

Town of Esopus Comprehensive Plan

Appendix 3: Myles Putnam Planning Reports

January 30, 2019



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Appendix 3: Myles Putnam Planning Memos

1. On-Street Parking in the Broadway Commercial Zoning District –
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MEMO

TO: Jared Geuss, Chairman
Town of Esopus Comprehensive Plan Committee

CC: Diane McCord, Supervisor
Comprehensive Plan Committee Members
Salvatore Morello III, Building Inspector

FROM: Myles Putman, AICP
M. L. Putman Consulting

DATE: November 29, 2017

SUBJECT: On-Street Parking in the Broadway Commercial zoning district
Developing a Connection to the Zoning Local Law

A. Introduction.

1. The Comprehensive Plan Committee has discussed the idea of amending the zoning regulations for off-street parking, to allow for waivers for business sites within the Broadway Commercial zoning district in the heart of Port Ewen.
2. At past meetings, the Committee was presented with examples of zoning and other regulations enacted by other municipalities in New York State that address on-street parking. Example regulations that provided a connection between zoning and on-street parking, specifically allowing for a waiver or exemption from off-street parking requirements.
3. In the current zoning laws, three types of waivers are provided for in subsection (g) of Section 123-A.(2). The text of a waiver provision for the BC District would logically come under this subsection.

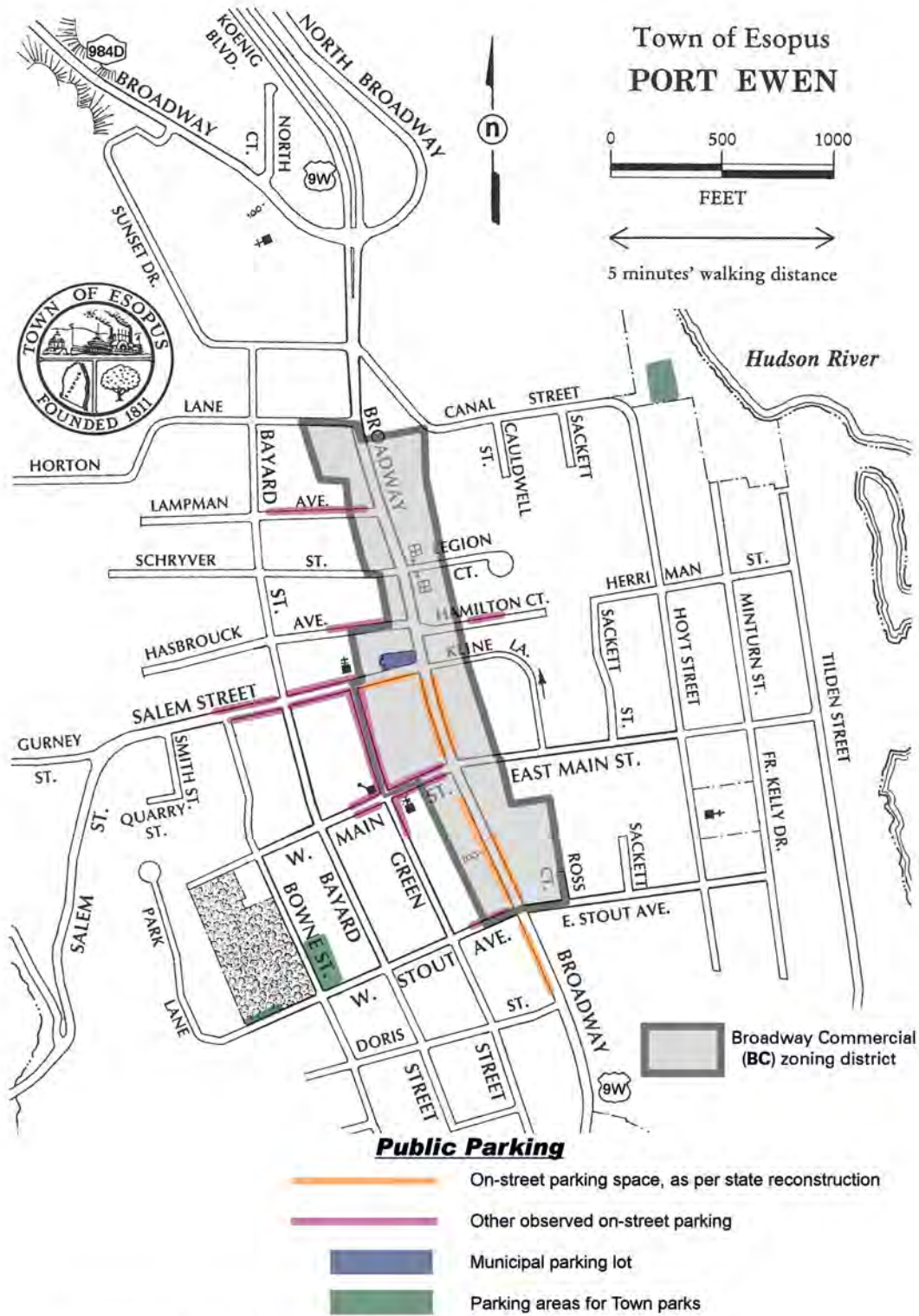
4. One policy issue that the Committee should make recommendations on is the question of whether the Town should establish a “sinking fund” for the purposes to ultimately purchasing land to provide for additional off-street, municipally-owned parking, as has been done in the Towns of Rosendale and Woodstock.
5. An exemption covering the entire BC zone would most likely achieve its greatest benefit south of Salem Street, where the state reconstruction has provided on street parking on both sides of Broadway south to Stout Avenue. In contrast, north of Salem Street, there is no on street parking along Broadway.
6. This exemption will also apply to the properties on the east side of Green Street, between Salem and West Main, which is also in the BC zone. The parcel width of Green Street appears to be much wider than 60 feet and the pavement is sufficiently wide to allow for on-street parking.
7. Additional on-street parking is provided along the west side of Broadway only, between Stout and Doris. This area is within a NC (Neighborhood Commercial) zoning district and would not be affected by the proposed amendment. However, this might create impetus to consider rezoning this NC district into an extension of the BC District.
8. The accompanying map (Map No.1) depicts a generalized summary of on-street parking in the hamlet of Port Ewen, based on observations by this office, examination of aerial photography and the personal recollections of the author. This map is not intended to be final as Committee members may have other locations in the hamlet highlighted where on-street parking routinely occurs.
9. It is noted that parking for Ross Park is within a short distance of the BC zone, and that an expansion is underway. It is possible that these lots might see increased use resulting from the exemption provision.

