

**Town of Wawarsing**

**Local Law No. 4 of 2023**

A Local Law to enact certain amendments to Chapter 112, Zoning, of the Code of the Town of Wawarsing, to make zoning revisions that update the special use permit standards for camps.

**SECTION I. TITLE.**

This local law shall be known as "A Local Law Enacting Certain Zoning Amendments to Chapter 112, Zoning, of the Code of the Town of Wawarsing Regulating Camps."

**SECTION II. AUTHORITY.**

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 112, Article XIX, Amendments, of the Code of the Town of Wawarsing. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town Law, the Town Board hereby asserts its intent to supersede Section 278 pursuant to Home Rule Law.

**SECTION III. REVISIONS TO CHAPTER 112, ZONING.**

**1. Section 112-4. Definitions.**

- a. The definition of "Camp," "Camp, Day," "Camp Overnight," and "Camp Seasonal," as set forth in Section 112-4, shall be amended to read as follows:

**CAMP** – The development or use of a lot, tract or parcel of land operated commercially or as a not-for profit, held in single unified ownership for the provision of indoor or outdoor recreational or educational activities. Any or all of the following features may be included: buildings or structures that are designed for seasonal use or year-round use (depending on the type of camp), including but not limited to: cafeteria, gymnasiums, community centers, administration buildings, sanitary facilities, and similar buildings for use by camp attendees and designed in accordance with all applicable uniform building codes as they apply to their intended use, e.g., seasonal or year-round. In addition, ball playing fields, basketball courts, tennis courts, running tracks, swimming pools, horseback riding facilities, hiking and riding trails, and other similar recreational facilities are permissible. The occupants of a camp shall be limited to the owner, staff (including volunteers), all individuals registered for the camp session, and family members when permitted for a seasonal camp in accordance with Section 112-41(F)(2). Camps are further categorized as follows:

- A. **CAMP, DAY** - A parcel of land (or adjoining parcels of land) used for recreational, educational or business-related use and that does not include any overnight accommodations. A camp established and maintained for temporary, summer seasonal occupancy during the period or part of the period from June 1 to September 15 in any year for the daytime supervision of children under 16 years of age, under general supervision, for the purpose of indoor or outdoor organized group activities, as regulated in Part 7 of Title 10 (Health) of the New York Codes Rules and Regulations, for a period of less than 24 hours on any day the property is so

occupied and/or which no provisions are made for overnight occupancy, is deemed a day camp.

B. **CAMP, OVERNIGHT** - A camp used seasonally by families and households that include overnight accommodations and that operate any time during the period or part of the period from June 1 to September 15 in any year.

C. **CAMP, SEASONAL** - A camp used seasonally to provide for the supervision of children between the ages of 5 and 18, along with overnight accommodations within bunk houses, cabins or similar building during the summer period or part of the period from June 1 to September 15 in any year. A seasonal camp shall not include temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of the attendees of the camp or its staff or employees, except in accordance with the seasonal camp requirements set forth in this Zoning Chapter.

b. **The definition of "Dwelling, Single-Family" as set forth in Section 112-4 shall be amended to add the following additional sentence:**

This definition shall not include or apply to seasonal single-family dwellings described in Section 112-41(F)(2).

