only
- \*C. Shared Sewer Only
- \*D. No Water and Sewer

\*\* Presumes Port Jervis First Call Mutual Aid