B. Outline.

10. Several simple amendments are set forth below:

- a. “Pre-amble” (header) statement (Clayton Village model): In the BC District it is accepted that most of the parcels do not have space for off-street parking.
- a. (Saugerties Village model): No off-street parking shall be required for any use in the BC District, except for residential uses which shall provide one off-street parking space for every two dwelling units.
- b. (Kingston city - Saugerties village hybrid model): No off-street parking shall be required for any use in the BC District, except for residential uses which shall provide one off-street parking space for every two dwelling units. For all nonresidential uses, all or portions of the on-site off-street parking requirements may be waived by the Planning Board, provided that the proposed use is within 400 feet of a municipally operated off-street parking facility or privately owned and operated parking area.
- c. (Town of Webb [Old Forge] model): Lots located within the BC District shall be exempt from off-street parking requirements. Parking spaces provided within this area at the discretion of the owner shall comply with other applicable off-street parking requirements.

11. A more complex amendment would be needed to address creation of a town parking area fund, as per the Rosendale zoning regulations.
12. The specific provisions of the Rosendale regulations apply to Main Street in the former Village of Rosendale. These are as follows (from Chapter 75, §75-19.A(2) of the town code):
 - (b) Waiver of parking requirements. Upon a finding by the Planning Board that sufficient parking to satisfy the parking standard set forth above cannot be provided safely or efficiently on a site, the parking requirement may be partially or totally waived during site plan approval, up to a total of eight spaces. If it is determined that a waiver of more than eight spaces is required, such waiver shall only be granted upon issuance of a special permit following a public hearing and an analysis of the impact of such waiver. Such analysis shall include distance from the site to an existing public parking facility, availability of parking on other sites in the immediate area and means to reduce the extent of the waiver including reduction in the size of the proposed use.
 - (c) Establishment of Town Parking Fund. Where the parking requirement is waived as per Subsection A(2)(b) above, the property owner shall be charged an initial fee and an annual fee per parking space waived, said fees to be in accord with a fee schedule as adopted periodically by resolution of the Town Board. All such fees shall be placed in a Town Parking Fund to be used exclusively for acquisition, improvement and maintenance of public parking facilities within the Main Street business area. [Amended 7-13-2005 by L.L. No. 2-2005]
 - (d) Parking needs analysis. Within one year of the effective date of this subsection, the Town Board shall authorize an analysis of parking in the Main Street area to include the following:
 - [1] The number of existing parking spaces, both public and privately owned.
 - [2] The total number of parking spaces required to satisfy the existing demand for parking by all uses in the Main Street business area in accord with the standards set forth in Subsection A(2)(a) above.
 - [3] The location and capacity of possible sites in the Main Street area which may be used to increase the existing parking supply.
13. Creation of the waiver provision for the BC District may result in increased use of the municipal lot at the Sojourner Truth Park. The Town may have to establish, at some time in the future, regulations in Chapter 115 that would govern the use of this, and other, parking areas.



Prepared for the Town of Esopus Comprehensive Plan Committee by MLPC 11-29-2017.

MAP NO. 1

MEMO

TO: Jared Geuss, Chairman
Town of Esopus Comprehensive Plan Committee

CC: Diane McCord, Supervisor
Comprehensive Plan Committee Members
Salvatore Morello III, Building Inspector

FROM: Myles Putman, AICP
M. L. Putman Consulting

DATE: August 31, 2017

SUBJECT: On-Street Parking
Developing a Connection to the Zoning Local Law

A. Introduction.

1. Zoning regulations, especially those written within the past 75 - 80 years, have stressed the need to provide off-street parking for all types of land uses. This reflects the segregation of land uses in many zoning codes along with the increased use of private vehicles to access business, residential and other sites.
2. Many municipalities that have zoning regulations also have older hamlets and downtown areas that were developed at a time before the widespread use of motor vehicles. Such places have several characteristics such as smaller building lots, minimal building setbacks, and an overall “pedestrian-scale” feel to the immediate environment.
3. Although commonly discouraged by zoning laws, some municipalities clearly recognize the existence of on-street parking and larger municipalities will often regulate this resource through metering, permits or other systems.

4. Parking is generally addressed either through municipal vehicle and traffic regulations and through zoning. Zoning laws address the off-street parking requirements for particular land uses. A local vehicle and traffic law will generally address matters such as parking on public highways, metering, provision of municipal parking lots and similar topics.

B. Findings.

5. This office has examined the codes of several municipalities in New York state in regards to off-street and on-street parking. Some of the examples chosen are tourist destinations that the author is personally familiar with. Neighboring municipal regulations, such as those in Rosendale and the city of Kingston, were also researched.
6. A summary of the municipal regulations is presented below. Several locations have a setting similar to that of Broadway in Port Ewen, with free parking permitted along an existing state highway.

	1	2	3	4	5	6	7
village of Alexandria Bay	✓	✓	✓	✓	✓	✓	✓
city of Kingston city	✓	✓	✓	✓	✓	✓	W
city of Poughkeepsie	?	?	✓	✓	✓	✓	W
town of Rosendale	✓	No	✓	✓	✓	✓	W; \$\$
village of Saugerties	✓	✓	✓	✓	✓	✓	✓
town of Webb (hamlet of Old Forge)	✓	No	✓	✓	✓	✓	✓; W
town of Woodstock	✓	No	✓	✓	✓	✓	W; \$\$

<u>Attributes (Columns)</u>	
1.	Free parking on state highway
2.	Metered parking on state highway
3.	Other on-street parking (free or metered)
4.	Municipally operated off-street parking lot
5.	Traffic and parking regulations in local code
6.	Off street parking requirements (zoning, site plan law)
7.	Exemptions to off-street parking requirements provided for certain locations (above and beyond provision of waivers)
	W - Denotes waivers granted within certain zoning districts
	\$\$ Denotes waiver subject to payment into town parking development fund

Table Notes:

- Alexandria Bay
- Metered parking along Church, James & Market Streets (NY 971K, SH 5304); limited free parking along portions of Church Street (SH 5304)
 - Properties in the Business ('B') District are exempted from off street parking requirements (Zoning, Site Plan review requirements, § 150-76.A(1) of Village Code.)
- Kingston
- Metered parking along section of Albany Avenue (NY 983G, SH 75-30); Free parking along portions of Albany Avenue north of Broadway (SH 75-30).

