

CODE UPDATE BLUE #1
SEQR COORDINATED REVIEW

RESOLUTION SUMMARY

At its December 17, 2019 meeting the Planning Board reviewed Ordinance Updates and issued a positive recommendation to the Town Board.

Subsequently, the Town Board initiated the SEQR process and held a public hearing on the 10th day of August 2020 at the Pendleton Town Hall, 6570 Campbell Boulevard, Pendleton, New York, 14094. The purpose of the hearing was to allow public input on the proposed amendments to the existing Town Code.

The proposed amendments are subject to SEQR, according to 6 NYCRR Section 617.4(b)(2) which states that the adoption of changes in allowable uses within any zoning district, affecting 25 or more acres of the district is a Type 1 action. The proposed action includes amendments to update and make current local land use regulations. Amendments and updates include changes to Sections; 247-16 Special Use, 247-86 Drainage, 247-87 Excavation and Fill, 247-92 Property Maintenances and Safety - Residential Construction, 247-12(M) Small Retail Business/Businesses in Conjunction with Small Contractor Shop, 247-10(E) Driveway Side Yard Setback, and 247-11(E) Driveway Side Yard Setback of the Town Code. **Informational**

ITEM #1 SEQR Type I Negative Declaration - GHD to provide SEQR Part 2 and Part 3

WHEREAS, The Pendleton Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, has reviewed the minutes of the Planning Board meeting held on December 17, 2019, in which the Planning Board recommended to the Town Board, as lead agency, that the proposed amendments to the Town Code action is consistent with a Type I SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Town Board, as lead agency, has applied the criteria listed in 6 NYCRR 617.4(b)(2) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment; and

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, concurs with the recommendation of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pendleton, as lead agency, for the SEQRA review of the proposed action hereby issues a negative declaration in connection with this unlisted activity; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

ITEM #2 **ORDINANCE UPDATE**

Article V **Section 247**
Special Use/Special Use Permit

Section 247-16 Special Use

1. Resolution to amend Section 247-4 Definitions to change term Special Exception and Special Exception Permit to Special Use and Special Use Permit. **Resolution Needed**
2. Resolution to repeal Article V of Chapter 247 Special Exceptions in its entirety along with Sections 247-16 thru 247-21. **Resolution Needed**
3. Resolution to adopt Article V of Chapter 247 Special Use/Special Use Permits along with Section 247-16 Special Use in their entirety. **Resolution Needed**
4. This will replace the terms Special Exception and Special Exception Permit with the Terms Special Use and Special Use Permit along with getting all Special Use actions to the Planning Board thus getting the Town Code in alignment with New York State Town Law. **Informational**

ITEM #3 **ORDINANCE UPDATE**

§247-86 Drainage

1. Resolution to repeal Chapter 122 in its entirety. **Resolution**
2. Resolution to adopt new Section 247-86 in its entirety. **Resolution**
3. Section 247-86 is a new Ordinance to replace Chapter 122. The main action is to clarify that Drainage Applications are the responsibility of the Building Dept. **Informational**

ITEM #4 **ORDINANCE UPDATE**

247-87 EXCAVATION & FILL

1. Resolution to adopt new Article XIV Excavation & Fill and Property Maintenance along with new Section 247- 87 Excavation and Fill in their entirety. **Resolution Needed**

2. Resolution to repeal Section 247-42 Excavations in its entirety. **Resolution Needed**
 3. Resolution to repeal Section 247-43 Gravel and Sand Operations in its entirety. **Resolution Needed**
 4. Resolution to repeal Section 247-44 Topsoil and Overburden in its entirety. **Resolution Needed**
 5. Resolution to repeal Section 247-45 Road Debris in its entirety. **Resolution Needed**
 6. Code Sections 247 – 42 thru Section 247 - 45 are no longer needed and will be repealed when new Excavation Ordinance is acted on by the Town Board. **Informational**
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ITEM #5 **ORDINANCE UPDATE**

Section 247-92 Property Maintenances & Safety – Residential Construction

1. Resolution to adopt new Section 247-92 Property Maintenance & Safety – Residential Construction in its entirety. **Resolution Needed**
 2. The addition of new Section 247-92 Property Maintenance & Safety – Residential Construction to the Town Code will be helpful in maintaining orderly and timely Residential Building Construction. **Informational**
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ITEM #6 **ORDINANCE UPDATE**

247- 12 M Small Retail Business/Businesses in Conjunction with Small Contractor Shop

1. Resolution to adopt new 247- 12 M Small Retail Business/Businesses in Conjunction with Small Contractor Shop as an amendment to 247-12 Light Industrial District. **Resolution Needed**
 2. This amendment will clarify the regulation governing Contractor Shops potentially locating in the Light Industrial Zoning Districts. **Informational**
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ITEM #7 **ORDINANCE UPDATE**

Section 247-10 E(1) - DRIVEWAY SIDE YARD SETBACK

1. Resolution to amend Section 247-10E to include the new Section 247-10E(1) “Driveway Minimum Setback”. **Resolution Needed**
 2. This will add a Driveway Setback of 5’ to R-1 Zoning Districts. **Informational**
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ITEM #8 **ORDINANCE UPDATE**

Section 247-11 E(1) DRIVEWAY SIDE YARD SETBACK

1. Resolution to amend Section 247-11E to include the new Section 247-11E(1) “Driveway Minimum Setback”. **Resolution Needed**
 2. This will add a Driveway Setback of 5’ to R-2 Zoning Districts. **Informational**
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