

## **LOCAL LAW #1 of 2020**

### **A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 42 ENTITLED “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” TO THE EXTENT OF AMENDING CHAPTER 42-57 ENTITLED “OBSTRUCTION, ENCUMBRANCE BY COMMERCIAL ESTABLISHMENTS.”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Village Code Chapter 42 entitled “Streets, Sidewalks and Other Public Places” to the extent of amending Chapter 42-57 entitled “Obstruction, encumbrance by commercial establishments.”

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to modify the Code to both permit and adequately regulate as well as facilitate outdoor restaurant service.

#### SECTION 3 – AMENDMENT TO VILLAGE CODE CHAPTER 42

Section 42-57 is hereby amended to delete the introductory paragraph and paragraph number (1) in their entirety and replace them with the following language:

No occupant of any commercial establishment in the village shall use or occupy, or cause allow to be used or occupied, the public sidewalk with any goods, wares or merchandise, or any signboard or other article whatsoever, obstructing the way or the view; or obstruct the passage upon the sidewalk by any encumbrances, encroachment or projection whatever, except as follows:

- (1) Operators of on premises food service establishments in the CS zoning district shall be permitted to place non-glass tables with chairs on the sidewalk adjacent to their establishment provided they are placed in such a manner that will not unreasonably obstruct or interfere with pedestrian traffic on the sidewalk, block any fire connection or egress to any building. The owner or operators of any establishment providing dining on a Village street shall secure a permit from the Village Clerk which will require proof of insurance and a signed indemnification agreement.

#### SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be

confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #2 of 2020**

### **A LOCAL LAW AMENDING APPENDIX A OF THE VILLAGE CODE ENTITLED “ZONING” TO THE EXTENT OF MODIFYING ARTICLE XXI ENTITLED “PLANNED ADULT COMMUNITY FLOATING ZONE.”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### **SECTION 1 - TITLE**

A Local Law amending Appendix A of the Village Code entitled “Zoning” to the extent of modifying Article XXI entitled “Planned Adult Community Floating Zone.”

#### **SECTION 2 – PURPOSE & INTENT**

The intent of this Local Law is to implement changes in the Village of Goshen Zoning Code to better address and regulate the Village’s Planned Adult Community Floating Zone.

#### **SECTION 3 – AMENDMENT TO APPENDIX A, ARTICLE XXI**

Sections 21.2, 21.3, 21.4 (f),(h),(i) are hereby replaced in their entirety with the language below; paragraph 21.4 subparagraphs (l), (m) and (n) are re-designated to correct a scrivener’s error on the original law and a new paragraph 21.5(g) is added.

##### **Sec. 21.2. – Applicability.**

A PAC district shall represent a specific geographic area applied to the official zoning map of the village. PAC districts may be applied within the CS, CS-1 and/or R-3 zoning districts.

##### **Sec. 21.3. – Application.**

Application for a PAC district shall be made to and approved at the sole discretion of the Village Board. Applications shall include but not be limited to the following:

- (1) \$750.00 application fee.
- (2) Demonstration of local need.
- (3) Evaluation and mitigation of significant impacts including a long form EAF.
- (4) Sketch plan showing approximate location of structures, parking, road system and recreation, etc.
- (5) Any additional items requested by the Village Board.

##### **Sec. 21.4. – General provisions.**

- (a) Occupancy for age-restricted housing shall be limited to those age 55 and older. One adult under the age of 55 shall be permitted as a permanent resident if he/she is a spouse or it is

established that the presence of such person is essential for the physical care of the primary occupant. At no point shall any person under the age of 18 permanently occupy a unit within the PAC. Deed restrictions enforcing age restrictions shall be required to meet the satisfaction of the village attorney.

- (b) The minimum size for a PAC is three contiguous acres. Acreage may be achieved through assemblage of adjoining parcels within the specified zone.
- (c) The development of the PAC shall consider and seek to preserve, to the greatest extent possible, mature trees, rock outcrops, slopes, wetlands and stream corridors.
- (d) Sites shall provide reasonable access to such conveniences and facilities as public transportation, hospital and medical services, shopping, religious, cultural and recreations facilities.
- (e) Sites shall emphasize pedestrian circulation and shall provide a safe and reasonable system of drives and parking conveniently accessible to all occupants.
- (f) Minimum off-street parking of 1.5 spaces per unit shall be provided.
- (g) The maximum allowable density shall not exceed 15 units per buildable acre for attached units, four units per buildable acre for detached units, and/or 35 percent development coverage (in accordance with current bulk table) for multi-family units or the Village Board may deem such lesser density as appropriate. The village board can increase maximum allowable density per acre in the event that certain affordability requirements are met and maintained. This determination shall consider the surrounding area and seek to maintain an appropriate transition with neighboring properties.
- (h) Dwelling types vary depending upon age and health. The following dwelling types are allowable in a PAC:
  - (1) Single-family detached.
  - (2) Two or three family detached.
  - (3) Townhouse units with a maximum of five units attached.
  - (4) Any combination of the above.
- (i) Commercial uses, which may have been permitted within the original or previous zoning are permitted within the PAC so long as they do not conflict with the overall character of the PAC and comprise no more than ten percent of the overall project.
- (j) Detached garages and/or garages attached to one another are a permitted accessory use.
- (k) The following are considered to be permitted ancillary facilities:
  - (1) Security, maintenance facilities