- Rosendale
 - Allows for lawful parking along town highways as designated by the Town Hwy Supt, with consent of the Town Board (“Parking Restricted”, §70-13.A, town code)
 - Free parking on Main Street, Rosendale hamlet (NY 213, SH 1419)
 - Zoning provides for a waiver of off-street parking in lieu of payment into a fund to be used for development of a municipal parking area (Chapter 75, Town Code).
 - Municipal lot developed at rear of Rosendale theatre.

- Saugerties village:
 - Metered parking on state highways in downtown area; free parking along Ulster Avenue (NY 212-32, SH 1540).
 - Non-residential uses in the Business (‘B-1’) District are exempted from off street parking requirements (Zoning, Off-Street parking, §210-31 of Village Code.)

- Webb
 - Free parking on Route 28 (Main Street), Old Forge (SH 5451)
 - Land uses and activities within the CB-4 zone (downtown area of the hamlet of Old Forge) are exempt from off-street parking requirements (Zoning, Supplemental Regulations, §480-28, town code)

- Woodstock
 - Free parking on portions of Mill Hill Road, Tinker Street (NY 212, SH 37)
 - Within the hamlet commercial and residential (HC and HR) zones, on sites where TPB determines off-street parking cannot be provided; cash payment into Town fund to develop municipal parking.
 - Municipal lots developed off Rock City Road

7. Only a few of the above cited codes make provisions, under the zoning regulations, for an exemption from off-street parking requirements for properties within certain zones.
8. In Rosendale and Woodstock, a waiver of the required off-street spaces can be granted subject to payment into a town fund that is specifically dedicated to the development of a municipal parking area. This program in Rosendale has resulted in the development of a municipal lot within the past 15 years, located to the rear of the Rosendale theater in the hamlet of Rosendale.
9. Like many other municipalities, the town of Esopus has established minimum off-street parking requirements under its zoning law. See §123-24 of the Town Code.
10. The Esopus town code regulates vehicles and traffic under Chapter 115, however, provisions that address on-street parking are very limited. There is the general right of the town board to regulate parking of vehicles in the Town, as set forth in §115-8; and restrictions on wintertime on-street parking in §115-4.
11. The municipal parking lot at the corner of Broadway and Salem Street was developed by the state as part of the recent state highway reconstruction project. There are no regulations in Chapter 115 that govern the use of this municipal lot.

C. Policy Questions for Further Discussion.

12. What is the existing on-street parking capacity of the Town's most urbanized neighborhoods, those locations where the highest land use densities are allowed, such as Connelly, Port Ewen and Sleightsburgh?
13. What is the on-street parking capacity within the Broadway Commercial (BC) zone (not only on Broadway but on the side streets within the BC zone as well)? What is the capacity of the municipal lot?
14. Would a complete waiver of on-street requirements, or a partial waiver, for sites within the BC zone be justified or reasonable? Should such a waiver apply to all uses or just non-residential uses?
15. Would a system of cash payment in lieu of off-street parking make sense, with the goal of expanding municipal parking?

MEMO

TO: Jared Geuss, Chairman
Town of Esopus Comprehensive Plan Committee

CC: Diane McCord, Supervisor
Comprehensive Plan Committee Members
Salvatore Morello III, Building Inspector

FROM: Myles Putman, AICP
M. L. Putman Consulting

DATE: August 31, 2017

SUBJECT: Possible Zoning Amendment - Visual Assessment Review Standards
Brief Overview

A. Introduction.

1. Municipalities can enact as part of their zoning regulations methods for protecting visual resources, whether the resource is natural scenery or historic buildings. The potential visual or aesthetic impacts of site development upon neighboring properties can be assessed with a visual assessment review by a designated board. For some municipalities, this is the responsibility of the municipal planning board. Other municipalities will assign such reviews to a specialized board, such as an architectural, landscape or historical review board.
2. The Ulster County towns of Hurley and Woodstock have such standards established in their respective zoning regulations. In Woodstock, the visual assessment review requirements apply to site development over a particular elevation (e.g., 1200 feet above mean sea level). In Hurley, these regulations apply to lands within the lowest density residential zone (the A-4 district), which encompasses much of the visible upland areas of the Town. The Hurley regulations also apply to sites within the Historic Zoning District in Old Hurley and also to any site adjacent to a specific list of sites outside of Old Hurley.

3. A visual assessment review is specifically called for in the Esopus zoning law under the standards for commercial communications towers (§123-13.F). For other projects requiring approval from the Esopus Planning Board, the visual assessment has been undertaken selectively on a project-by-project basis. In some instances, visual assessments for projects located within the Town's coastal management area are rooted in the LWRP policies on protecting visual resources within the coastal zone.
4. The Town's Hudson riverfront will continue to be a focal point for development and re-development. But it should be noted that a large landholding on Hussey Hill, outside of the coastal zone, has the potential to be developed in a manner that could result in much clearing of vegetation and visible new buildings on the ridgetop that would be easily seen from Port Ewen, Ulster Park, and possibly from the eastern shore of the river.
5. Wooded sections of the Hussey Hill - Shaupeneak Mountain system are also visible from locations both within the Town and in neighboring areas to the west. Many of the properties on this ridge are privately-owned. Large-scale site clearing coupled with the development of new buildings with materials that stand out from the surrounding landscape results in some house sites being visible from as far away as Ohayo Mountain in the Town of Hurley.
6. This office has had previous experience working with the Hurley regulations, which were administered by the Planning Board. Project sponsors and consultants were generally well-acquainted with the visual assessment guidelines, as reflected in the designs that were submitted to the Planning Board.
7. Often the Planning Board members would make a field visit to the site. Photo-simulations were rarely required by the Planning Board.
8. For sites located in the Historic zone or adjacent to historic structures, the Planning Board would request the advice of the Town Historian. In other municipalities with a Historic Preservation Commission, the historic commission would be authorized to make such review for, and recommendations to, the Planning Board.

