

## **CHAPTER 165**

### **ZONING**

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ARTICLE I  
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**§165-1. Short title.**

This chapter shall be known and may be cited as the “Zoning Ordinance of the Town of Putnam Valley” and, except where otherwise stated, replaces and supersedes the Zoning Ordinance of the Town of Putnam Valley adopted March 1, 1995 (the “1995 Zoning Ordinance”).

**§165-2. Authority and purpose.**

The provisions of this chapter shall not be deemed to repeal, amend, modify, alter, or interfere with existing provisions of another ordinance, except those specifically repealed by this chapter. Where this chapter Imposes a greater restriction on land and structures than is imposed or required by an existing ordinance, contract, or deed, the provisions of this chapter shall control.

Whenever reference is made to any portion of this chapter, the reference shall apply to all amendments and additions now or hereafter made.

This chapter is adopted pursuant to the Town Law of the State of New York and shall be applicable to all property within the limits of the Town of Putnam Valley, herein referred to as “the Town.” This chapter has been designed to protect and promote the health, safety, comfort, convenience, economy, aesthetics, rural quality of life, and general welfare of the Town and its residents, and for the following additional purposes:

- A. To guide the future development of the Town in accordance with the Comprehensive Plan.
- B. To prevent the degradation of streams, ponds, wetlands, and other resources.
- C. To encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- D. To protect the rural character and social and economic stability of the Town and to enhance the appearance of the Town as a whole by ensuring that all development minimizes impacts to the Town and its environs and is orderly and beneficial to the Town.
- E. To facilitate the adequate provision of transportation, water, solid waste disposal, schools, parks, and other public amenities.

- F. To generally protect and promote the public health, safety and welfare of the Town and its residents.

**§165-3. Conformance required.**

Except as provided herein, no structure shall be erected, moved, altered, rebuilt, or enlarged, nor shall any land or structure be used, designed, or arranged to be used, for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such structure or land is located. Any law, ordinance, or code, which is more restrictive than the provisions of this chapter shall be deemed controlling, unless otherwise specified.

**§165-4. Rules for interpretation of language.**

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings and words used in the present tense shall include the future. Words used in the singular shall include the plural, and the plural the singular.
- B. The word “shall” is always mandatory. The word “may” or “should” is permissive. The word “building” or “structure” includes any part thereof. The word “lot” includes the word “plot” or “parcel.” The word “person” includes an individual person, a firm, a corporation, and any other legal entity capable of holding fee title to real property. The word “including: shall be deemed to be followed by the words “but not limited to.”

ARTICLE II  
Definitions

**§165-5. Terms defined.**

For the purposes of this chapter and the Town of Putnam Valley Subdivision Regulations, certain words and terms used herein are defined as set forth below. Words not defined below and used herein shall have the meanings given in the most recent version of Webster's Unabridged Dictionary.

**ACCESSORY APARTMENT** – A secondary self-contained dwelling unit located within or attached to a single-family detached dwelling or within an accessory structure that lawfully existed prior to the adoption of this chapter which is accessory to a single-family detached dwelling.

**ACCESSORY BUILDING** – A subordinate free-standing building on the same lot as the principal building or use; see definition of building.

**ACCESSORY STRUCTURE** – A structure detached from a principal building located on the same lot and whose use is customarily incidental and subordinate to the principal building or use located and/or conducted on the lot; see definition of structure.

**ADDITION** – An extension or increase in the floor area or height of an existing structure.

**ADEQUATE COVERAGE** – That level of wireless telecommunication service within the Town which is considered to be adequate by the Federal Communications Commission (FCC).

**ADMINISTRATIVE AND SUPPORT SERVICES** – Establishments engaged in activities that support the day-to-day operations of other organizations. The processes employed in this sector (e.g., general management, personnel administration, clerical activities, cleaning activities) are often integral parts of the activities of establishments found in all sectors of the economy. The establishments classified in this sector provide services to clients in a variety of industries and, in some cases, to households.

**ADULT BUSINESS** – A bookstore, video store, nightclub, movie theatre, retail store, or other establishment which prominently features entertainment or materials with sexually explicit content.

**AGRICULTURE** – The use of land for the production, preparation, and sale of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation and timber processing. The terms "crops, livestock and livestock products," "commercial horse boarding operation," and "timber processing" shall be as defined in Article 25-AA of the New York State Agriculture and Markets Law, as in effect on the date of this law's adoption, and as same may from time to time be amended.

**AGRICULTURAL/FARM SALES** – A retail facility devoted to the sale of goods and/or services to those engaged in the operation of farms and animal husbandry.

**ALTERATION** – Any change in the supporting members of a building, such as bearing walls, columns, beams, girders or floors, or any other change which is not merely a repair or replacement of an existing part, or any change in the exterior enclosure of the building other than a repair or replacement of an existing part.

**AMUSEMENT ARCADES** – Indoor establishments, open to the public, that contain coin- or token-operated machines or devices, whether mechanical, electrical, or electronic, that are ready for play by insertion of a coin or token and operated by the public as a game, entertainment, or amusement.

**ANTENNA** - A device which is attached to a tower or other structure for transmitting and receiving electromagnetic waves.

**ANTIQUÉ STORE** – A retail establishment whose merchandise generally consists of works of art, furniture, or decorative objects considered to be collectible due to the passage of time since their manufacture or creation.

**APPLICANT** – The party applying for permits or other approvals required by this chapter.

**APPROVING AUTHORITY** – An agency, board, or person having jurisdiction over the review of and decision upon a permit or approval application as provided for in this chapter.

**AQUIFER** – A geologic formation, group of formations, or part of a formation capable of storing and yielding groundwater to wells or springs.

**ARTIST STUDIO** – A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, woodworking, sculpture, and writing.

**ASSEMBLY OF COMPONENT PARTS** – The process of collecting, joining or fitting together of goods not manufactured in said facility as ingredients of a finished product.

**ASSISTED LIVING** – A building occupied by the elderly that provides rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and may provide other services, such as recreational, social, and cultural activities, financial services, and transportation.

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**ATHLETIC FIELD** – A parcel of open land used for outdoor games such as baseball, softball, football, field hockey, lacrosse, volleyball, and soccer, which may be surrounded by a running track.

**ATTACHED** – Having one or more walls in common with a principal building, or joined to a principal building by a covered porch, breezeway, or passageway, the roof of which is a part or extension of the principal building.

**AUTOMOTIVE DEALERSHIP** – A facility for the display, sale, rental, or lease of new or used automotive vehicles, but excluding the sale of motor fuels.

**AUTOMOTIVE REPAIR AND GAS STATION** – A facility for the sale of vehicular fuels and/or maintenance and repair of automotive vehicles; and may include accessory uses, a convenience store and/or the sale and installation of lubricants, tires, batteries, and similar vehicle accessories, but shall not include the sale of new or used automotive vehicles or the operation of a car wash. Automotive repair stations may include auto body repair and can provide for the indoor painting of vehicles and their components.

**AUTOMOTIVE REPAIR STATION** – A facility solely used for the repair and maintenance of automotive vehicles. Automotive repair stations may include auto body repair and can provide for the indoor painting of vehicles and their components.

**AUTOMOTIVE SUPPLY STORE** – A store engaged in the sale of new automotive vehicle parts and accessories.

**AUTOMOTIVE VEHICLE** – Any self-propelled vehicle including, but not limited to, automobiles, trucks, motorcycles and the like, but excluding self-propelled construction equipment not licensed for public highway use.

**BANK** – An establishment for the custody, loan, exchange or issue of money or securities, for the extension of credit, and/or facilitating the transmission of funds or securities.

**BARN** – An accessory building used for the storage of grain, hay, and other farm products, agricultural machinery, and livestock and not for human occupation.

**BASEMENT** – The portion of a building which is partly below and partly above grade and having one-half (1/2) or more of its height above grade.

**BASE STATION** - The primary sending and receiving site in a wireless telecommunications network.

**BASE ZONING DISTRICT** – A zoning district established by this chapter to prescribe basic regulations governing use and development of lots within the district.

**BED AND BREAKFAST** – Overnight accommodations and morning meal in a single family detached dwelling unit provided to transients for compensation.

**BOLLARD** – A short post used to divert or block traffic or used to house a lighting fixture.

**BUFFER** – An area of land, including open space, natural vegetation, landscaping, berms, swales, walls, fences, and building setbacks, designed to set apart one use from another.

**BUILDABLE AREA** – A calculation with respect to a lot arrived at by subtracting the following from the lot's area: existing utility, access, drainage and conservation easements, regulated wetlands, wetland buffers, waterbodies and/or watercourses, buffers associated with waterbodies and watercourses, steep slopes 20% or greater, rock outcroppings with greater than 25 square feet of exposed surface area, and areas of special flood hazard and/or regulatory floodways (as defined under Chapter 136).

**BUILDING** – Any free-standing structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**BUILDING COVERAGE** – The combined area of all building footprints on a lot, including decks, porches and balconies but excluding roof eaves, as a percentage of the net lot area.

**BUILDING ENVELOPE** – A three dimensional space within which a structure is permitted to be built under the bulk regulations.

**BUILDING FOOTPRINT** – The area encompassed by a building's outer walls at ground level.

**BULK REGULATIONS** – Standards applying to individual lots that control the placement of buildings and structures on the lot, as set forth in §165-19 of this chapter and the Bulk Regulation Table referred to therein.

**CAMP** – The seasonal use of a lot for activities including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service that includes buildings for such purposes.

**CARPORT** – A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

**CATERING ESTABLISHMENT** – An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

**CELLAR** – That portion of a building which is partly or completely below grade and having more than one-half (1/2) its height below grade.

**CEMETERY** – Property used for the internment of the dead, including mausoleums, head stones, crematoriums, and necessary office and maintenance facilities.

**CERTIFICATE OF OCCUPANCY** – A document issued by the Code Enforcement Officer allowing the occupancy or use of a building or structure and certifying that the building or structure has been constructed and will be used in compliance with all applicable codes and ordinances.

**CINEMA/THEATER** – A building designed and/or adapted for dramatic, comedic, or musical presentations, or for viewing of motion pictures.

**CIVIC AND SOCIAL ORGANIZATIONS** – Establishments primarily engaged in promoting the civic and social interests of their members for a common purpose to pursue common goals, interests, or activities.

**COCKTAIL LOUNGE/BAR** – An establishment, licensed by the State of New York, engaged in the lawful sale of alcoholic beverages for consumption on premises.

**CODE ENFORCEMENT OFFICER** – The Code Enforcement Officer of the Town of Putnam Valley, referred to hereafter as CEO. The person charged with enforcing the Zoning Ordinance of the Town of Putnam Valley.

**CO-LOCATION** – The practice of placing more than one base station and/or more than one personal wireless service provider on a single tower or other structure.

**COMMERCIAL**- Activity involving the sale of goods or services carried out for profit.

**COMMERCIAL HORSE STABLES AND RIDING FACILITIES** – A facility designed for the feeding, housing, and exercising of horses for gain.

**COMMISSION FOR THE CONSERVATION OF THE ENVIRONMENT** – The Commission for the Conservation of the Environment of the Town of Putnam Valley.

**COMPREHENSIVE PLAN** - The Town of Putnam Valley Comprehensive Plan and any amendments thereto.

**CONFORMING LOT** – A lot or use in compliance with the applicable zoning regulations.

**CONSERVATION SUBDIVISION** - A residential subdivision in which the dwelling units are concentrated on as small and compact a portion of the lands as is possible and in which a majority of the remaining land is left in its natural open space condition in perpetuity pursuant to Town Law Section 278.

**CONSUMER REPAIR SERVICES** – An establishment devoted to the repair and incidental sale of household appliances, fixtures and other like items.

**CONVENIENCE STORE** – A retail establishment selling primarily food products, household items, newspapers, magazines, candy, beverages, or a limited amount of freshly prepared foods, such as sandwiches and salads, principally for off-premises consumption.

**CROSS ACCESS EASEMENT** - An easement allowing access to and from adjacent properties. Cross access can be in the form of a driveway or a service drive providing vehicular access between two or more contiguous sites so a driver need not enter the public street system.

**CUTOFF** – A luminaire which emits no light at or above a horizontal plane running through the lowest point on the luminaire. In addition, the luminous intensity (as measured in candelas) emitted at any angle from 80° up to 90° cannot exceed a numerical value equal to 10% of the lumen rating of the lamp, as reported in a photometric report from the manufacturer.

**DAY CARE CENTER** – A facility providing care for five or more children on a regular basis away from the child's residence for less than 24 hours a day by someone other than the child's parent, stepparent, guardian or relative.

**DECK** – An unroofed platform, either freestanding or attached to a building that is supported by pillars or posts.

**DESIGNATED RIDGELINE AREAS** - An area designated as such on the Ridgeline Protection (RP) Overlay Map titled “\_\_\_\_\_,” dated \_\_\_\_; said map is hereby adopted as part of this chapter.

**DETACHED** – Fully separated from any other building or joined to another building by structural members not constituting an enclosed or covered space.

**DEVELOPED LOT** – A lot on which a building exists.

**DIAMETER AT BREAST HEIGHT (dbh)**– The diameter of a tree measured at 4 ½ feet above grade.

**DISTRICT** – A zoning district referenced under Article III of this chapter.

**DISTURBED AREA** – Any man-made change of the land surface including the construction of a structure, removing vegetative cover, excavation, filling, and grading.

**DOCK** – A structure built over or floating upon the water and used as a landing place for boats or other marine transport, or as a place from which to engage in fishing, swimming, and other recreational activities.

**DRIVEWAY** – A private thoroughfare for motor vehicles, paved or unpaved, providing access to a street.

**DRY CLEANING SERVICES** – An establishment for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

**DUPLEX** – A building containing two dwelling units totally separated from each other by an unpierced wall extending from basement to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, with the exception of stairwells and penetrations for plumbing, electric, gas service and the like..

**DWELLING, SINGLE-FAMILY DETACHED** – A building, specifically designed for and occupied exclusively by one family, which contains one dwelling unit which is not attached to any other dwelling by any means and is surrounded by yards.

**DWELLING, MULTIFAMILY** – A building containing not less than three and not more than eight attached dwelling units.

**DWELLING UNIT** – One or more rooms in a building, designed, occupied, and intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities for the exclusive use of a single family.

**DWELLING UNIT, MULTIFAMILY.** A dwelling unit located within a multifamily dwelling.

**EASEMENT** – A legal interest in land, empowering the easement holder to either use, or to restrain or control, all or part of the land of another for one or more stated purposes.

**ELDER COTTAGE HOUSING OPPORTUNITY (ECHO)** – A temporary, movable, self-contained dwelling unit designed to enable older and/or disabled person(s) to live near family and/or caregivers.

**ENVIRONMENTAL MANAGEMENT DISTRICT** – An overlay district established under Article VIII of this chapter.

**EXTERMINATING SERVICES** – A commercial business for the eradication of unwanted or destructive bugs, insects or rodents, etc.

**FAMILY** – One or more individuals living together in a dwelling unit as a single housekeeping unit. For the purposes of this chapter, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations.

**FARM STAND** – A temporary structure, whether or not including a vehicle, that is readily removable in its entirety and which is used solely for the display and sale of agricultural products.

**FEES** – A payment of funds to the Town for any of the applications required by this chapter.

**FENCE** – An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas, excluding walls and hedges as defined herein.

**FITNESS AND RECREATIONAL SPORTS CENTERS** – Establishments engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreation sports activities, such as, but not limited to, basketball, swimming, skating, or racquet sports.

**FLOODLIGHT** – A luminaire intended to light a large area which, if left unshielded, produces light above the luminaire.

**FLOODPLAIN** – Any area susceptible to being inundated by water from any source as defined in Chapter 136 of the Code of the Town of Putnam Valley.

**FLOODWAY** – As defined in Chapter 136 of the Code of the Town of Putnam Valley, a floodway shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (as defined in Chapter 136 of the Code of the Town of Putnam Valley) without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study.

**FOOTCANDLE**- A unit of illumination produced on a surface, all points of which are one foot from the uniform point source of one candle.

**FUNERAL HOME** – A building used for the preparation of the deceased for burial or the display of the deceased and ritual connected therewith before burial or cremation.

**GARAGE, PRIVATE RESIDENTIAL** – An accessory structure used for the parking and storage of vehicles owned and operated by the residents of the principal residential building to which the garage is accessory.

**GOLF COURSE** – A tract of land laid out for at least nine holes for playing the game of golf which may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

**GOVERNMENT BUILDING** – A building housing personnel, equipment, or documents, owned and intended for use by local, State, or federal government.

**GRADE, FINISHED** – The final elevation, relative to sea level, of the average ground level adjoining a structure at its exterior walls after development.

**GROSS FLOOR AREA** – The sum of the gross horizontal areas of all enclosed floors of a building, including basements and cellars, but excluding uninhabitable crawl and attic spaces.

**GROUNDWATER** – The supply of fresh water under the surface in an aquifer or geologic formation that forms the natural reservoir for water.

**HAIR SALON** – Establishments where personal cosmetic services are provided including hair care, nail care, and skin care.

**HAZARDOUS WASTE** – See 6 NYCRR Part 371 and amendments thereto for the identification and listing of hazardous wastes.

**HEIGHT, BUILDING** – The vertical distance measured from finished grade to the top of the highest point of the structure; see definition of “grade, finished.”

