

NEW YORK STATE DEPARTMENT OF STATE
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ALBANY, NY 12231

Local Law Filing

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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.

Town of WAPPINGER

Local Law No. ____ of the year 2025

A local law entitled “A Local Law Amending Chapter 240, entitled “Zoning”

Be it enacted by the TOWN BOARD **of the Town of** WAPPINGER **as follows:**

TEXT COMMENCES ON NEXT PAGE

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

LOCAL LAW No. __ OF THE YEAR 2025

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section 1. Title

This Local Law shall be known and cited as “Local Law No. __ of 2025 for the Purpose of Amending Schedule of Use Regulations Residential Districts and Chapter 240 of the Town Code”

Section 2. Legislative Intent

The Town Board believes that it is reasonable and appropriate to amend Chapter 240 for consistency with the 2025 Update to the Town of Wappinger Comprehensive Plan. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents.

Section 3. Amendments to the Schedule of Use Regulations Residential Districts and Chapter 240-5, 240-6, 240-18, 240-19, 240-39, 240-50 and 240-56. (Items in Black reflect existing code that have not changed, Items in Black with strikethrough reflect language to be deleted and items in Red are being added.)

ATTACHMENT 1- SCHEDULE OF USE REGULATIONS – Residential Districts

- **Remove:** “Conversion of certain existing large residential structures to a 2-family or multifamily dwelling (§240-56)
- **Remove:** “Designed residential development, subject to Town Board approval (§240-50)

ARTICLE II DEFINITIONS

§240-5 Definitions

- Conventional Yield shall be determined based on an Engineered Survey Drawing, depicting all wetlands and regulatory buffers, steep slopes, roadways, drainage areas, as well as any other constraints to development. Such survey shall demonstrate conformance with dimensional regulations of the underlying zoning. All lots must have access to sewer and water or demonstrate the viability for onsite septic systems, based on verified soil conditions, as well as test wells (number to be determined by the Planning Board) that comply with all relevant Dutchess County regulations.

- ~~Designed Residential Development~~ – A group of residential dwelling units and accessory uses constructed or to be constructed as a unified project under a General Land Use and Development Plan approved in accordance with the requirements of this chapter.
- **Dwelling, Multifamily** – A dwelling containing three or more dwelling units and shall include any combination of three or more attached units.
- **Dwelling, Two-Family** – A dwelling containing two principal dwelling units and shall include any attached units.
- **Net Lot Area** – The gross area of a property minus 100% of the area of wetlands and all regulatory buffers, lands within the one-hundred-year floodplain, and areas of steep slopes in excess of 25% when measure over a distance of 50 feet.
- **Open Space** – As defined for Conservation Development, Mandatory Open Space Provisions, or cluster-type subdivisions; An open space shall include areas that enhance the conservation of natural or scenic resources, protect natural streams or water supplies, promote conservation of soils and wetlands, add value to abutting parks, forests, wildlife preserves, or other open spaces, enhance public recreation opportunities, or help preserve historic sites.

[Amended by L.L. No. 2025]

§240-6 Classes of Districts

The Town of Wappinger is hereby divided into the following classes of districts:

R-5A	1-Family Residence District
R-3A	1-Family Residence District
R-80	1-Family Residence District
R-40/80	1-Family Residence District
R-40	1-Family Residence District
R-20/40	1-Family Residence District
R-20	1-Family Residence District
R-15	1-Family Residence District
R-10	1-Family Residence District
RMF-3	Multifamily Residence District
RMF-5	Multifamily Residence District
PUD	Planned Unit Development District
HD	Highway Design District
NB	Neighborhood Business District

GB	General Business District
SC	Shopping Center District
HB	Highway Business District
CC	Conservation Commercial District
COP	Conservation Office Park District
HM	Hamlet Mixed Use District
AI	Airport Industry District

[Amended by L.L. No. 2025]

§240-18 Building Lots

B. Subdivision of a lot.

[Amended 4-27-2015 by L.L. No. 1-2015; 1-30-2017 by L.L. No. 1-2017^[1]; L.L. No. 2025]

(1) Where a lot is formed hereafter from part of a lot already occupied by a building or structure, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith.

(2) Except as provided in § 240-56 of this chapter, in the case of a legally nonconforming two-family or multifamily dwelling on a lot in a one-family residence zoning district, no land shall be subdivided from said lot unless the area of the lot on which the nonconforming dwelling remains has an area of at least the number of dwelling units in the building times the minimum lot size of the zoning district in which the property is located: and the additional lot(s) created conform to the dimensional regulation of the district.

^[1] *Editor's Note: This local law was adopted as a remedial measure and also stated in Section 10 that any approvals issued under L.L. No. 1-2015 after its effective date of 5-18-2015 shall be considered valid notwithstanding the readoption of this law.*

§240-19 Modification of lot requirements.