MEMO

TO: Jared Geuss, Chairman
Town of Esopus Comprehensive Plan Committee

CC: Shannon Harris, Supervisor
Comprehensive Plan Committee Members
Salvatore Morello III, Building Inspector

FROM: Myles Putman, AICP
M. L. Putman Consulting

DATE: March 28, 2018

SUBJECT: “Gateway Overlay” zoning concepts:
A historic perspective and sample regulations

A. Overview - Transportation History.

1. Defined by water on almost all sides save for its hilly southern border, the Town of Esopus’ primary gateways are as a consequence, concentrated at key visual and historical locations along these waterfront “frontiers”, such as Port Ewen, New Salem, or Perrine’s Bridge.
2. The historic connections of the Town to other areas of present-day Ulster County during the Dutch and British colonial periods has influenced the development and location of physical pathways as much as innovations in transportation technology did. The northern part of the present-day Town had close connections to the original Dutch settlement of “Esopus”, now the city of Kingston; and was part of the Kingston Commons. The southerly portion of the Town was part of the New Paltz patent.
3. The presence of navigable waters in the Hudson and Rondout, along with the former Delaware and Hudson Canal, is another factor in how the present-day Town is accessed by visitors. Prior to second half of the 19th century, the waterways provided the most efficient means of moving people and goods to and from the Town, as compared to land routes. The first impressions of the Town that visitors would have were routed in the predominantly rural, undeveloped character of the Town’s waterfront.

4. The West Shore Railroad opened in 1883 in competition with the mainline New York Central Railroad on the east shore of Dutchess County. This line, owned by CSX Transportaton since 2000, has functioned as a freight railroad during much of the past 100 years, but originally carried passengers as well, to the various railroad stations within the Town - Esopus, Port Ewen, Ulster Park and West Park.
5. Since the early 20th century, the Town’s primary entrance points have been on the public highway system, and more specifically, on the state highway system. As early as the 19th century, the Rondout Creek and Wall Kill were spanned by bridges at Perrine’s Bridge, Rifton and New Salem; but the connection between Sleightsburgh and the Rondout neighborhood of Kingston was by ferry until the early 1920’s, when the Rondout Creek (Wurts Street) suspension bridge was opened to traffic.
6. The present-day US Route 9W corridor (locally known as Broadway since 1950) follows a centuries old pathway that appears on the Revolutionary War-era maps produced by Sauthier, and in greater detail in Colles’ “A Survey of the Roads of the United States of America” (1789). By the mid 19th century, a framework of roadways crossed the Town in a pattern not much different from what exists presently. This network connected locations such as present-day Rifton, established with mills along the falls of the Wall Kill, interior crossroads agricultural settlements and port locations, such as Connelly, New Salem and Sleightsburgh.
7. Many sections of the state highway system in New York have their origins in the 1898 laws that established the so-called “County Highway improved with State Aid”. These laws involved the state, county and town governments in sharing costs of the highway improvements. However, maintenance of the improved roads (sometimes referred to as “state roads”) was a local responsibility until 1907, when the statutes were changed, placing these improved roads under the state’s jurisdiction. Within Esopus, between 1898 and 1916, the following state highways (technically five separate contracts), were improved and completed, as follows:

State Highways in Esopus :: Completing the 1898 “County Highways improved with State Aid”				
State Hwy Number	State Highway Name	Description (original alignment)	Distance in Town	Acceptance Date
116	Kingston - Rifton Road	City limits of Kingston to the Village limits of Rifton; excluding the Eddyville Bridge	3.98 miles	Nov. 30, 1903
308	New Paltz - Rifton Road	Village of New Paltz to the Village of Rifton	0.30 miles	Nov. 21, 1908
310	Old Post Road, Part 3	Ferry dock at Sleightsburgh south to Ulster Park (Jct. Union Center Rd.)	3.66 miles	Jan. 8, 1912
419	Perrine’s Bridge - Rosendale	Jct SH 308 near Perrine’s Bridge north through Tillson to Rosendale Village	0.04 miles	Apr 24, 1915
921	Rifton Village	Main Street within the Village of Rifton	2.14 miles	Jan. 5, 1913
Sources: NYSDOT Catalog of State Highway Numbers, 1987; NYS Session Laws of the NYS Legislature (1898 - 1973) NOTE: Distances reflect current mileage, as summarized in the 2002 NYSDOT Catalog of State Highway Numbers.				

8. Development and expansion of the state highway system was ramped up with the 1908 laws, aided by the passage of highway bond issues in 1907 and 1912. The 1908 legislation created 37 “legislative” state routes - corridors of statewide importance that were deemed to have the highest priority for construction. Legislative Route 3 defined a “West Shore” corridor between Palisades in Rockland County and Albany, including the present-day US 9W corridor in Esopus. (These legislative

routes, which were abolished in 1968, are not to be confused with the posted state highway “touring route” numbers or state highway (contract) numbers.) The completion of the Route 3 corridor in the Town, including the Rondout Creek Suspension Bridge, was accomplished under contracts to the state pursuant to the 1908 laws, as well as the construction of a new bridge at Eddyville 1911-1912. Following completion of the corridor, the state’s focus turned on reconstruction projects to eliminate specific problem locations, such as the old at-grade crossing of the West Shore Railroad at West Park. These projects are summarized below.

State Highways in Esopus :: Completing the State Highway system (1908 - 1922)				
State Hwy Number	State Highway Name	Description	Distance in Town	Acceptance Date
5192	Eddyville Bridge	Jct. SH 116 New Salem, across the Rondout Creek to Eddyville in the town of Ulster	0.15 miles	Dec. 17, 1912
5508	Old Post, Part 4	Ulster Park south to the Lloyd town line (Built in place of CH 311, which was cancelled)	6.20 miles	Feb. 21, 1916
5599 / 5599C & 5599D	Kingston - Port Ewen (Rondout Creek suspension bridge)	Jct. SH 310 Port Ewen to Abeel Street, city of Kingston (prior to re-alignment in late 1970's)	0.07 miles (5599D)	C: 4-12-1922 D: 6-28-1922

Sources: NYSDOT Catalog of State Highway Numbers, 1987; NYS Session Laws of the NYS Legislature (1898 - 1973); and NYSDOT highway contract plans.
NOTE: Distances reflect current mileage, as summarized in the 2002 NYSDOT Catalog of State Highway Numbers.