**HOME OCCUPATION** – An occupation or activity, conducted for gain, carried out within a dwelling unit or within a structure which is accessory to a dwelling unit, by a family member or members residing within that unit, which is clearly incidental and secondary to the use of the premises as a dwelling.

**HOSPITAL** – An institution providing health service and medical or surgical care of the sick or injured, including as an integral part of the institution related facilities, central service facilities and staff offices.

**HOUSEHOLD** – The people who occupy a dwelling unit as their usual place of residence.

**HUNTING AND FISHING CLUBS** – Lots principally used for hunting of wildlife and/or fishing, and accessory structures in support of those activities.

**IMPERVIOUS SURFACE** – Surfaces that prevent or substantially reduce the infiltration of stormwater. Such surfaces shall include asphalt, concrete, gravel and dirt driveways and streets, parking areas, brick, plastic, paving stones and roof tops and shall exclude organic landscaped areas, lawns, and surface water retention/detention facilities. Where uncertainty exists as to the imperviousness of a surface, for the purposes of this chapter, the Town Engineer shall determine whether such surface is to be considered impervious.

**INDUSTRY, LIGHT** - A manufacturing or maintenance operation conducted wholly within one or more buildings where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The buildings shall resemble office buildings and the impacts of the use (e.g. noise, fumes, and vibrations) shall not exceed those typically associated with an office use.

**JUNK** – Items having no practical purpose which are kept or maintained other than inside a building including, but not limited to the following: discarded reading material, cardboard or similar paper goods, cans, bottles, containers, boxes, cartons or wrappers with or without contents, old pipes, scrap metal or plumbing equipment not in use; auto parts, tires and wheels; broken or nonworking electrical fixtures, broken glass or windows, scraps of cloth or rags, discarded or unusable roofing materials, lumber or construction material, broken furniture or appliances which cannot be used for their original purposes; broken or discarded household furnishings or bedding.

**JUNK VEHICLE** – A wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned vehicle, including junk boats, motorcycles and jet skis, in such a condition that it is economically infeasible to restore the vehicle to a condition enabling it to lawfully operate on public highways.

**KENNEL** – A commercial establishment, in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold.

**LABORATORY** – A building or group of buildings containing facilities for scientific research, investigation, testing, or experimentation, but not for the manufacture or sale of products, except as incidental to the main purpose of the laboratory and used for on-site experimental or testing purposes.

**LANDSCAPED AREA** – An area developed predominantly with plant material or natural landscape features, including, ground cover, gardens, trees, shrubs, and other plant materials, and also including accessory decorative outdoor landscape elements, such as pools, fountains, water features, and sculptural elements, provided that the use of inorganic materials do not predominate over the use of plant material.

**LANDSCAPED ISLAND** – Built-up structures, usually curbed, placed at the end or middle of parking rows as a guide to traffic and for landscaping, signage, or lighting.

**LANDSCAPING SERVICES** – Establishments primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and/or establishments primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures. These establishments may also store landscape care and maintenance items on-site such as sand, gravel, stone, topsoil, plants, shrubs, trees, and equipment used to install and transport such items.

**LARGE QUANTITY GENERATOR** – As defined by the Resource Conservation and Recovery Act and amendments thereto, sites generating more than 1,000 kilograms per month of listed and/or characteristic hazardous wastes, or generating or storing more than 1 kilogram per month and 1 kilogram of acutely hazardous waste, respectively.

**LAUNDROMAT** – Establishments primarily engaged in operating facilities with coin-operated or similar self-service laundry for customer use on the premises.

**LENGTH, BUILDING** – The distance measured between the most remote exterior corners of a building, but not measured on a diagonal.

**LIBRARY** – A public facility in which literary, musical, artistic, or reference materials, such as but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

**LIGHT TRESPASS** – That amount of luminance at or beyond a lot line which exceeds 0.1 footcandle, measured five feet above finished grade.

**LOADING SPACE** – An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LOT** – An area of land all parts of which are owned by the same person(s) or entities and having definite boundaries that were established either by the recording of a deed prior to the first adoption of subdivision regulations by the Town or by the filing of an approved subdivision plat, except to the extent that such boundaries may have been altered by an approved lot line change or such lot may have been combined with another lot by merger.

**LOT, CORNER** – A lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than 135 degrees.

**LOT, THROUGH** – A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

**LOT AREA** – The total area within the lot lines of a lot.

**LOT AREA, NET** – Lot area minus streets and access and utility easements.

**LOT LINE**– A line of record that divides one lot from another lot or from a public or private street or any other public space (See Figure 3).

**LOT LINE CHANGE** – The adjusting of a lot line between adjacent lots, which does not create any additional lots.

**LOT WIDTH** – The horizontal distance between the sidelines of a lot measured at the minimum required front yard setback line.

**LUMEN** – A unit of measure of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens.

**LUMINAIRE** - A complete lighting unit consisting of a light source, pole, and all mounting brackets, if appropriate, and all necessary mechanical, electrical, and decorative parts.

**MESSENGER/DELIVERY SERVICES** – A private, for-profit enterprise providing for the receipt and delivery of mail, documents, or other such paperwork.

**MOBILE HOME** – A transportable living unit used or designed to be used year round as a permanent residence and containing the same types of water supply, waste disposal, and electrical systems as immobile housing. Recreational vehicles, units designed for use principally as a temporary residence, or prefabricated, modular, or sectionalized houses transported to and completed on a site are not considered to be mobile homes.

**MUSEUM** – A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designated to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public.

**NATURAL RECHARGE** – The normal rate at which precipitation enters the subsurface to replenish groundwater in aquifers, without interruption or augmentation by human actions or landscape modifications.

**NONCONFORMING** – A lot or use not in compliance with the zoning regulations applicable to the zone within which such lot and/or use is located.

**OFFICE** – A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government, including administrative and support services, and professional, scientific, and technical services.

**OPEN SPACE** – Any area of land that contains no structures below or at grade other than those permitted under Article VI of this chapter. Open space shall not include required setback areas.

**OVERLAY DISTRICT** – A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

**PARENT PARCEL** – One or more lots existing within the Town of Putnam Valley on the date of the adoption of this chapter for which subdivision plat approval is sought.

**PARK, PRIVATE** – One or more privately owned lots used for recreational purposes.

**PARK, PUBLIC** – One or more publicly owned lots used by the general public for recreational purposes.

**PARKING LOT** – An off-street area that provides temporary parking for registered motor vehicles.

**PARKING SPACE** – A space for the parking of a registered motor vehicle.

**PASSIVE RECREATION** – Activities that have little or no effect on the land including walking, hiking, sitting, cross-country skiing, picnicking, and board and table games, but not including activities that require athletic fields or playing courts or involving the use of snowmobiles, ATV's, motorcycles, or the like.

**PERFORMING ARTS** – Establishments for the live presentation of music, dance, drama, speech, and similar performance, but excluding those which are licensed to sell alcoholic beverages.

**PERSON** – An individual, partnership, corporation, trust, estate, limited liability company or any other entity capable of holding title to real property.

**PET GROOMING SERVICES** – A non-veterinary service which tends to the neatness and/or appearance of domestic animals.

**PHOTOMETRIC** – The light distribution and performance of a luminaire as measured and described by recognized industry standards.

**PLACE OF WORSHIP** – A church, synagogue, temple, mosque, or other facility that is principally used for collective prayer or worship by members and/or adherents of a particular religious group or denomination.

**PLANNING BOARD** – The Planning Board of the Town of Putnam Valley.

**PLAYGROUND** – An active recreational area with a variety of facilities, including playground equipment for younger children as well as playing courts and athletic fields.

**PLAYGROUND EQUIPMENT** – Equipment to be used by children within a playground or park, such as, but not limited to, swing sets, climbing equipment, slides, balance beams, tunnels, and other free-standing equipment.

**PLAYING COURT**- A developed area for competitive sports such as basketball, tennis, paddle tennis, volleyball, all of which may contain bleachers as an accessory structure.

**PORCH** – A roofed, open area (which may be screened) attached to a building.

**POST OFFICE** – A facility of the United States Postal Service designed to provide direct service to its customers.

**PRINCIPAL BUILDING** – A building in which is conducted the principal use of the lot on which it is located.

**PRINTING ESTABLISHMENTS** – An establishment engaged in the production, reproduction or photocopying of printed or photographic material.

**PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES** - The provision of professional, scientific, and technical activities to others including, medical, dental, legal, engineering, architectural, public accounting practices, bookkeeping, payroll, planning, computing, consulting, advertising, research, translation, and interpretation services.

**QUALIFIED INCOME PURCHASER** – Households whose aggregate annual income does not exceed 80% of the regional median family income applicable to the Town of Putnam Valley, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

**QUORUM** – A majority of the full authorized membership of a board or agency.

**RECREATIONAL VEHICLE** – A towed or self-propelled conveyance designed as a temporary living accommodation for recreational and/or camping purposes.

**REFUSE ENCLOSURE** – A structure where trash and/or recycling material containers or any other type of waste or refuse containers are stored.

**REGULATED WETLANDS, WETLAND BUFFERS, WATERBODIES AND/OR WATERCOURSES, BUFFERS ASSOCIATED WITH WATERBODIES AND/OR WATERCOURSES** – All wetlands, waterbodies and/or watercourses, together with associated buffer areas, whose physical disturbance and/or alteration is regulated by Federal, State, or local law.

**REPEATER** - A small receiver/relay transmitter of not more than 20 watts output designed to provide cellular telephone service to areas which are not able to receive adequate coverage directly from a base station.

**RESIDENTIAL ABOVE COMMERCIAL** – A dwelling unit or units which are located above a permitted or specially permitted commercial use.

**RESTAURANT** – An establishment where food and drink are prepared, served, and consumed, primarily within the principal building.

**RESTAURANT, TAKE OUT** – An establishment where food and/or drink are sold in a form ready for consumption, where all or a predominant part of the consumption takes place outside the confines of the restaurant.

**RETAIL BUSINESS** – An establishment selling consumer goods to the general public and/or rendering services incidental to the sale of such goods.

**RIGHT-OF-WAY** – A parcel of land intended to be occupied by a street, driveway, water line, sewer line, or other utility or facility.

**RIGHT-OF-WAY LINES** – The lines that form the boundaries of a right-of-way.

**SCHOOL** – Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge, with the exception of private schools.

**SCHOOL, PRIVATE** – Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency, but rather is funded in whole or in part by charging its student tuition.

**SELF STORAGE** – A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

**SENIOR CITIZEN CENTER** – Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly, persons diagnosed with mental retardation, or persons with disabilities. These establishments provide for the welfare of individuals in such areas as day care, non-medical home care or homemaker services, social activities, group support, and companionship.

**SEQRA** – State Environmental Quality Review Act (New York State Environmental Conservation Law, Article VIII).

**SERVICE BUSINESS** – A business or nonprofit organization that primarily provides services to the public, either on or off the premises, other than professional, scientific and technical services as elsewhere defined herein, including building maintenance, messenger/delivery services, pet grooming services, printing establishments, hair salons, catering establishments, and consumer repair services.

**SETBACK AREA** – The area between the lot line and the setback line.

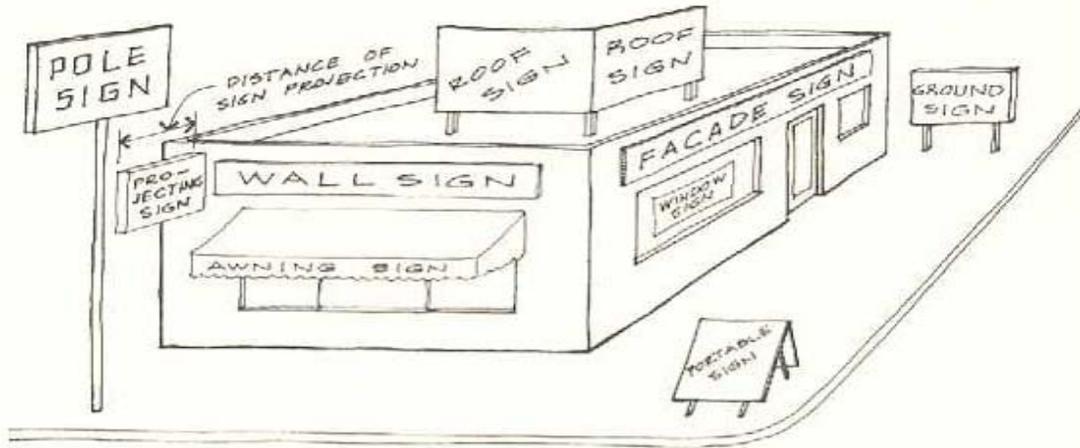
**SETBACK LINE** – That line that is the required minimum distance from any lot line and that establishes the area within which structures may be erected or placed (See Figure 3).

**SHED** – An accessory building used for storage purposes.

**SHIELDED LUMINAIRE** - A luminaire constructed and installed in such a manner that all light emitted by it is projected below the horizontal plane running through the lowest point on the luminaire. It is the same as a cutoff luminaire but without any restrictions on light distribution below the horizontal plane.

**SIGN** – Any object, device, display, or structure, or part thereof, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**Figure 2 – Sign Types**



**SIGN, ANIMATED OR MOVING** – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the impression of such movement or rotation.

**SIGN, BILLBOARD** – A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**SIGN DIRECTED TO THE TACONIC STATE PARKWAY** – A sign designed and intended to be read primarily from the Taconic State Parkway.

**SIGN, DIRECTIONAL** – Signs limited to directional messages such as “one way,” “entrance,” and “exit.”

**SIGN, FREESTANDING** – Any nonmovable sign not affixed to a building.

- a) Ground Sign/Monument sign. Any sign, other than a pole sign, in which the entire bottom is in contact with or is less than 12 inches from the ground and is independent of any other structure (see Figure 2).
- b) Pole Sign. A sign that is mounted on a freestanding pole or other support of narrow width so that the bottom edge of the sign face is 8 feet or more from grade level (see Figure 3).

- c) Post-and-Arm Sign. A sign that has a vertical post of narrow width to which a perpendicular arm is attached and from which a sign hangs.
- d) Menu Board Sign. A portable freestanding sign displaying the type and price of food and beverages sold.

**SIGN, INFORMATION** – A sign that provides a service, direction, or courtesy information intended to assist the public and is not displayed for the purpose of advertising products or services.

**SIGN, GOVERNMENT** – A sign erected and maintained by or on behalf of any governmental agency.

**SIGN, IDENTIFICATION** – A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, or establishment on the premises where it is located.

**SIGN, ILLUMINATED** – A sign illuminated in any manner by an artificial light source, whether internally or externally lit, and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

- a) Externally Illuminated Sign. Any illuminated sign whose light source is external to the sign.
- b) Flashing Sign. Any illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
- c) Internally Illuminated Sign. Any illuminated sign whose light source is internal to the sign.
- d) Message Signs. Any sign that include lights or messages which change, flash, blink or turn on and off intermittently, but specifically excluding time and temperature signs which display no other text or images.

**SIGN, INFLATABLE** – Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**SIGN, MEMORIAL** – A sign, tablet, or plaque memorializing a person, event, structure, or site.

**SIGN, NO TRESPASSING** – A sign indicating that no person shall enter a premises or tract of land without authorization.

**SIGN, NON-FREESTANDING** – Any non-movable sign that is affixed in any way to a building or structure and is not permanently affixed to the ground or on a foundation.

- a) Awning, Canopy or Valance Sign. A sign that is mounted, painted, or attached to an awning or other window or door canopy (see Figure 2).
- b) Directory. Sign located on the exterior facade of a building that identifies the building tenants and their location within the building.
- c) Wall Sign. A sign that is affixed to or painted on the face of any exterior wall or door of a building or fence and is mounted parallel to the surface of the building so that only one side is visible to the public (see Figure 2).
- d) Projecting or Shingle Sign. A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible (see Figure 2).
- e) Roof Sign. A sign which is erected, constructed, and maintained on or above the roof of a building (see Figure 2).
- f) Window Sign. A sign that is attached to the inside of any window or situated within a building, so that the sign is visible from the public right-of-way (see Figure 2).

**SIGN, PERSONAL** – A sign used for residential and home occupations uses, including nameplates, home-occupation signs, and signs of a similar nature.

- a) Nameplates. Signs indicating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
- b) Home Occupation Sign. Sign containing only the name and occupation of a permitted home occupation.

**SIGN, POSTED** – A sign prohibiting activities such as, but not limited to, hunting, fishing, camping, or hiking, without the authorization of the owner of the land.

**SIGN, PORTABLE** – A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported (see Figure 2).

**SIGN, RESIDENTIAL SUBDIVISION** – A sign located at the entrance of a residential subdivision identifying the name of the subdivision.

**SIGN, TEMPORARY** – A sign not intended for permanent display. Temporary signs shall be removed after the temporary purpose has been served.

- a) Construction Project Sign. A temporary sign placed upon the premises where construction is underway and that identifies individuals or companies involved in design, construction, wrecking, financing or development.
- b) Private Sale or Event Signs. A temporary sign advertising private sales on personal property, such as “house sales,” “garage sales,” “rummage sales,” and the like, or private not-for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.
- c) Political Sign. A temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election.
- d) Real Estate Sign. A temporary sign used to indicate that the premise upon which the sign is placed is available for sale, lease or rent.
- e) Banner Sign. A sign on non-rigid material such as cloth, plastic, fabric, or paper with no supporting framework.
- f) Pennant Signs. Any geometric shaped cloth, fabric, or other lightweight material normally fastened to a stringer and is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

**SIGN, VEHICLE** – Any sign displayed on a vehicle or trailer where the primary purpose of the vehicle is to attract attention and advertise a product, service business, or other activity, except business identification signage painted on or otherwise permanently affixed to the vehicle body.

