

LOCAL LAW NO ___ OF 2022
OF THE TOWN OF STONY POINT TOWN BOARD
AMENDING CHAPTER 215 (ZONING) OF THE TOWN CODE
CREATING THE RIVER AND RAIL BROWNFIELD REDEVELOPMENT FLOATING ZONE

A LOCAL LAW to amend Chapter 215 (Zoning) of the Code of the Town of Stony Point, Rockland County, NY, pursuant to Municipal Home Rule Law Section 10 et seq.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 2. Title and Purpose

This law shall be known as and may be cited as, "Local Law No ___ Of 2022 of The Town of Stony Point Town Board Amending Chapter 215 (Zoning) of The Town Code Creating The River and Rail Brownfield Redevelopment Floating Zone."

It is the purpose of the River and Rail Brownfield Redevelopment (RRBR) Floating Zone to encourage the private reuse of brownfield sites with freight access to the railroad and/or Hudson River. Reusing these former industrial and heavy commercial sites have many advantages to the Town of Stony Point including:

- A. Returning vacant and underutilized properties to gainful reuse resulting in tax revenue to the Town.
- B. Attracting businesses that will generate a local demand for labor, especially skilled labor.
- C. Encouraging the remediation of contamination in preparation of reuse.
- D. Use of waterfront lands for water-dependent industry and commerce in accordance with the recommendations of the Town of Stony Point Local Waterfront Revitalization Program.
- E. Reducing over-road tractor trailer traffic in the region by supporting the use of River and Rail for the movement of freight, thereby reducing greenhouse gas generation and energy usage.
- F. Supporting regional Hudson River infrastructure and green energy initiatives by providing areas for logistics support.
- G. Prioritizing reuse of former commercial and industrial sites, reducing development pressure on greenfield sites more appropriate for conservation or lower intensity use.
- H. Protecting the character of existing neighborhoods and protecting the health, safety and general welfare of the people of Stony Point.

Section 3. Amending §215-6 (Establishment of districts) of the Town of Stony Point Code

§215-6 of the Town Code shall be amended to add the following to the list of districts:

<i>Symbol</i>	<i>Title</i>
<i>RRBR</i>	<i>River and Rail Brownfield Redevelopment Floating Zone</i>

Section 4. Amending §215-13 (Prohibited uses) of the Town of Stony Point Code

§215-13(E) of the Town Code prohibiting “Bulk or wholesale storage of gasoline above the ground” shall be eliminated and all subsequent paragraphs renumbered accordingly and §215-13(A)(1) of the Town Code shall be amended to eliminate the prohibition on asphalt and cement manufacturing and read as follows

(1) Charcoal and fuel briquettes

Section 5. Amending §215-16 (Special requirements) of the Town of Stony Point Code

§215-16(C) of the Town Code shall be amended to read as follows:

C. In RRBR, O, LI-2 and LI Districts, no side setback, no side yard, no rear setback or no rear yard shall be required where such setback abuts an overhead utility transmission line right-of-way, railroad or a limited-access highway. In such cases, the total width of both side setbacks shall be 75 feet in an RRBR, O, LI-2 and LI District.

Section 6. Amending §215-23 (Front yard exceptions) of the Town of Stony Point Code

§215-23(A) of the Town of Stony Point Code shall be amended to read as follows:

A. The Planning Board may permit the following accessory structures in the RRBR, O, LI-2 and LI Districts within a required front yard:

(1) Gatehouse.

(2) Reception office.

(3) Watchman's post.

Section 7. Amending §215-24 (Side and rear yard and setback exceptions) of the Town of Stony Point Code

§215-24(E) of the Town of Stony Point Code shall be amended to read as follows:

- E. *The Planning Board may modify all side and rear yard and/or setback requirements for nonresidential uses in the RRBR, LI, LI-2 and O Districts except where abutting a residential district. All such uses shall conform to the buffer requirements of this chapter.*

Section 8. Amending §215-27 (Riverfront setback) of the Town of Stony Point Code

§215-27 of the Town of Stony Point Code shall be amended to clarify that exemptions are for accessory uses, to add “stationary crane” as an accessory use as a specific example of exempted uses, and to read as follows:

§ 215-27. Riverfront setback.