9. One major factor in the general layout and alignment of the present-day state highway system in the Town is the Federal Aid Act of 1921. The highway design standards of the federal aid program resulted in numerous reconstruction projects, starting in the late 1920's. The bypasses of Esopus hamlet, Ulster Avenue and even Main Street in Saint Remy are a legacy of the federal aid programs. The table below summarizes the major re-alignments that were a result of the Federal Aid projects:

State Highways in Esopus :: The major Federal-Aid reconstruction projects (1921 - 1980)				
State Rte Number	State Highway Number	Contract, Project	Description	Outcomes
9W	310, 5508	RC 3227 / FA PIN 359-A	Reconstruction and re-alignment, 1929 - 1930	Bypass of Ulster Ave (to town 1932; to county 1934)
9W	5508	RC 3227 / FA PIN 357-E	Reconstruction and re-alignment, 1930- 1932	Bypasses of Main Street and Black Creek Road, Esopus hamlet (to town 1934)
32	419, 308	ERC 3384; FA PIN E-613-A	Reconstruction and re-alignment, 1932 - 1934	Bypass of Old Rt 32 (to town, 1934)
9W	5508	RC WPGH 8639	New overpass of West Shore RR & new alignment, 1936 - 1936 (?)	Replaced 1920's era overpass; old road to landowners
213	115, 5192	RC 60-89; FA PIN US-S-485(2)	Reconstruction and re-alignment, 1960- 1961	Bypass of Main Street, Saint Remy hamlet (to town 1962)

9W	5599 (relocated)	D95598; FA PIN FF-357(21) (Combined with SH 77-18)	Construction of new highway connection to Kingston N-S arterial, with new bridge, 1977 - 1980	Old SH 5599 (old US 9W) redesignated as SH 5599 C & D
Sources: NYSDOT highway contract plans on file with NYSDOT Region 8 Record Plans Bureau, Poughkeepsie; and at the NYSDOT Ulster County engineering residency, Kingston, NY. Road abandonment data from NYSDOT Region 8 Right-of-Way office, Poughkeepsie; and the published proceedings of the Ulster County Board of Supervisors.				

10. Highway improvements during the 20th century also impacted land uses in the Town. Increased automobile ownership after 1908, disposable income and leisure time combined spur a tourism-based economy in parts of the Town, exemplified by the operation of camps, bungalow and cottage colonies that continued well after World War II.
11. The “IBM Era”, between 1955 and 1993, brought about the most significant period of growth in the Town. Residential subdivisions in Port Ewen (May Park, Kim, Harry Elmendorf, Avon Park Extension and Heavenly Valley), and in the rural areas of the Town (Highland Acres, Orchard Hills) added to the Town’s population base. Many town residents were employed by IBM either at the Kingston, Poughkeepsie or East Fishkill campuses. Aside from the former “Thieve’s Market” and the old Grand Union plaza in Port Ewen, the development of large regional shopping centers and malls occurred outside of the Town’s boundaries. This period of time resulted an expansion of the town highway system as a result of land subdivisions, and growth in daily traffic volumes, especially on the state highway system, because of both work-related and non-work travel to and from out-of-town destinations.
12. By the 1960’s the focus on highway construction had shifted towards development of freeways and arterial facilities (such as Koenig Boulevard). Within the past 30 years, environmental and fiscal constraints have brought about an emphasis on management and improvement of existing facilities, and away from the construction of re-alignments, bypasses and new freeways, especially at the state level. The recent reconstruction of Broadway in Port Ewen within the past 10 years exemplifies this current paradigm.
13. Although passenger rail service has long been discontinued, the Town continues to be served by highway-based mass transit systems such as Trailways, Citibus and Ulster County Area Transit (UCAT).
14. The town’s navigable waterways - the Hudson and the Rondout - continue to serve both commercial and recreational watercraft. The large amount of recreational boat traffic along Kingston’s Rondout waterfront has a “spill-over” effect upon the four existing marinas in the Town, three of which are in the hamlet of Connelly. These marinas also function as “gateways”, as do the publicly-accessible waterfront sites, such as Sleightsburgh Spit and Lighthouse Park.

B. The Highway Gateways of Esopus.

15. Out of a total of six state highway “gateways”, at the Town’s boundaries, four involve bridges (three over the Rondout Creek, and one over the Wall Kill). The remaining two other state highway gateways are on the southerly bounds of the Town. There are also five “gateway” points on the town highway system on this boundary.

16. Not included in the above is a “hidden gateway”, just over a mile of the NYS Thruway that cuts through the southwest corner of the Town, with no direct access to local streets. Travelers to and from the Town can only access the Thruway at Kingston or New Paltz.
17. Traffic Volumes. The average annual daily traffic (AADT) is a statistical calculation that describes the amount of traffic on a roadway on a typical day. The AADT is based on actual traffic counts, with adjustments made for factors such as urban or rural settings, and type of traffic. Information on state highway traffic is available from both the New York State Department of Transportation (NYSDOT) and the Ulster County Transportation Committee (UCTC). The most recent data available on line, on the “NYS Traffic Data Viewer” (TDV) provides 2015 count data for the state highway system, and selected county and town roads. In addition, this office has referenced the traffic data within NYSDOT’s annual “Highway Sufficiency Ratings” (HSR) books dating back to 1985, in the preparation of the following table.

Traffic Volumes on Esopus’ State Highway Gateways						
State Route	Starting point, sample segment	Ending point, sample segment	1985 HSR	1996 HSR	2004 HSR	2015 TDV
North gateway at Port Ewen / Sleightsburgh						
US 9W (Koenig Blvd/ Justice Loughran Bridge)	Jct. NY 984D	City of Kingston	11,700	18,400	10,770	14,833
NY 984D (Old 9W/ Rondout Cr Br.)	Jct. US 9W (Broadway)	Jct. Abeel Street, Kingston	1,500	5,900	5,590	4,754
North gateway at New Salem						
NY 213	Jct. Old Post Road, Rifton	Jct. Mountain Rd., Ulster	3,800	2,350	2,890	2,264
Northwest gateway at Perrine’s Bridge						
NY 32 / 213 overlap	Start NY 213 o’lap	end 213 o’lap, Rosendale	8,000	9,350	11,820	9,589
Southwest gateway at Perrine’s Bridge						
NY 32	Village of New Paltz	Start NY 213 overlap	7,400	10,200	11,850	9,769
South gateway at West Park						
US 9W (Broadway)	Jct. NY 299	S. Jct. Ulster Avenue	5,900	10,900	10,770	10,717
NOTES: 1996 HSR numbers are projected counts.						