**SITE PLAN** – A drawing or series of drawings illustrating the proposed development and/or redevelopment of a lot pursuant to §165-37 of this chapter.

**SMALL QUANTITY GENERATOR** – As defined by the Resource Conservation and Recovery Act and amendments thereto, sites not meeting Conditionally Exempt Small Quantity Generator status but which generate and store less than 1,000 kilograms per month and 6,000 kilograms of listed and/or characteristic wastes, respectively, and generating and storing less than 1 kilograms per month and 1 kilogram of acutely hazardous waste, respectively.

**SPECIAL PERMIT USE** – A use allowed upon approval of the Putnam Valley Planning Board pursuant to Article VII of this chapter as indicated by an “SP” on the attached Land Use Category Table.

**STEALTH TOWER STRUCTURE** – Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**STEEP SLOPE** – A geographical area having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), whether man-made or natural, and covering a minimum contiguous horizontal area of 1,000 square feet.

**Very Steep Slope** - A geographical area having a topographical gradient of 30% or greater (ratio of vertical distance to horizontal distance), whether man-made or natural, and covering a minimum contiguous horizontal area of 1,000 square feet.

**STORY** – That portion of a building included between the surface of any floor and the surface of the ceiling above it and not including the basement.

**STREET** – A vehicular roadway, whether or not publicly owned, which is in actual use by the public.

**STREET FRONTAGE** – The length of a lot line which divides a lot from a street. For the purposes of determining minimum street frontage, street frontage shall be the contiguous linear or curvilinear extent of the lot measured along the street right-of-way.

**STREET, PAPER** – A street that has never been built but is shown on a subdivision plat filed on the office of the Putnam County Clerk, or on the Town of Putnam Valley tax map.

**STRUCTURE** – A combination of materials fastened together for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**SUBDIVISION** – The division of a lot into two or more lots.

**SUBSTANTIAL ALTERATION** – Any change, rearrangement or addition to a building, other than repairs, the cost of which exceeds twenty-five percent (25%) of the appraised value of the building, or that results in a square footage increase of twenty-five percent (25%) or more of the gross floor area of a building, or the moving of a building or structure from one location to another, or includes significant changes to the building façade.

**SWIMMING POOL** – Any man-made receptacle of water, in-ground or above-ground, having a depth at any point greater than 24 inches, designed, used or intended to be used for wading or swimming.

**TIMBER HARVESTING** – A commercial activity involving the cutting, gathering, or collecting of trees.

**TOWER** – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar wireless telecommunication purposes. term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower

structure and the like. The term includes the structure, accessory structures, and any support thereto.

TOWN – The Town of Putnam Valley.

TOWN ATTORNEY – The Town Attorney of the Town of Putnam Valley, or an attorney retained to perform the services of Town Attorney, as applicable.

TOWN BOARD – The Town Board of the Town of Putnam Valley.

TOWN ENGINEER – The Town Engineer of the Town of Putnam Valley or the Town’s engineering consultant, as applicable.

TOWN LAW – The Town Law of the State of New York.

TOWN PLANNER – The Town Planner of the Town of Putnam Valley or the Town’s planning consultant, as applicable.

TOWN WETLANDS INSPECTOR – The Town Wetlands Inspector of the Town of Putnam Valley or the Town’s wetland consultant, as applicable.

TRASH COMPACTOR – A container for the storage and compaction of solid waste that is mechanically compacted by either an integral or separate power unit, that results in more room for solid waste material.

USE – The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

USE, CHANGE OF – A change of the use of a structure or land from one land use category, identified on the Land Use Category Table, to another.

USE, PERMITTED – Uses allowed in a given zoning district as indicated by a “P” on the attached Land Use Category Table.

USE, PRINCIPAL – The primary or predominant use of any lot.

USE, TEMPORARY – A use established for a limited duration with the intent to discontinue such use upon the expiration of a time period.

VARIANCE – Permission to depart from the literal requirements of this chapter.

VARIANCE, AREA – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements established by this chapter.

**VARIANCE, USE** – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this chapter.

**VETERINARY SERVICES** – The provision of medical care to animals, which may include short-term boarding required by such medical care.

**WALL** – Any structure forming a physical barrier that is constructed so that the vertical surface is closed. The material of which a wall is constructed may be masonry, brick, concrete, metal, wood, or similar materials. For the purposes of this chapter, the term wall shall not be construed to mean retaining wall or fence.

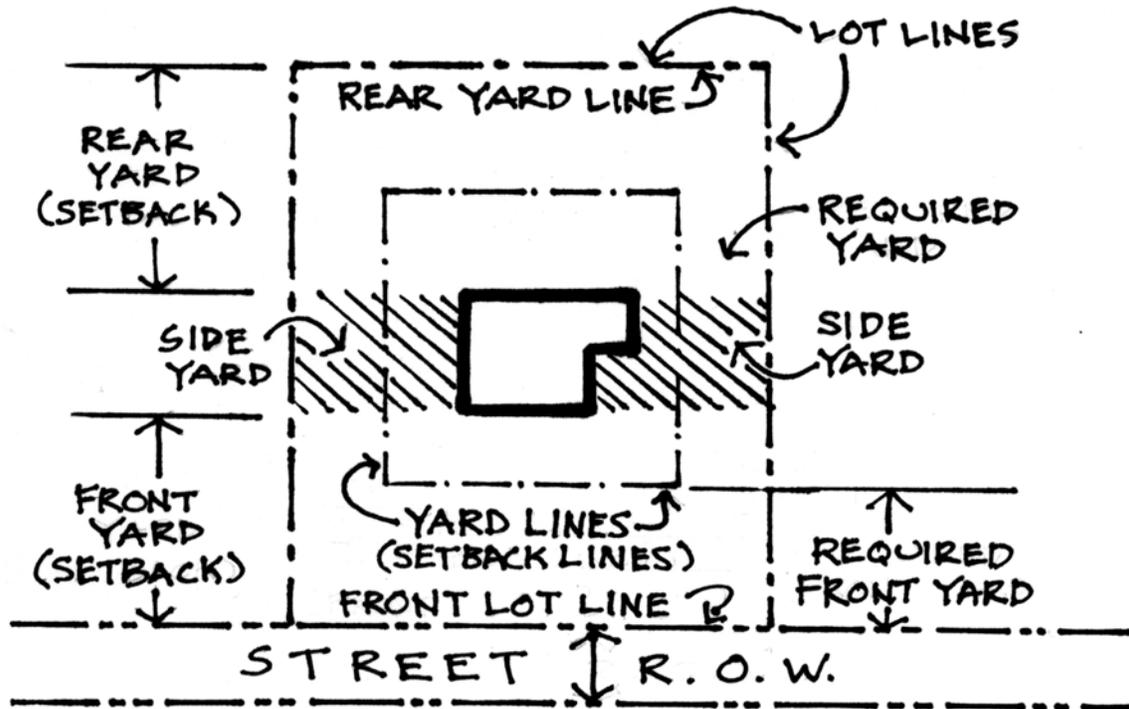
**WIRELESS TELECOMMUNICATIONS** – Personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services that exist or that may be developed in the future.

**YARD, FRONT** – A space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line (See Figure 3).

**YARD, REAR** – A space extending across the full width of the lot between any building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line (See Figure 3).

**YARD, SIDE** – A space extending from the front yard to the rear yard between any building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building (See Figure 3).

**Figure 3 – Required Yards and Setbacks**



ZONING BOARD OF APPEALS – The Zoning Board of Appeals of the Town of Putnam Valley.

ZONING DISTRICT – A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

**ARTICLE III**  
**Establishment and Designation of Districts and Allowable Uses**

**§165-6. Establishment of zoning districts.**

The Town of Putnam Valley is hereby divided into the following zoning districts:

<b>Abbreviated Designation</b>	<b>Zoning District</b>
RR	Rural Residential District
LP	Lake Peekskill Residence District
CD	Conservation Residential District
PD	Preservation District
CC-1	Community Commercial-One District
CC-2	Community Commercial-Two District
CC-3	Community Commercial-Three District
NC	Neighborhood Commercial District
HC	Highway Commercial District

**§165-7. Establishment of zoning map.**

- A. The boundaries of said zoning districts are hereby established and delineated as shown on the map titled the “Zoning Districts Map,” herein referred to as “Zoning Map,” dated \_\_\_\_\_.
- B. Four original, official, and identical copies of the Zoning Map are hereby adopted as part of this chapter and shall be filed and maintained as follows:
  - 1. One copy of the Zoning Map shall be filed and maintained up to date with the Town Clerk, CEO, Planning Board Clerk, and Zoning Board Clerk.
- C. Future amendments to the Zoning Map shall be signed by the Town Clerk and, upon enactment, are hereby adopted as part of this chapter.
- D. Reproductions (both full-sized and reduced-size) of the Zoning Map shall be made available by the Town Clerk for purchase by the public.

**§165-8. Interpretation of district boundaries.**

- A. Where uncertainty exists as to the boundaries of any of the aforesaid zoning districts shown on the Zoning Map, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerlines of streets (public or private) or any rights-of way, shall be construed as following such centerline.

2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. In cases where a zoning district boundary line is located no more than 15 feet away from a lot line, such boundary line shall be construed to coincide with such lot line.
4. Boundaries indicated as following Town limits shall be construed as following Town limits.
5. Boundaries indicated as following centerlines of brooks, creeks, streams, or drainage courses shall be construed as following such centerlines.
6. Boundaries indicated as following boundaries of a water body shall be construed as following such boundaries.
7. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.
8. If a district boundary divides a lot, each portion of the lot shall conform to the applicable district in which it is located, except as may otherwise be stated in this chapter.
9. In cases where uncertainty remains as to the true location of a district boundary line following the application of the above rules, the CEO shall request the Zoning Board of Appeals to render a determination with respect thereto. In such cases, the use of the scale shown on the Zoning Map may be used to aid in such a determination.

**§165-9. Uses.**

- A. Only those uses appearing on the Town of Putnam Valley Land Use Category Table attached hereto are permitted. All other uses are prohibited. Unless otherwise stated, no lot in a RR, LP, CD, or PD zone shall contain more than one principal use.
- B. Within each zoning district appearing on the Town of Putnam Valley Land use Category Table, those uses bearing the initial “P” are permitted. Those uses bearing the initial “SP” require a special use permit under Article VII of this chapter or, in the case of wireless telecommunication towers and antennas, under §165-26. All uses, whether permitted (P), or specially permitted (SP) are subject to compliance with this chapter and all other applicable laws, rules, and regulations.

**§165-10. Rural Residential District (RR).**

- A. Purpose. This District’s purpose is to provide for low density single-family residential development in a rural setting while allowing some low-impact nonresidential uses.

In order to support adequate aquifer recharge and sustainable lots, the minimum lot area of this district has been made to be consistent with the recommendations of the Putnam County Groundwater Protection and Utilization Plan, prepared by The Chazen Companies, dated September, 2004.

- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-11. Lake Peekskill Residence District (LP).**

- A. Purpose. This zoning district encompasses existing residential uses surrounding Lake Peekskill which lack central water and sewer facilities. Its purpose is to provide for residential uses and to eliminate the creation of additional small lots that would aggravate existing concerns relative to groundwater quality and public health and safety.
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-12. Conservation District (CD).**

- A. Purpose. This District's purpose is to provide for low density single-family residential development while maintaining substantial areas of open space, protecting natural resources and preserving environmental features. This District is intended to establish and regulate very low density residential areas.
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-13. Preservation District (PD).**

- A. Purpose. This District's purpose is to provide for permanent open space, very low intensity recreational uses, low-intensity uses that promote tourism, and very low density single-family residential uses to provide a comprehensive network of permanent, multifunctional, open spaces within the Town that are largely publicly owned or are tax exempt. This District is intended to preserve, protect and enhance the value of natural resources in all respects, including topographic and geologic features, vegetation, wildlife, watersheds and wetlands, areas of scenic beauty, and other land and community resources whose retention is necessary for the continued maintenance and quality of the environment. It is also the intent of this District to provide sufficient space to meet the present and future needs of the community for active and passive recreational activities and to discourage development on land with ecologically important resources, land subject to flooding, areas with steep slopes or other land features.

- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-14. Community Commercial-One District (CC-1).**

- A. Purpose. This District's purpose is to provide for a variety of commercial activities, mixed with some residential uses, within the hamlet of Oregon Corners. The District is designed to accommodate most of the retail and service needs of the community while reflecting the character of a small town business district through a well-balanced mixture of land uses. It is the intent of this District to maintain and allow for commercial development that is at a similar scale to the buildings already located at Oregon Corners and multifamily development, infill, and redevelopment that is designed with an architectural style that complements the hamlet and a design that promotes a pedestrian friendly environment and which is consistent with design guidelines contained in Article IX of this chapter.
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-15. Community Commercial-Two District (CC-2).**

- A. Purpose. The purpose of this District is to provide for a variety of commercial and light industrial activities that are of moderate intensity, mixed with some residential uses. The uses within this District are to serve the convenience and needs of the community and must not be a detriment to the surrounding residential uses and the rural character of the area.
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-16. Community Commercial-Three District (CC-3)**

- A. Purpose. The purpose of this District is to provide for a variety of mixed commercial and residential uses along and in the vicinity of Morrissey Drive that are low impact, are compatible with the residential neighborhood of Lake Peekskill and residences on Morrissey Drive, and are consistent with the design guidelines contained in Article IX of this chapter..
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-17. Neighborhood Commercial District (NC).**

- A. Purpose. The purpose of this District is to provide low intensity commercial and mixed use development in areas of Town located proximate to residential areas. This District has been designed to provide limited services to the adjacent residential

*August 23, 2007*

*Putnam Valley Zoning Code Update-CPRC Draft*

community. It is the intent of this District to maintain and allow for appropriately scaled commercial development and a mix of uses that are designed to be consistent with design guidelines contained in Article IX of this chapter.

- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

**§165-18. Highway Commercial (HC).**

- A. Purpose. The purpose of this District is to provide for more intense commercial development than allowed in the Town's other commercial zones. Uses within the HC zone generate more traffic than uses provided elsewhere.
- B. Permitted and special permit uses. Refer to the Town of Putnam Valley Land Use Category Table located at the end of this chapter.

ARTICLE IV  
**General Regulations**

**§165-19. Bulk regulations.**

Regulations applicable to minimum net lot area, minimum street frontage, minimum lot width, minimum and maximum setback areas, maximum impervious coverage, minimum contiguous buildable area, maximum disturbed area, and maximum height are set forth in the Bulk Regulation Table located at the end of this chapter. From and after the effective date of this chapter all new construction, except as otherwise stated herein, shall conform to said regulations.

**§165-20. Lot standards.**

- A. There shall be no more than one principal building on a lot, except for commercial developments or as otherwise permitted elsewhere in this chapter.
- B. No lot shall be subdivided other than pursuant to and in accordance with the Town of Putnam Valley Subdivision Regulations and this chapter.
- C. No lot containing a structure shall be subdivided unless such structure, all yards connected therewith, and all new lots resulting from such subdivision comply with all requirements prescribed by this chapter.
- D. A through lot shall be considered as having front yards on both street frontages. The remaining yards shall be considered side yards.
- E. A corner lot shall be considered as having front yards on all street frontages. The remaining yards shall be considered side yards.
- F. Unless otherwise permitted by this chapter, every part of the required front, rear, and side yard setbacks shall be open and unobstructed to the sky, except for ordinary projections of window sills, cornices, air conditioners, and other architectural features projecting not more than 12 inches into the required yard and roof eaves not projecting more than four feet into the required yard. Site access, water supply, sewage disposal, and stormwater management facilities can be constructed within required front, rear, and side yard setback areas provided they meet all other applicable requirements.
- G. In the RR, LP, CD, and PD Zoning Districts, driveways and walkways shall not be constructed within 10 feet of any side or rear lot line and parking areas and loading spaces shall not be located in any required setback area.
- H. Height regulations shall not apply to church spires, water towers, flagpoles, telecommunication towers and antennas, roof vents, or silos.

**§165-21. Maximum disturbed area.**

- A. The purpose of limiting disturbed area is to encourage responsible development while minimizing environmental impact. Maximum disturbed area shall be illustrated on each proposed subdivision plan and site plan.
- B. Except for lots created by conservation subdivision, the maximum allowable disturbed area of any lot for which the construction of a single-family detached dwelling, duplex, or ECHO units is proposed shall be as follows:

**Maximum Disturbed Area**

<b>Gross Lot Area</b>	<b>Maximum Disturbed Area per Lot</b>
0-.99 acres	75%
1.00-1.99 acres	32,000 sq. ft.
2.00-2.99 acres	1 acre
3.00 acres and greater	1.5 acres

**§165-22. Buildable area.**

- A. With the exception of lots created by conservation subdivision, the requirements of this section shall apply to lots within the RR, LP, CD, and PD Zoning Districts, regardless of its use.
- B. Each lot shall contain 32,000 square feet of contiguous buildable area.
- C. All disturbed area shall be located within the buildable area as defined in §165-5 of this chapter, however, the Planning Board may allow up to five percent (5%) of the proposed principal building or disturbed area to occur outside the buildable area where the applicant demonstrates hardship from this restriction and provided there would be no substantial negative impact or there would be a beneficial impact to the public health, and safety or to the environment.

