

TOWN OF TORREY
LOCAL LAW NO. 4 OF THE YEAR 2008
A LOCAL LAW CHANGING THE PROCEDURE FOR
CREATING A PLANNED UNIT DEVELOPMENT
IN THE TOWN OF TORREY

Be it enacted by the Town Board of the Town of Torrey as follows:

§ 98-66 Purpose, objectives and permitted uses

A. Purpose.

- (1) The purpose of planned unit development (PUD) regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; to preserve the natural and scenic qualities of the environment; to facilitate the provision of usable open space; and to substitute an approved development plan for conventional zoning regulations as the basis for continuing land use and development controls for the PUD area.
- (2) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare, and convenience both in the use and occupancy of buildings and facilities in planned groups.

B. Objectives. The objectives of a PUD are as follows:

- (1) The unified development of a substantial land area with such combination of structures and uses as shall be appropriate to an integrated plan for the area.
- (2) A maximum choice in the types of housing, occupancy tenure (e.g., individual ownership, cooperatives, condominiums or leasing), lot size and community facilities available to existing and potential Town residents at a range of price points.
- (3) The preservation of trees, drainage ways, outstanding natural features and the minimizing of soil erosion.
- (4) A creative use of land and related physical development which allows an orderly transition of land from more-intensive to less-intensive uses.
- (5) More usable recreation space and open areas.
- (6) An efficient use of land resulting in smaller networks of utilities and roads, thereby lowering housing and community costs.
- (7) A development pattern in harmony with the long-range objectives of the Town.
- (8) A more desirable environment than would be possible through the strict application of traditional regulations of this chapter.

§ 98-67 Definitions

Planned Unit Development means a site upon which a primarily residential independent freestanding zoning district that may include commercial (not exceeding 20% of the gross site area), recreation and open space or any combination thereof may be authorized in a flexible manner.

§ 98-68 General requirements

- A. **Minimum Area.** The minimum area requirements for a PUD shall be twenty contiguous acres of land, un separated by public streets, roadways, highways or any private rights of way or other ways that provide for access by a passenger vehicle licensed for use on a public street or by other properties.
- B. **Ownership.** The tract of land for the PUD shall be owned or under legal option to purchase by the applicant, who may be a single person, corporation or a group of individuals or corporations. The application shall be filed by the owner or jointly by the owners of all property included in the PUD. In the case of multiple owners, the approved plan shall be binding on all owners.
- C. **Location.** The PUD regulations shall be applicable to any area of the Town of Torrey where the applicant can demonstrate that the characteristics of the Applicant's holdings will meet the objectives and spirit of this Article. A PUD proposal must demonstrate its compatibility with the objectives of the Comprehensive Plan including the surrounding land uses, neighborhood character and traffic pattern, capacity and volume.
- D. **Open space.** A minimum of 40% of planned unit site area shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- E. **Subdivision in a Planned Unit Development.** The developer shall plat the entire PUD as a subdivision. The site plan review and public hearing required for the PUD shall suffice for the Planning Board review and hearing required by Town subdivision regulations subject to the following conditions:
 - (1) The developer shall plat the entire development as a subdivision: however, PUD's being developed in stages may be platted and filed in the same stages.
 - (2) Final PUD approval will constitute final plat approval under the subdivision regulations.
 - (3) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Yates County Clerk
- F. **Permitted uses.** The use of land and buildings in a PUD may be for any lawful purpose as authorized by the Town Board in accordance with the procedures of this Article. The following general uses, or combinations thereof, may be considered:
 - (1) Residential uses. Residences may be a variety of types: adult independent dwelling units, duplex or semi-detached dwellings, multifamily dwellings, single-family detached dwellings, & townhouse dwellings. In developing a balanced community, the use of a variety of housing types and densities must be in keeping with the objectives of this Article, and the applicant must demonstrate that the project is reaching as broad an economic market as possible.
 - (2) Commercial, service and other nonresidential uses in a primarily residential PUD. These uses will be considered where such uses are scaled primarily to serve the residents of the PUD. Consideration shall be given to the project as

it exists in its larger setting in determining the appropriateness of such uses. In no case shall more than 20% of the gross site area be permitted for commercial uses, services or nonresidential uses other than open space and nonprofit recreation.

