

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 Cochection

FILED
STATE RECORDS

MAY 16 2018

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law To Amend Chapter 240 "Zoning" of the Town Code in Relation to Summer Camps and
(Insert Title)
Private Schools

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cochection

as follows:

See Attached Local Law 1 of 2018

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

(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. 1 _____ of 20¹⁸ of the (County)(City)(Town)(Village) of Cochecton was duly passed by the Town Board _____ on May 9 20¹⁸, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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.~~

* 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.

Margaret Richardson

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

Date: 05-09-2018

(Seal)

Town of Cohecton, Sullivan County, New York
Zoning Law Amendment

Be it enacted that Chapter 240 of the Town of Cohecton Code (Zoning) is hereby amended to add Section 240-38(A) "Summer camps and private schools" reading as follows;

§ 240-38(A) Summer camps and private schools.

A. Definitions. The following special definitions shall apply to this section:

PRIVATE SCHOOL:

An educational facilities with or without dwelling structures where organized educational programs are conducted by other than the public school district and recreational elements are strictly accessory in nature. A private school shall not include temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of the students who are attending the private school or of the employees who work there, except as otherwise provided herein.

SUMMER CAMP

A combination of educational and/or recreational facilities with dwelling structures where organized programs are conducted primarily for youth and where occupancy is limited to the months of May through October. Such facilities typically include any or all of the following features: temporary or permanent shelters; buildings or structures that are designed for warm weather seasonal use, including cabins, cafeterias, gymnasiums, community centers, instructional building and rooms, administration buildings and similar structures designed for the use of camp attendees; ballfields, basketball/tennis courts, running tracks, swimming pools, horseback riding facilities, hiking/biking/riding trails; and similar recreational or educational facilities. A summer camp shall not include temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of the students who are attending the summer camp or of the employees who work there, except as otherwise provided herein.

B. Location. Summer camps and private schools shall be permitted as Special Uses in the RU Rural Development District.

C. General standards. The following standards shall apply to all summer camps and private schools.

- (1) No summer camp or private school shall be established on a parcel of less than twenty-five (25) acres in lot area, a minimum of 50% of which required lot area shall be free of 100-year floodplains, Federal and State wetlands and slopes over 15% in grade, as otherwise defined in this chapter.

Town of Cocheton, Sullivan County, New York
Zoning Law Amendment

- (2) All summer camps and private schools shall provide a minimum of 10,000 square feet of lot area per cabin, cottage or living quarters and the same for each other principal building. No existing structure shall be converted for use as summer camp or private school facilities unless such facilities shall fully comply with the standards of this section.
- (3) No buildings, structures, parking areas, sewage treatment facilities, recreation areas or other facilities, other than a required access, shall be located nearer than 200 feet from any public road and 200 feet from any adjoining property line.
- (4) Buildings and sleeping quarters shall be set back 50 feet distance from each other.
- (5) Cabins, cottages or living quarters provided in conjunction with any summer camp or private school shall be limited to a maximum of ten (10) persons each with no permanent family occupancy except as a single care-taker unit. All cabins, cottages and living quarters shall be constructed to meet New York State Building Code requirements for permanent structures and shall, for purposes of restricting density and intensity of use, provide a minimum of 125 square feet of floor area per intended occupant. Basement areas shall not be used for sleeping areas or included in the 125 square feet of floor area per intended occupant calculation.
- (6) Recreational facilities such as, but not limited to, swimming pools, tennis courts, basketball courts, baseball fields, athletic fields, gymnasiums, community centers, administration buildings and similar structures shall be set back 200 feet from all lot lines and shall be effectively screened along lot lines as required by the Planning Board.
- (7) If floodlighting is used, exterior lighting shall be restricted to that essential for the safety and convenience of the users of the premises; and the source of such illumination shall be shielded from the view of all surrounding streets and lots.
- (8) The use of outdoor public address systems is strictly prohibited and all summer camps and private schools shall be subject to §240-29.D hereof pertaining to noise.
- (9) All signage located on a public road shall include English language versions of messaging for purposes alerting emergency personnel to entrances, exits and the like. All buildings shall be named or numbered for purposes of identification, also including English language.

**Town of Cohecton, Sullivan County, New York
Zoning Law Amendment**

- (10) All structures and land uses shall be effectively screened along lot lines, as required by the Planning Board.
- (11) No less than one improved off-road parking space shall be provided for each summer camp participant and/or private school enrollee. Additional overflow parking, which may be unimproved but shall be of suitable character to ensure there will be no parking spillover onto public roads during periods of peak occupancy shall be provided. Such parking shall accommodate no less than 50% additional parking spaces above and beyond otherwise required parking. Parking shall ordinarily be to the rear of buildings except for unloading and loading areas.
- (12) No summer camp or private school shall leave trash and/or rubbish exposed in such manner as to emit offensive odors, cause the breeding of flies, rodents or other vermin or permit such rubbish to be dragged off by other animals.
- (a) All trash and/or rubbish shall be placed in a leakproof receptacle and in such manner as to prevent it from leaking or blowing or falling. Trash and/or rubbish receptacles shall be placed in the rear yard and emptied regularly, screened from view of the traveling public and secured when not in use, if not removed. It shall be a violation of this article if the lid of any receptacle cannot be closed securely.
- (b) The Town Code Enforcement Officer may require the installation of fencing or an enclosure to ensure compliance with this requirement, which fencing or enclosure shall be depicted upon a site plan and be subject to review and approval by the Planning Board. All summer camps and private schools shall, within three days of cessation of use, legally dispose of all trash and/or rubbish and empty all receptacles. Vacating any summer camp or private school property for more than seven days shall constitute a cessation of use for the purposes of this article.
- (c) Within 10 days of receipt of a compliance order issued by the Town Code Enforcement Officer to any summer camp or private school properly mailed to the property owner at his or her last known address and posted on the premises in question, the owner or operator thereof shall legally dispose of all trash and/or rubbish located on the real property in question, empty and clean all receptacles, where so indicated in the notice, and otherwise comply with the terms and conditions of said notice.
- (d) If the owner or operator of any summer camp or private school fails to comply with the compliance order issued by the Town Code Enforcement Officer pursuant to this section, such officer shall