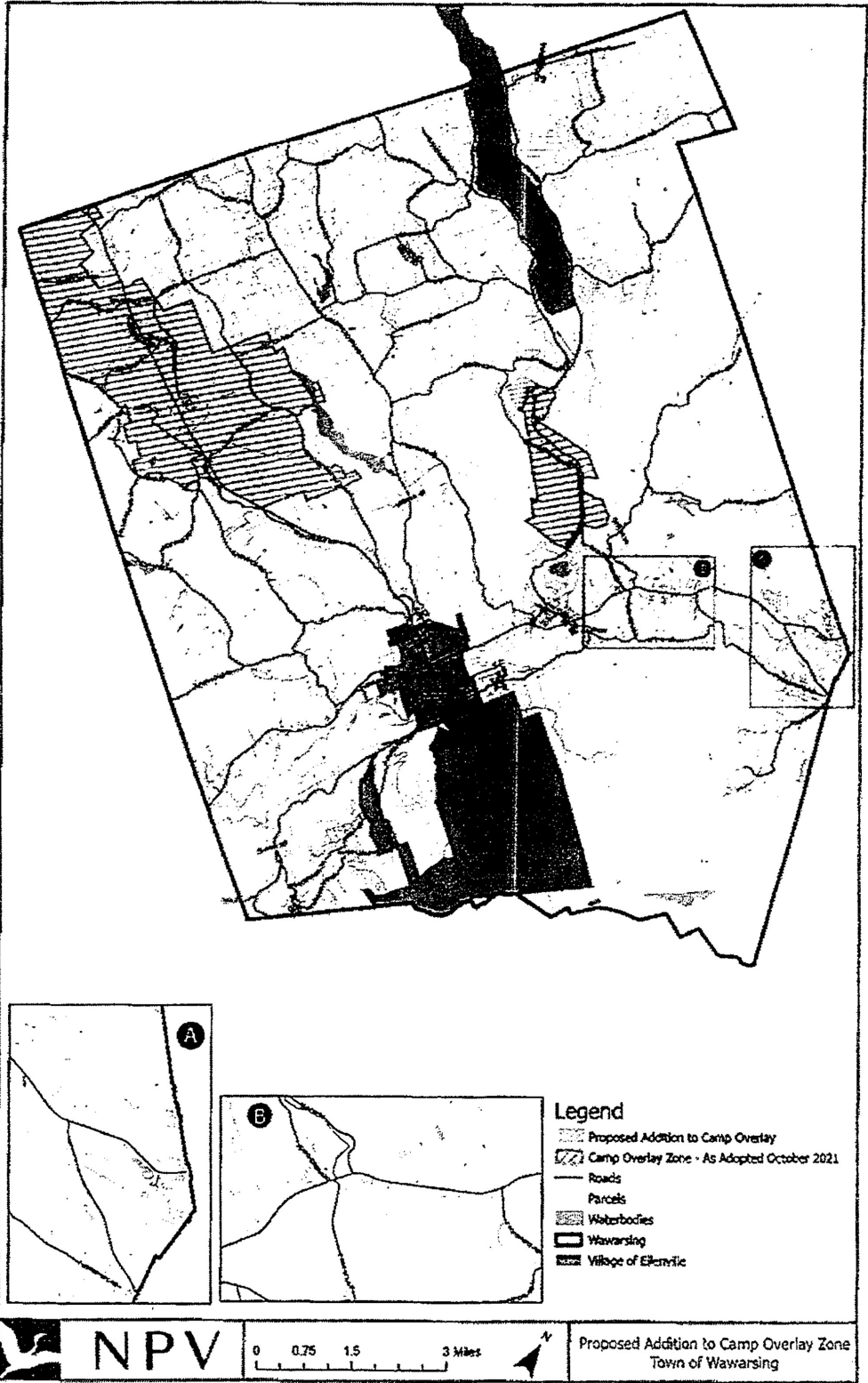
2. **Section 112-5, Enumeration of districts. Amend Section 112-5(C), Camp Overlay (C-O) District, by amending Section 112-5(C)(2) to read as follows:**

(2) **Preexisting nonconforming camps.** Upon the effective date of this Chapter, all camps that have been established legally and not situated within the C-O Zone are deemed nonconforming uses and subject to the requirements of Article IX of this chapter. The expansion or alteration of any nonconforming camp use shall, in addition to meeting the requirements for nonconforming uses as set forth in this Chapter, meet the review standards and site plan and/or special use permit procedures specific to camps set forth in this Section as provided under Section 112-68(H).

