

**Town of Rotterdam  
Planning Commission  
May 15, 2018**

*Approval of the Summary of Minutes May 1, 2018*

- 1. Town of Rotterdam.** Report and Recommendation to the Town Board to modify Chapter 270 entitled "Zoning" to allow for adaptive reuse of religious or educational buildings as a Special Use Permit in the Agricultural, Single Family, and Two Family Zoning Districts.

**Waiver(s)**

**DPW Comments**  
**May 15, 2018**

1. **Town of Rotterdam.** Report and Recommendation to the Town Board to modify Chapter 270 entitled “Zoning” to allow for adaptive reuse of religious or educational buildings as a Special Use Permit in the Agricultural, Single Family, and Two Family Zoning Districts.
  1. Town Board referred to the Planning Commission on April 25, 2018 for a report and recommendation. Planning Commission tabled this agenda item at the May 1, 2018 meeting.
  2. Planning Commission Chairman and DPW staff met on May 10<sup>th</sup> to discuss modifications to the proposed amendments to the local law as referred by the Town Board. DPW staff worked with the Attorney for the Planning Commission to modify the proposed legislation. Proposed amended language is attached for your consideration.

## *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

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.

County    City    Town    Village  
(select one:)

**of Rotterdam**

**Local Law No. \_\_ of the year 2018**

**A LOCAL LAW TO AMEND CHAPTER 270 OF THE CODE OF THE TOWN OF  
ROTTERDAM TO PROVIDE FOR SPECIAL USE PERMITS ALLOWING ADAPTIVE  
REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS.**

**Be it enacted by the Town Board of the Town of Rotterdam as follows:**

See attached.

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

**TOWN OF ROTTERDAM**

**LOCAL LAW NO. \_\_ OF THE YEAR 2018**

**A LOCAL LAW TO AMEND CHAPTER 270 OF THE CODE OF THE TOWN OF ROTTERDAM TO PROVIDE FOR SPECIAL USE PERMITS ALLOWING ADAPTIVE REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS.**

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law to Amend Chapter 270 of the Code of the Town of Rotterdam to Provide for Special Use Permits Allowing Adaptive Reuse of Religious and Educational Buildings”.

**SECTION 2 – INTENT**

The Town Board hereby declares that the underutilization or vacancy of former religious and educational buildings that have historic, architectural, economic, cultural and other value to the Town and the neighborhoods in which they are located is an important zoning and planning issue that must be addressed in furtherance of the health, safety, and welfare of the residents and property owners of the Town and its various neighborhoods.

The Town Board hereby finds that permitting the appropriate reuse of such former religious and educational buildings with such values, notwithstanding that such appropriate reuse may not otherwise strictly conform to certain provisions of the Town zoning code, will provide substantial public and neighborhood benefits that outweigh the harm resulting from such non-conformance.

The Town Board finds that certain, specified land uses not otherwise allowed in the applicable zoning district may nonetheless be consistent with the particular neighborhood and may not present substantial adverse impacts, provided that such reuse or reuses are undertaken within the former religious or educational building. The Town Board further finds that allowing such appropriate reuse of former religious or educational buildings will further the preservation of the historic, architectural, economic, cultural and other values of such buildings, and will reduce the blight associated with vacancy of such buildings. The Town Board recognizes, however, that each proposed reuse of a religious or educational building must be carefully assessed to ensure that such proposed reuse is compatible with the neighborhood, will not result in substantial adverse impacts, and will not adversely affect the orderly development of the neighborhood.

Accordingly, the Town Board, by adopting this Local Law, intends to allow the adaptive reuse of former religious and educational buildings in the Agricultural (A), the One-Family Residential (R-1), and the Two-Family Residential (R-2) zoning districts for certain, specified uses upon issuance of a special use permit by the Planning Board and intends to set forth certain requirements and conditions associated with the issuance of such special use permits.

**SECTION 3 - ADDITION OF ADAPTIVE REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS AS SPECIAL PERMIT USE IN A - AGRICULTURAL DISTRICT**

Chapter 270, § 270-18 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (N), as follows:

- N. Adaptive reuse of religious and educational buildings in accordance with § 270-167 (D).

**SECTION 4 – ADDITION OF ADAPTIVE REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS AS SPECIAL PERMIT USE IN R-1 – ONE-FAMILY RESIDENTIAL DISTRICT**

Chapter 270, § 270-28 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (H), as follows:

- H. Adaptive reuse of religious and educational buildings in accordance with § 270-167 (D).