- (2) Recreation facilities, including but not limited to clubhouse, swimming pool, tennis courts, walking trails, etc.
- (l) Site development plan approval shall be required prior to application for a building permit. Review and approval of site plan is subject to all applicable requirements of the village zoning law and village law.
- (m) Subdivision plat shall comply with the subdivision regulations of the village and village law.
- (n) All PAC's shall be required to create a homeowner's association, which shall have dominion over the common areas within the development.

**Sec. 21.5. – Design standards.**

- (d) *Streets and parking.*
- (6) Sidewalks located within the front yard shall have a maximum width of five feet and shall be ADA compliant. Sidewalks will be buffered from the street by a planting strip not less than five feet wide.
- (g) *Recreation.* Each development shall provide at least 10% of the total lot area for recreation. Active and passive recreation should be provided which can include any combination of indoor or outdoor amenities. Exterior areas shall be screened from surrounding properties.

**SECTION 4 - VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #3 of 2020**

### **A LOCAL LAW AMENDING APPENDIX A [ZONING] SECTION 6.1 OF THE VILLAGE CODE ENTITLED “SUPPLEMENTARY PARKING AND LOADING REGULATIONS APPLICABLE TO ALL DISTRICTS.”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Appendix A [Zoning] at Section 6.1 of the Village Code entitled “Supplementary parking and loading regulations applicable to all districts.”

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to implement changes to Appendix A [Zoning] at Section 6.1 of the Village of Goshen Zoning Code to better address and regulate the Village’s supplementary parking and loading regulations applicable to all districts.

#### SECTION 3 – AMENDMENT TO SECTION 6.1

Appendix A [Zoning] is hereby amended to delete code sections 6.1.12, 6.1.1.4, 6.1.1.6, 6.1.1.7 and 6.1.1.11 in their entirety and replace them with the following:

6.1.1.2. *Areas computed as parking spaces.* Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other paved area available for parking, other than a street or a driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space.

6.1.1.4. *Access.* Unobstructed access to and from a street shall be provided. Such access shall consist of at least one 12-foot lane for parking areas with less than 20 spaces, and at least two ten-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area shall be located within 50 feet of any street intersection.

6.1.1.6. *Joint facilities.* Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for each such establishment unless reduced by the Planning Board as permitted by 6.1.1.7 below.

6.1.1.7. *Combined Spaces.* When any parking facility or lot used by two (2) or more uses having different parking requirements, the parking requirement for each use shall apply to the extent of that use. Where it can be conclusively demonstrated based on a written narrative and analysis that one or more such uses will be generating a demand for parking

spaces primarily during periods when the other use or uses is not or are not in operation, the planning board may reduce the total parking spaces required for that use. A system of walkways, sidewalks and crosswalks shall be provided to ensure circulation within any shared parking facility. Notwithstanding the foregoing, where one or more of the uses is a nonconforming use as defined in section 8.2 of this appendix, such use or uses shall not be included in computing the off-street parking requirements for the site. Similarly, any building determined to be a noncomplying building as defined in section 8.3 of this appendix shall be exempt from the off-street parking requirements of this article for so long as said building remains entitled to the protection of that section.

6.1.1.11. *Land-banked parking.* The Planning Board may permit up to 25% of the total parking requirement, as determined by the Table of General Use Regulations herein, to be land-banked when it can be demonstrated based on a written narrative and analysis that the total number of spaces required is more than a particular use may require. Any areas of land-banked parking spaces that may be constructed must be shown on the Site Plan to demonstrate the spaces can be constructed if deemed necessary by the Building Inspector or Village Engineer at a later time.

#### SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #4 of 2020**

### **A LOCAL LAW AMENDING CHAPTER 46 OF THE VILLAGE CODE ENTITLED "SUBDIVISIONS" TO THE EXTENT OF AMENDING SECTION 46- 141 ENTITLED "LOTS."**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Chapter 46 of the Village Code entitled "Subdivisions" to the extent of amending Section 46-141 entitled "Lots."