18. The above data clearly shows the most heavily traveled highway corridor in the Town is US Route 9W, followed by Route 32.
19. The lowest volume gateway is at the Eddyville Bridge on NY 213. The 2015 AADT here is just over 15% of the corresponding volume on Koenig Boulevard on the Loughran Bridge. The Rondout Creek suspension bridge carried over twice as much traffic in 2015 than the Eddyville Bridge
20. The above table does not include traffic volumes for the Thruway. The 2015 volumes between Exits 18 (New Paltz) and 19 (Kingston) was reported to be over 40,000 vehicles.

21. There is a smaller body of traffic count data for county and town roads, with much information generated over the past 10 years by the UCTC's ongoing sampling program, with the county roads having the greatest wealth of data.
22. UCTC's data for town highways in Esopus starts in 2009. The sampling program, which includes count data from 2009, 2011, 2013 and 2015, covers two rather important connecting town roads - Clay and Hardenburgh roads; plus one dead-end, a former section of state highway and two former county roads.
23. There has been to date no count data for the four through-going town highways that traverse the southerly boundary with the Towns of New Paltz and Lloyd. There is local belief that some of these roads, such as Cow Hough Road, are used by commuter traffic to access the Thruway at New Paltz, in order to bypass some of the traffic congestion in and around New Paltz Village. However, this belief is anecdotal and supported by casual field observations, but this would have to be verified with actual traffic counts.

C. Sample Gateway Zoning from the Town of Saugerties.

24. The Town of Saugerties, following a comprehensive plan update from around 15 years ago, enacted a Gateway Overlay zoning district, which was mapped along the major state highway corridors, over the existing residential and commercial zoning districts.
25. In addition to servicing commuter and non-work related traffic, the Town's state highway system provides direct access to the NYS Thruway at Exit 20. This facilitates tourist and recreation traffic to destinations such as Woodstock, Hunter Mountain and state campgrounds and other facilities within the Catskill Park.
26. The intent and purpose of the overlay district is set forth in the opening paragraphs of this provision of the zoning law:

The purpose of this section is to create a Gateway Overlay District to enhance the attractiveness of gateway areas in Saugerties for visitors and residents to carry out the intent of the Comprehensive Plan by protecting the views, natural topography and historic fabric along the highway. To further this purpose, these regulations establish a design context, see Subsection D below, to be followed by applicants in the design of projects and to be followed by the Planning Board as part of the site plan approval process, as set forth in Article VII. All nonresidential development in the Gateway Overlay District will be reviewed on a case-by-case basis via the site plan review process to ensure appropriate layout and design of nonresidential properties. (§245-27.A(1) of the Saugerties zoning local law).

27. Two additional purposes are set forth in Subsections 245-27.A (2) and (3) of the Saugerties code.
 - (2) *The Town and Village of Saugerties Comprehensive Plan, in Recommendation 1.4, states that the Town of Saugerties should "work on design for the major gateways to the Town to create a distinct visual impression with enhanced landscaping, directional signs and thematic signs to define entrances and help maintain a sense of community identity."*
 - (3) *Although the gateways identified below contain primarily commercial uses, these areas often include or are adjacent to residential uses. Due to this proximity, some of the gateway areas also*

serve as community centers to the surrounding neighborhoods. It is the intent of this chapter that commercial uses in these areas should be an asset, both economically and visually to Saugerties and not negatively impact neighbors and adjacent land uses. The Gateway Overlay District regulations are intended to enhance the identified gateway areas making them more visually pleasing for both travelers and residents.

28. The overlay district regulations include standards governing parking, building design, landscaping, lighting and signs, as well an extensive section on access management, intended to control the proliferation of driveways, over distance, on major highways.
29. The standards also include a provision that the design standards are applicable in instances where the new development is visible from a highway, with the judgement on whether a project is visible or not left to the Planning Board.

D. Sample Gateway Zoning from the Town of Woodstock.

30. In recognition of the role the hamlet of Woodstock plays as a destination, the Town of Woodstock zoning law specifies four overlay zones, two of which are mapped in the hamlet. These two overlay zones also overlap each other. A “Hamlet Preservation” Overlay (or HP-O) zone addresses new development and re-development within the hamlet, while a “gateway” overlay (of G-O) zone is specifically mapped at the junction of two state highways in the eastern area of the hamlet.
31. These two gateway zones are mapped only along a limited portion of the state highway system, in contrast to the extent of the gateway overlay zones in Saugerties.
32. Purpose of the Hamlet Preservation Overlay zone. In Section 260-37 of the Woodstock code, the provisions of the HP-O zone apply whenever a building or demolition permit is applied for a site within the overlay zone. Subsection 260-37.A further states:

The Hamlet Preservation Overlay District has many significant historic, architectural and cultural resources which it is in the interest of the Town to preserve, protect and enhance. It is the function of the district to protect and enhance the buildings, landmarks, historic structures and distinctive elements of the district in order to ensure the harmonious, orderly and efficient growth and development of the Town.

33. All projects that are subject to the HP-O regulations are subject to the review and approval of a Commission for Civic Design, which is described elsewhere in the zoning regulations.
34. Purpose of the Gateway Overlay zone. The purpose of the G-O zone are cited in the introductory paragraph A of Section 260-67 (under the Article on special permit uses). The last two sentences in this paragraph sum up the findings and purpose:

It is further found that these features at, about, and visible from the intersection of State Routes 375 and 212, which constitute the critical gateway to Woodstock and primary access to its commercial center, are particularly important as a reflection of the Town's character and are so located that appropriate property use and development within that area is a public necessity. Accordingly, the purpose of the Gateway Overlay District is to preserve and promote the cultural and aesthetic heritage of the Town's entrance, to enhance traffic safety for vehicles and pedestrians, and to mitigate traffic congestion at a critical intersection.