For the purposes set forth earlier in this chapter and to promote natural resource preservation and conservation and to minimize the construction and maintenance costs of community facilities and utilities, all directed towards the objective of fostering and obtaining land development of good quality and design at reasonable economic cost, the Planning Board is hereby authorized to review and act upon all subdivisions in accordance with the following provisions. In all cases, the Planning Board shall have the full power of subdivision approval, approval with conditions or denial, as authorized by the Town Law.

A. Reserved. [Amended by L.L. No. 2025]

~~B. Average density subdivisions. Simultaneously with the approval of a subdivision plat and pursuant to § 278 of the Town Law, at the request of the applicant, the Planning Board is authorized to modify the zoning regulations with respect to lot area and dimensions, provided that the average size of all lots shown on the subdivision plat shall be equal to or greater than the permitted minimum lot area in such district and that there shall not be a greater average density of population or cover of the land with buildings than is permitted in such district, and further provided that no lot shall have less than the minimum area and dimensions required for lots in the next less restrictive residential zoning district to the one in which the property is located. For the purpose of this section, average density shall be determined by the number of one-family residences which could be built under the zoning district standards in full conformity with the Town's Subdivision Regulations¹¹ and all other applicable requirements. The basis for determination by the Planning Board shall be a conventional subdivision sketch layout for the subject property. *Editor's Note: See Ch. 217, Subdivision of Land.*~~

B. Conservation subdivisions. Conservation subdivisions. Pursuant to § 278 of the Town Law, at the written request of the applicant to the Town Board and with a positive recommendation from the Planning Board, the Town Board may elect to provide the Planning Board with authorization ~~may be authorized~~ to modify the zoning regulations in one-family residence districts with respect to lot area and dimensions upon such conditions as the Town Board may impose and provided that:

- (1) Such modifications result in design and development which promote the most appropriate use of the land, facilitate the adequate and economical provision of streets and utilities and preserve the natural and scenic qualities of open lands.
- (2) The permitted number of dwelling units in no case exceeds the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to all the normally applicable requirements of this chapter, the Land Subdivision Regulations,¹² the Dutchess County Department of Health Regulations and all other applicable standards. The basis for this determination by the Planning Board shall be a conventional subdivision ~~sketch~~ engineered layout for the subject property conforming to the definition of a Conventional Yield, as well as, ~~plus~~ such other information as may be required by said Board. *Editor's Note: See Ch. 217, Subdivision of Land.*
- (3) The maximum permitted building height and the minimum permitted floor area requirements shall be the same as those normally applicable to other dwellings in the zoning district in which the property is located.
- (4) The dwelling units permitted ~~may~~ shall be detached, ~~semidetached or attached structures,~~ provided that there shall be no more than four dwelling units in any single structure.

- (5) In the event that some part of said subdivision plat includes land to be devoted to park, recreation or open space, the Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use and maintenance of such lands as deemed necessary by the Planning Board and such conditions shall be approved by the Town Board.
- (6) In addition to compliance with any special standards, requirements and procedures as set forth in this § 240-19B, conservation developments shall also be subject to review and public hearing by the Planning Board in accordance with the same procedures as would otherwise be applicable to conventional subdivision plats. Upon the filing of the plat in office of the County Clerk, a copy shall be required to be filed with the Town Clerk, who shall make the appropriate notations and references thereto on the official copy of the Town Zoning Map.

[Amended by L.L. No. 2025]

C. Mandatory open space subdivisions.

3) Standards

- a) Open Space Development Plan. The Planning Board may waive the heretofore established dimensional requirements and the required lot sizes of the district in which the property is located, upon the presentation of a subdivision plan for an open space subdivision of land for residential dwellings, showing all natural and proposed features of the subdivision, with an open space plan conforming to the definition of Open Space, and development constraints, roadways, drainage, and others as defined by a Conventional Yield. Such a waiver may be granted pursuant to § 278 of the Town Law, provided that:

- 1). In no case shall the permitted number of dwelling units exceed the number of dwelling units which would be permitted, as demonstrated by an engineered layout conforming to the definition of Conventional Yield and in the Planning Board's judgment, if the land had been divided into lots conforming to the minimum dimensional requirements of the district or districts in which such land is located.
- 2). In no case shall the use of any lot or building be in conflict with what is permitted in the Use Table.

[Amended by L.L. No. 2025]

~~§240-39 Planned Unit Development District~~ RESERVED. [Amended L.L. No. of 2025]

~~A. Intent. The Planned Unit Development (PUD) District is hereby established to provide balanced neighborhoods offering a wide range of land use activities, individual employment opportunities, shopping facilities, housing in various forms and recreational facilities. It offers increased opportunities for flexible land use and design regulations designed to satisfy Wappinger's~~

residential and nonresidential needs, at a pace and balance commensurate with the general rate of Town growth and in a manner consistent with the environmental capabilities of individual sites to support such residential and nonresidential uses, all in furtherance of the basic policies and objectives as set forth in the adopted Town Comprehensive Plan.