3. **Section 112-6. Zoning Map, and Appendix F.**

a. **Amend the Zoning Map to include the following parcel in the Camp Overlay District: Section 74.2, Block 1, Lot 55 as shown**

b. **Replace Appendix F with the revised Official Zoning Map of the Town of Wawarsing which is attached hereto and made a part hereof.**



4. **Section 112-8. Schedule of District Regulations, and Appendix A. In Appendix A, Schedule of District Use and Bulk Regulations (112 Attachment 1), in all Districts:**

a. In fifth column, add the following symbol after "Development Standards": +

b. Add the following corresponding footnote as the last item under Notes:

+Special Uses may have more specific bulk requirements or development standards contained in § 112-41. In any case where standards conflict, the stricter standards shall control.

4a. Section 112-26 B (11) amended by adding "The foregoing notwithstanding, one dwelling for a resident manager, caretaker or owner, designed for year round occupancy, may be erected or placed at every Campground or RV park.

5. **Section 112-41. Individual special use standards. Amend Section 112-41, Individual special use standards, by replacing subsections "D", "E", and "F", with the following:**

**D. Camp, day.**

(1) **Site capacity.** The minimum lot area, as defined in Section 112-10(F), shall be twenty-five (25) acres. The Planning Board may place limits on the overall number of cabins, dwellings, or campers in order to accommodate the use and avoid adverse impacts to the environment, the zoning district, or the Town's residential uses and neighborhoods. In doing so, the Planning Board shall consider the adequacy of potable water, wastewater disposal facilities, traffic circulation and emergency access, Uniform Fire Prevention and Building Code compliance, and other criteria that address public health, safety, and welfare of residents and campers. The Code Enforcement Officer, as part of any camp special use permit, may conduct inspections when the camp is in operation periodically with prior notice of at least twenty-four (24) hours, except in cases of emergency, to determine compliance with the capacity requirement.

(2) **Frontage.** The camp shall have a minimum frontage of two hundred (200) feet on a county or state road. The Planning Board, in its discretion, may allow a camp to be situated on a Town Road where it determines, in consultation with the Town Highway Superintendent, that said road and intersections have adequate capacity to handle traffic from the camp and will not cause any adverse access, noise, or other impacts to adjoining residential uses.

(3) **Layout.** Camp facilities shall be designed so as to be consistent with the character of the surrounding neighboring residences. Buildings and structures shall not exceed two-and-one-half (2.5) stories and thirty-five (35) feet in building height except for cafeterias, gymnasiums, community centers, religious buildings, administration buildings, and similar non-residential types of buildings and structures which shall not exceed forty-five (45) feet in building height.

(4) **No recreational vehicle or tent campsites,** or any other transient or overnight camping accommodations, shall be offered to noncampers, and no camping trailer or recreational vehicle of any size is allowed in a camp, except as approved by the Planning Board on a

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temporary basis, considering compatibility with the health, safety, and welfare of campers and neighboring residents.

- (5) No building, cabin, tent, or active recreation facilities/structures shall be located closer than fifty feet (50) feet from any lot line, except said setback shall be a minimum of one hundred (100) feet from any lot line or portion thereof that adjoins a residential use. Notwithstanding the foregoing, a camp in existence prior to the effective date of this Zoning Chapter with a setback of less than 100 feet from an adjoining residential use may be expanded with new buildings, cabins, tents, or active recreation facilities/structures that maintain the current setback provided it is a minimum of fifty (50) feet from adjoining residential uses. The uses and structures within the camp shall be effectively buffered and screened as required in Subsection (6) below to minimize noise and visual impact to adjoining residential properties.
- (6) A landscape buffer no less than fifty (50) feet inward from the camp property lines shall be provided and maintained within the required setbacks which shall provide adequate screening to provide visual separation from adjoining properties during all times of the year through preservation of existing vegetation and/or installation of a mix of deciduous and coniferous trees, shrubs, and other vegetation that achieves the screening objective. Said buffer may be encroached upon only by a driveway that provides direct access to an adjoining road. The Planning Board may waive or reduce this landscape buffer requirement where it finds that adequate screening is provided by reason of topography, existing forested landscape, and/or where no activities or structures will be visible from adjacent properties. Where the buffer is provided by preservation of existing vegetation, notes shall be provided on a site plan that restrict clearing within the buffer area. Passive recreation uses such as walking, hiking, wildlife observing, nonmotorized biking and similar activities that do not disturb the landscape buffer and that do not generate significant noise as determined by the Planning Board are allowed within the buffer, and minimal cutting or trimming of vegetation to allow such passive recreation issues within the buffer shall be permitted.
- (7) Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not disturb nearby residential properties. Such evidence must take into account the nature of the activity, the frequency of the activity and the time and day of the proposed activity. Public address systems are prohibited except as allowed below.
- (8) Sanitary and wastewater disposal systems shall be approved by the New York State Department of Health. Enclosed flush toilets shall be required.
- (9) Centralized solid waste receptacles shall be required with mandatory fencing and screening of at least 6 feet in height. Waste in these receptacles shall be collected regularly to avoid odor, health hazards and litter. At the discretion of the Planning Board and based on the size and operation of the camp, the Planning Board may require a trash compactor. On-site