**§165-23. Steep slopes.**

- A. Purpose. Once a steep slope is disturbed, that disturbance is, for all practical purposes, irreversible. The establishment of standards and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and

general welfare, and the natural environment. Experience has demonstrated a need for effective protection of steep slopes, including avoidance to the maximum extent possible and careful review and regulation and the implementation of stringent mitigation measures where, in the opinion of the approval authority, no possible alternative to such disturbance exists. It is the intent of the Town to preserve steep slopes to the greatest extent possible and to regulate their use to protect the public interest by minimizing detrimental effects of steep slope disturbance and development of these areas. This section is intended to protect the public from the potential negative impacts of steep slope disturbance, including erosion, sedimentation, pollution of water supplies, slope failure, increase in downstream runoff, alteration of scenic views, and destruction of potentially significant habitat.

- B. Applicability. This section shall apply to any site plan, special use permit, building permit, or any other permit or approval from any Board or official of the Town under any section of the Town Code that involves the disturbance of steep slopes or very steep slopes as defined under §165-5 of this chapter.
- C. Slope determination. Slope determination shall be made using topographic information required by the approving authority, submitted by the applicant, for a particular application. In cases of uncertainty or dispute, the Town Engineer shall determine the location of steep and very steep slopes.
- D. Standards for disturbance of steep slopes. Prior to the issuance of any approval or permit, the approving authority shall ensure that the follow standards are met.
  - 1. The proposed activity constitutes the minimum disturbance necessary to allow the property owner a reasonable use of the lot.
  - 2. Adequate erosion control and drainage measures, consistent with State and local laws and guidelines, shall be in place so that erosion or sedimentation does not occur during or after construction.
  - 3. The cutting of trees and other natural vegetation is minimized, except in conjunction with timber harvesting practices performed pursuant to applicable Town laws and the guidelines of the New York State Department of Environmental Conservation.
  - 4. The natural contours of the land and existing vegetation shall be maintained as much as possible. The installation of structures, streets, and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable engineering practices.
  - 5. Replanting shall consist of indigenous vegetation and shall replicate the original vegetation on the site as much as possible.

6. The proposed activity shall be in accordance with the principles and recommendations of the Comprehensive Plan and all other applicable requirements of the Town Code.
  7. The approving authority may alter or waive any of the above standards if such alteration or waiver is necessary to avoid a more serious threat to the natural environment or human health or safety.
- E. Submittal requirements. Any of the submission requirements specified under Article V of this chapter may be required by the approving authority to evaluate the impact of disturbing steep and very steep slopes.
- F. Conditions and security. The approving authority may include in its approval any conditions necessary to implement the standards of this section. The approving authority may also require a security, in an amount determined by the approving authority, ensuring compliance with the conditions of its approval and the standards of this section.
- G. Disturbance to very steep slopes. No site disturbance shall be permitted on very steep slopes, except in any of the following circumstances.
1. As may be needed for stream bank stabilization and foot trails and utility lines (this exemption shall not apply to lines serving individual septic systems and water wells).
  2. In conjunction with timber harvesting operations performed pursuant to applicable Town laws and the guidelines of the New York State Department of Environmental Conservation.
  3. In conjunction with activities associated with farm operations in County adopted, State certified agricultural districts under New York State Agriculture and Markets Law Articles 25-AA.
  4. Where very steep slopes were created by the installation of a Town, County or State street and where the applicant proposes disturbance to very steep slopes to access his/her lot and where the development of the lot does not otherwise require the disturbance to very steep slopes.

**§165-24. Nonconforming lots and uses.**

A. General requirements.

1. A use, building, or structure lawfully in existence at the effective date of this chapter which shall be made nonconforming by the passage of this chapter or any amendments thereto may be continued except as otherwise provided in this section or in any subsequent amendment.

2. Any validly issued building permit which is outstanding at the time of this chapter's enactment, which authorizes the construction of a building which, upon completion, will be rendered nonconforming, shall remain valid, subject to §165-48E of this chapter.
  3. For the purposes of this chapter, any abutting nonconforming lots which are owned by the same owner or owners are hereby merged to form a single lot, unless such merger would result in the creation of a nonconforming use on the merged lot.
  4. Where parking and loading requirements are the cause for nonconformity, the subject structure shall not be enlarged or altered unless the requirements of §165-27 of this chapter have been satisfied.
- B. Nonconforming vacant lots. This subsection relates to dimensionally nonconforming vacant lots.
1. Any dimensionally nonconforming vacant lot which lawfully existed on the effective date of this chapter but does not contain the applicable minimum net lot area shall be considered a legal nonconforming lot. Provided that all of the following requirements are met, a structure may be placed on such lots without receiving approval from the Zoning Board of Appeals:
    - a. The proposed use is conforming.
    - b. The proposed structure meets this chapter's regulations relating to the front, rear, and side yard setback areas, minimum lakefront setback area, maximum height, maximum disturbed area, maximum impervious surface, and minimum contiguous buildable area, if applicable.
    - c. The applicant has received site plan approval from the Planning Board, if applicable.
    - d. The Putnam County Health Department has approved the sewage disposal and water supply systems, if applicable.
  2. Any construction on a nonconforming vacant lot which does not meet the requirements of paragraph B(1) above shall require a variance from the Zoning Board of Appeals.
- C. Nonconforming developed lots. This subsection relates to lots containing one or more existing structures where the lot itself is nonconforming or where the structure(s) on the lot, individually and/or collectively, do not conform to the Bulk Regulations.

1. Any dimensionally nonconforming lot which lawfully existed on the effective date of this chapter, containing one or more structures which lawfully existed on the effective date of this chapter, shall be considered a legal nonconforming lot. A lawfully-existing structure on such lot may be altered or enlarged without receiving a variance from the Zoning Board of Appeals, provided:
    - a. The existing and proposed use is conforming.
    - b. The nonconforming front, side, lakefront and/or rear setbacks are not decreased.
    - c. The proposed height of the structure is conforming.
    - d. The proposed improvement is located within the buildable area.
    - e. The applicant has received site plan approval from the Planning Board, if applicable.
    - f. The Putnam County Health Department has approved the sewage disposal and water supply systems, if applicable.
  2. If the gross lot area is less than 1.5 acres in size, an increase in the number of bedrooms, as defined by the Putnam County Department of Health, is prohibited. Further, prior to the issuance of a building permit, the existing septic system must be physically inspected and certified by a New York State Professional Engineer as being in good working condition; the inspection must be conducted to the satisfaction of the Town Engineer and may include the uncovering of system components for inspection, inspection of the grounds surface, measurement of distance to nearest well, and submission of plans illustrating the existing system's design, configuration, and components. Any reported or observed failure of the system shall be reported to the Putnam County Department of Health.
- D. Nonconforming use on undeveloped lot. This subsection relates to the continuation of an existing nonconforming use on a lot that is undeveloped. Where a use of land involving no structure lawfully exists at the time of this chapter's enactment, and where such use is rendered nonconforming by this chapter's enactment, the nonconforming use of such land may be continued, provided that such nonconforming use shall not be enlarged or increased, moved in whole or in part to another portion of the lot, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of the adoption of this chapter.
- E. Nonconforming use on developed lot. This subsection relates to the continuation of an existing nonconforming use on a lot that is developed. Where a use of land involving one or more structures lawfully exists at the time of this chapter's enactment (whether as a permitted or specially permitted use under the 1995 Zoning Ordinance or as a pre-existing nonconforming use allowed to continue under this

chapter), and where such use is rendered nonconforming by this chapter's enactment, such nonconforming use may be continued subject to the following restrictions.

1. Except for religious and educational uses, the nonconforming use, and the structure(s) within which it is conducted shall not be enlarged, moved, or extended without the obtainment of a use variance from the Zoning Board of Appeals.
2. No nonconforming use shall be replaced with another nonconforming use without the obtainment of a use variance from the Zoning Board of Appeals.
3. Nothing herein shall prohibit ordinary repair and maintenance to lawfully existing structures to maintain their safety.
4. Enlargement of any lawfully-existing dwelling unit located on a lot in a residence district, which lot contains more than one lawfully existing dwelling unit, shall be permitted subject to the obtainment of an area variance where conditions (a) through (d) of this subsection (4) exists; otherwise, a use variance shall be required from the Zoning Board of Appeals:
  - a. The proposed enlargement of the dwelling unit does not exceed 20% of the dwelling unit's existing gross floor area.
  - b. The total area of the lot equals or exceeds the minimum net lot area applicable to a lot in the zone in which the dwelling unit is located, times the number of dwelling units located on the lot.
  - c. All other dimensional requirements applicable to the lot in question are met.
  - d. The lot in question contains no non-residential uses.

F. Damage to nonconforming uses.

Any structure containing a nonconforming use, which structure is damaged or destroyed by any means to the extent of 50% or more of its appraised value, may not be rebuilt without the obtainment of a use variance from the Zoning Board of Appeals. Such a structure which is damaged or destroyed to the extent of less than 50% of its appraised value may be rebuilt, provided:

1. The resumption of any lawful nonconforming use of the structure takes place within one year of the time of the damage or destruction.
2. The structure as reconstructed shall be no more nonconforming, with regards to bulk regulations, than the structure which was damaged or destroyed.

G. Termination of nonconforming status.

1. If any nonconforming use is abandoned or ceases to operate for a period of greater than one year for any reason, and regardless of the owner's intent, any future use of the lot, where such nonconforming use was conducted, shall be in conformity with the regulations specified in this chapter for the district in which such lot is located. Re-instatement of any such abandoned or inoperative nonconforming use shall require a use variance.

**§165-25. Accessory structures.**

- A. No accessory structure identified in this section shall be constructed without a building permit having first been issued by the CEO. Said permit shall be issued when all requirements of this chapter have been met and after Planning Board approval has been obtained (if required). Applications for new accessory structures or for changes to existing accessory structures shall include an existing conditions survey, signed and sealed by a New York State licensed land surveyor; a scaled drawing showing the location and dimension of the structure on the lot, as well as colors, materials, and method of illumination, if any; and any additional information requested by the approving authority.
- B. The following requirements pertain to all accessory structures in all zoning districts:
  1. Unless otherwise stated, accessory structures must comply with the bulk regulations of the base zoning district.
  2. Accessory structures shall be subject to the same regulations that apply to principal structures in each district, except as otherwise provided in this chapter.
  3. No more than two detached accessory buildings shall be permitted on a lot that does not meet the minimum net lot area requirement of the base zoning district. On lots that have a net lot area of less than 1 acre, no accessory building shall have a horizontal dimension exceeding 27 feet.
  4. Unless a principal structure already lawfully exists on the lot, no building permit or certificate of occupancy may be issued for an accessory structure listed in this §165-25, except in conjunction with or after the issuance of a certificate of occupancy for the principal structure located on the same lot.
- C. The following additional regulations apply to specific accessory structures:
  1. Barn.
    - a. No barn shall exceed 35 feet in height (exclusive of cupolas).
    - b. No barn shall be constructed within 20 feet of a principal building.

2. Carport.
  - a. No more than three sides shall be enclosed.
  - b. No more than two vehicles shall be stored within said building..
  - c. No exterior dimension shall exceed 25 feet.
  - d. The height of the structure shall not exceed 12 feet.
3. Dock or similar waterfront structures (collectively hereafter referred to as “docks”).
  - a. The subject lot must have no less than 25 feet of lake frontage.
  - b. The dock may not extend more than 25 feet from the high-water mark into or over the surface of the water.
  - c. No dock shall cover more than 25 feet of lake frontage.
  - d. The maximum area of a dock shall be 225 square feet.
  - e. A dock shall be permitted within the required setback areas but shall not be constructed within 5 feet of any side lot line.
  - f. A wetlands permit or permit waiver is required from the Town.
  - g. A permit may be required from the New York State Department of Environmental Conservation.
4. Fence, wall, retaining wall, hedge.

Subparagraphs (a) through (n) of this subsection (4) shall not be applied to public parks, playgrounds, schools, or lots of land owned by the Town.

- a. All fences and walls shall be erected within the lot lines of the lot containing the principal structures to which they are accessory.
- b. All fences and walls shall be maintained in a safe, sound, and upright condition and present a uniform appearance.
- c. Fences and walls shall be permitted within required setback areas subject to the provisions of this section.
- d. The “good” or “finished” side of a fence shall face the adjacent property or street if said structure is within a required setback area.

- e. Any fence or wall erected in the front yard of a lot in an RR, LP, or CD Districts shall not exceed a height of four feet measured from finished grade to its highest point. A fence or wall erected in the front yard of a lot located within the CC-1, CC-2, CC-3 or NC Districts shall not exceed a height of six feet, measured from the finished grade to its highest point.
  - f. Any fence or wall erected in the side or rear yard shall not exceed a height of six feet measured from finished grade to its highest point. Fences and walls located within a lakefront setback area shall not exceed four feet.
  - g. When determining the height of a fence constructed on top of a retaining wall, the height shall be measured from top of the retaining wall, to the highest point of the fence.
  - h. No fence or wall shall be closer than 10 feet from a principal structure on the same lot.
  - i. A fence that encloses a swimming pool shall conform to State requirements.
  - j. No fence, wall, or hedge shall be situated in such a manner that would obstruct the view of vehicular or pedestrian traffic at any intersection or crosswalk.
  - k. Except for farm operations, barbed wire shall not be used in conjunction with any fence.
  - l. If any fence or wall is found to be unsafe, insecure, or hazardous, such fence or wall shall be repaired or removed within 14 days of a notice of violation issued by the CEO.
  - m. Retaining walls shall not be located closer to a lot line than the height of said retaining wall, measured from its lowest to highest point.
  - n. The maximum height of any retaining wall or tier of a multi-level retaining wall shall be six feet.
5. Garage, private residential.
- a. No detached garage shall exceed 25 feet in height.
  - b. No detached garage shall be within 20 feet of the principal structure located on the same lot.
6. Gazebo.

Subparagraphs (a) through (d) of this subsection (6) shall not be applied to public parks, playgrounds, schools, or lots of land owned by the Town.

- a. A gazebo less than 100 square feet may be constructed within 25 feet of a side or rear lot line.
- b. No gazebo shall exceed 13 feet in height.
- c. No gazebo shall be enclosed on any side.
- d. No gazebo shall be constructed within 20 feet of the principal building on the same lot.

7. Recreational vehicle.

- a. No recreational vehicle shall be stored in the front or side yard of a lot.
- b. No recreational vehicle shall be connected to electric, water and/or sewer services when being stored on a lot.
- c. No recreational vehicle shall be inhabited when stored on a lot.

8. Shed.

- a. A shed up to 120 square feet may be constructed within the required side and/or rear setback areas, but no closer than 10 feet from a lot line.
- b. No shed shall have an interior dimension of less than four feet.
- c. No shed shall exceed 200 square feet in gross floor area, with the exception of sheds on lots of 10 acres or more, which shall not exceed 750 sq. ft.
- d. No shed shall exceed 12 feet in height, with the exception of sheds on lots of 10 acres or more, which shall not exceed 18 feet in height.
- e. No shed shall be constructed within 10 feet of a principal building on the same lot.
- f. No shed shall utilize water and/or sewage services.

9. Swimming pool.

- a. In-ground and above-ground pools shall be constructed, installed, and maintained in compliance with State requirements for same.
- b. The swimming pool shall be located in the rear yard. In a case where no rear yard exists, the location of the swimming pool shall be determined by the CEO.
- c. All supplies relating to the maintenance of the pool shall be kept in a secure location.

10. Trash compactors/dumpsters/refuse enclosures.

- a. Trash compactors, dumpsters and/or refuse enclosures shall be located, screened, and maintained so as to minimize their effect on surrounding uses and their design and operation shall be rodent-proof and watertight.
- b. Trash compactors, dumpsters and/or refuse enclosures on non-residential lots shall not be located within any parking or loading space, nor within 20 feet of any lot line.
- c. Refuse enclosures on residential properties shall not be located within the Town right-of-way.
- d. Trash compactors and dumpsters on residential lots shall not be located within 20 feet of any lot line.
- e. No offensive odors shall be emitted into the air so as to endanger the public health and safety or impair the values and enjoyment of any other use.

**§165-26. Wireless telecommunication towers and antennas.**

- A. The purpose of this section is to regulate the location and construction of wireless telecommunication towers and antennas so as to minimize their adverse physical, visual, and environmental impacts upon the Town, and to require owners of towers and antennas to locate them, to the extent possible, in areas having minimal adverse impact on the community.

This section is intended to be consistent with the Telecommunications Act of 1996 in that it does not prohibit or have the effect of prohibiting towers and antennas and is not intended to be used to unreasonably discriminate among providers of functionally equivalent services.

- B. Special use permit and site plan required.

New towers and antennas and any modification to an existing tower or antenna requires a special use permit and a site plan approval from the Planning Board. If the

applicant is proposing to co-locate on a tower with available space and that tower has been approved under an existing valid special use permit and site plan, an amendment to the site plan and a building permit from the CEO shall be required.