No building or structure shall be erected within 50 feet of the mean high-water line of the Hudson River. Said fifty-foot riverfront setback shall be derived by measuring the shortest perpendicular distance from any building to the mean high-water line. Where any structure permitted under the zoning cannot be located on a shallow, irregularly shaped or substandard-sized lot held in single or separate ownership, due to the riverfront setback restrictions, the Town Board may approve, by special permit pursuant to Article XVII of this chapter, a reduction in the riverfront setback, provided that no such structure may be situated closer than 20 feet to the mean high-water line. The minimum setback shall not apply to an accessory use such as boat ramp, stationary crane, bulkhead, travel lift, or similar structure, which must be located adjacent to the mean high-water line. The layout and design of any structure within 50 feet of the mean high-water line or adjacent to the mean high-water line must also be approved by the Planning Board pursuant to Article IX of this chapter.

Section 9. Amending §215-32 (Building width at Hudson Riverfront) of the Town of Stony Point Code

§215-32 of the Town of Stony Point Code shall be amended to read as follows:

The total cumulative width of opaque buildings, structures, fences or walls more than 30 inches in height erected on properties adjacent to the Hudson River shall not occupy more than 60% of the width of a parcel as measured along a line parallel to other adjacent streets measured at the front yard. Of the remaining open area, one uninterrupted space shall be at least 25% of such parcel width; roadways, driveways and see-through fencing may occupy the uninterrupted space. This standard shall not apply to the RRBR District except where specifically imposed by the Town Board at the time of application of the floating zone upon a particular property.

Section 10. Adding a new Article XXIV to Chapter 215 (Zoning) of the Town of Stony Point Code

Chapter 215 of the Town of Stony Point Code shall be amended to add the following provision:

Article XXIV River and Rail Brownfield Redevelopment (RRBR) Floating Zone

§215-151 Purpose. It is the purpose of the River and Rail Brownfield Redevelopment (RRBR) Floating Zone to encourage the private reuse of brownfield sites with freight access to the railroad and/or Hudson River. Reusing these former industrial and heavy commercial sites have many advantages to the Town of Stony Point including:

- A. Returning vacant and underutilized properties to gainful reuse resulting in tax revenue to the Town.*
- B. Attracting businesses that will generate a local demand for labor, especially skilled labor.*
- C. Encouraging the remediation of contamination in preparation of reuse.*
- D. Use of waterfront lands for water-dependent industry and commerce in accordance with the recommendations of the Town of Stony Point Local Waterfront Revitalization Program.*
- E. Reducing over-road tractor trailer traffic in the region by supporting the use of River and Rail for the movement of freight, thereby reducing greenhouse gas generation and energy usage.*
- F. Supporting regional Hudson River infrastructure and green energy initiatives by providing areas for logistics support.*
- G. Prioritizing reuse of former commercial and industrial sites, reducing development pressure on greenfield sites more appropriate for conservation or lower intensity use.*
- H. Protecting the character of existing neighborhoods and protecting the health, safety and general welfare of the people of Stony Point.*

§215-152. Procedure.

- A. Authorization of the RRBR floating zone is subject to the same discretion as any Zoning Map amendment. Compliance with indicated criteria in no way compels the Town Board to designate the site for the RRBR Floating Zone.*
- B. A petition to apply (or "land") the RRBR floating zone to a parcel or parcels shall be made to the Town Board and shall include such application requirements as detailed in §215-155.*
- C. Referral to the Planning Board. After the Town Board has determined that the application is for a viable project that it wishes to consider for the RRBR Floating Zone, it shall refer the application to the Planning Board. In the case of such referral, the Planning Board shall submit its report on the proposed petition to the Town Board within 60 days of receipt of a referred petition. The Planning Board shall review the petition against the purposes of the RRBR Floating Zone and against the criteria contained in §215-153 in recommending whether to authorize the RRBR Floating Zone. The Planning Board may recommend approval or disapproval of the petition and may further recommend any conditions which it believes would improve the consistency of the district with the surrounding environs and/or the overall character of the community.*
- D. Referral to Rockland County Planning. The Town Board shall refer the petition to Rockland County Planning Department for comment pursuant to the applicable provisions of GML §239 and receive their report prior to approving an RRBR Floating Zone.*