storage of refuse longer than seven (7) days, and the burial of any refuse or debris is prohibited.

- (10) Adequate emergency access shall be required throughout the camp site. The Planning Board shall ensure that suitable surfaces are provided for internal driveways to ensure emergency equipment can access all occupied areas of the site. The camp shall be designed with two separate points of ingress and egress, unless the Planning Board grants a waiver from this requirement for good cause shown by the Applicant such as where two separate points are not feasible and adequate procedures and safeguards can be put in place to allow adequate access to the site. All internal drives shall consist of a dustless stabilized surface, and the Planning Board may require that they be paved to accommodate emergency vehicles based on the recommendations of the fire district or other emergency services providers, or the Town's engineering consultant. Drop-off and pickup areas for buses and vehicles shall be located no less than one hundred (100) feet from the lot line along the street providing access to the site, or some lesser distance if the Planning Board determines there is sufficient space to queue buses and other vehicles on the site without creating any queuing on the street(s) that provide access to the site during ordinary operations. There shall be safe and adequate management of vehicular and pedestrian traffic entering and exiting the site, as well as within the site, including particular safeguards covering episodic periods of drop-off and pick-up of children and/or visitors. Buses shall be boarded and off-boarded within the site and adequate space shall be provided.
- (11) No parking, loading or maneuvering incidental to parking shall be permitted in connection with the use of any camp on any public street, sidewalk, required buffer, right-of-way or any public grounds not part of the camp.
- (12) Accessory structures including, but not limited to, laundry rooms, recreation rooms, cafeteria, accessory religious space for worship that are ancillary to the operation of the campground are permitted.
- (13) Fireplaces and campfires. All fires in any camp shall be in a designated approved location with at least a stone or other fireproof enclosure demarcating the usable area from which all vegetative growth or other flammable material which might contribute to the accidental spread of the fire shall be removed. A camp shall adhere to all outdoor burn bans issued by any local, county, or state agency.
- (14) Resident manager. One dwelling for a resident manager may be occupied year-round and shall be permitted accessory to a day camp.
- (15) NYS Uniform Code. The camp shall comply with the requirements of the NYS Uniform Fire Prevention and Building Code, as may be amended from time to time. The Code Enforcement

Officer may conduct inspections annually, or at other times for cause or in response to a complaint, to ensure such requirements and any Planning Board approvals are met.

(16)Management. Every camp shall maintain with the Town the contact information for the person in charge of the camp, including a phone number(s) for contact in the event of an emergency, or otherwise, available 24 hours per day.

(17)Lighting. Lighting shall be dark sky compliant.

(18)Public address system. A public address system may be allowed by the Planning Board where it finds the system will be operated in a manner that complies with the Town's Noise Control Law (Chapter 78 of the Town Code). The Planning Board shall approve the location of the public address system at the time of site plan approval to ensure it meets this requirement. If at any time the system is not in compliance with the Town's Noise Control Law, the Code Enforcement Officer shall require it be relocated or removed. The public address system may only be operated from dawn to dusk, but nothing herein shall limit its use in an emergency.

(19)Identification sign. A sign shall be permitted in accordance with the sign regulations of this Chapter. For safety purposes, an identification sign shall be provided along the public road to which the camp fronts.