C. General requirements.

1. Where feasible, the Town requires the installation of stealth towers, co-location, and the use of repeaters.
2. If an antenna is to be installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
3. Towers must be of a type which will maximize potential co-location.
4. Towers shall be set back from all lot lines a distance of at least 50 feet plus the height of the tower.
5. Except for the access drive, a 50 foot wide undisturbed vegetated buffer strip shall be required around the entire perimeter of the lot or the area leased to the wireless provider, whichever is smaller.
6. The perimeter of the tower shall be completely fenced in and gated; the height of the fence shall be six feet and the use of razor or barbed wire is not permitted. A sign not exceeding two square feet, indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number, shall be posted adjacent to the entry gate. In addition, "no trespassing" or other warning signs must be posted on the fence.
7. Accessory structures shall be architecturally similar and compatible with each other and shall be no more than 12 feet in height. Accessory structures shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; accessory structures shall be located out of public view. The buildings shall be used only for the housing of equipment related to the telecommunication tower or its operation. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
8. Towers and antennas shall not exceed the minimum height necessary to provide adequate coverage. No tower shall exceed 150 feet in height.
9. Towers shall have a galvanized finish unless otherwise required. The Planning Board may require new towers to be painted to minimize the visual impact.
10. Commercial advertising shall not be allowed on any antenna, tower, or accessory structure.

11. Unless required by the Federal Aviation Administration, no night lighting of any tower or accessory structure is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
  12. No tower that would be classified as a hazard to air navigation, as defined by the Federal Aviation Regulations (Title 14 CFR) shall be permitted.
  13. No tower, with the exception of repeaters, shall be located:
    - a. Closer than 1,500 feet to any school.
    - b. Closer than 1,000 feet to an existing dwelling unit, day-care center, hospital, library, place of worship, place of public assembly, or park.
    - c. Within any regulated wetland, water body or watercourse, or adjacent regulated buffer areas.
    - d. Within 1,000 feet of any historic structure or property listed on the State or national register of historic places.
    - e. Within any designated ridgeline area.
- D. In addition to the site plan requirements outlined in §165-37 of this chapter, the following additional requirements shall be met:
1. Parts 1, 2, and 3 of the SEQRA Full Environmental Assessment Form and Visual Addendum shall be submitted for review.
  2. The applicant shall provide a service coverage map illustrating existing and proposed service coverage areas. The service coverage map shall identify all existing sites in the Town and abutting communities which contain towers, antennas, or related facilities (whether or not owned or controlled by the applicant).
  3. From each such site, the applicant shall demonstrate, with written documentation, whether these sites are currently providing or have the potential to provide adequate coverage to the Town. A map of the Town illustrating the areas which presently have, and those which do not have, adequate coverage shall be provided along with a report of the supporting engineering data suitable for review by an independent consultant. The documentation shall include, for each site listed, the exact location, ground elevation, height of tower or structure, type of antennas, antenna manufacturer, antenna model number, antenna gain, antenna downtilt, height of antennas on tower or structure, number of channels, maximum effective radiated power per channel, actual radiated power per channel, and actual total

- radiated power. Radial plots from each of these facility sites shall be provided as part of the application.
4. The applicant shall submit the required engineering plans, prepared, stamped and signed by a professional engineer licensed in the State of New York.
  5. If the application is a co-location, the applicant shall provide a written commitment, valid for the duration of the existence of the tower, to rent or lease available space on the tower.
  6. The applicant shall provide a five-year buildout plan. The plan shall clearly demonstrate the applicant's plans for other structures and services on-site and the applicant shall provide the anticipated application date for each structure or facility. The plan must take into account known and potential changes in technology which may have an effect on the number, design, and type of facilities needed in the future.
  7. The applicant shall submit a layout of site improvements, including tower and antenna location, accessory buildings, appurtenances, guy wires, plans of the access driveway and parking area at the tower site. The plans shall include proposed grading, drainage, driveway profiles, and driveway cross-sections.
  8. The site plan shall include details of the tower foundation and shall include cross sections of both the tower and foundation. This detail shall include all ground attachments, specifications for anchor bolts, and other anchoring hardware.
  9. The site plan shall detail the exterior finish of the tower.
  10. The site plan shall illustrate the height of the tower as compared to the height of the existing vegetation.
  11. The applicant shall provide a safety analysis by a radiation protection expert of the electromagnetic environment in the vicinity of the subject site.
  12. The applicant shall provide floor plans and elevations of any accessory buildings.
  13. The site plan shall illustrate distances from the tower and any on-site accessory building or facility to the closest lot line and closest off-premises structure.
  14. The site plan shall illustrate utilities, including the distance from the power source, size of service available and required, location of any proposed and existing utility or communication lines.
  15. The applicant shall certify that the proposed antenna(s) will not cause interference with existing communication devices or services.

16. The applicant shall demonstrate how the proposed tower or antenna will adapt to the changing communications conditions and/or demands. The applicant shall demonstrate how the tower can be reduced in height and expanded in height, dependent on future need and capabilities.
  17. The applicant shall provide a report, prepared by a New York State licensed professional engineer, of the tower structure. This description will include the towers ability to support additional antennas or other communications facilities. The report shall also demonstrate that the tower is securely mounted to withstand the wind and ice loads and earthquake damage for the place of installation.
  18. The applicant shall indicate the available space on the tower, providing illustrations and examples of the type and number of antenna which could be mounted on the tower. The applicant must demonstrate the tower's ability to handle co-locators and must identify the maximum number of co-locators, or alternative co-location strategies, which could be supported on the tower.
  19. The applicant shall indicate the number, location, height, type, manufacturer, and model number of all proposed antennas and repeaters.
  20. If a new communication tower is proposed, or if the height of an existing tower will increase, or if an antenna is proposed to be mounted on a rooftop, the applicant will complete a visual analysis, including a balloon test, to the satisfaction of the Planning Board.
  21. If the site contains noise generating equipment, the applicant shall demonstrate that noise will not be heard off-site.
  22. The applicant shall provide copies of the appropriate FCC licensing, FAA notice of construction or alteration, aeronautical studies, and all data, assumptions, and calculations relating to service coverage and power levels.
  23. Any additional information, plans, or reports requested by the Planning Board, CEO, or Town consultants.
- E. Prior to the issuance of a special use permit, the Planning Board shall:
1. Determine if the applicant's existing facilities already provide adequate coverage to the Town.
  2. If the answer to (1) above is "no," determine whether the applicant is able to use existing towers and antennas to provide adequate coverage to the Town.
  3. Determine that the proposed tower and/or antenna will not have an undue adverse impact on historic resources, scenic views, property values, and natural or man-made resources.

4. Confirm that the tower and or antenna comply with applicable FCC regulations regarding emissions of electromagnetic radiation.
5. Confirm that the application complies with the special use standards contained within §165-41 of the chapter.
6. Require that owner/applicant post a bond or other adequate security guaranteeing removal of the tower and restoration of the site as required under §165-26G of this section.

F. Structural inspection.

1. The owner shall be required to conduct inspections for structural integrity and safety every five years. A report of the inspection results shall be prepared by a professional engineer and submitted to the Planning Board, Town Engineer, and CEO.
2. Should any inspection of any tower or facility reveal any structural defect which, in the opinion of the CEO renders the tower unsafe, the following actions shall be taken. Within 10 days of a notice of violation, the owner shall submit a plan to remedy the structural defects. This plan shall be reviewed by the CEO and shall be initiated within 10 days of his/her approval and completed within 30 days thereafter.

G. Removal requirements.

Any tower or antenna which ceases to operate for a period of one year shall be dismantled and removed from the site within 60 days of receipt of a notice of removal from the CEO. "Cease to operate" is defined as not performing the normal functions associated with the wireless communication for a continuous period of one year or more. The tower shall be removed within such 60 day period and the site shall be reasonably restored to its conditions prior to the tower's construction.

- H. Towers and antennas shall be insured by the owner against damage to persons or property in the minimum sum of \$1,000,000. The owner shall provide a certificate of insurance to the Town Clerk on an annual basis in which the Town shall be an additional named insured.

**§165-27. Off-street parking and loading.**

- A. Structures and land uses in existence or for which building permits have been issued at the time of adoption of this chapter shall not be subject to the parking or loading space requirements of this section, provided that any parking and loading facilities existing or constructed to serve such structures or uses shall not, with the exceptions

hereinafter provided, in the future be reduced unless the number of spaces remaining exceeds the requirements of this section.

- B. Off-street parking shall be provided for new structures, additions, and changes in use in accordance with this section.
- C. Where two or more principal uses occur on a single lot, the total amount of parking to be provided shall be the sum of the requirements for each principal use. However, if the uses have different peak operating hours according to the latest edition of *Trip Generation*, prepared by the Institute of Transportation Engineers, or another accepted industry standard, the total number of parking spaces may be reduced by up to 15 percent due to shared parking potential. The exact number of shared parking spaces shall be determined by the Town Engineer or Town Planner.
- D. Parking requirements may be met in the CC-1, CC-2, CC-3 and NC Zoning Districts through the use of off-site parking located within 800 feet of the subject property. Documentation shall be provided to support the feasibility of off-site parking, including any shared parking. A written contractual agreement running with the land, in form satisfactory to the Town Attorney, and recorded in the office of the Putnam County Clerk, shall be entered into which shall remain in effect until such time as the use of either or both lots change to a use or uses for which offsite and/or shared parking is no longer required.
- E. The Planning Board may require additional information from the applicant in determining whether the proposed number of spaces is adequate. Such information may include, but is not limited to, number of employees, peak rates, additional information regarding the proposed use, industry standards relating to minimum parking requirements, and number of parking spaces provided for similar uses in similar communities.
- F. Since nonresidential uses vary widely in their need for off-street parking, the Planning Board may vary the minimum parking requirements provided under subsection (H) of this §165-27 with good cause provided by the applicant. The Planning Board may, as a condition of reducing the minimum parking requirements, require the applicant to set aside land to meet potential future parking needs. Such land shall remain in its natural state but shall be treated as disturbed area and as impervious surface when designing stormwater management facilities and for the purposes of the bulk regulations. The number of parking spaces for uses not listed below shall be determined by the Town Planner or Town Engineer.
- G. Minimum parking requirements for residential uses.
  - 1. Single-family dwelling: 2 spaces per dwelling unit.
  - 2. Duplex: 1 space per dwelling unit.

3. Multifamily: 1 space per dwelling unit.
4. Accessory apartment: 1 space per dwelling unit
5. ECHO unit: 1 space per dwelling unit.
6. Residential above commercial: 1 space per dwelling unit.
7. Assisted living: 1 space per 3 beds and 1 space per employee (largest shift).

H. Minimum parking requirements for nonresidential uses.

1. Automotive repair station: 1 space per employee, plus 1 space per 150 square feet of gross floor area of garage space.
2. Automotive repair and gas station: 1 space per employee, plus 1 space per 300 square feet of gross floor area.
3. Automotive dealership: 1 space per 3,000 square feet of net lot area.
4. Bank: 5 spaces per 1,000 square feet of gross floor area.
5. Bed and breakfast: In addition to the parking for the single-family residence, one space per each guest room.
6. Civic and social organizations: 1 space per every five members; or 1 space per each 200 square feet of gross floor area, whichever is greater.
7. Cocktail lounge/bar: 1 space per every three seats.
8. Day care center: 1 space per employee plus 1 space per 5 pupils.
9. Fitness and recreational sports centers: 5 spaces per each 1,000 square feet of gross floor area.
10. Home occupation: 2 spaces in addition to spaces required for the residential use.
11. Kennel: 2 spaces per 1,000 square feet of gross floor area.
12. Veterinary services: 2 spaces per each 1,000 square feet of gross floor area.
13. Laboratory: 1.5 spaces per each 1,000 square feet of gross floor area.
14. Library: 2 spaces per each 1,000 square feet of gross floor area.
15. Museum; artist studio: 1 space per 300 square feet of gross floor area.

16. Office uses: 3 spaces per 1,000 square feet of gross floor area, excluding space used for storage.
  17. Professional, scientific and technical services: 3 spaces per each 1,000 square feet of gross floor area, excluding space used for storage.
  18. Restaurants, theaters, places of worship, and other places of public assembly: 1 space per every three seats.
  19. Retail business and service business: 5 spaces per 1,000 square feet of gross floor area, excluding space used for storage.
  20. Take out restaurant: 5 spaces per each 1,000 square feet of gross floor area.
- I. Design, layout, and construction of parking areas.
1. Each parking space shall be at least nine feet wide and 18 feet long. Each parking space shall be clearly delineated and so maintained.
  2. Backup and maneuvering aisles between rows of parking spaces shall be at least 26 feet wide, except for angled parking which shall be developed to standards provided by the Town Engineer or Town Planner.
  3. For nonresidential uses within the RR, LP, CD, PD, and HC Zoning Districts, parking is prohibited within the required front, side, and rear setback areas.
  4. To the maximum extent possible, all off-street parking shall be located behind or to the side of the principal building. Parking spaces located in the side yard shall be separated from the street by a fence, wall, hedge or other landscaping.
  5. Parking areas shall comply with the Americans with Disabilities Act.
  6. Parking areas containing 25 or more parking spaces shall include landscaped islands and shall be constructed so that the parking area does not allow for more than 9 contiguous parking stalls without a landscaped island. Each landscaped island shall have a minimum area of 150 square feet, shall be planted with indigenous grasses or shrubs, and shall include at least one tree with a diameter at breast height of not less than 3 inches.
  7. In addition to lighting standards provided in this chapter, lighting within parking lots shall be on poles not to exceed 20 feet in height, with cutoff luminaires designed to minimize glare and light trespass. Design of poles and luminaires shall be compatible with the style of the architecture and adjoining streetscape treatment.

8. Curb cuts shall be minimized to encourage safe and convenient traffic circulation. The Planning Board may require the interconnection of parking areas, now or in the future, via access drives, service roads or pedestrian access ways within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Town Attorney, binding the owner and its heirs and assignees to permit and maintain such internal access and circulation.
  
- J. Loading docks and service areas shall be located in a manner that minimizes visual intrusion on public spaces and ensures pedestrian and automobile safety by separating truck traffic and loading operations from pedestrian and automobile circulation. Where appropriate, loading docks shall be screened by walls extending from a building face or placed within other architectural features designed in relation to the architecture of the building.

**§165-28. Driveway standards.**

- A. No driveway entrance or exit onto a Town street shall be constructed without written permission to do so from the Highway Superintendent and, where applicable in the case of site plans and subdivisions, the Planning Board.
  
- B. Application for a permit to construct or locate a driveway entrance or exit onto a Town street shall be made to the Highway Superintendent. In addition to the general standards provided in this section, the Highway Superintendent and/or Planning Board may impose any special conditions required.
  
- C. All driveways shall be located and constructed in the position and manner shown on the approved subdivision plat or site plan on which the lot appears.
  
- D. The applicant shall furnish all materials and bear all costs of construction within the Town right-of-way and shall pay the cost of all work done and materials furnished as required to meet the conditions of any permit issued by the Highway Superintendent and any site plan approved by the Planning Board.
  
- E. Design requirements for residential driveways.
  1. The maximum width of a driveway within a Town right-of-way shall be 16 feet, measured perpendicular to the centerline along the right-of-way line, and no portion of the driveway outside the Town right-of-way shall exceed 12 feet in width.
  
  2. The maximum length of a driveway serving one single-family residence shall be 900 feet, measured from the right-of-way line to the end of the driveway.
  
  3. Unobstructed sight distance shall be required from the driveway in both directions along the adjacent street for the greater of 200 feet or that distance required under

the American Association of State Highway and Transportation Officials (AASHTO) standards for the speed limit and grades at the driveway location.

4. No driveway shall have more than one access point to the adjacent street.
5. No driveway shall be constructed within 10 feet of a side or rear lot line.
6. No portion of any driveway shall have a grade that exceeds 15 percent.
7. Each driveway shall have two staging areas, one directly off the street and one at the end of the driveway. Each staging area shall be at least 20 feet in length and shall not exceed a grade of 3 percent.
8. A shared driveway is prohibited in the case of subdivision unless open development approval is granted by the Town Board or in the case of an existing individual lot, unless a variance under §280(a) of Town Law is granted by the Zoning Board of Appeals.

F. Design requirements for non-residential driveways.

1. No more than two driveway openings shall be permitted on one lot.
2. The maximum width of any commercial driveway within the Town right-of-way shall be 35 feet, measured perpendicular to the centerline at the right-of-way line.
3. The driveway shall intersect with the Town right-of-way at an angle as close to 90 degrees as is reasonably possible.
4. No portion of any driveway shall have a grade that exceeds 8 percent.
5. Unobstructed sight distance shall be required from the driveway in both directions along the adjacent street for the greater of 200 feet or that distance required under the American Association of State Highway and Transportation Officials (AASHTO) standards for the speed limit and grades at the driveway location.

G. Waiver.

On written request and a showing of good cause, the provisions of this §165-28 may be varied or waived by the approving authority.

**§165-29. Signage.**

- A. Purpose. The purpose of this section is to regulate the use and display of signs. It is recognized that signs serve an important function, and therefore reasonable and

adequate display of signs is permitted under the provisions of this chapter. Limitations and standards established herein are consistent with the character of the Town. These limitations and standards are intended to preserve the scenic and natural beauty of the Town; to safeguard and enhance property values; to protect public investment in and the character of public thoroughfares; to reduce hazards and distractions to motorists and pedestrians traveling on the public way; and to promote the public health, safety and welfare, and ease of travel.