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to implement changes to Chapter 46-141 of the Village of Goshen Code to limit multiple curb cuts per lot to improve traffic safety and improve aesthetic appearance.

#### SECTION 3 – AMENDMENT TO CHAPTER 46, SECTION 46-141, LOTS:

Code section 46-141(d) is hereby deleted in its' entirety and replaced with following:

(d) Driveway access. Where practicable, lots shall be so laid out that the driveways have access to that street which carries or is intended to carry the lesser amount of traffic. Driveway grades between the street and setback line shall not exceed ten percent. Curb cuts to driveways shall be a maximum of 15 feet wide, with one curb cut per lot except on corner lots where the setback of the dwelling is at least 50 feet.

#### SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #5 of 2020**

### **A LOCAL LAW AMENDING CHAPTER 6 OF THE VILLAGE CODE ENTITLED “ANIMALS” TO THE EXTENT OF AMENDING SECTION 6-1 ENTITLED “FISHING IN RESERVOIRS; PERMIT REQUIREMENTS.”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### **SECTION 1 - TITLE**

A Local Law amending Chapter 6 of the Village Code entitled “Animals” to the extent of amending Section 6-1 entitled “Fishing in reservoirs; permit requirements.”

#### **SECTION 2 – PURPOSE & INTENT**

The intent of this Local Law is to implement changes to Chapter 6 of the Village of Goshen Zoning Code to establish the rules by which individuals may fish in the Village’s reservoirs.

#### **SECTION 3 – AMENDMENT TO CHAPTER 6**

Existing Code section 6-1 is hereby deleted in its entirety and replaced with the following:

##### **Section 6.1. Fishing in reservoirs; permit requirements.**

To fish in either Green Hill or Prospect Reservoirs it shall be necessary to obtain a permit from the Village Clerk and provide a copy of a state fishing license. Only residents of the village shall be eligible for the permit required herein, and the permit shall be issued to such residents only upon payment of a fee as determined by the Village’s current fee schedule to the Village Clerk. Fishing is permitted from the shore only. No boats, rafts or other watercraft, whether motorized or non-motorized, shall be permitted in the Village’s reservoirs. Fishing in the Reservoirs is catch and release only.

#### **SECTION 4 - VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **SECTION 5 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## LOCAL LAW #6 of 2020

### **A LOCAL LAW AMENDING APPENDIX A [ZONING], ARTICLE XVIII, SECTION 18.1 [DEFINITIONS] TO AMEND THE DEFINITION OF HOME OCCUPATION IN THE VILLAGE CODE AND FURTHER AMENDING ARTICLE XII ENTITLED “CONDITIONAL USE STANDARDS” AS RELATED TO HOME OCCUPATIONS**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Appendix A [Zoning], Article XVIII, Section 18.1 [Definitions] of the Village Code to amend the definition of “Home Occupation” and further amending Article XII to amend the Conditions Use Standards as they relate to Home Occupations.

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to modify the definition of “Home Occupation” in the Village of Goshen Zoning Code and to further modify the Conditional Use Standards applicable to Home Occupations to better regulate home occupations in the Village.

#### SECTION 3 – AMENDMENT TO Section 18.1:

**ARTICLE XVIII, Section 18.1, “Definitions” is modified by deleting the existing definition of “home occupation” and replacing it with the following:**

***Home occupation.*** An accessory use of a dwelling unit for gainful employment customarily conducted entirely within the main dwelling or an accessory building, by the residents thereof, which use is incidental and secondary to the use of the residence for dwelling purposes, is created and operated as a single business, does not change the character thereof, does not have any exterior evidence of such accessory use other than a permitted announcement sign, does not involve the parking, storage or standing of any commercial vehicles or construction equipment or the outdoor storage of materials and which does not involve the keeping of a stock in trade or the use of any chemical, mechanical or electrical equipment which is not customary to residential use.

#### SECTION – AMENDMENT TO Section 18.1

**Article XII, section 12.1, “Conditional Use Standards” is modified by deleting sections 12.1.7.1, 12.1.7.2, 12.1.7.3, 12.1.7.4, 12.1.7.5 and 12.1.7.6 and replacing them with the following:**

12.1.7. Home occupations, provided that:

12.1.7.1. Such occupation is incidental to the residential use of the premises and is carried out by a resident therein with no other employees working out of the dwelling.

12.1.7.2. Such occupation is carried on in an area not exceeding 100 square feet of the principal building and located on only one floor.