G. Intensity of land use. Density chart will be applicable for PUD:

Zoning District	Minimum Site Area	Minimum Dwelling Unit Composition	Maximum Coverage by Structures	Minimum Open Area
PUD	20 acres	30% must be single family dwellings	30%	40%

H. Common property. Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private; when common property exists in private ownership, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities thereon, including but not limited to private streets, drives, service and parking areas, open space and recreation areas.

§ 98-69 Design Standards.

All PUDs should conform to the following design standards to the maximum extent practicable.

A. General.

- (1) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.
- (2) Architectural drawings shall be submitted for all building types.
- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.
- (4) An amenity plan shall be submitted for all community facilities.
- (5) The design of the buildings and the parking facilities shall take advantage of the topography of the project site, where appropriate, to provide separate levels of access.
- (6) All building walls shall be so oriented as to insure adequate light and air exposures to the rooms within.
- (7) Details shall be provided for all proposed signage, both internal and external.
- (8) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

- (9) All buildings shall be arranged so as to be accessible to emergency vehicles.

B. Landscape design standards: A landscape plan and planting schedule shall be submitted.

- (1) Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (2) Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- (3) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- (4) All streets bordering the project area shall be planted at appropriate intervals with street trees.

C. Circulation system design standards.

- (1) All internal roadways must meet criteria set forth in Cornell Road Specifications adopted by Town of Torrey in 2003.
- (2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, and off-street parking and loading spaces.
- (3) Roads, pedestrian walks, paving and curbs shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (4) Buildings, vehicular circulation, and open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (5) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- (6) Materials and design of lighting fixtures, retaining walls, fences, benches, etc., shall be of good appearance, easily maintained, and indicative of their function. A standard detail for each shall be filed with Town.

D. Parking and loading design standards.

- (1) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars, boat trailers and RV's.
- (2) Pedestrian connections between parking areas and buildings shall be by special pedestrian walkways and/or elevators.

- (3) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, and ease of access and shall be developed as an integral part of an overall site design.
- (4) Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.
- (5) Each residence shall have 2 parking spaces. Single family homes , the garage will count as 1 and driveway second.

§ 98-70 Application Procedures for Planned Unit Development

- A. **Application Procedures.** When any PUD is proposed, before any permit for erection of a permanent building in such PUD shall be granted and before any subdivision plat or any part thereof can be filed in the Yates County Clerk’s office, the applicant or his authorized agent shall apply for and secure approval of such PUD in accordance with the procedures set forth in this Section.
- B. **Sketch plan/discussion stage.** In order to allow the Town Board and the developer to reach an understanding on the basic design requirements prior to detailed design investment, a review process will be implemented in which the developer and the Planning Board work together through a series of conferences to reach agreement on a final plan. The purpose of the review process is to afford the applicant an opportunity to consult early and informally with the Town. The review submission is required by the Town to help applicants and town officials develop a better understanding of the property and to help establish an overall design approach that respects the site’s special and noteworthy features while addressing the design guidelines associated with a Planned Unit Development.
- C. **Preliminary Plan Requirements.** The review process begins with the applicant submitting 14 copies of a preliminary plan to the Town Board which will refer the same to the Planning Board for review. The preliminary plan shall clearly explain and show the following information:
 - (1) Location and extent of all proposed land use, including open space.
 - (2) All interior streets, roads, easements and their planned public or private ownership, as well as all points of ingress and egress from existing public rights-of-way.
 - (3) Specific delineation of all uses indicating the number of residential units and the number of each residential housing type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise), general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units, etc.), as well as the overall project density.
 - (4) The overall water and sanitary sewer system with proposed points of attachment to existing or proposed systems, the proposed storm water drainage system and its relation to existing systems, evidence of preliminary discussion with the New York State Department of Health and/or the New York State Department of Environmental Conservation of the proposed sewer and water system or their recommended modifications.