B. The following signs are prohibited throughout the Town.

1. Animated or moving sign.
2. Banner sign.
3. Billboard sign.
4. Flashing sign.
5. Inflatable sign.
6. Internally illuminated sign.
7. Message sign.
8. Pennant sign.
9. Residential subdivision sign.
10. Roof sign.
11. Sign directed to the Taconic State Parkway.
12. Vehicle sign.

C. Subject to the limitations and conditions of this section, the following signs are allowed without a permit.

1. Temporary signs.
  - a. Construction project sign.
  - b. Political sign.
  - c. Private sale or event sign.
  - d. Real estate sign.

2. Permanent signs.
  - a. Directional sign.
  - b. Government sign.
  - c. Home occupation sign.
  - d. Memorial sign.
  - e. Menu board sign.
  - f. Nameplate sign.
  - g. No trespassing or posted signs.

D. General regulations.

1. All signs, including those for which no permit is required, shall be subject to the conditions and limitation specified on the Town of Putnam Valley Signage Table incorporated herein and located at the end of this chapter.
2. Except as otherwise provide under subsection “C” above, no sign shall be erected or displayed, without a permit having first been issued by the CEO and in cases where the sign is being proposed as part of a site plan application, obtainment of site plan approval from the Planning Board. Said permit shall be issued when all requirements of this chapter have been met and after site plan approval has been obtained (if required). Applications for new signs or proposed changes to existing signs shall include a scaled drawing showing the location of the sign on the lot, the type of lettering, sign dimensions, colors, materials, and method of illumination, if any. A sign permit shall expire 12 months following its issuance.
3. All signs, both new and existing, must be kept clean and free from all hazards, including but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. No existing sign shall hereafter be altered or replaced, except in conformity with the provisions of this section.
4. No part of any sign shall be located within five feet of any lot line. Nameplate signs, no trespassing signs, and posted signs are exempt from this provision.
5. With the exception of government and/or nameplate signs, no sign shall be located within a public right-of-way or project into a public right-of-way.

6. The area of a sign shall include the entire face or faces of the sign, the advertising surface and any framing, trim, or molding. The supporting structures shall be excluded.
  7. The individual letter/logo size on any sign shall not exceed 12 inches in height and six inches in width.
  8. External illumination shall not be placed so that light is directed towards a residence, towards a public street, highway, sidewalk, or adjacent premises, and shall not cause glare or reflection or constitute a nuisance or traffic hazard.
  9. If a non-residential lot has one occupant, one freestanding and one non-freestanding sign shall be permitted, provided that each sign does not exceed the maximum area requirements (see Town of Putnam Valley Signage Table).
  10. If a non-residential lot has more than one occupant, each occupant's sign shall be subject to the area requirements set forth in this section and the cumulative area of all on-site signage, not including awning, canopy, valance, or directional signs, shall not exceed 150 square feet. No more than one freestanding sign is permitted per lot.
  11. No sign shall be placed, painted, or drawn on utility poles, retaining walls, bridges, or other similar structures, or on trees, rocks, or other natural features. No trespassing and posted signs may, however, be affixed to trees.
- E. If any of the provisions of this section are violated, the CEO shall issue a notice of violation to the owner of the land upon which the sign is erected. The notice shall state the violation and instruct the owner to, within 30 days, modify the sign such that it conforms to the provisions of this section, apply for a permit for the sign, or remove the sign. If the sign is not modified to conform to the provisions of this section or a permit is not applied for within the allotted 30 days, the CEO shall revoke the permit (if a permit has been obtained), and such sign shall be removed by the owner of the land. If said sign is not removed within the allotted time period, the CEO is hereby authorized to remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal against the land or building on which such sign is located.
- F. The following instances provide cause for the removal of any existing sign.
1. Any sign existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the land within 30 days following cessation of the formerly-conducted business or sale of the previously-sold product. If the sign is

- not removed within the allotted 30 days, the CEO is hereby authorized to, following the issuance of a notice of violation and 30 day period to remedy, remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal against the land or building on which such sign is located.
2. If the CEO finds that any sign regulated by this section is unsound or in any way poses a safety hazard to the public, he or she shall issue a notice of violation to the owner of the land upon which the sign is erected and require the owner to repair or remove the sign within 30 days. If the sign is not repaired or removed within the allotted 30 days, the CEO may remove or cause removal or repair of the sign and shall assess all costs and expenses incurred in said removal or repair against the land or buildings on which such sign was located. Any sign deemed a source of immediate peril to persons or property may be removed summarily and without notice by the CEO.
  3. The CEO is authorized to remove or cause to be removed any sign, for which a permit is required, but has not been obtained, or which is located within any public right-of-way. If such a sign bears an identification of the owner or the sign advertises or identifies a use on a lot immediately adjoining the right-of-way, a notice of violation shall be issued to the adjoining property owner by the CEO requiring that the sign be removed within 30 days. If the sign is not removed within the allotted 30 days, the CEO may remove or cause removal of the sign and shall assess all costs and expenses incurred in said removal against the land or buildings of the adjoining property owner.
- G. Any sign that predates the adoption of this chapter and which does not conform to the requirements of this §165-29 shall be deemed to be a nonconforming sign. The owner of the lot on which such nonconforming sign exists shall be required to remove such a sign or to bring such a sign into conformance with this section when one of the following conditions occur:
1. The CEO has determined that a nonconforming sign has been damaged by more than 50 percent of its total replacement value or destroyed from any cause whatsoever.
  2. An application has been submitted to alter, replace, or relocate a nonconforming sign.
  3. A nonconforming sign has been relocated or altered without the appropriate permit.

The CEO shall issue a notice of violation to the property owner requiring that either the nonconforming sign be removed or brought into conformance within 30 days. If the sign is not removed within the allotted 30 days or if the sign has not been brought into conformance within this same timeframe, the CEO may remove or cause removal

of the nonconforming sign and shall assess all costs and expenses incurred in said removal against the land or buildings of the property owner.

**§165-30. Tree protection.**

The following regulations pertain to applications for site plan approval.

A. Every application for site plan approval shall include a tree plan prepared in accordance with the following provisions:

1. The location, size, and species of all trees with a Diameter at Breast Height (dbh) of 8 inches or greater which are located within 50 feet of the areas of disturbance shall be surveyed by a New York State licensed land surveyor and illustrated on a tree plan.
2. Each tree surveyed and illustrated on the tree plan shall be tagged in the field with survey ribbon. Said tag shall contain a number that corresponds to the tree plan so that any tree illustrated on the tree plan can be easily located in the field.
3. The tree plan shall clearly illustrate proposed structures, driveway location(s), 2-foot contours, proposed grading, and limits of disturbed area.
4. Trees to be removed shall be identified as such in the field using a bright colored marking or tag at breast height.
5. The location, size, and species of any plant listed on the New York State Natural Heritage Program Plant Status List shall be identified on the tree plan.
6. The tree plan shall clearly distinguish between the trees to be saved, trees to be removed, and trees to be planted.
7. With the exception of nonresidential uses in the CC-1, CC-2, CC-3 and NC Zoning Districts, no tree within 10 feet of an existing or proposed side or rear lot line with a dbh of 8 inches or greater shall be removed, unless required for the installation of water supply or sewage disposal systems.
8. Adequate erosion control and drainage measures shall be in place prior to the cutting of trees so that erosion and sedimentation is minimized to the greatest extent possible.
9. If required by the Planning Board, the tree plan shall be reviewed by a professional forester, biologist, or ecologist.

B. Replacement of trees.

1. If any tree identified as being preserved on the tree plan is removed without Planning Board approval, then such trees shall be replaced in accordance with the following schedule.
2. The replacement trees shall be of the same or similar species of that of the tree that was wrongly removed.

<b>Number and dbh of removed tree</b>	<b>Number and dbh of replacement tree</b>
1 tree at $\geq 6$ to $\leq 12$ inch dbh	3 trees at $\geq 3$ inch dbh
1 tree at $>12$ to $\leq 24$ inch dbh	4 trees at $\geq 3$ inch dbh
1 tree at $>24$ inch dbh	5 trees at $\geq 3$ inch dbh

**§165-31. Landscaping and screening.**

A. Purpose. The following standards are intended to enhance the appearance and natural beauty of the Town, to protect property values through preservation and planting of vegetation, screening, and landscape material, to enhance the appearance of travel corridors and business areas, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive stormwater runoff, and the consequent depletion of the groundwater table and the pollution of water bodies.

B. General requirements.

1. The landscape plan required by §165-37 shall be drawn to a scale that clearly identifies and accurately illustrates all proposed and existing landscaping and shall specify the location, species, size, winter hardiness, and schedule for all proposed plantings. The Planning Board shall consider the following criteria before approving the landscape plan:
  - a. The landscape plan shall promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property, and conform to the character of the surrounding area.
  - b. Landscaping shall delineate or define vehicular and pedestrian ways.
  - c. The plant material selected shall be a native plant species and be of sufficient size and quality to accomplish its intended purpose.
  - d. The landscape plan shall not introduce or cause to introduce invasive species. Invasive species that exist on-site shall be removed to the extent possible.
  - e. Landscaping shall effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development.
  - f. Landscaping in proximity to wetlands, watercourses, waterbodies, shall be designed to improve water quality.

2. The requirements of this section as imposed by the Planning Board shall be fully met prior to the issuance of a Certificate of Occupancy by the CEO.
  3. Landscaping, trees, and plants required by this section shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of this section shall be replaced by the property owners during the next growing season.
  4. The Planning Board may require a specific species of tree, shrub, or other planting to be used based upon location of the subject lot. The Planning Board may also require plans to be prepared by a licensed landscape architect or seek recommendations from the same.
  5. A fence or wall required by this section shall be maintained by the property owner in good condition and shall conform to the requirements of §165-25 of this chapter.
  6. Where required by the Planning Board, all landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be protected by barriers, curbs, or other means from damage by vehicles and from stormwater runoff.
  7. Existing stonewalls shall be preserved to the maximum practical extent.
  8. Where lot size and shape or existing structures make it infeasible to comply with the regulations of this section, the Planning Board may require planters, plant boxes, pots containing trees, fences, or walls to aid in satisfying the intent of this section.
  9. At the Planning Board's request, or at the applicant's request if approved by the Planning Board, the landscape plan required by §165-37 and the tree plan required by §165-30 may be combined.
- C. The following provisions shall apply when a nonresidential use abuts a residential use.
1. A minimum landscape buffer area of 15 feet on the nonresidential lot shall be required within and along the common lot line.
  2. The buffer area shall be planted with shrubs, trees, and other plantings acceptable to the Planning Board and shall have a uniform height of not less than 3 feet above the ground at the time of planting. The plantings shall be separated at an appropriate distance to allow for suitable and proper maturation and shall be

maintained to afford an effective screen between the two uses. A landscaped berm, wall, or fence may be required for any portion of the required buffer area.

3. Where the existing topography and/or landscaping provide adequate screening, the Planning Board may accept the existing topography and/or landscaping as the required buffer.
- D. The following provisions provide for landscape areas in the front yard of both nonresidential and residential uses. The required landscape area shall be covered with grass and other appropriate trees and shrubs.

1. Nonresidential uses.

- a. At a minimum, a 10 foot landscaped strip shall be provided on the subject lot contiguous to the front lot line of the property.
- b. One shade tree having a minimum diameter of three inches at breast height shall be planted within the front landscape strip for each 40 feet of street frontage.

2. Residential uses.

Where developed portions of the lot can be viewed from a public place, the Planning Board shall determine if landscaping is required. The extent of plantings shall be made on a case-by case basis.

- E. The following provisions require street trees along proposed streets in any new subdivision, whether or not such streets are intended for public dedication.

1. Trees shall be planted along each side of any proposed street. If the street is intended for public dedication, said trees shall be planted within the Town right-of-way. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified by the Planning Board.
2. Street trees shall have a minimum diameter of 5 inches at breast height at the time of planting and shall be spaced at a maximum of 30 feet on center.
3. The particular species of trees shall be determined by the Planning Board based upon location. Species shall be selected to cast moderate to dense shade in summer, survive more than 60 years, have a mature height of at least 50 feet, require little maintenance, and be tolerant of pollution, heat, and salt. Care shall be taken to avoid species that suffer limb drop and splitting, heavy fruit or nut crops, invasive root systems, or allergen production.
4. Street trees shall be balled with burlap and shall be irrigated and fertilized (by the subdivision or site plan applicant) for a minimum of three years after installation.

It shall be the site plan and/or subdivision applicant's responsibility to replace any tree that dies or that is removed within three years of its planting.

5. If a sidewalk is proposed, trees shall be located between the edge of the street and the edge of the sidewalk.

**§165-32. Biodiversity.**

- A. Purpose. Land development and other activities within the Town of Putnam Valley shall avoid habitat fragmentation and damage and shall preserve the Town's ecological integrity. The Town exhibits a remarkable diversity of plant and animal species. Biodiversity assessments will provide the Town with baseline, site-specific biological information to enhance the Town's ability to make informed planning decisions and maintain biodiversity as growth proceeds. Beginning in 1999 and continuing to the present, Putnam Valley has partnered with the Towns of Cortlandt, New Castle, and Yorktown to review the biological resources of the region. These four Towns commissioned a study by the Metropolitan Conservation Alliance (MCA), which resulted in the Miller, N.A. and M.W. Klemens "*Croton-to-Highlands Biodiversity Plan, Balancing Development and the Environment in the Hudson River Estuary Catchment*," 2004 ("MCA Biodiversity Plan," a copy of which is on file with the Planning Board Clerk). The MCA Biodiversity Plan describes the need to preserve core habitats and secondary habitats connecting them to allow for continued biodiversity in the face of increasing development.

Development impacts wildlife and plant species in many ways. For example, direct loss of natural habitats eliminates some species and reduces population sizes of others. Fragmentation of habitats leads to isolation of remaining populations, reduction of migration capabilities, and increased exposure to incompatible habitat and species (causing, for example, increased predation and parasitism and decreased breeding success). Site-specific designs such as curbing and catch-basins can have dramatic effects on the survival and movement patterns of amphibians and reptiles. Land development which disturbs soils, removes vegetation and alters natural drainage patterns can adversely impact both native plant and wildlife species. Adequate plant life is required for survival of all animals as habitat, food, and shelter for birds, mammals, reptiles, amphibians and insects.

- B. Applicability.

This section applies to any action requiring site plan approval under §165-37 of this Code, and which, as proposed, would result in a disturbed area greater than 10,000 square feet. Actions now or hereafter subject to SEQRA, but which are not subject to the implementing provisions of this §165-32, are nevertheless subject to all the criteria of 6 NYCRR Part 617.7(c) including section (ii) thereof.

- C. Procedure.

1. Upon receipt of an application for site plan approval, a Town representative(s), who must be a biologist trained in conservation biology and landscape ecology and who has demonstrated a competence in surveying the species identified in subsection D(2) below (hereafter referred to as “Town representative(s)”) shall visit the subject site to determine the presence of any critical habitat area and the potential for negative environmental impacts to said resources as a result of the proposed action. The Town Representative(s) may request member(s) of the Committee for the Conservation of the Environment (CCE), member(s) of the Planning Board, Town Planner, or Town Engineer to assist on the site visit. Following the site visit, the Town’s representative(s), shall determine whether the subject site contains critical habitat area and whether further research is needed in order to determine potential impacts to such critical habitat area, and shall disclose this finding to the Planning Board in writing. Based on the Town representative(s) report and any other information available, the Planning Board may determine that no further action under this section is required. If further investigation is deemed necessary or if a determination cannot be made with the limited information provided, at a minimum the following additional information shall be provided by the applicant in an effort to determine if a biodiversity assessment is warranted:
  - a. Any and all information provided to the Planning Board as part of the initial application.
  - b. An overview and summary of the proposed project including the objective of the proposed disturbance and improvements.
  - c. On-site wetlands shall be delineated in accordance with Chapter 144 of the Town Code.
  - d. An assessment of each habitat type located on the subject site.
  - e. Correspondence from the New York State Department of Environmental Conservation Natural Heritage Program regarding records of occurrence of threatened, endangered, or rare plant and animal species in proximity to the project site.
  - f. A presentation of existing mapped ecological resources and land uses in the vicinity of the proposed project taken from publicly available sources, to include at minimum:
    - i. United States Geologic Survey (USGS) topographic quadrangle map which shall illustrate the boundaries of the site and shall illustrate topography extending at least 1,000 feet from the subject lot.

- ii. Illustration of the site's boundary lines as compared to soil boundary lines depicted in the United States Department of Agriculture "*Soil Survey of Putnam and Westchester Counties, New York.*"
  - iii. Federally mapped wetland areas from the National Wetland Inventory (NWI) maps and NYS regulated wetlands as shown on the NYSDEC freshwater wetlands maps.
  - iv. Illustration of surrounding land uses and the site's boundary lines.
  - v. A recent aerial photo of the project site and vicinity out to a distance of 1 mile radius.
  - g. Any biodiversity assessment, in digital format, previously prepared under this section for any property within one mile of the subject site.
2. If after a site visit and review of the materials required under subsection C(1)(a) through C(1)(g) it is determined by the Town's representative(s) that the subject site does not contain the presence of critical habitat area, that there is no off-site critical habitat area that the proposed action could adversely affect, and that further investigation is not necessary, the Town representative(s) shall submit this finding in writing to the Planning Board and no further action under this section shall be required. If it is determined that the site contains critical habitat area that may be impacted as a result of the proposed action or that there is an off-site critical habitat areas that the proposed action could adversely affect, a site specific biodiversity assessment shall be prepared in accordance with the protocols provided in subsection (D) below.