12.1.7.3. No display of goods, advertising display or structure shall be permitted on the property where the home occupation exists. One not illuminated sign, maximum size of 8 inches by 18 inches or 144 square inches, shall be permitted for the sole purpose of indicating the person's name and the nature of the home occupation. No sign shall be nearer than 15 feet to any street or property line.

12.1.7.4. A minimum of one off-street parking space shall be provided for the home occupation.

12.1.7.5. The following home occupations are permitted:

- (a) Seamstress, craftsperson, artist or photographer;
- (b) Typist;
- (c) Accountant, real estate or insurance broker;
- (d) Private tutor or music teacher (one pupil at a time);
- (e) Office of a clergyman;
- (f) Internet based businesses which do not involve customers or clients coming to the residence
- (g) Other similar business with no clients or customers coming to the dwelling as deemed acceptable by the Building Inspector.

12.1.7.6. The following type of uses shall not be considered home occupations:

- (a) Medical or dental offices, clinics or hospitals;
- (b) Animal Hospitals or kennels;
- (c) Restaurants;
- (d) Retail sales, manufacturing or commercial storage;
- (e) Barbershops or Beauty salons;
- (f) Parking or storing of cars or commercial vehicles for project;
- (g) Garage sales or yard sales, with the exception of one per year, per house of a duration of three days maximum;
- (h) Uses similar to those types listed above are prohibited at the discretion of the Building Inspector.

SECTION 4 - VALIDITY



If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #7 of 2020**

### **A LOCAL LAW AMENDING APPENDIX A [ZONING] ARTICLE IV, SECTION 4.2 ENTITLED “BULK TABLE” TO THE EXTENT OF MODIFYING THE MINIMUM SIDE YARD, MAXIMUM BUILDING COVERAGE AND MAXIMUM DEVELOPMENT COVERAGE IN USE GROUP “G.”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law Amending Appendix A [Zoning] Article IV, Section 4.2 Entitled “Bulk Table” to the Extent of Modifying the Minimum Side Yard, Maximum Building Coverage and Maximum Development Coverage in Use Group “G.”

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to make modifications to the Bulk Table for Use Group G to implement modifications to make the Bulk Table more in line with current development practices.

#### SECTION 3 – AMENDMENT TO APPENDIX A, SECTION 4.2

The requirements attributable to Use Group G are hereby amended in accordance with the attachment annexed hereto.

#### SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

TABLE OF BULK REQUIREMENTS - PART 1

1	2	3	4	5	6	7	8	9	10	11	12	13
Use Group	Minimum Lot Area (square feet unless otherwise noted)	Area per Dwelling Unit (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Side Yard (feet)	Total Side Yard (feet)	Rear Yard (feet)	Street Frontage (feet)	Maximum Height (feet/stories)	Maximum Building Coverage (percent)	Maximum Development Coverage (percent)
G	5,000	-	25	50	0	5	-	0 (4)	25	40/3	65	85

(3) The Planning Board, for good cause shown, may reduce or waive the side yard and minimum distance between buildings requirement where said reduction or waiver is found to be consistent with the character of the surrounding area.

(4) Minimum rear yard shall be ten feet for lots within 25 feet of a residential district boundary.

## **LOCAL LAW #8 of 2020**

### **A LOCAL LAW AMENDING CHAPTER 18 OF THE VILLAGE CODE ENTITLED “ENVIRONMENT”**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Chapter 18 of the Village Code entitled “Environment.”

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to implement changes to Chapter 18 of the Village of Goshen Code to make the local Village Code consistent with the implementing regulations of the New York State Environmental Conservation Law.

#### SECTION 3 – AMENDMENTS TO CHAPTER 18:

Section 18-27 of the existing Code is hereby deleted and replaced with the following:

##### **Sec. 18-27. – Compliance required; exceptions.**

No decision to carry out or approve an action, other than an action listed in section 617-5 of 6 NYCRR as Type II action, shall be made by the board of trustees or any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this article and Part 617 of Title 6 NYCRR; provided, however, that nothing herein shall be constructed as prohibiting:

- (1) The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the village to approve, commence or engage in such action; or
- (2) The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this article and Part 617 of Title 6 NYCRR have been fulfilled.

Existing Section 18-28 is deleted in its entirety.

Current Section 18-29 is deleted in its entirety and is hereby renumbered as Section 18-28 as follows:

**Sec. 18-28. – Statement required from permit applicants.**

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits of other approvals shall file a written statement with the appropriate board setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution by the board of trustees, and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the appropriate designated lead agency.