- E. *State Environmental Quality Review.* The designation of an RRBR floating zone shall be deemed a Type 1 action pursuant to 6 NYCRR 617.4(a)(2) (SEQR).
- F. *Public Hearing Required.* Prior to landing the RRBR Floating Zone, the Town Board shall hold a public hearing for the purposes of soliciting public comment. This public hearing shall be held concurrently with any public hearing required under 6 NYCRR 617. The public hearing shall be advertised and notice in accordance with the Town Board's policies and procedures.
- G. *Decision.* The Town Board shall disapprove, approve or approve subject to conditions the petition in accordance with the provisions of Article XVIII (Amendments) of this chapter, in the form of a local law. When deciding whether to disapprove, approve, or approve with conditions, the Town Board will consider:
 - (1) The consistency of the proposed petition with the purposes of the RRBR Floating Zone.
 - (2) The consistency with the criteria listed in §215-153.
 - (3) The report of the Planning Board including any recommended modifications.
 - (4) The report and recommendation of Rockland County Planning Department.
 - (5) The input of any involved agencies as defined by 6 NYCRR 617 or of the public.
- H. *The Town Board, in its discretion, may impose reasonable conditions to an approved RRBR Floating Zone designation as necessary to assure conformance of the project with the intent, objectives and requirements of these regulations. This includes but is not limited to additional buffers along property lines; limitations on the quantities, types and location of materials to be stored or used on-site; limitations on the hours of operation; limitations on the volume of truck traffic generated; requirements for regular periodic inspection; provisions for decommissioning of sites.*
- I. *The approved RRBR Floating Zone shall be designated on the Official Zoning Map of the Town of Stony Point.*
- J. *Upon designation, the site may be used subject to the requirements with the Town of Stony Point Zoning Local Law including the Table of General Use Regulations applicable to the RRBR. Additionally, the site may be used subject to the provisions of §215-154 (Site Reuse Permit).*

§215-153 Criteria for authorization. The Town Board shall consider the following criteria among other relevant considerations in determining whether to authorize the "landing" or designation of the RRBR Floating Zone to a particular parcel or group of parcels.

- A. *Minimum Lot Size.* The site shall contain at least 10 acres after application of §215-16.
- B. *Brownfield.* The site shall have been formerly used for intensive industry, mining, or utility purposes, and contain or be perceived to contain the potential for soil and groundwater contaminants.
- C. *Freight Access.* Eligible properties shall have freight access to the Hudson River or freight railroad lines. The Town Board shall judge whether based on the testimony of the petitioner, the uses proposed for the property intend to utilize the river or railroad for a significant amount of transported goods or materials (generally a minimum of 35% as measured by material weight or volume).
- D. *Emergency service access.* A suitable plan shall be provided for continuous and adequate access by emergency services, including during times when trains are transiting the rail line.
- E. *Water and sewer resources.* Water and sewer resources to the site shall be adequate for firefighting purposes and to support any industrial processes proposed for the site.

§215-154 Site reuse permit.

- A. Upon designation of an RRBR, any use permitted by right in the RRBR district (not by conditional use permit nor special permit) shall be permitted subject to a site reuse permit issued by the Building Inspector and Town Engineer. Notwithstanding the requirements of §215-59, no site plan approval nor public hearing shall be required for issuance of a site reuse permit.*
- B. Issuance of a site reuse permit shall be subject to the following restrictions:*
 - (1) The site reuse permit shall apply to an area of no less than 10 acres.*
 - (2) All codes of the State of New York shall be met.*
 - (3) A stormwater pollution prevention plan shall be approved by the Town Engineer for the entire site subject to the site reuse permit.*
 - (4) The proposed reuse shall not exceed any Type 1 thresholds of SEQR.*
 - (5) The proposed reuse shall include no more than 4,000 square feet of new interior floor area as compared to site conditions at the time the RRBR was landed.*
 - (6) No new building is proposed with a height greater than 30 feet.*
 - (7) The proposed reuse of the site shall not generate more than 24 average daily trip ends over any Town Road by diesel-powered commercial vehicles with a gross vehicle weight of more than 8500 pounds.*
 - (8) The permit shall be for a use permitted by right in the RRBR district (not a special permit use).*
 - (9) A detailed description of chemicals and hazardous materials to be stored or used on site as well as the mechanical, compressive and chemical processes proposed for the site with the corresponding OSHA 2206 code requirements and the applicant's proposed means of meeting those criteria shall be provided.*
- C. Fee required. The issuance of a reuse permit shall be subject to any application fee imposed by the Town Board. Additionally, the Town Board upon recommendation of the Building Inspector and/or Town Engineer may require an annual fee be paid to offset the costs of inspections and administration of the reuse permit on an on-going basis.*