- (5) If grades exceed 3% or portions of the site have moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five feet of elevation, along with an overlay outlining the above susceptible soil areas, if any.
- (6) General description of the provision of community facilities such as transportation, schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
- (7) A location map showing uses and ownership of abutting lands.
- (8) Description of the manner in which any areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and others, according to the proposals.
- (9) If a Home Owners Association is to be utilized, all legal documents, submitted to the New York State Attorney General's Office, associated with Homeowners Association will be filed with the Town and County Clerks.
- (10) If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase. If phasing is used, developer will be held to plan submitted.
- (11) Evidence to demonstrate the applicant's competence to carry out the plan and the applicant's awareness of the scope of such a project, both physical and financial, including payment of suitable fees, must be presented to the Town Board.
- (12) Descriptions of any covenants, grants of easement or other restriction proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- (13) A written statement by the landowner setting forth the reasons why, in his opinion, the proposal would be in the public interest and would be consistent with the Town goals as addressed in the Comprehensive Plan and objectives for a PUD as expressed in § 98-66.
- (14) A long-form environmental assessment (SEQR) of the proposed project.
- (15) Sediment and Erosion Control Plans that will then be submitted to the Yates County Soil & Water and to NYS DEC for approval.
- (16) The developer will also submit a Geotechnical Study of the proposed development area that will be submitted to Yates County Soil & Water for its comments.
- (17) The developer must provide documentation that all open space is under open-space or conservation easements.

D. **Developer's conference.** Within 45 days after the date of submission of a preliminary proposal, the Planning Board will schedule one or more conferences with

the applicant to review the proposed PUD. If said project appears to be generally in accordance with the objectives and guidelines of this Article XIV the Planning Board and applicant shall jointly consider the conditions and specifications under which the proposal may be approved. After such conferences, if the applicant wishes to proceed with the PUD, a written statement of intent to comply with the conditions and specifications must be submitted to the Planning Board by the applicant.

E. **Factors for consideration.** The Planning Board's review of a preliminary proposal shall include but is not limited to the following considerations:

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths and traffic controls.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic.
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) Location, arrangement, size and design of buildings, lighting and signs.
- (5) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands.
- (6) The adequacy of usable open space for playgrounds and informal recreation.
- (7) Adequacy of the storm water system and required public services, existing and proposed.
- (8) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- (9) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
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- 10) A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas.
- 11) Conformance with other specific conditions of the Planning Board which may have been required in the Board's examination of the preliminary proposal and agreed to in the developer's statement of intent.

F. **Action on the preliminary proposal.** The Planning Board shall review the preliminary proposal plan and its related documents and shall render either a favorable report or an unfavorable report. The report of the Planning Board shall be provided to the Town Board and to the applicant.

- (1) A favorable report shall be based on the following findings, which shall be included as part of the report:
 - (a) The proposal conforms to the Torrey Comprehensive Plan.

- (b) The proposal meets the intent and objectives of a PUD as expressed in § 98-66.
 - (c) The proposal meets all the general requirements of § 98-68.
 - (d) The proposal is conceptually sound in that it meets local and area-wide needs, and it conforms to accepted design principles set forth in § 98-69 and specifically with regard to the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements both absolutely and to one another.
 - (e) There are adequate services and utilities available or proposed to be made available in the construction of the development.
- (2) An unfavorable report shall state clearly its reasons and, if appropriate, shall indicate to the applicant potential modifications that might result in a favorable report.
 - (3) The Chairman of the Planning Board shall certify when all necessary application materials have been presented; and the Planning Board shall submit its report within 62 days of such certification. If no report has been rendered after 62 days, the applicant may proceed as if a favorable report was given to the Town Board.