35. Within the G-O zone, all development of buildings, structures or improvements of any kind are subject to review and approval of a special use permit by the Planning Board. There are specific findings that the Board must make prior to approval of any project in the G-O zone. In addition, the overlay allows for some land uses that are not otherwise permitted in the underlying zone, and even provides for density bonuses, with specific relief from setbacks and lot coverage restrictions.

E. Summary.

36. The passenger automobile is the primary means of access into and out of the Town, for residents and visitors alike. The majority of visitors to the Town will get their first impression of the Town along the state highway gateways.

37. Each of the state highway gateway has its own context, in terms of natural setting and character of the surrounding development.

38. Recognition should also be given to an “internal” gateway at the edge of the Port Ewen urban area, with a most likely location being near the Iron Mountain facility near Esopus Lake and Lakeshore Villas. The defining infrastructure characteristic here is the southerly limits of central water and sewer. These services make possible development densities not achievable elsewhere in the Town of Esopus.

39. The northern entrance into the Town at Port Ewen presents a unique challenge for a unified gateway theme that identifies both hamlet and the greater Town.

40. The examples provided above from the Saugerties and Woodstock are but a sample of gateway zoning concepts enacted by municipalities in New York state. These samples illustrate the differences in the geographic scope of each overlay zone, and also the differing legal aspects in terms of required approvals and restrictions, or allowances, for certain land uses.

41. The Route 9W Overlay in the Town of Esopus was not enacted as a “gateway” zone. But some of the purposes of this zone, as described under the site plan objectives set forth in Section 123-17.C of the Esopus zoning local law, are similar to objectives that would be incorporated into a gateway overlay zone. As part of the Town’s review of its zoning regulations, in response to revising the comprehensive plan, the effectiveness of the Route 9W Overlay zone should be examined. One possible outcome would be transforming this overlay zone into a “gateway” zone encompassing all or a portion of the US 9W / Broadway corridor, in a manner similar to the way gateway zones were mapped in the Town of Saugerties. However, the gateway concept should be explored for all of the state highway access points into the Town.

CPC Gateway Overlay zone

MEMO

TO: Jared Geuss, Chairman
Town of Esopus Comprehensive Plan Committee

CC: Shannon Harris, Supervisor
Comprehensive Plan Committee Members
Salvatore Morello III, Building Inspector

FROM: Myles Putman, AICP
M. L. Putman Consulting

DATE: January 22, 2018

SUBJECT: First Draft, Solar Regulations

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1. This office has prepared a first draft of a local law on solar power regulation that would be, once prepared in a final form acceptable to the Town Board, enacted as an amendment to the Town of Esopus Zoning Local Law.
 2. This draft local law has been prepared based on the respective solar regulations of the Towns of Saugerties and Ulster that have been previously circulated to the Comprehensive Plan Committee members, along with the presentation made the Committee this past April, and the comments made by individual Committee members. The Committee expressed it general support for the approach taken in the Saugerties regulations regarding large scale generation facilities.
 3. This draft local law is intended to addresses both solar generation as a permitted accessory use, and also large scale commercial generation as a primary land use. On the case of the latter, such facilities would be permitted subject to a special use permit approval from the Planning Board in certain districts in the Town.
 4. The proposed local law would amend five sections of the zoning law:
 - a. The “Use Table”, Section (§)123-10;

- b. The Supplemental Use Regulations, §123-11 (which concerns “as of right” accessory activities);
 - c. The specific standards for special permit uses, §123-13;
 - d. The supplemental regulations on area and bulk, §123-20; and
 - e. The definitions, §123-61.
5. Regarding large-scale generation facilities, the draft local law follows many of the provisions that are also found in the Saugerties regulations. However, this office strongly recommends that such facilities be restricted to three commercial / industrial zones - GC, LI and HI.
- a. Policy question for the CPC: Should such generation facilities also be allowed in the R-40 zone, possibly subject to criteria specific to locations within that district? Much of the Town is zoned R-40, and the major electric transmission lines (69,000 volts and greater) traverse the westerly extremes of the Town, much of which the zoned R-40.
 - (1) One reason for restricting large-scale solar generation to the GC, LI and HI districts is that these particular zones are mapped within or adjacent to the population centers of the Town, and the hamlet of Port Ewen in particular. These concentration of populations translate into “load centers” for electric use.
 - (2) The Town of Ulster regulations allow large scale solar facilities, outside of certain specified districts cited in their local la, based on a minimum lot size of 10 acres and a procedure that involves both a use variance from the Zoning Board of Appeals and a site plan approval from the Planning Board.
 - (3) Allowance for large-scale solar facilities being created in the R-40 should at least address a minimum lot size, screening and buffering requirements from adjacent residential uses, and proximity to an existing electric transmission line of 69,000 volts or more.
6. The proposed draft also sets for standards for accessory “as of right” solar installations for residences and businesses, primarily for on-site consumption. This would amend Section 123-11 with a new Sub-section H.
- a. Policy question for the CPC: Should free-standing and ground-mounted solar installations be prohibited in the more densely developed zoning districts, such as the BC (Broadway Commercial), NC (Neighborhood Commercial), or R-12 zones? Should these uses also be prohibited in the W (Waterfront) and WR (Waterfront Recreational) zones?
7. The language in the proposed new subsection is based in part on the provisions in the Town of Ulster code. However the level of detail in the proposed draft is not as rigorous as it is in the Ulster code (Section 190-73, in particular), as many of the provisions in the Ulster code would properly be matters that would be addressed in the Town’s Building Construction Local Law, Chapter 56 of the Town Code.
8. The draft also includes new language regarding height exceptions for solar panels, to be added to the supplemental regulations on area and bulk.

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW

A Proposed Local Law Amending Chapter 123 of the Town of Esopus Municipal Code entitled "Zoning, Town of Esopus, New York."

PROPOSED SOLAR REGULATIONS - first draft

1. Amendment of the "Use Table"

Section (§) 123-10, Schedule of Permitted Uses, Division D: Transportation and Utility Uses).

Amendment: add a new sub-category under Electric, Gas and Sanitary Services entitled "Solar Farm", "Solar Power Plant" or "Large Scale Solar Energy Facility", as a use allowed in the LI (Light Industrial), HI (Heavy Industrial) and GC (General Commercial) subject to approval of special use permit.