D. Site specific biodiversity assessment.

1. A site-specific biodiversity assessment required under C(2) of this section shall be prepared by one or more biologists retained by the applicant, or by the Town and paid for by the applicant, which biologist(s) shall be trained in conservation biology and landscape ecology, and shall have demonstrated a competence in surveying target species in Putnam County that are identified in subsection D(2) above. Biodiversity survey personnel and protocols and methods must be approved by the Planning Board prior to initiation. All biodiversity studies and reports shall be field verified and reviewed by the Town representative(s) and shall be submitted to the Planning Board in hard copy and digital formats.
2. Surveys must be conducted for those species listed as development sensitive focal species within the MCA Biodiversity Plan as well as Federal and State listed endangered, threatened and special concern species. At a minimum, surveys shall be conducted for amphibians, reptiles, birds, fish, mammals, plants and fungi.

3. Initial surveys must consist of a complete habitat assessment to develop a comprehensive list of possible endangered, threatened, special concern and development sensitive focal species that could utilize the site during all or a portion of their life-cycle. The life cycle habitat requirements of the potential species on the site must be developed with appropriate references sited. Information from the New York State Natural Heritage Program must also be obtained prior to species surveys. Field surveys of the species listed as potentially found or using the site must be conducted during appropriate seasons and in the appropriate habitats in accordance with their life-cycles of the species. Surveys must follow standard protocols to ensure that detectability is maximized and results are reliable. For example, bird surveys must occur during the spring breeding season (mid-May through early July) in the early morning hours (within ½ hour of dawn through 9:30 a.m.) under relatively fair weather conditions; surveys which are conducted at other times or in poor weather are much less informative. Reptile and amphibian surveys must be conducted between March and October, with concentrations in March-April, May-June, mid summer, and September. Survey techniques include night searches, minnow/turtle traps, turning of cover, objects, and larval dip-netting and identification. For all taxa in question, surveys must be conducted within all habitats on-site (e.g. grasslands, vernal pools, forested uplands, wetlands), regardless of where the proposed construction activities would take place. Many species utilize a complex of habitats within the course of their life-cycles; therefore, development may attempt to avoid disturbance of breeding habitat, but destroy foraging, roosting, or wintering habitat. Attention shall be given to timing and seasonal constraints such as breeding, migration, and germination. The landscape ecology of the site must also be detailed regarding the effect of development on the undisturbed range requirements of the identified species. Habitat shall be described and the biodiversity assessment shall be prepared in accordance with Kiviat, E, and G. Stevens, *"Biodiversity Assessment Manual for the Hudson River Estuary Corridor,"* 2001 Hudsonia Ltd.
4. A final report must be submitted containing a description of current on-site habitats for wildlife and vegetation, the value and condition of those habitats for wildlife, and a discussion of the potential impacts of the proposed development on wildlife and vegetation resources. Data collection methods shall be detailed in the report. Wildlife and vegetation occurrence data must be location-specific; lists of probable species occurrence alone are not acceptable. The final report must include identification of critical habitat areas on the subject site which are utilized by the subject species. A design of the improvements must be prepared and presented to the Planning Board which avoids impacts to all critical habitat areas. The report shall also discuss site context (e.g. proximity and connectivity to other habitats) and shall relate the importance of on-site habitat relative to other habitats within the Town, including but not limited to any critical habitat areas defined in any previous study required by this section. The report shall contain detailed Geographic Information Systems (GIS) maps, digital and hard copy, so that the

survey information may be quickly incorporated into a Town-wide wildlife habitat database.

- E. The Planning Board, in consultation with the Town Representative(s), shall review the adequacy of the report pursuant to its consideration of site plan approval.
- F. The Town Board shall set fees for the review and other consultation hereunder by the Town Representative(s).
- G. Design guidelines. Conservation subdivision design shall be as specified in Article VI of this chapter. For all other applications subject to this section, the applicant shall first demonstrate that the proposed activity has been designed to avoid critical habitat areas, including providing an adequate buffer between such activity and such habitats, and otherwise minimize impact on the plant and animal resources of the site. Avoidance strategies shall include, without limitation, reducing the scale of the activity, consideration of alternate locations on the subject site, alternative methods of performing the activity, and scheduling to minimize or avoid impacts. If impacts to ecological resources prove unavoidable, the following practices shall be utilized to minimize impact to habitat:
  - 1. Establishment of conservation areas by conservation easement.
  - 2. Seasonal restriction of construction activities.
  - 3. Signage identifying habitats and habitat buffer areas.
  - 4. Replacement of vegetation or other necessary restoration activities to replace damaged or destroyed areas.
  - 5. Alternative street standards to minimize road length, width, and curbing and to facilitate wildlife crossings.
  - 6. The type, height, and layout of any proposed fencing shall maximize the movement of wildlife.

**§165-33. Lighting.**

- A. The purpose of this section is to protect and promote the ability to view the night sky by regulating exterior lighting.
- B. All exterior lighting installed after the enactment of this chapter shall not cause light trespass.
- C. Procedure.

1. In addition to lighting plans required for site plans under §165-37 of this chapter, any application for a variance or a building permit shall include a lighting plan, except where no new lighting is proposed. At a minimum, all lighting plans shall include:
  - a. Location of each current and proposed outdoor lighting fixture.
  - b. Type of luminaire equipment, including cutoff characteristics and manufacturer and model number.
  - c. Lamp source type, lumen output, and wattage.
  - d. Mounting height, with distance noted to nearest lot line, for each luminaire.
  - e. Shielding and all mounting details as well as a detail of the pole foundation.
  - f. Illuminance levels as expressed in footcandle measurements on a grid of the site showing footcandle readings every five square feet, measured five feet above finished grade. The grid shall include light contributions from all sources (i.e. pole-mounted lights, wall-mounted lights, signs, and streetlights).
  - g. Detailed photometric layout.
  - h. Statement of the proposed hours when each luminaire will be operated.
  - i. Lighting manufacturer specifications ("cut sheets") with details of the fixtures, indicating the cutoff characteristics of the luminaire.
  - j. Types of timing devices used to control on/off.
- D. Existing lighting in conflict with this section shall be classified as nonconforming and the following conditions shall apply:
  1. Lighting that violates the light trespass requirements or creates a public nuisance or hazard can be ordered removed or altered at any time by the CEO.
  1. Any lighting which would comply by re-aiming the fixture shall be brought into compliance with the terms of this section without delay.
  2. Any repair or replacement of any luminaire, or relocation of such luminaire, shall be brought in compliance with the terms of this section.
  3. Commercial lighting that cannot be turned off when not in use for essential lighting needs must be retrofitted with timer controls, or replaced.
- E. Nonresidential lighting standards.

1. All exterior lighting shall be designed, located, and lamped in order to prevent:
  - a. Overlighting.
  - b. Energy waste.
  - c. Glare.
2. Except for municipal streetlights and playing fields, no luminaries shall be taller than 20 feet from finished grade to their tallest point.
3. The minimum average on-site illuminance for a nonresidential use shall be 1 footcandle; on-site illuminance shall be consistent in nature and pockets of intense illuminance shall be avoided.
4. Exterior lighting shall be turned off within ½ hour after the close of business and/or when not in use. Lights that are controlled by photocells and timers are encouraged, as is the use of sensor-activated lights.
5. Canopy lights, such as service station lighting, shall be fully recessed or fully shielded to prevent glare and light trespass.
6. All area lights shall be full cutoff luminaries.
7. Automatic teller machine (ATM) and other bank lighting shall be full cutoff and shall not cause glare or light trespass.
8. Unshielded floodlights are not permitted.
9. Luminaires used for playing fields are exempt from the shielding requirements, provided all other provisions of this section are met and the light is used only while the field is in use.
10. Nonresidential sensor-activated luminaries shall:
  - a. Be set to only go on when activated and to go off within five minutes after activation has ceased.
  - b. Not be triggered by activity off the lot.

**§165-34. Blasting.**

- A. Purpose. Blasting operations and the use of explosives in connection therewith can be dangerous and can adversely affect residents, property, and the environment. The

purpose of this section is to establish procedures for the regulation of blasting and the use of explosives in the Town.

B. Permits required.

1. No person shall blast, or cause to be blasted, any rock or other substance in the Town without having first obtained a permit from the CEO covering the specific blasting operation. All blasting operations shall be conducted by the holder of a current blaster's license issued by the State of New York, pursuant to §458 of the Labor Law, and maintained continuously in force. A photocopy or other clear reproduction of the blasting contractor's license currently in force shall be provided to the CEO with the blasting permit application.
2. A blasting permit application shall consist of the following, together with such additional information as the CEO may require:
  - a. Completed application form, signed by the lot owner or his/her duly authorized agent (with written agency authorization, if applicable).
  - b. A list of the tax parcels within 500 feet of the boundaries of the subject lot (the "notification parcels"), together with the name(s), address(es), telephone number(s) of the lot owners.
  - c. Name(s), address(es), and telephone number(s) of the lot owner, the Applicant (if other than the owner), the licensed Blasting Contractor (including license copy).
  - d. Written confirmation of the notification required under Subsection (3) hereof.
  - e. A pre-blast survey compliant with Section "C" hereof.
  - f. A site plan showing the location of the proposed blasting.
  - g. A statement of the blasting's purpose, the size charges to be detonated, the number of blasts, type of blasting caps, number of holes, delay intervals, decibels at the lot line, particle velocity, approximate amount of material to be removed (in cubic yards), and location where excavated material will be transported to.
  - h. A Certificate of Insurance compliant with Section "D" hereof.
  - i. Payment of a fee in an amount to be established annually by the Town Board.
3. The notification parcel owners shall be advised of the application by the applicant with proof of mailing at least 72 hours in advance of the application being submitted to the CEO.

4. Upon receipt and satisfactory review of a completed application, the blasting permit shall be issued and signed by the CEO, who shall keep a record thereof. At a minimum the permit shall specify the name, address, and contact information of the applicant, the property owner(s) of the lot on which blasting is to be conducted (if different than applicant), the blasting contractor, the permit's date of expiration (which shall be no later than six months from the date of issue), and the precise location of the authorized blasting. A copy of the permit shall be prominently displayed on site at all times.
5. Reasonable conditions may be issued by the CEO with the blasting permit to properly protect residents, property, and the environment.
6. The CEO may revoke the blasting permit issued hereunder at any time for violation of its terms or noncompliance with its conditions.

C. Pre-blast survey.

1. At least four weeks prior to the commencement of blasting, the applicant or blasting contractor shall, by first class mail, notify the notification parcel owners that a pre-blast survey can be conducted at the applicant's cost. Notification parcel owners will be allowed up to two weeks to respond.
2. The pre-blast survey shall include, but is not limited to, both written and photographed information. At the discretion of the CEO, the area of the pre-blast survey may be adjusted to include additional properties and/or easements. Pre-blast surveys must not be over six months old at the time of application for the blasting permit.
3. Notification parcel owners scheduled for a pre-blast survey will be contacted individually so that inspection visits may be scheduled. Requests for surveys which are received after the two-week response period need not be honored, but will be scheduled, if feasible.
4. Pre-blast surveys will be conducted by a competent professional familiar with the business of blasting and will be paid for by the applicant.
5. For any properties where a pre-blast survey is requested, the following protocols will be observed, at a minimum:
  - a. Appointments will be made with individual property owners during daylight hours so that interior and exterior pre-blast site conditions may be recorded. During the appointment, claim representatives' names and phone numbers will be provided in case there is alleged damage to any properties inspected.

- b. The blasting contractor will conduct a visual inspection with the homeowner, which will be recorded by handwritten notes annotating a field sketch with measurements of the property along with, either photographs or a video tape, or both.
  - c. A copy of the recorded inspection will be provided to both the property owner and the CEO. The inspection will identify and note the locations of any existing structural damage, including but not limited to the following:
    - i. Evidence of foundation or footing settling.
    - ii. Evidence of foundation or footing cracks, bends or stresses.
    - iii. Evidence of structural components out of alignment.
    - iv. Evidence of any water damage in basements or subfloor areas.
    - v. Evidence of ceiling bulges, cracks, sagging, including failure of plaster, drywall, or other wall coatings.
    - vi. Evidence of doors which do not close properly, or sags, cracks, or other failure of doorways.
    - vii. Evidence of damage to existing well and baseline water quality data.
  - d. The pre-blast inspector must record all property features which may, in the opinion of the inspector, be potentially impacted by blasting.
  - e. Within two weeks of completion of the site visit, all documentation resulting from the pre-blast survey must be provided to each property owner and the CEO.
- D. Liability Insurance. Before a blasting permit is issued, the applicant shall submit evidence in the form of a certificate of insurance issued by an insurance company authorized to do business in the State of New York guaranteeing that the applicant has in full force and effect a policy of public liability insurance, including a specific endorsement covering the liability arising from blasting and providing bodily injury and property damage coverage of not less than \$1,000,000. Such policy shall have the provision that the policy or policies shall not be canceled, terminated or modified by the insurance company unless 10 days' prior written notice is sent to the CEO. No permit shall be issued unless such insurance is in full force and effect and copies are on file in the CEO's office.

E. Notification requirements:

1. At least 72 hours prior to the commencement of blasting, a notice of intent to blast shall be personally served by the applicant or blasting contractor upon:
  - a. The notification parcel owners.
  - b. The Building Department.
  - c. Highway Department.
  - d. Town Clerk.
  - e. Town Engineer.
2. If personal notice of intent to blast cannot be affected, the notice may be left or posted at the structure or dwelling in a conspicuous place, or a letter with proof of mailing may be sent to the owner of the affected structure or dwelling.
3. Within 72 hours after blasting is complete, the applicant or blasting contractor must personally notify in writing all notification parcel owners, and any other property owners where pre-blast surveys were completed, that site blasting is complete. This notice of completion must state that blasting is complete and advise notification parcel owners that any indication of property damage must be reported to the designated claim representative within 60 days of the receipt of the notice of completion; proof of mailing shall be provided to the CEO.
4. Failure to comply with notification requirements shall be grounds for revocation of the blasting permit and the blasting contractor shall be prohibited from conducting blasting operations within the Town of Putnam Valley for a period of ten years.

F. Hours of Blasting. Blasting operations shall be limited to the hours of 9 a.m. - 5 p.m. Monday through Friday.

G. Additional requirements:

1. Blasting operations shall be performed in accordance with all applicable laws, rules and regulations and, in accordance with recommended good practices generally employed in the industry.
2. Smoking, firearms, matches, open flame lamps, and other fires, flame or heat producing devices and sparks shall be prohibited in proximity to explosive magazines or while explosives are being handled, transported or used.
3. The CEO may require the use of seismographs in conjunction with the blasting

operations.

4. No person shall use, in a blasting operation, a quantity or type of explosives greater than necessary to properly break the rock or other material, nor use such an amount that will endanger persons or property.
5. Before firing any blasts, the material to be blasted shall be covered on the top and sides with heavy woven material of rope, wire, or rubber of sufficient size, weight, and strength to prevent the escape of broken rock and other material.
6. The blaster shall sound a recognized whistle, siren, or horn loud enough to be heard throughout the designated blast zone approximately three minutes prior to blasting, warning all persons that blasting is imminent.
7. At least three minutes before firing a blast, the blasting contractor shall give additional warning by causing a competent person carrying a red flag to be stationed at any avenue of approach to the lot capable of use by the public.
8. Signs shall be placed by the blasting contractor at the nearest street and or intersections providing access to all properties within which the blast is to occur. Signs shall be posted at least three (3) days before commencement of blasting.
9. Blasting permit recipients shall have an amount of explosives, as defined in §451 of the Labor Law and 12 NYCRR 39.2(k), on a blasting site approximately sufficient for only one day of blasting operations. Any unused explosives stored on the blasting site overnight shall be kept in locked magazines constructed, maintained and located on the blasting site in accordance with applicable State rules and regulations (12 NYCRR 39.8 and 39.9), and each and every magazine containing stored explosives shall be covered with a blasting mat constructed in accordance with 12 NYCRR 23-11.4(f).
10. The blasting contractor shall be responsible for determining the location of any utility lines and any water supplies that may be located on or within 500 feet of the subject lot and shall contact the appropriate representative of such utility prior to any blasting, making available the blast design and any other information the utility representative may require. No blasting shall be permitted unless the blasting contractor and the authorized utility representative or municipal representative are in full agreement as to what precautionary procedures will be performed to protect the utility or water supply. The blasting contractor shall be responsible for all utilities that may be affected by the blasts.
11. Before blasting in any area within 500 feet of a street, the blasting contractor shall notify the owner of the street and the Sheriff. No blasting shall be permitted until the street owner is in full agreement as to what precautionary procedures will be performed to protect the street and its users.