§215-155 Petition contents. A petition to apply the RRBR Floating Zone to a parcel or parcels shall be made to the Town Board and contain the following information. The applicant may include or the Town Board may require exhibit maps, figures and renderings to be submitted, and any such materials shall be prepared by professional engineers, architects, or surveyors duly licensed in the State of New York.

- A. A project narrative that discusses how the proposal would be consistent with the planning objectives of the Town as well as the criteria listed in §215-153.*
- B. A description or map of existing site conditions including:*
 - (1) Existing means of accessing the site.*
 - (2) Any sensitive environmental resources that exist on-site or adjacent to the site including:*
 - (a) Wetlands.*
 - (b) Floodzones.*
 - (c) Cultural resources.*
 - (d) Sensitive habitat.*
 - (3) A description or map of the location of any sensitive users within 500 feet of the site including but not limited to:*
 - (a) Residences.*

- (b) Hospital.
 - (c) Library.
 - (d) School.
 - (e) Child day-care.
 - (f) Town Park.
- (4) A description of the prior use of the site and any known or suspected contamination on-site.
- (5) A description of any easements or covenants restricting use of the site.
- D. A description of the proposed use of the site, including:
- (1) A description of the types of materials to be stored or utilized on-site, especially any hazardous or controlled materials.
 - (2) A description of any heavy equipment to be utilized on the site including but not limited to cranes, bulldozers, loaders, etc., and a description of the average noise levels associated that will be experienced at the lot line of any sensitive users within 1,000 feet.
 - (3) A description or plan of any new construction proposed on the site at the time of RRBR petition.
 - (4) A description or plan of the extent of grading required to prepare the site for reuse.
 - (5) A description of the permits necessary to utilize the site as proposed as well as the agency responsible for issuing each permit.
 - (6) Proof of freight access to the Hudson River and/or rail sidings, or a description of proposed access facilities. Where access facilities are not present, the Town Board may condition the landing of the RRBR upon provision of such facilities within a reasonable timeframe.
 - (7) A description of any manufacturing processes proposed for the site, including a description of any noise, odors, liquid discharge or air emission associated with the process.
 - (8) A description or plan of any on-site or off-site infrastructure or utility improvements proposed to support the proposed use, including but not limited to access road, emergency access road, water, sewer, natural gas, and electric.
 - (9) Where more than 25% of goods or materials is proposed to be shipped over local streets, a traffic impact study shall be provided, detailing the impacts on local traffic.
- E. A full Environmental Assessment Form Part 1.

Section 11. Adding a new Table of General Use Regulations as Attachment 17 of the Town of Stony Point Code

Chapter 215 of the Town of Stony Point Code shall be amended to add attachment 17 as described on the following page.

Section 12. Repeal, Amendment and Supercession of Other Laws

All other Resolutions, Ordinances or Local Laws of the Town of Stony Point which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 13. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617 (SEQR), this Local Law is classified as a Type 1 action and the Town Board has determined, after environmental review, that no negative environmental impacts will result from enactment of this local law. This finding is largely based on the fact that this local law does not convey any particular rights to develop or construct upon land. Rather this local law establishes a procedure under which applicants may request certain zoning treatment upon review and approval of the Town Board including review as a Type 1 action pursuant to SEQR.

Section 14. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 15. Effective Date

This local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.