

**VILLAGE OF GREENWOOD LAKE**

**LOCAL LAW NO. \_\_\_ OF 2024**

**A LOCAL LAW TO AMEND CHAPTER 120 OF THE VILLAGE CODE (ZONING)**

BE IT ENACTED by the Village Board of the Village of Greenwood Lake, County of Orange, New York (“Village Board”) as follows:

**Section 1. Legislative Intent.**

It is the intent of this Local Law to ensure consistency within the Village Code with respect to reviewing and enforcing development constraints on construction within the Village, as well as to promote the existence of residential dwellings in the Village. The Village seeks to amend the Village Code to maintain development and construction requirements within the Village with the appropriate effectiveness and to facilitate development for one-family and two-family dwellings within certain areas of the Village.

**Section 2. Authority.**

This Local Law is enacted pursuant to the provisions of Municipal Home Rule Law § 10.

**Section 3. Amendment. Chapter 120-18(D) is hereby amended as follows:**

**§ 120-18(D). Designated protection areas.**

(1) Areas within which the changing of land contours and/or removal of the natural vegetative cover and/or the erection of structures is automatically subject to approval of plans and authorization by the Planning Board, according to § 120-46, for purposes of protecting ecologically sensitive areas and scenic assets of the community, except that the interior alteration of structures shall not require authorization by the Planning Board. Such interior alterations shall require only the approval of the Building Inspector and issuance of a building permit. All exterior alterations to structures located within designated protection areas shall require approval and authorization of the Planning Board. Those areas so designated are as follows, including a minimum one-hundred-foot setback from such identified areas:

(a) Lands owned or utilized by the United States National Park Service and known as the Appalachian Trail System.

(b) Lands owned or utilized by the Palisades Interstate Park Commission.

(c) Lands owned or utilized by the by Sterling Forest State Park.

(d) Greenwood Lake and all streams feeding this reservoir system, and all other lakes and ponds, if any, over 10 acres in surface area.

(e) Any active well heads being used by the Village of Greenwood Lake or any other

municipal water source.

(f) Federal and state designated wetlands within 500 feet of Greenwood Lake.

(2) The one-hundred-foot setback requirements identified as “designated protection areas” shall be interpreted to mean that measurement be made from the banks of streams or the mean high water mark of shorelines of lakes, and also from the boundary of Appalachian Trail or other identified lands.

(3) For existing buildings within the areas identified in Subsection (D)(1) herein that are proposed for alteration, enlargement, extension, reconstruction, restoration or proposed to be placed on a different portion of the lot or parcel of land occupied by the use and that are subject to approval of place and authorization by the Planning Board according to § 120-46 and a sanitary sewage disposal system dye test shall be conducted to the specifications of the Village Engineer.

(4) For purposed of this section, “exterior alterations” shall be defined as the repair of an existing structure, the replacement of an existing structure of the same or comparable materials originally utilized and within the same dimensions as the original structure that results in disturbance of the soil of the property or neighboring properties.

**Section 4. Amendment. Chapter 120-47 is hereby repealed and replaced as follows:**

**§ 120-47 Applicability.**

A. Except for one-family and two-family dwellings located outside of Designated Protection Areas, approval of a site plan by the Planning Board is required for:

- (1) The development or redevelopment of any property or structure for a new use.
- (2) The expansion or relocation of any existing use.
- (3) Any change of use of a property or structure for a permitted use where said use will increase traffic or the need for parking, water, sewer or other community services. Said determination shall be made by the Planning Board.
- (4) Any use or alteration of land located within the one-hundred-year floodplain.
- (5) Applications for special use permit approval.
- (6) Any construction, re-construction or expansion of a structure or development of a property located in a Designated Protection Area.
- (7) Any other provision requiring site plan approval by the Planning Board.

B. Where site plan approval is required, applications for the issuance of a building permit or certificate of occupancy must be accompanied by a copy of the approved site plan bearing the signature of the Planning Board Chairman. The continued validity of any certificate of occupancy shall be subject to continued conformity with such approved site

plan and conditions. Revisions of approved site plans shall be subject to the same approval procedure.

**Section 5. Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5 (26) and (33) this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 7. Code Preparation.**

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

**Section 8. Effective Date.**

This Local Law shall be effective immediately upon filing with the Secretary of State.