Use	RF-1	RF-2	R-40	R-12	NC	BC	GC	LI	HI	W	WR	Supplem Regs
Electric, gas and sanitary services: Solar Farm, Solar Power Plant, Large Scale Solar Energy Facility (4911)							◇	◇	◇			§123-13.W
All other electric, gas and sanitary services (49) except 4922	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	

2. Design, Operating and Review Standards.

§123-11, "Supplementary Regulations on Use"

Amend, by adding a new subsection (H), entitled: "Small-Scale Solar Generation Facilities", as follows:

- (H) Small-Scale Solar Generation Facilities. Rooftop and Building-Mounted Solar Collectors are permitted in all zoning districts in the Town subject to the following conditions in this subsection. No Small Scale solar energy system or device shall be installed or operated in the Town except in compliance with these regulations.
 - (1) Building permits shall be required for installation of all rooftop, and building-mounted solar collectors.
 - (2) There shall be adequate ventilation opportunities afforded by panel set back from other rooftop equipment (for example; shading or structural constraints may leave significant areas open for ventilation near HVAC equipment)
 - (3) In order to ensure firefighter and other fast responder safety, in accordance with the New York State Uniform Fire Prevention and Building Code, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop and building-mounted solar collectors.
 - (4) Building-Integrated Photovoltaic (BIPV) Systems: BTPV systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.

(5) Free-standing and ground mounted solar collectors. Free-standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts, subject to the following conditions.

- [a] Building permits are required for the installation off all ground-mounted and free-standing solar collectors.
- [b] The location of the solar collector meets all applicable setback requirements for accessory buildings in the zoning district in which it is located.
- [c] No solar collector may be installed in a front yard, except within the LI or HI districts, at a location beyond the minimum required front setback.
- [d] No unit shall exceed 10 feet in height from the ground unless an area variance is granted by the Zoning Board of Appeals, subject to the criteria set forth in §123-44(2) of this Chapter.
- [e] Freestanding and ground mounted solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area.
- [f] The total surface area of all ground-mounted and free-standing solar collections on a lot shall not exceed the area of the ground covered by the building structure of the largest building on the lot, providing that nonresidential placements exceeding this size may be approved by the Planning Board, subject to site plan review requirements of Section 123-47 of this chapter.

(6) Solar thermal systems are permitted in all zoning districts, subject to the conditions set forth in subsections (5)[a] through (5)[f] above.

§123-13, "Uses Requiring Special Use Permits".

Amendment: Add a new subsection W addressing development of a "Solar Farm", "Solar Power Plant" or "Large Scale Solar Energy Facility", as follows:

W. Solar farm, solar power plant, large scale solar energy facility:

- (1) The site for such facility shall be at least the minimum area required in the zoning district and the total area covered by the facility and all related appurtenances shall not exceed 70% of the gross area of the site.
- (2) Any generating equipment facilities or accessory uses shall be set back at least 50 feet from all property lines and streets. A continuous "wildlife friendly" fence, at least six (6) feet high, equipped with shall enclose all equipment and facilities and shall be set back at least 25 feet from all street and property lines. A wildlife friendly fence shall have 5" x 12" openings at ground level spaced no more than 100 feet apart to allow unencumbered travel by small animals.
- (3) A buffer strip of natural vegetation or landscaping with a minimum dimension of at least 50 feet shall be located within the minimum setback.
- (4) (No generating equipment, facilities or other structures shall exceed a height of 25 feet above

existing grade except when utility engineering standards require that utility poles or towers to connect the solar energy facility to the utility distribution grid be of greater height.)

- (5) No light, noise, vibration, glare or similar effect beyond that normally generated by other uses permitted in the district shall be discernable at or beyond the property boundary.
- (6) The siting of such facilities must take into consideration, where applicable, (a) possible impacts upon active farming operations on or adjacent to the site of the solar facility; (b) possible impacts on viewsheds of special importance, including, but not limited to, any designated Statewide Area of Scenic Significance (SASS), and locations adjacent to sites or districts listed on, or deemed eligible for listing on, the National Register of Historic Places; and (c) possible impacts upon forest cover and significant habitats.
- (7) Solar energy facilities shall be considered to be buildings for purposes of site plan review.
- (8) Decommissioning: The following conditions shall be attached to the special use permit:
 - (a) If the applicant ceases operations of the solar energy facility or begins, but does not complete, construction of the facility the applicant shall restore the site according to a plan approved by the Planning Board. Said plan shall provide that the owner and/or facility operator shall provide financial security in a form and amount acceptable to the Town attorney to secure the expense of dismantling said facility in its entirety.
 - (b) The facility owner shall notify the Code Enforcement Officer in writing immediately upon cessation of operations or abandonment of the facility and shall be responsible for removal of the facility within six (6) months of such notification or cessation of operations or abandonment of the facility, whichever first occurs.

3. Related accessory standards:

§123-21, “Supplementary Regulations on Area and Bulk” ; Subsection A, “Height Exceptions”.

Amend, by adding a new subsection (4), as follows:

- (4) Rooftop and Building-Mounted Solar Collectors shall not exceed the maximum allowed height by more than four (4) feet of the principal use in any zoning district.

Subsection C, “Standards for yards and accessory buildings”.

Amend by adding a new subsection (9), entitled “Coverage Exceptions”, as follows:

- (9) Coverage Exceptions: The required coverage as set forth in the Schedule of Area and Bulk Regulations (§123-20) shall not apply to solar energy facilities as defined in Sec. 123-61 where a solar array is designed and located so that the underlying lands remain and continue to function in a pervious condition.

4. Definitions:

§123-61, “Terms Defined”

Amend, by adding the following terms:

SMALL-SCALE SOLAR GENERATION FACILITY - Solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy, or solar thermal systems which serve the building to which they are

attached, and do not provide energy for any other buildings.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR FARM, SOLAR-POWER PLANT, or LARGE SCALE SOLAR ENERGY FACILITY - A power generation facility that converts solar energy into electricity, whether by use of photovoltaic systems or other solar technologies, whose primary purpose is to produce electricity principally for distribution off-site on a wholesale or retail basis. Solar energy generation facilities may consist of one or more freestanding ground mounted solar collector devices, solar related equipment and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.