G. Application for PUD Districting

- (1) For full approval of a proposed PUD, the applicant shall secure a zoning district change for the property from its present district to a Planned Unit Development District, which process shall be that of amending the zoning code and the Zoning Map to include the proposed PUD plan and all the related specifications and use and dimensional regulations specific thereto.
- (2) Upon receipt of a favorable report from the Planning Board, or upon receipt from the applicant of application for PUD districting notwithstanding receipt of an unfavorable report, submitted by the applicant to the Town Clerk within 10 days of receipt of an unfavorable report, the Town Board shall set a date for and conduct a public hearing for the purpose of considering a PUD District for the applicant's plan. Said public hearing shall be conducted within 62 days of receipt of the favorable report or the applicant's application for PUD districting notwithstanding an unfavorable report.
- (3) The Town Board shall refer the application to the Yates County Planning Department for its review and recommendations pursuant to the provisions of § 239-m of the General Municipal Law.
- (4) Within 62 days after the public hearing, the Town Board shall render its decision on the application, which such decision shall take into consideration

the report of the Planning Board and shall be based on the factors set forth in § 98-69.

- (5) After the zoning district change, it shall be required that the subdivision and platting of all lands in the proposed PUD be subject to § 98-68(E) of this Article.

- H. **Final Plan requirement** Prior to issuance of building permits, the applicant shall submit 6 copies of detailed, engineered drawings and reports on which construction decisions are based. These plans shall conform to the Preliminary Plan including any conditions specified by the Planning Board/Town Board, and shall, upon final approval, be filed in the Yates County Clerk's Office.
- I. **Performance Bond.** Prior to issuance of building permits, and simultaneously with the submission of final plans, the applicant must post a performance bond or other security sufficient to cover the full cost of infrastructure and improvements as estimated by the Planning Board or Town Board. Any such security must be provided pursuant to a written security agreement with the town, approved by the Town Board and also approved by the Town attorney as to form, sufficiency and manner of execution, and shall be limited to: (i) a performance bond issued by a bonding or surety company; (ii) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; (iii) an irrevocable letter of credit from a bank located and authorized to do business in this state; (iv) obligations of the United States of America; or (v) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the town, such security shall be held in a town account at a bank or trust company. If a performance bond is provided, then the bonding or surety company must have a rating of A1 (Moody's) or A+ (Standard & Poor's) or higher.
- J. **Permits.** Before construction and occupancy of buildings or land, the proper permits shall be secured by the applicant in accordance Sections 98-44, 98-45 and with Torrey Town Law 1- 2007 Section 98-49 Fees: Reimbursement Costs.

§ 98-71 Revisions in final plan

- A. No changes may be made in the approved final plan during the construction of the PUD except by application to the Town of Torrey Town Board.
- B. Any changes in land use, phasing, any rearrangement of lots, blocks, buildings or tracts, any changes in the provision of common open space and any other significant change in the final development plan must be approved by the Town Board in the same manner and following the same procedures as were applied to the original development plan.
- C. Approval revoked. Any changes to an approved PUD plan that occur without the approval of the Town Board shall be grounds for the revocation of the PUD District by the Town Board.

§ 98-72 Limitations on Approvals

- A. Within one (1) year after the approval of a final development plan, or at such other time as may be established by the Town Board, construction of the land development within the PUD District shall commence.
- B. The failure to commence land development within the required period of time shall, unless an extension shall have been granted by the Town Board, automatically render void the final development plan approval and all permits on such approval.

§ 98-73 Enforcement

If the Town's Code Enforcement Officer finds that the development of the improvements in a PUD District is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the final development plan as finally approved, he/she shall immediately notify the Town Board of such a fact and issue an order stopping any or all work within the District until such time as any non-compliance is cured.

§ 98-74 PUD Process Flow Chart

Section 3

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. 8/25/09