B. Objectives. The establishment of a Planned Unit Development District will be to further encourage the following objectives:

- (1) The establishment of areas in which diverse uses may be brought together as a part of a compatible and unified plan of development which shall be in the interest of the general welfare of the Town;
- (2) An environment of stable character in harmony with surrounding development and a more desirable environment than would be possible through the strict application of other sections of this chapter.
- (3) A creative approach to the use of land and related physical development; especially of large tracts close to growth centers and major transportation corridors in the Town;
- (4) A maximum choice in the types of environment and living accommodations available to the public at all economic levels;
- (5) The more efficient use of those public facilities required in connection with new development;
- (6) An efficient, aesthetic and desirable use of open space, the provision of permanent open space networks throughout the Town.
- (7) Special consideration of property with unique features, including but not limited to historical significance, unusual topography, landscape amenities, size and shape;
- (8) A pattern of development which preserves trees, outstanding topography and geological features and prevents soil erosion.

C. Eligibility requirements.

- (1) Minimum area. The minimum area requirement to qualify for a Planned Unit Development District shall be 75 contiguous acres of land, except that where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the Town Board may consider projects with less acreage.
- (2) Ownership. The land proposed for a planned unit development may be owned by one or more persons or corporations, but shall be combined into a single contiguous parcel of land at or prior to the time of application to the Town Board. The applications shall be jointly submitted by all owners and, if approved, shall be jointly binding on all of them.
- (3) Location and access. Planned Unit Development Districts shall be permitted only in areas presently containing a combination of residential and nonresidential zoning districts or planned for a combination of such uses in accordance with the Town Comprehensive Plan. Planned unit developments shall also have frontage on and access to an existing or proposed major road, as shown on the Town Comprehensive Plan.

~~D. Density or intensity of land use. The appropriate density or intensity of land use to be permitted in each Planned Unit Development District and in any section thereof shall be determined in each individual case by the Town Board and specified on the approved General Land Use and Development Plan for the PUD as set forth in § 240-39H. Such determination of land use intensity and of density shall be based upon the recommendation of the Town Planning Board as provided in § 240-39H(3) and upon a thorough documentation of the nature and potential site and community impact of the proposed development as required to be submitted by the applicant in accordance with the provisions of § 240-39H(1). It is further intended that the permitted maximum intensity of nonresidential uses not exceed that which could be permitted in the corresponding conventional zoning use districts and that the maximum gross residential density for the residential or residentially related portion of any planned unit development not exceed that which could be permitted in an R-20 District.~~

~~[Amended 9-9-2002 by L.L. No. 13-2002]~~

~~E. Common property in the planned unit development. Common property in the planned unit development 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 there is to be private ownership of such common property, legal arrangements satisfactory to the Town Attorney must be made for the improvements, operation and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.~~

~~F. Off street parking and loading requirements. The minimum off street parking and loading requirements for any uses or structures in a Planned Unit Development District shall be the same as those stipulated for such uses or structures in Article X of this chapter.~~

~~G. Additional site development standards. In addition to the standards set forth in this section, the applicant shall also comply with the appropriate design, site development plan and performance standards of this chapter and of the Subdivision Regulations.^{HH} Where a conflict between this section and any of the above exists, the former shall govern. *Editor's Note: See Ch. 217, Subdivision of Land.*~~

~~H. Application procedure. The application procedure for approval of a planned unit development shall involve the following: submission of rezoning application, if required, and a proposed General Land Use and Development Plan and program to the Town Board; Planning Board review and report to the Town Board on the appropriateness of the proposal in the context of the Town Comprehensive Plan, the Official Map and this chapter; public hearing by the Town Board and action to approve, approve with modifications or disapprove the establishment of the PUD District and the General Land Use and Development Plan and if the district is established; Planning Board public hearing and decision on the subdivision of land, if any; and Planning Board, Town Engineer, Zoning Administrator, Superintendent of Highways and Town Attorney administrative review of the site plan and related documents and agreements for each section of the planned unit development.~~

~~(1) Application requirements. The following information shall accompany an application for the establishment of a Planned Unit Development District:~~

~~(a) A proposed General Land Use and Development Plan at a scale of not less than one inch equals 200 feet indicating the following:~~

~~[1] Terrain conditions on the property, to include topographic data with a maximum contour interval of five feet, an indication of generalized soil types and the location of existing watercourses, wetlands, wooded areas, major rock outcroppings and other significant existing features.~~

~~[2] A written statement describing the type and intensity of uses proposed within the Planned Unit Development District and the number of acres devoted to each.~~

~~[3] A written statement describing the nature of the proposed planned unit development and how it will serve to implement the intent and purposes for such developments, as set forth in this chapter.~~

~~[4] The proposed spatial arrangement of land uses, including the location, nature and general extent of areas to be developed into residential dwelling units, by type; nonresidential uses, by type; public, community and/or recreational facilities; utility service and maintenance facilities; and areas to be preserved as natural open space including an open space system consistent with the Town Comprehensive Plan.~~

~~[5] A map showing the location of the Planned Unit Development District within the general area.~~

~~[6] The general configuration of streets, roadways and right of way planned to serve the planned unit development.~~