(20)Visitation/events. The camp may exceed the overall camp capacity as set forth in Subsection D.1 above on visitation and event days. The Planning Board may review and set limits on the number of events and timeframes for the events/visitation days, which shall take into consideration the need for parking, demand for potable water and wastewater generation, and similar factors.

(21)Architectural review. The color, design, and materials of all buildings shall be subject to review and approval by the Planning Board. The Planning Board may require sample materials, elevation and renderings to be submitted. A camp shall be designed using earthtone colors to fit into the landscape, except where there is a showing of need for different colors for religious or safety requirements.

(22)Landscaping. The Planning Board may require a landscaping plan.

(23)Amendments. The alteration or expansion of any day camp operating with a special use permit shall require review and approval of an amended special use permit and site plan under Section 112-40 and Article VIII of this Chapter and shall be subject to the special use permit standards and requirements of this Section.

#### **E. Camp, overnight.**

- (1) An overnight camp shall adhere to all requirements for day camps.
- (2) Cabins or other sleeping quarters shall be constructed in compliance with all applicable New York State and Ulster County requirements, rules, and regulations.
- (3) Cabins or sleeping quarters that are part of an overnight camp shall only be used as part of the overnight camp use and no building shall exceed 4,000 square feet in gross floor area except where the Planning Board permits larger buildings based on a determination that the layout and locations of such larger dwelling units will ensure compatibility with the health, safety, and welfare of campers and neighboring residents. There shall be no permanent family occupancy in the overnight camp, except for resident manager quarters as set forth herein. All cabins and sleeping quarters shall otherwise be constructed in accordance with NYS Uniform Fire Prevention and Building Code and Sanitary Code requirements, as may be amended from time to time.
- (4) Resident manager quarters. Living quarters for any resident manager(s) and/or property owner(s) and their family household who live separately from campers or counselors sleeping in dormitories, cabins, bunkhouses or other such group quarters without cooking facilities shall be provided within a permanent dwelling structure, meeting the requirements of the New York State Uniform Fire Prevention and Building Code. Such dwelling apart from camper and counselor staff beds in group quarters shall contain its own cooking facilities and shall be treated as a dwelling unit. The density for a dwelling unit shall be the minimum lot area required for a dwelling unit in the zoning district in which the camp is located. The required minimum lot area(s) for the living quarter unit(s) for resident manager(s) or property owner(s) shall be subtracted from the lot area before calculating the maximum number of camper or staff beds in group quarters permitted at the overnight camp. The dwelling unit for a resident manager or property owner may be located within the overall property and need not be situated on an individual lot. The resident manager shall be on the premises on a regular basis or shall provide regular inspections to guard against vandalism during the off-season.
- (5) Operation plan. Upon request of the Building Department, the applicant for an overnight camp shall submit a copy of a camp safety plan as required by Title 10, Subpart 7-2, Children's Camps, of the New York State Public Health Law.

**F. Camp, seasonal.**

- (1) A seasonal camp shall adhere to all requirements for day camps and overnight camps.
- (2) Sleeping quarters for families and households shall be considered seasonal single-family dwelling units, whether attached or detached. Seasonal single-family dwelling units shall only be occupied during the camp season and must be occupied by at least one staff member. The Planning Board may place limits on the overall number of seasonal dwelling units in order to accommodate the use and avoid adverse impacts to the environment, the zoning district, or



the Town's residential uses and neighborhoods. In doing so, the Planning Board shall consider the adequacy of potable water, wastewater disposal facilities, traffic circulation and emergency access, Uniform Fire Prevention and Building Code compliance, and other criteria that address public health, safety, and welfare of residents and campers. The dwelling units shall be laid out so as to have a rural naturalistic appearance and shall not be laid out in a grid. Detached dwelling units and/or buildings containing attached dwelling units shall be separated no less than forty (40) feet from one another, and the Planning Board shall approve the layout and locations of dwelling units to ensure compatibility with the health, safety, and welfare of campers and neighboring residents.

