

TOWN OF MIDDLESEX
LOCAL LAW NO. #1 of the Year 2011
A Local Law for the Purpose of Amending the Zoning Law of the Town of
Middlesex

WHEREAS, the Zoning Law of the Town of Middlesex was duly filed with the New York State Department of State on February 26, 1999 as Local Law #1 of 1999, as amended (the "Law"); and

WHEREAS the Town Board of the Town of Middlesex wishes to amend certain provisions of the Law to permit the development of private roads in the Lake Residential District;

NOW, THEREFORE, be it enacted by the Town Board of the Town of Middlesex as follows:

1. The Zoning Law of the Town of Middlesex shall be amended to read as follows:

- A. Section 402, Schedule I: Schedule of Land Uses or Activities, A. 18. shall be amended to permit private roads in Lake Residential District by Special Use Permit.

Section 402, Schedule I: Schedule of Land Uses or Activities, A. 18. shall be amended to read as set forth in the Schedule of Land Uses or Activities attached hereto and made a part hereof.

- B. Section 703.0 shall be amended to permit private roads in Lake Residential District by special use permit granted by the Zoning Board of Appeals upon recommendation of the Town Planning Board.

- i. 703.0 shall be amended to read as follows:

“703.0 Private roads will be permitted in all zoning districts when the following criteria have been met:”

- ii. The former sections 703.1 through 703.6 shall be renumbered as sections 703.1.1 through 703.1.6

- iii. A new subsection 703.2 shall be added to read as follows:

“703.2 Notwithstanding the above criteria, private roads will be permitted in Lake Residential District only by Special Use Permit issued by the Zoning Board of Appeals upon the recommendation of the Town Planning Board.”

iv. A new subsection 703.4 shall be added to read as follows:

“703.4 In addition to the criteria contained in this section, development of private roads is also regulated by the Town of Middlesex Private Driveways and Private Roads Law, Local Law #3 of the Year 2009 and any amendments thereto.”

C. A new subsection 502.2.9 shall be added to read as follows:

“502.2.9 PRIVATE ROADS IN LR DISTRICT

a. In determining whether to issue a Special Use Permit for a private road in Lake Residential District, primary consideration shall be given to the impact of the private road on the surrounding environment.

b. An application for a Special Use Permit for a private road in Lake Residential District shall contain two sets of preliminary site plans: one set which depicts the proposed site without a private road (in other words, a site which is permitted under the Zoning Law without a special use permit); and one set which depicts the site with the proposed private road. The number of building lots on the site plan with a private road shall not exceed the number of building lots permitted on the site without a private road.

c. A private road in Lake Residential District shall only be allowed if it is determined that it will result in the least negative impact on the environment when considering all development alternatives.

d. Private roads shall be designed and sited to meet the minimum required for service to permitted development; and shall be adequate in width, grade, alignment, visibility, and safety, as determined by the Zoning Board of Appeals upon recommendation of the Planning Board, taking into consideration:

1. Appropriateness of the proposed site including the physical features and topography, and general character and present use of the neighborhood.
2. Arrangement, location and width of the road, its relation to the

types of soil, lot size, sewage disposal and stormwater drainage systems, preservation of vegetation; and present and future development of the site and adjoining lands.

3. Significant adverse consequences such as adverse drainage, erosion, visual and other adverse impacts during and after construction to the subject property and to surrounding properties.
4. Unique environmental, engineering, or topographical characteristics on the proposed site such as slopes, wetlands, wooded areas, watercourses, or floodplains.”

2. This amendment shall take effect upon the filing of this local law with the Department of State. (filed 5/13/11)