~~[7] A numerical analysis of the development proposal including the total number of dwelling units proposed for inclusion within the development and the proposed breakdown of these units according to size and type, the total amount of floor area to be devoted to each type of nonresidential use, the approximate extent of building and paved area coverage in each section, and an analysis of the development proposal in relation to the maximum permitted number of dwelling units as set forth in § 240-39D, Density or intensity of land use. [[Amended 9-9-2002 by L.L. No. 13-2002]]~~

~~[8] A statement of the proposed method of ownership and maintenance of the land and facilities within the planned unit development.~~

~~[9] A generalized time schedule and phasing plan for the staging and completion of the planned unit development, including utilities and facilities.~~

~~[10] An environmental impact statement analyzing the capabilities of the proposed development and the estimated impact which said development is anticipated to have upon the surrounding area and the community as a whole. Such a statement shall include an analysis of traffic flow impact, off-site drainage, water supply and sewage disposal, erosion and sedimentation and open space resources.~~

~~[11] Such other additional information as deemed necessary by the Town Board or the Planning Board to properly study and evaluate the application.~~

~~(b) Application and review fees for the proposed planned unit development shall be required in accordance with the current fee schedule.~~

~~(2) Referrals. Upon receipt of a complete application for the establishment of a Planned Unit Development District, the Town Board shall refer such application and accompanying material to the Planning Board, to the Town Engineer and to such other boards, agencies or officials as the Town Board may determine appropriate for review and recommendation.~~

~~(3) Planning Board review.~~

~~(a) Based upon the requirements of this chapter and the policies and objectives set forth in the adopted Town Comprehensive Plan, the Planning Board shall review each application referred to it under the provisions of this section for the purpose of determining the appropriateness of the proposed site for the intended use and, in the case of a favorable determination, the density of development for which such site is suitable. In addition to the requirements of this chapter and the Town Comprehensive Plan, such density recommendation shall be based upon a careful consideration and evaluation of the environmental characteristics of the particular site and its relationship to surrounding properties and uses.~~

~~(b) Within 60 days from the date of referral of a completed application from the Town Board, the Planning Board shall submit a written report to the Town Board setting forth its findings and recommendations.~~

~~(4) Public hearing. Following receipt of the Planning Board report and recommendation, the Town Board may schedule a public hearing regarding the proposed application with the same notice as required by law for a zoning amendment.~~

~~(5) Town Board action.~~

~~(a) Following the public hearing, the Town Board may act to approve, approve with modifications or disapprove the proposed Planned Unit Development District application. Any decision to approve an application, with or without modification, and to establish a Planned Unit Development District shall be subject to the same publication requirements as a zoning amendment and a copy thereof forwarded to the Town Clerk who shall make appropriate modifications to the official Town Zoning Map and notations with respect to any special conditions established with respect thereto.~~

~~(b) The Town Board shall not take favorable action on any Planned Unit Development District application unless it determines that the proposed General Land Use and Development Plan complies with all requirements of this chapter and with the policies and objectives of the adopted Town Comprehensive Plan. In making its determination, the Town Board shall consider both the staging and the ultimate magnitude of such development.~~

~~(6) Approval of subdivision plats. Applications for the approval of any subdivision plats shall be submitted to the Planning Board and processed by said Board in accordance with all the procedures and requirements specified in the Town's Land Subdivision Regulations.⁽²⁾~~

~~Editor's Note: See Ch. 217, Subdivision of Land.~~

~~(7) Approval of site development plans. No earthwork, land clearing or construction of any kind shall take place within the limits of a planned unit development until a site development plan for such development or the appropriate section thereof has been reviewed and approved all in accordance with the approved General Land Use and~~

Development Plan and the procedures outlined in Article IX of this chapter and supplemented as follows:

~~(a) Submission of application. After Town Board action approving the zoning change, applications for site plan and subdivision approval shall be submitted in eight copies to the Zoning Administrator, with the initial application accompanied by eight copies of the approved General Land Use and Development Plan, and shall include the following information:~~

~~[1] A proposed site development plan map drawn at a scale of no less than one inch equals 100 feet and indicating the following:~~

~~[a] Title of the development, date, revision dates, if any, North point, scale, name and address of the applicant and of the architect, engineer, landscape architect and/or surveyor preparing the site development plan.~~

~~[b] Detailed description of existing terrain conditions on the property, to include topographic data at a maximum contour interval of two feet with a datum approved by the Town Engineer; designation of specific soil types; the location of all existing watercourses and intermittent streams; the location and extent of existing wooded and wetland areas and specifications of the type of vegetation prevailing therein; the location of existing stone walls, rock outcrops, wooded area and major trees (eight inches or more in diameter) outside of wooded areas which are to remain undisturbed.~~

~~[c] The location and dimensions (length, width, ground floor elevation and height) of all existing and proposed main and accessory buildings, with the use for each indicated.~~

~~[d] The location, width and finished pavement grades of all existing and proposed public and private roads.~~

~~[e] The location, layout, finished pavement grades and surface treatment proposed for parking and loadin areas and ingress and egress drives.~~

~~[f] The location, size and proposed screening of any refuse storage or other outdoor storage areas.~~