Existing Section 18-30 is deleted in its entirety, and is renumbered as Section 18-29 and is replaced with the following:

**Sec. 18-29. – Application for determination; fee**

Every application for determination under this article shall be accompanied by a reasonable fee set forth in the Village's Fee Schedule to defray the expenses incurred in rendering such determination. The fee shall not exceed one-half of one percent of the total cost of the development and construction of the project.

Existing Section 18-31 is deleted in its entirety, and is renumbered as Section 18-30 and is replaced with the following:

**Sec. 18-30. – Written determination of significance**

- (a) The lead agency must thoroughly analyze the materials submitted and the relevant areas of environmental concern in order to determine the significance of any Type I or Unlisted action in writing in accordance with Title 6 NYCRR, Section 617.7.
  - (1) To make a positive declaration and require an Environmental Impact Statement for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact.

- (2) To make a negative declaration and determine that an EIS will not be required for an action, the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.

Existing Section 18-32 is deleted in its entirety, and is renumbered as Section 18-31 and is replaced with the following:

**Sec. 18-31. – Preparation, filing and circulation of determination; further processing of proposed actions.**

If the lead agency determines that the proposed action is not an exempt action, not an action listed in Title 6 NYCRR as a Type II action and that it will not have a significant effect on the environment, the designated lead agency shall prepare, file and circulate such determination as provided in section 617.7 of Title 6 NYCRR; thereafter, the proposed action may be processed without further regard to this article. If the lead agency determines that the proposed action may have significant effect on the environment, the lead agency shall prepare, file and circulate such determination as provided in 617.7 of Title 6 NYCRR; and thereafter, the proposed action shall be reviewed and processed in accordance with the provisions of this article and Part 617 of Title 6 NYCRR.

Existing Section 18-32 is deleted in its entirety and is replaced with the following:

**Sec. 18-32. – Notification of Type classification; Draft Environmental Impact Statement required; failure to submit.**

- (a) Following a determination that a proposed action may have a significant effect on the environment, the lead agency shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:
  - (1) In the case of an action involving an applicant, immediately notify the applicant of the determination, and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.
  - (2) In the case of an action not involving an applicant, prepare a draft environmental impact statement.
- (b) If the applicant decides not to submit an environmental impact report, the lead agency shall prepare or cause to be prepared the draft environmental impact statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The Planning Board may require an application to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant.

Existing Section 18-34 is deleted in its entirety, and is renumbered as Section 18-33 and is replaced with the following:

**Sec. 18-33. – Procedure where multiple agencies involved.**

Where more than one agency is involved in an action, the procedures of sections 617.6 of Part 617 of Title 6 NYCRR shall be followed.

Existing Section 18-35 is deleted in its entirety, and is renumbered as Section 18-34 and is replaced with the following:

**Section 18-34. – Exemption from article.**

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this article and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR; provided, however, that if after such dates the board of trustees modified an action undertaken or approved prior to that date and the board of trustees determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this article and Part 617 of Title 6 NYCRR.

Those Sections reserved for future amendments are hereby deleted and renumbered as Section 18-35 -18.55.

**SECTION 4 - VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **LOCAL LAW #9 of 2020**

### **A LOCAL LAW AMENDING CHAPTER 54 OF THE VILLAGE CODE TO THE EXTENT OF AMENDING SECTION 205 TO DESIGNATE ADDITIONAL “NO PARKING” AREAS IN THE VILLAGE**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

#### SECTION 1 - TITLE

A Local Law amending Chapter 54 of the Village Code to the Extent of Amending Section 205 to Designate Additional “No Parking” Areas in the Village.

#### SECTION 2 – PURPOSE & INTENT

The intent of this Local Law is to establish additional no parking zones in the Village to improve pedestrian and traffic safety and to further allow for adequate maintenance and repair of roadways in the Village.

#### SECTION 3 – AMENDMENTS TO CHAPTER 54:

Section 54-205 is hereby amended by adding the following designated areas as “No Parking at Any Time”:

Hilltop Drive, both sides, 50 feet from the end of the cul-de-sac.

Ludlum Drive, west side, full length of the road and east side 50 feet from the end of the cul-de-sac.

Murray Avenue, south side, between Scotchtown Avenue and Erie Street.

Parkway, south side, 100 feet from the intersection of Orange Avenue.

Spring Street, north side, and no parking on the south side within 50 feet of its intersection with Grand Street and 50 feet each side of the intersection of Tusten Avenue.

Trusten Avenue, both sides, within 50 feet from the intersection of Spring Street.

Wickham Avenue, south side, from Ryerson Avenue to North Church Street.

Wickham Avenue, north side 100 feet from the intersection of Ryerson Avenue.



#### SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.