**SECTION 5 – ADDITION OF ADAPTIVE REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS AS SPECIAL PERMIT USE IN R-2 – TWO-FAMILY RESIDENTIAL DISTRICT**

Chapter 270, § 270-38 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (D), as follows:

- D. Adaptive reuse of religious and educational buildings in accordance with § 270-167 (D).

**SECTION 6 – ADDITION OF STANDARDS FOR GRANTING SPECIAL USE PERMITS FOR ADAPTIVE REUSE OF RELIGIOUS AND EDUCATIONAL BUILDINGS**

Chapter 270, § 270-167 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (D), as follows:

- D. Special use permits, standards, and requirements for adaptive reuse of religious and educational buildings.

- (1) Subject to all other provisions of this Article XIX, the Planning Board shall be authorized to grant special use permits for adaptive reuse of religious and educational buildings in the Agricultural (A), One-Family Residential (R-1), and Two-Family Residential (R-2) Districts. Issuance of a special use permit for an adaptive reuse of religious and educational buildings shall permit use of an eligible building (as hereinafter defined) for any of the following uses, provided such use or

uses occur within the eligible building:

- (a) Single-family dwellings;
  - (b) Two-family dwellings;
  - (c) Multiple-family dwellings;
  - (d) Professional offices;
  - (e) Funeral homes;
  - (f) Commercial health and recreation establishments; and
  - (g) A combination of any of the uses set forth in § 270-167 (D) (1) (a) through (f).
- (2) For purposes of this Subsection D, an “eligible building” shall be any building originally constructed, occupied, and used for religious or educational purposes. Examples of eligible buildings include (but shall not necessarily be limited to) buildings constructed for and used as primary schools, secondary schools, places of worship, school gymnasiums, convents, and rectories. The determination concerning whether a building constitutes an “eligible building” shall be made in writing by the Building Inspector/Code Enforcement Officer, prior to consideration of a special use permit application by the Planning Board.
- (3) No special use permit may be granted for adaptive reuse of religious or educational buildings hereunder unless all standards set forth in Subsection A, Subsection B (to the extent applicable), Subsection C (to the extent applicable), and this Subsection D are met.
- (4) Any adaptive reuse of a former religious or educational building permitted hereunder upon issuance of a special use permit shall be subject to site plan review and approval by the Planning Board in accordance with Article XVII of this Chapter.
- (5) Provided that all other applicable special use permit standards and site plan review standards are met, a special use permit for adaptive reuse of a former religious or educational building may be issued and site plan approval therefor may be granted notwithstanding that the size and location of the eligible building on the lot fails to comply with the minimum lot area, front, side, and rear yard, maximum building height, or maximum lot coverage requirements otherwise applicable in the subject zoning district, provided that in the three years prior to the filing of the special use

permit application, the eligible building, site improvements, and lot lines have not been modified in a manner that resulted in (i) a reduction of the then-existing lot area, (ii) a reduction of the then-existing front, side, or rear yards, (iii) an increase in the then-existing building height, or (iv) an increase in the then-existing lot coverage.

- (6) To the extent any site improvements, site changes, or modifications or expansions of the eligible building or improvements associated therewith are proposed that would violate otherwise applicable physical or dimensional regulations, the special use permit applicant may make direct application to the Zoning Board of Appeals for one or more area variances in accordance with N.Y. Town Law § 274-b (3).
- (7) Parking. The Planning Board is hereby authorized to modify otherwise applicable off-street parking requirements based upon competent evidence received and deemed acceptable by the Planning Board relating to the parking needs of the proposed adaptive reuse of the former religious or educational building.
- (8) A special use permit issued hereunder shall be deemed to permit only the particular use or particular combination of uses set forth in § 270-167 (D) (1) (a) through (g) for which such special use permit was issued. Any change, addition, or expansion in the use or combination of uses following issuance of the special use permit shall require a special use permit amendment.

#### **SECTION 8 – CONFLICT WITH OTHER LAWS**

Where this Local Law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by County, State, or Federal law, the more restrictive or protective of the Town and the public shall apply.

#### **SECTION 9 – EFFECTIVE DATE**

This Law shall become effective upon filing with the New York State Secretary of State.

#### **SECTION 10 – AUTHORITY**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law. To the extent permitted under the New York State Constitution, the New York Municipal Home Rule Law, and any other applicable statute, this Local Law shall supersede any inconsistent provisions of the New York Town Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_ of 2018 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on \_\_\_\_\_, 2018, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

*(Name of Legislative body)*  
*(Elective Chief Executive Officer\*)*

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

*(Name of Legislative body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

*(Name of Legislative body)*  
*(Elective Chief Executive Officer\*)*

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)** —

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)** —

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_, Town of Rotterdam Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_