~~[g] The location and size of all proposed water supply, sanitary sewerage, storm drainage and other utility facilities, including connections to any existing facilities.~~

~~[h] Locations, design and construction plans for proposed sidewalks and steps, drainage structures, retaining walls, etc.~~

~~[i] Landscaping plan, to include type, size and location of materials to be used.~~

~~[j] Proposed type, location and design of exterior lighting system.~~

~~[k] Proposed location, type, size, color and illumination of all signs.~~

~~[l] Proposed open space network and pedestrian circulation.~~

~~[2] Architectural plans and specifications of representative buildings and structures, including general exterior elevations, perspective drawings and, in the case of residential buildings, typical floor plans indicating the number of bedrooms and the use of all other rooms within each dwelling unit.~~

~~[3] Calculation of expected storm drain loads to be accommodated by the proposed drainage system for a one hundred year frequency storm.~~

~~[4] Estimate of earthwork, showing the quantity of any material to be imported to and/or removed from the site.~~

~~[5] Description of measures planned to assure proper erosion and sedimentation control during construction.~~

~~[6] A statement from the applicant's engineer indicating the estimated cost of constructing all new roads and sidewalks and of the water supply sanitary sewerage.~~

~~[7] Proof of approval by the State Department of Transportation, County Highway Department or the Town of Wappinger Superintendent of Highways, as appropriate, of the design and proposed construction of any intersection of a new road with an existing state, county or Town highway and of any proposed connections to existing drainage facilities along such highways.~~

~~[8] Copies of legal covenants and agreements restricting the use of recreation and open space area to such purposes and of documents establishing future ownership and maintenance responsibilities for all private road, recreation and open space areas.~~

~~[9] Any other legal agreements, documents or information required to implement the purposes and intent of the planned unit development as approved by the Town Board.~~

~~[10] An application fee in an amount and as normally determined by the Planning Board in site plan review.~~

~~[11] Construction and maintenance bonds as normally required in subdivision.~~

~~(b) Referral and review.~~

~~[1] Referral to Planning Board, Town Engineer, Superintendent of Highways and Town Attorney. Upon receipt of a site development plan application, the Zoning Administrator shall refer two copies to the Planning Board, one copy to the Town Engineer, one copy to the Town Planner, one copy to the Town Attorney and one copy to the Superintendent of Highways where a private road to be constructed as a part of the site development will intersect with an existing Town road, all for review and report.~~

~~[2] Review by the Planning Board, Town Engineer and Superintendent of Highways shall be for the purpose of determining that such development will be in accordance with the approved General Land Use and Development Plan, any other requirements and conditions established by the Town Board pursuant to the establishment of the Planned Unit Development District; that it complies with all other applicable standards and requirements of this chapter; that all facilities and improvements necessary to the construction of the development will be properly provided; that proposed intersections of private roads with existing Town roads are located and designed so as to permit safe traffic movements through the intersections; and the existing Town roads within or directly abutting the planned unit development are or will be suitably improved so as to be capable to safely accommodate the increased traffic generated by the development. Review by the Town Attorney shall be for the purpose of determining the adequacy of all covenants, agreements, documents and other legal information required in connection with the maintenance and operation of all commonly owned facilities and areas within the planned unit development.~~

~~[3] Reports from the Town Engineer, Town Planner, Superintendent of Highways and Town Attorney shall be submitted to the Planning Board within 30 days.~~

~~(c) Action by Planning Board. The Planning Board shall review the application for site plan approval in accordance with the requirements of Article IX. A permit authorizing earthwork, land clearing or~~

construction of any kind shall be issued only for work which will be done in accordance with the approved site development plan and no certificate of occupancy shall be issued for any development which has not been constructed in accordance with said plan.

~~(d) Inspection fee. As a condition of site development plan approval, an inspection fee in an amount determined necessary by the Town Engineer, but not in excess of 7% of the estimated cost of constructing all private roads, sidewalks and water supply, sewerage and storm drainage systems shall be paid to the Town of Wappinger. Such fee shall be used to cover costs incurred by the Town in conducting inspections of such construction as it progresses and any unused portion shall be returned to the applicant.~~

~~(e) Special conditions. If, during the course of construction, any conditions such as flood areas, underground water, springs, intermittent streams, humus beds, unsuitable slopes, soft and silty areas or other unusual circumstances are encountered which were not foreseen in the original planning, such conditions shall be reported to the Planning Board and the Town Engineer together with the developer's recommendations as to the special treatment required to secure adequate and permanent construction. The Planning Board shall investigate the condition or conditions and either approve the developer's recommendations to correct the same, order a modification thereof or issue its own specifications for correction of the condition or conditions. Unusual circumstances or detrimental conditions observed by the Town Engineer or Zoning Administrator shall be similarly treated.~~