- (3) Nothing herein shall permit individual ownership of the dwelling units, e.g., condominium association.
- (4) The Planning Board shall require a landscaping plan for that area designed with sleeping quarters for families and households.

**6. Article IX Nonconforming Uses and Structures. Section 112-68. Changes and additions. Amend Section 112-68 to add a new subsection H as follows:**

H. Pre-existing nonconforming camps. Upon the effective date of this Zoning Chapter, legally existing, nonconforming camps, including those located outside the boundaries of the Camp Overlay District, shall not be required to obtain a special use permit, except as set forth below. Notwithstanding the provisions of Section 112-67, the discontinued use or vacancy of a particular building or structure within an existing nonconforming camp shall not be deemed an abandonment provided the camp use on the parcel has not been discontinued for 12 months or more. The alteration or expansion of any such nonconforming camp shall be allowed as follows:

- (1) The addition or alteration of structures, other than cabins or other sleeping quarters, within the same limits of disturbance, shall require site plan review and approval under Article VIII of this Chapter. The changes shall meet the special use standards for camps set forth in Section 112-41, but shall not require a special use permit. This subsection shall not apply to interior alterations of structures not increasing camp capacity.
- (2) The addition or alteration of structures, other than cabins or other sleeping quarters, that expands the limits of disturbance, shall require site plan review and approval under Article VIII of this Chapter. The changes shall meet the special use standards for camps set forth in Section 112-41 but shall not require a special use permit.
- (3) The conversion of any existing buildings to cabins and other sleeping quarters, which increases the sleeping capacity of the camp, or which requires changes to any water or sewer systems serving the camp, and which does not increase said capacity by more than thirty-five percent (35%) of the of the septic capacity as documented by the Department of Health permits in effect on the effective date of this Chapter and which does not

increase the limits of disturbance, but otherwise meeting the bulk and zoning requirements applicable to the zoning district within which the camp is located, shall require site plan review and approval under Article VIII of this Chapter. The 35% increase in septic capacity shall be calculated cumulatively and include the increase that results from all changes that occur after the effective date of this Chapter. The changes shall meet the special use standards for camps set forth in Section 112-41 but shall not require a special use permit.

(4) The conversion of any existing buildings to cabins and other sleeping quarters, which increases the sleeping capacity of the camp, which increases said capacity by more than thirty-five percent (35%) of the septic capacity as documented by the Department of Health permits in effect on the effective date of this Chapter, or the construction of new cabins or other sleeping quarters shall require special use permit and site plan review and approval under Article VIII of this Chapter and said expansion shall be subject to the special use permit standards and requirements of Section 112-41. The 35% increase in septic capacity shall be calculated cumulatively and include the increase that results from all changes that occur after the effective date of this Chapter.

(5) The expansion of any existing camp to any adjacent parcel of property not part of the existing camp development shall require special use permit and site plan review and approval under Article VIII of this Chapter and said expansion shall be subject to the special use permit standards and requirements of Section 112-41. This subsection shall not apply to lot line adjustments where no new camp development or camp use is proposed on the expanded lot area until such time as new camp development or camp use is proposed on the expanded parcel.

**7. Section 112-75. Planning Board. Amend Section 112-75 of the Zoning Chapter to add a new subsection H as follows:**

H. **Waivers.** The Town Board hereby grants to the Planning Board the authority, in the Planning Board's discretion and as part of any application for which it has review and approval authority, to waive any number of the zoning requirements found in the text of Chapter 112, Appendix A (Schedule of District Use and Bulk Regulations), or on the Official Zoning Map, to the extent necessary if such requirement(s) place a substantial burden on the religious exercise of a person, religious assembly or institution. The applicant shall have the burden of providing materials that establish/demonstrate said substantial burden. Such waiver authority shall not apply to requirements of the New York State Uniform Code which are outside the Planning Board's jurisdiction.

**SECTION IV. SEVERABILITY.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any

reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

**SECTION V. CONFLICT WITH OTHER LAWS.**

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

**SECTION VI. EFFECTIVE DATE.**

This Law shall become effective upon filing with the New York State Secretary of State.

**SECTION VII. AUTHORITY**

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.