**Town of Cohecton, Sullivan County, New York
Zoning Law Amendment**

report same to the Town Board which may authorize entry onto said lands to cause any trash and/or rubbish to be removed from the real property in question. Said work may be performed by Town employees or by a person or persons hired by the Town to conduct said work. The costs and expenses of said work, together with any administrative costs that may be imposed by the Town pursuant to Town Law, shall be the sole responsibility of the owner of the real property in question.

- (e) In the event the owner and persons in interest shall fail to comply with the final order of the Town Board to remove trash and/or rubbish, the Town Board shall order such trash and/or rubbish removed and assess all the costs and expenses, including the cost of actually removing such trash and/or rubbish, against the land on which such trash and/or rubbish is located at the same time and in the same manner as general Town taxes. The Town Board shall also have the option to enforce payment in any other legal manner available to the Town, including requirements for escrow accounts to cover the cost of trash and/or rubbish removal in those instances where the Town Board has previously needed to exercise its authority under this section.
 - (f) Upon serving the notice, any unpaid charges shall constitute a lien upon the affected real property, as provided by § 64, Subdivision 5-a, of the New York State Town Law, the imposition of which shall not be a defense for any other action with which the Town may wish to proceed to collect monies owed it or which the Town may seek enforcement.
- (13) All summer camps and private schools shall be designed with vehicular and pedestrian access and circulation within the site as to ensure the safety and well-being of any children or young adults attending the facilities, with particular safeguards addressing periods of drop-off and pick-up of children. Improved off-road bus loading and unloading areas shall be established outside the public road right-of-way and of sufficient size to accommodate all anticipated campers and/or students at the peak arrival/departure time. Such loading/unloading areas shall be subject to site plan review by the Planning Board.
- (14) The Planning Board, in conducting site plan review for any summer camp or private school, which application shall include all details specified herein as well by §240-17 and §240-18 hereof, shall consider the architectural design of the entire project, including materials used, colors and improvement placements relative to public view and may impose conditions relative thereto. The Planning Board shall also ensure the landscaping standards of §240-19 hereof are fully met.

Town of Cohecton, Sullivan County, New York
Zoning Law Amendment

- (15) A full environmental assessment form, as provided by the New York State Environmental Quality Review Act (SEQRA), shall be prepared for any private school or summer camp. This full environmental assessment shall, at a minimum, be accompanied by a visual impact study, a fire protection and emergency response plan and evidence of potential impact on neighboring property values compiled by a licensed appraiser based on experience at other locations, extrapolating that evidence to analyze potential impact on property values near the site. The Planning Board, in its sole discretion in accordance with its site plan review, may require an Environmental Impact Statement. Nothing contained herein shall limit the Planning Board from being permitted to exercise its right to require an Environmental Impact Statement as part of its site plan review.
- (16) All site plan and Special Use approvals of private schools and summer camps shall be subject to annual renewal following inspection by the Town Code Enforcement Officer to ensure compliance with all standards contained herein and any additional conditions attached to such approvals.
- D. Summer camps. The following additional standards shall apply to all summer camps.
- (1) The seasonal occupants of a summer camp shall be limited to the owner and his or her immediate family, one caretaker, children under the age of 18 years who may pay a fee or tuition to attend as campers and persons employed by the owner or operator of any such summer camp to support its function, including counselors, cooks and maintenance personnel. A staffing plan to ensure any long-term occupancy of units is restricted to these essential personnel shall be submitted with any Special Use application.
- (2) Camps shall be limited to occupancy during the months of May through October except for a single care-taker housing unit occupied by one caretaker and his/her immediate family.
- (3) All regulations of the New York State Health Department pertaining to summer camps, their staffing and sanitary facilities shall be met.
- E. Private schools. The following additional standards shall apply to all private schools.
- (1) Occupants of dwelling structures shall be limited to the owner and his or her immediate family, one caretaker and his/her immediate family, students who may pay a fee or tuition to attend and persons employed by the owner or operator of any such private school to support its function,

Town of Cohecton, Sullivan County, New York
Zoning Law Amendment

including teachers (limited to the ratio of no more than one per 15 students, which teachers shall be accredited and employed at least 20 hours per week), counselors at the rate of one per 15 students, cooks and maintenance personnel. Full-time year-round occupants shall be strictly limited to a maximum of two owner or caretaker households. A staffing plan to ensure any long-term occupancy of units is restricted to these essential personnel shall be submitted with any Special Use application.

- (2) All regulations of the New York State Education and Health Departments pertaining to private schools, their staffing and facilities shall be met and the curriculum shall be limited to subjects typically taught in public schools, colleges, seminaries, yeshivas or other similar institutions not to exclude any religious education.
- (3) Private schools shall be limited to a maximum of 180 days per year of instruction, each calendar day counting toward the total, regardless of the hours of instruction provided per day.