~~(f) Staging. If the applicant intends to stage its development and has so indicated in accordance with § 240-39H(1)(a)[9], then it may submit for site plan approval only those stages ready for development in accordance with the staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged and a staging plan must be developed. At no point in the development of a planned unit development shall the ratio of nonresidential to residential acreage or dwelling unit ratios between the several different housing types for that portion of the planned unit development completed and/or under construction differ from that of the planned unit development as a whole by more than 20%, unless so approved by the Town Board.~~

~~(g) Amendments. The Town Board, after referral to the Planning Board and recommendation therefrom pursuant to § 240-39H(3) and a public hearing with the same notice as required for the original hearing, may consider and act upon an application to amend the design concept shown on the general land use and development or upon an application to change or enlarge the limits of such development to include contiguous acreage subsequently acquired by the applicant. However, no public hearing shall be required where a proposed change or enlargement does not result in any significant modification to the design concept shown on the approved General Land Use and Development Plan or where less than a five percent change in the number of initially approved dwelling units is involved, provided that all density and other requirements of this chapter are complied with.~~

~~(h) Expiration of approval. Town Board approval or approval with modification of an application for a planned unit development shall expire unless otherwise extended, if site plan approval has not~~

been obtained and construction work on the development is not begun within two years of the date of approval, is not completed within 10 years of the date of approval or is not prosecuted with reasonable diligence in such a way to assure its completion within the permitted time period and according to the approved time schedule.

~~(i) Financial responsibility. No building permits shall be issued for construction within a Planned Unit Development District until improvements are installed or a performance bond posted in accordance with the same procedures as provided for in § 277 of the Town Law relating to subdivision.~~

~~§240-50 Designed Residential Development~~ Reserved. [Amended by L.L. No. of 2025]

~~A. Purposes and intent. A special permit may be granted after public hearing by the Town Board for a designed residential development where the General Land Use and Development Plan for such development is found to comply with the standards of this section and all other applicable sections of this chapter and where such development shall be designed to achieve the following objectives:~~

~~(1) The creative use of land so as to establish a more desirable living environment than would be possible through the strict application of other sections of this chapter.~~

~~(2) The preservation of water bodies, wetlands, steep slopes, hilltops, ridge lines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic and ecological value and the prevention of soil erosion and minimization of flood hazard.~~

~~(3) An efficient use of the land so as to facilitate the adequate and economical provision and maintenance of streets and drainage facilities and the establishment of central sewage treatment and water supply systems as an integral part of large scale future residential developments on the major remaining undeveloped lands in the Town, so as to promote the public health, safety and welfare and minimize potential pollution hazards.~~

~~(4) Innovation, flexibility and variety in the type, design and layout of residential housing so as to permit greater variety in the choice of housing type, living environment, occupancy tenure and housing cost.~~

~~(5) The maximum provision of community, social, recreational, cultural and other service facilities as integral parts of newly constructed residential communities.~~

~~B. Eligibility requirements.~~

~~(1) Minimum site size. The minimum size area for a designed residential development shall be a parcel of land adequate in size to accommodate 100 building lots of at least the minimum lot area normally required for detached one family dwellings in the district in which it is located, except that where such developments are to be served by public water and sewer systems, the minimum site area need only be adequate to accommodate at least 50 building lots.~~

~~(2) Access. A designed residential development shall have frontage on and access to a primary or a collector road as shown on the Town Transportation Plan.~~

~~(3) Ownership. The land proposed for a designed residential development may be owned by one or more persons or corporations, but shall be combined into a single contiguous parcel of land at or prior to the time of application to the Town Board. The applications shall be jointly submitted by all owners and, if approved, shall be jointly binding on all of them.~~

~~C. Permitted principal uses.~~

~~(1) The permitted principal uses within a designed residential development shall be limited to those specified below. Permitted accessory uses and special permit uses which are accessory to one family and multifamily dwelling units shall be the same as those allowed in one family and multifamily residential districts, respectively, as set forth in the Schedule of Use Regulations—Residential Districts[1] of this chapter. [1] Editor's Note: Said schedule is included at the end of this chapter.~~

~~(2) A separate special use permit is not required for any permitted use within a designed residential development if such use was shown on the approved General Land Use and Development Plan for the entire development; provided, however, that site plan approval shall still be required.~~

~~(a) One family dwellings not to exceed one dwelling on each lot.~~

~~(b) Multifamily dwellings in structures containing not more than six units each.~~

~~(c) Schools and other public facilities.~~

~~(d) Places of worship, including parish houses and religious schools.~~

~~(e) Private golf and country clubs.~~

~~(f) Swimming pools, tennis facilities, general recreational and athletic facilities intended for the use of the residents of the designed residential development.~~

~~(g) Structures and facilities intended for the use of residents of the designed residential development for arts and crafts and other community use purposes.~~

~~(h) Buildings for retail business, personal service and office type uses, pursuant to the bulk requirements of the NB Neighborhood Business District, on lands not to exceed 1% of the gross lot area of the designed residential development.~~

~~(i) Water tanks and/or towers, sewage treatment plants, utility substations and pump stations which are part of the water supply, sewerage and other utility systems servicing the designed residential development.~~

~~(j) Storage and maintenance structures and areas for materials and equipment for the proper upkeep of the designed residential development.~~

~~D. Development standards and controls. All improvements within designed residential developments shall be required to comply with the following specified standards and controls in lieu of those comparable requirements for other residential developments which are specified elsewhere in this chapter and in the Land Subdivision Regulations: [Amended 9-9-2002 by L.L. No. 13-2002]~~

~~(1) Dwelling unit type and density.~~

~~(a) Density formula. The maximum permitted number of dwelling units in a designed residential development shall be determined by dividing the total land area by the normally required minimum lot size for the zoning district in which it is located and subtracting 20%.~~

~~b) Number of bedrooms. The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of site plans in accordance with Article IX of this chapter.~~

~~(c) Dwelling unit mix. For the purpose of assuring that designed residential developments will broaden the range of available housing types within the Town, not more than 25% of the permitted dwelling units within any such development shall be composed of detached one-family dwellings.~~

~~(2) Open space and recreation areas. At least 1/3 of the gross acreage of any designed residential development shall be composed of land which is owned or controlled jointly by all property owners within the development or by a park district and which is used for recreational purposes and/or preserved as natural open space. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, location, topography and nature and extent of improvements suitable, in the opinion of the Town Board, for the intended purposes. Permanent preservation and maintenance of such areas shall be assured by means of the filing of covenants and restrictions and/or scenic easements on the land and by the formation and incorporation of a property owners' association or a park district which shall be required to maintain such open space and recreation areas. Such association or district shall be empowered by levy assessments against property owners to defray the cost of maintenance and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Wappinger shall be authorized to enter upon such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.~~

~~(3) Building height and setbacks.~~

~~(a) No structure within a designed residential development shall exceed three stories or 35 feet in height, whichever is more restrictive, except as provided in § 240-22 of this chapter.~~

~~(b) Setbacks of all structures from the outside perimeter of the designed residential development shall be twice those otherwise required in the district in which it is located.~~

~~(c) Where determined necessary by the Planning Board when reviewing site plans, buffer landscaping of adequate size, type and spacing may be required to effectively screen buildings within the designed residential development from neighboring residential properties.~~

~~(4) Utilities.~~

~~(a) In order to achieve greater safety and improved appearance, all water, sewer and gas lines and all electric, telephone and other wires and equipment for providing power and/or communication shall be installed underground in the manner prescribed by the regulations of the state, local and/or utility company having jurisdiction.~~

~~(b) Sanitary sewers, water mains and fire hydrants to be installed in a designed residential development shall be connected to municipally owned water and sewer systems in the manner prescribed by the regulations of the appropriate sewer, water or fire district or other agency having jurisdiction. Such connections shall be conditions of the approval of all designed residential developments.~~

~~E. Application procedure. The application procedure for approval of a designed residential development shall involve a five stage process: preliminary application of a General Land Use and Development Plan and program to the Town Board; Planning Board review and report to the Town Board on the appropriateness of the proposal in the context of the Town Development Plan, the Official Map and this chapter; public hearing by the Town Board and decision on the special use permit and the General Land Use and Development Plan as required in § 240 50E(1)(a) of this chapter; Planning Board public hearing and decision on the subdivision of land, if any; and Planning Board administrative review and decision on the site plan and related documents and agreements for each section of the designed residential development in accordance with the General Land Use and Development Plan.~~

~~Application requirements. Application for issuance of a special permit establishing a designed residential development shall be submitted in accordance with the procedures set forth in § 240 41 of this chapter and shall include:~~

~~(a) A proposed General Land Use and Development Plan at a scale of not less than one inch equals 200 feet indicating the following:~~

~~[1] Terrain conditions on the property, to include topographic data with a maximum contour interval of five feet, an indication of generalized soil types and the location of existing watercourses, wetlands, wooded areas, major rock outcroppings and other significant existing features.~~

~~[2] A written statement describing the nature of the proposed designed residential development and how it will serve to implement the intent and purposes of such developments, as set forth in this chapter.~~

~~[3] The proposed spatial arrangement of land uses, including the location, nature and general extent of areas to be developed into residential dwelling units, by type; public, community and/or recreational facilities; utility service and maintenance facilities; and areas to be preserved as natural open space.~~

~~[4] The general configuration of the road system planned to serve the designed residential development.~~

~~[5] A numerical analysis of the development proposal including the total gross acreage and the approximate acreage to be occupied by each type of permitted use, the total number of dwelling units proposed for inclusion within the development and the proposed breakdown of these units according to size and~~

~~type. The analysis shall include the total floor area devoted to each type of nonresidential use and the extent of paved area and building coverage. [Amended 9-9-2002 by L.L. No. 13-2002]~~

~~[6] A statement of the proposed method of ownership and maintenance of the land and facilities within the designed residential development.~~

~~[7] A generalized time schedule for the staging and completion of the designed residential development, including utilities and facilities.~~

~~[8] Such other additional information as deemed necessary by the Town Board or the Planning Board to properly study and evaluate the application.~~

~~(b) Application and review fees for the proposed designed residential development shall be required in accordance with the current fee schedule as set forth in Chapter 122, Article IV, § 122-16 of the Code. [Amended 3-8-2004 by L.L. No. 4-2004]~~

~~(2) Town Board action.~~

~~(a) Review by other agencies:~~

~~[1] Upon receipt of a completed application for approval of a designed residential development, the Town Board shall forward for review and report pursuant to § 240-50E seven copies of such application to the Planning Board and one copy each of the application shall be forwarded to the Zoning Administrator, the Town Environmental Council, the Town Engineer, Town Attorney, the Town Planner and the Town Superintendent of Highways.~~

~~[2] Copies shall also be referred to the Dutchess County Soil and Water Conservation District, the Dutchess County Department of Health, the Dutchess County Planning Board when such proposed development is within 500 feet of a state or county highway or park, the Clerk of any abutting municipality where such development is located within 500 feet of such municipality and any other agencies, such as the New York State Department of Environmental Conservation, which may have jurisdiction, together with a request for review and report by said agencies.~~

~~(b) Conditions.~~

~~[1] The Town Board shall not act to approve any application for a designed residential development unless it determines:~~

~~[a] That such development will serve to implement the intent and purposes as set forth in this section of the Zoning Law;~~

~~[b] That the location and the physical character of the site proposed for the designed residential development is suitable and appropriate for such a development; and~~

~~[c] That such development is otherwise in the public interest.~~

~~[2] Such conditions, limitations and safeguards shall be attached to the special use permit as the Town Board deems necessary and appropriate to assure continual conformance to all applicable standards and requirements.~~

~~(c) Within 62 days of the close of the public hearing held in accordance with § 240-107C, the Town Board shall, by resolution, act either to approve, approve with modifications or disapprove the General Land Use and Development Plan for a proposed designed~~

residential development. Approval or approval with modifications is required for and shall be deemed to authorize the applicant to proceed with a detailed design of the proposed development and to submit applications for the approval of subdivision plats and site plans which are in accordance with the approved General Land Use and Development Plan.

~~(3) Amendments. The Town Board, after public hearing with the same notice and referrals as required for the original public hearing and approval, may consider and act upon an application to amend the design concept shown on the General Land Use and Development Plan for a previously approved designed residential development or upon an application to change or enlarge the limits of such development to include contiguous acreage subsequently acquired by the applicant. However, no public hearing shall be required where a proposed change or enlargement does not result in any significant modification to the design concept shown on the approved General Land Use and Development Plan or where less than a five percent increase in the number of initially approved dwelling units is involved, provided that all density and other requirements of this chapter are complied with and such modification does not affect the findings of the Town Board with respect to the Town and State Environmental Quality Review Laws. [Amended 9-9-2002 by L.L. No. 13-2002]~~

~~(4) Expiration of approval. Town Board approval or approval with modifications of an application for a designed residential development shall expire if application for subdivision plat and/or site plan approval has not been made within two years of the date of special permit use approval or if such required Planning Board approvals are not obtained within five years of the date of special permit use approval or upon expiration of any required approval from the Planning Board.~~

~~(5) Planning Board action:~~

~~(a) Application for the approval of any subdivision plats shall be submitted to the Planning Board and processed by said Board in accordance with the procedures and requirements specified in the Town's Land Subdivision Regulations.[2] [2] Editor's Note: See Ch. 217, Subdivision of Land.~~

~~(b) No earthwork, land clearing or construction of any kind shall take place within the limits of a designed residential development until a site plan for such development or the appropriate section thereof, has been reviewed and approved in accordance with the procedures set forth in Article IX of this chapter.~~

~~F. Financial responsibility. No building permits shall be issued for construction within a designed residential district until all improvements are installed or a performance bond or other form of surety acceptable to the Town is posted in accordance with the same procedures as provided for in § 277 of the Town Law relating to subdivisions.~~

§ 240-56 Conversion of certain existing large residential structures to a two-family or multifamily dwelling. Reserved. [Amended by L.L. No. ___ of 2025]

A. — The residential structure shall have been built prior to 1962 and shall contain more than 3,000 square feet of gross floor area.

B. — There shall be no increase in the number of permitted dwelling units resulting from additions made after 1962.

C. — The minimum lot area shall be 40,000 square feet.

D. — There shall be no more than one dwelling unit for each 20,000 square feet of lot area, but in no case shall more than six dwelling units be permitted in the residential structure.

- ~~E. — Each dwelling unit shall contain at least 800 square feet of gross floor area.~~
- ~~F. — Each dwelling unit shall have a separate entrance. Not more than two separate entrances shall be permitted on the front facade. Common entrances with private interior accesses to each dwelling unit shall be permitted.~~
- ~~G. — Dutchess County Health Department approval of the water and sewer service shall be required prior to the issuance of any permit.~~
- ~~H. — Parking shall be provided as set forth in Article X and as required by the Planning Board. The Board may require additional landscaping or screening to buffer parking areas from adjacent dwellings.~~
- ~~I. — The existing structure shall comply with all other requirements of this chapter.~~