12. The CEO and the Town Engineer have the authority to supervise blasting operations and to inspect the storage, handling and size of the charges intended to be detonated. The CEO and the Town Engineer shall also have the authority to inspect blasting sites to insure that the provisions of all applicable laws are being complied with. Any cost incurred by the Town of Putnam Valley in conjunction with the supervision of said blasting shall be paid or reimbursed by the applicant.
13. At any time during the course of reviewing a blasting permit application and up to the issuance of a notice of completion, the CEO may request additional materials not described in this section to further evaluate the blasting operation and its effect on residents, property, and the environment.
14. If site plan and/or subdivision approval is required from the Planning Board in connection with the proposed blasting, the Planning Board may request information required by this section and any other relevant materials during the course of its review under SEQRA.

**§165-35. Property maintenance.**

- A. Violations of the Property Maintenance Code of New York State are prohibited and shall be treated as violations of this chapter.
- B. No person shall store, keep or maintain junk on any lot unless one of the following conditions is met:
  1. The junk is completely screened from view. or
  2. The junk is temporarily stored to facilitate collection by a municipal or licensed carter, authorized salvage dealer, or collector of recyclable materials, for a period not to exceed seven days prior to the collection and removal of said junk or for a period established in garbage district regulations, whichever is greater.
- C. Unregistered vehicles.

No more than one unregistered motor vehicle, in any district, may be stored in a rear yard, and no unregistered vehicle shall be stored in any front or side yard or on any lot without a principal building.

**§165-36. State Environmental Quality Review Act.**

- A. The following proposed actions within the Town, in addition to those identified in 6 NYCRR 617.4, shall constitute Type 1 actions pursuant to SEQRA:
  1. Town wide:
    - a. A division of land into 10 or more lots.

- b. The physical disturbance of 10 or more acres, either contiguous or collectively as part of an action.
    - c. The construction of a new wireless telecommunication tower.
  2. Within 100 feet of the mean high water mark of the Peekskill Hollow Creek, Canopus Creek, Sprout Brook, or the Oscawana Brook:
    - a. A division of land into four or more lots.
    - b. The construction of a building or structure devoted to a non-residential use with a footprint exceeding 5,000 square feet.
    - c. The physical disturbance of 5 or more acres, either contiguous or collectively as part of an action.
    - d. The construction, alteration, or expansion of an automotive repair and gas station or automotive repair station.
  3. Within the Lake Oscawana Watershed.
    - a. Any action which would otherwise be an Unlisted Action under 6 NYCRR Part 617.
  4. Within the Ground and Surface Water Protection (WP) Overlay District.

All proposed actions occurring, in whole or in part, within the WP Overlay District resulting in discharges exceeding standards provided in 6 NYCRR Part 703.6(e), "Groundwater effluent limitations for discharges to class GA waters," and amendments thereto, or where water consumption is more than the natural recharge, as defined in subsections 165-44G and 165-44H of this chapter.

ARTICLE V  
**Site Plan Approval**

**§165-37. Site plan approval.**

A. Applicability.

1. Where site plan approval is required by this section, no site shall be disturbed until such site plan has been signed by the Planning Board and a building permit has been issued.
2. No building permit shall be issued until the Planning Board has approved and signed the site plan. No site plan shall be signed by the Planning Board until all conditions of its approval have been fulfilled. No certificate of occupancy shall be issued until all the improvements shown on the site plan have been constructed as approved.
3. Site plan approval shall be required for the following actions in all zoning districts:
  - a. A change of use.
  - b. The issuance of a special use permit.
  - c. The construction of a new principal building, or the establishment of a new use of land where no construction is involved.
  - d. Any subdivision of land (which shall include site plans for each of the lots contained therein).
  - e. The construction of a new dwelling including, but not limited to, accessory apartments under Article VII of this chapter.
  - f. The construction of a new accessory building that exceeds 800 sq. ft. of gross floor area.
  - g. An addition to a residentially used building, but only if the existing footprint is being increased by 800 sq. ft. or more.
  - h. An addition, regardless of its size, to a nonresidential principal building.
  - i. Farm operations, but only as and to the extent required under subsection (G) of this §165-37.

B. Procedure.

1. Prior to submitting an application, the applicant shall appear before the Planning Board for a pre-application discussion. The purpose of this discussion is to familiarize the Planning Board with the proposed project and discuss potential impacts associated with the development of the subject lot. This process shall aid in minimizing the need for revisions to engineering plans.
2. Following the pre-application discussion, applications for site plan approval shall be submitted to the Planning Board for consideration of placement on the next available agenda. As soon as possible, the Town Engineer and Town Planner shall visit the site and the Town Wetlands Inspector shall determine if the subject site contains wetlands, wetland buffers, waterbodies and/or watercourses, and buffers associated with waterbodies and/or watercourses. Further, in compliance with § 165-32, , the site shall be inspected for critical habitat area.
3. An application will be deemed complete when all of the information and documentation required by this chapter and any additional information requested, has been received and reviewed by the Planning Board, together with any and all required documentation in compliance with the New York State Environmental Quality Review Act (SEQRA).
4. Prior to taking final action on a site plan, the Planning Board shall comply with referral requirements of the General Municipal Law.
5. Prior to taking final action on a site plan, the Planning Board shall refer the application to the Putnam Valley Commission for the Conservation of the Environment, the Advisory Board on Architecture and Community Appearance, the Putnam Valley Highway Department, and the Putnam Valley Fire Department.
6. A public hearing shall be required prior to final approval. The public hearing shall be conducted within 62 days from the day an application is deemed complete by the Planning Board. The Planning Board shall mail a notice of said hearing to the applicant, all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.
7. Subject to compliance with SEQRA, the Planning Board shall make a decision on the application within 62 days after the close of the public hearing; however, the time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy shall be mailed to the applicant.

Such decision may impose conditions as may be necessary to ensure compliance with applicable law and public health, safety, and welfare and the environment.

8. In the case of site plan applications being reviewed in conjunction with subdivision applications, the public hearing and decision requirements of Town Law shall apply.
9. Prior to final action on the site plan, the water supply and sewage disposal systems shall be approved by the Putnam County Department of Health and approval for access shall be approved by the Highway Superintendent (Town street), Town Engineer (private street), Putnam County Department of Highways and Facilities (County street), and the New York State Department of Transportation (State highway), as applicable.
10. Where, in the judgment of the Planning Board, a central water supply and/or central sanitary sewer system is within reasonable distance of the subject lot or where a new on-site central water supply and/or central sewer system is feasible, the Planning Board may require connection to or installation of said systems. Where such systems are planned, but not yet in service, and will be capable of serving the subject lot, the Planning Board may require the installation of central water and or sewer systems, which can be capped and made available for future use.
11. Where a central water supply is available, a system of fire hydrants shall be provided. Where a central water supply is not available, the Planning Board may require the installation of dry hydrants and alternate water supply sources.
12. The applicant shall submit an inspection fee equal to 3% of the total cost of the following improvements: access, parking, utilities, screening, signs, landscaping, drainage, stormwater management, and erosion control. A cost estimate shall be provided by the applicant and approved by the Town Engineer.
13. The Planning Board shall require that the applicant submit a letter of credit, in form satisfactory to the Town Attorney, or deposit funds in escrow, to cover the full cost of the following improvements: access, parking, utilities, screening, signs, landscaping, drainage, stormwater, and erosion control; a cost estimate shall be provided by the applicant and approved by the Town Engineer. An alternate form of security shall only be accepted by the Town when proof of hardship has been provided by the applicant.
14. If an applicant fails to submit requested documentation for a continuous period of 12 months or more, the application shall be deemed withdrawn without prejudice but without refund of fees theretofore paid. A new application and the payment of new fees shall be required to resume the application process.

15. Upon completion of any conditions stated in the resolution of final approval, the applicant shall submit eight original copies of the site plan for the Planning Board Chairman's or designee's signature. One copy will be distributed to the Town Clerk, CEO, Highway Department, Town Engineer, Town Planner, and all remaining copies will be kept on file with the Planning Board.
16. Conditional site plan approval shall expire 180 days after the resolution granting such approval. The Planning Board may extend such approval by not more than two additional periods of 90 days each.
17. The Planning Board's signature on a site plan shall expire 36 months following the signature date. No building permit may thereafter issue until a new application is filed and new approval issued.
18. At least ten days prior to commencing construction, the owner of the land shall notify the CEO, Planning Board, Town Engineer, and Town Planner in writing and, if not already conducted, a pre-construction meeting shall take place with the applicant, contractor, CEO, Town Engineer, and other relevant parties.
  - a. Prior to the issuance of a certificate of occupancy, an as-built survey demonstrating compliance with the approved site plan shall be submitted to the CEO for review. The CEO shall review the as-built survey against the approved site plan for compliance prior to, and as a condition of, issuance of a certificate of occupancy.
  - b. Prior to releasing the security posted to guarantee completion of required improvements or prior to signing the subdivision plat (where no security is posted), an as-built survey, certified by a New York State Licensed Land Surveyor, shall be submitted by the applicant and approved by the Planning Board. The required improvements shall not be considered complete until they have been approved by the Planning Board.
19. Amendments to approved site plans shall be acted upon in the same manner as a new application, unless the amendment is minor and is approved, in writing, by the CEO. Amendments approved by the CEO must also be reviewed and approved by the Town Engineer and Town Planner and such approval cannot result in an increase in the area of the approved building footprint or any additional disturbed area.
20. No application for site plan approval shall be entertained for a property where there is an outstanding violation of this chapter or any other local law or ordinance of the Town unless the granting of such site plan approval will result in the correction of said violation. The Planning Board may, as a condition of entertaining the application, order that the use for which the site plan approval is required be suspended pending its review and determination of the application therefore.

C. Submission requirements. All site plan drawings shall be prepared by a New York State licensed professional, authorized to prepare site plans in the state of New York, and shall be laid out on the survey required under this section. The Planning Board may waive any of the site plan submission requirements upon the applicant's written request demonstrating that the required information or documentation is not necessary to a responsible and reasonable review of the application.

1. Items to accompany the application.

- a. A signed and completed application form and submission checklist.
- b. Authorization letter by owner(s) if applicant is represented by an agent or other representative.
- c. The current owner's deed and complete schedule and copies of existing deed restrictions and covenants applying to the property.
- d. Identification of all necessary federal, State, County, and local permits required in connection with the project. The applicant shall submit duplicate copies of all federal, State, County, and local application forms and any correspondence with such agencies. A copy of all approvals shall be submitted to the Planning Board.
- e. Submission of any previously approved site plans, variances, special use permits, or approvals from any approving agency or department.
- f. With respect to all unlisted SEQRA actions, a completed Short Environmental Assessment Form (EAF) shall be submitted. With respect to all Type I SEQRA actions, including those enumerated in this chapter, a Full EAF shall be submitted. At its discretion, the Planning Board may require the submission of a Full EAF and/or a Visual Addendum for any application.
- g. In the case of an application involving a commercial or industrial use, a business operation plan shall be submitted. At a minimum the plan shall describe the use, state the number of employees, hours of operation, any hazardous materials to be stored on-site, number and deliveries per week, number and type of vehicles to be stored on-site, and need for use within the Town.
- h. An existing conditions survey prepared by a New York State licensed land surveyor, which shall include the following:
  - i. The metes and bounds of the lot.

- ii. Existing contours showing elevations at two-foot contour intervals and extending at least 100 feet off-site.
- iii. Existing monuments and markers.
- iv. Existing watercourses, including lakes, ponds, streams, intermittent streams, and wetlands.
- v. Areas of existing vegetation, including tree lines, brushland, meadows, etc.
- vi. Areas within designated one-hundred-year floodplains, as determined by the National Flood Insurance Program, Flood Insurance Rate Maps.
- vii. Existing man-made features, including the location and size of power lines, pipelines, buildings, structures, storm drains, culverts, wells, and sanitary sewage treatment systems, both on and within 200 feet of the subject lot.
- viii. Existing rights-of-way and/or easements affecting, or benefiting, the subject property.

2. Items to appear on the site plan.

- a. The name, address, and telephone number of the owner of record and the applicant (if different).
- b. Section, block, and lot number of the property taken from the latest tax records.
- c. The name, address and telephone number of the person, firm, or organization preparing the plan.
- d. The date, north arrow, legend, and scale.
- e. A 4” wide by 2” high signature box in the area of the title block for Planning Board approval.
- f. A vicinity map taken from, and at the same scale as, the Town of Putnam Valley Zoning Map. Existing zoning district boundaries, municipal boundary lines, and County and State roads within 500 feet of the property shall be shown on the map.
- g. The names and addresses of all property owners within 200 feet of the subject site.

- h. Area of the subject lot in hundredths of an acre.
- i. A bulk regulation table illustrating zoning conformance. The table shall compare existing conditions to what is being proposed and shall contain a calculation of the total contiguous buildable area as required under §165-22 of this chapter. The applicant shall indicate any variances that are required or that have been approved.
- j. Critical habitat areas identified as a result of compliance with §165-32 of this chapter shall be illustrated on the site plan.. Protective measures shall be determined in consultation with the Planning Board and its consultants and in accordance with §165-32.
- k. The boundaries of the total buildable area and contiguous buildable area shall be illustrated on the site plan.
- l. The computation of the required number of parking spaces in accordance with §165-27 of this chapter.
- m. Applicable note pertaining to the owner's review and concurrence with the plan together with the owner's signature.
- n. The locations, names, and widths of all adjacent streets.
- o. The location of any on-site wetlands or watercourses and the location of their associated buffer areas; to the extent possible, off-site wetlands that will affect the subject site shall also be delineated. The applicant shall include stream classifications and wetland boundaries shall be flagged and confirmed by the Town Wetlands Inspector. All wetland boundaries shall be surveyed and illustrated on the site plan and the applicant shall identify if the wetlands are regulated by the Town, U.S. Army Corps of Engineers, or New York State Department of Environmental Conservation. All wetland and buffer disturbance shall be in conformance with Chapter 144 of the Code of the Town of Putnam Valley and the site plan shall include any mitigation measures requested by the Planning Board or its agents.
- p. Soil boundary lines and soil types using data available from the U.S. Department of Agriculture, Soil Conservation Service "Soil Survey of Putnam and Westchester Counties, New York."
- q. The following slope categories shall be distinctly shown using different shading or the use of alternative line types: 15% to 19.9%, 20% to 29.9%, and 30% and greater.

- r. The location of existing and proposed structures, wells, sanitary sewage treatment systems, or location of other proposed water supply and sewage disposal system on and within 200 feet of the subject lot.
- s. Location, type, and size of existing stormwater management facilities, electric lines, telephone lines, gas lines, and other utility lines on and within 200 feet of the subject site.
- t. Front, rear, and side architectural elevations and floor plans.
- u. All pertinent zoning setback lines.
- v. Location and design of existing and proposed off-street parking and loading areas, retaining walls, stonewalls, fencing, benches, recreation facilities, and dumpsters.
- w. A lighting plan prepared in accordance with §165-33 of this chapter.
- x. A landscaping plan prepared in accordance with §165-31 of this chapter.
- y. A tree plan prepared in accordance with §165-30 of this chapter.
- z. A detail of any proposed or existing signage. All proposed signage must be designed in accordance with §165-29 of this chapter.
- aa. The location and arrangement of proposed means of access and egress. All driveways must be designed in accordance with §165-28 of this chapter.
- bb. The exact location and widths of all proposed streets, pavements, curbs, and sidewalks. All streets and sidewalks shall be constructed on conformance with Chapter 103 of the Code of the Town of Putnam Valley.
- cc. Profiles, with stationing and elevations shown every 50 feet and at points of curvature, showing existing and proposed elevations along the centerline of all proposed streets and driveways. Typical cross-sections, including width, depth of pavement materials and sub base, and the location of underground utilities, and slope shall also be provided.
- dd. The proposed names of all streets and the radius, central angle, chord and tangent of all curves shall be included.
- ee. Any contemplated public improvements.
- ff. If the subject lot is within an agricultural district containing a farm operation, or if the property boundaries of the subject lot are within 500 feet of a farm operation located within an agricultural district, the applicant shall submit an

agricultural data statement. The Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations.

- gg. A grading plan and drainage plan, including cut and fill projections, illustrating proposed contours at a maximum two-foot vertical interval.
- hh. Illustration of the limits of disturbance (disturbed area).
- ii. A drainage report, prepared by a New York State licensed professional engineer, shall be prepared in form and substance acceptable to the Town Engineer.
- jj. A stormwater pollution prevention plan shall be prepared in conformance with State requirements and Chapter 155 of the Code of the Town of Putnam Valley.
- kk. A soil erosion and sediment control plan shall be prepared in conformance with State requirements and Chapter 155 of the Code of the Town of Putnam Valley.
- ll. A completion schedule and phasing plan (if applicable).
- mm. Any other information deemed necessary by the Planning Board.

D. Putnam Valley general notes.

At a minimum, the following notes, unless specifically waived, shall be shown on the site plan:

1. All improvements are subject to inspection by the Town and its agents without notification during the approval and construction process.
2. All improvements must be completed as shown on the approved site plan. Any deviation from the approved plans must be approved by the Planning Board, unless such change is minor and has been approved by the CEO under §165-37B(19) of the Town of Putnam Valley Zoning Code.
3. If at any time during construction the CEO, Planning Board, or its agents determine that construction is not taking place in conformance with the approved site plan, a stop work order shall be issued by the CEO and all work shall cease. All work shall remain suspended and the property owner shall either correct the modification or follow the procedures outlined under §165-37B(19) of the Town of Putnam Valley Zoning Code.

4. Prior to commencing any excavation, the owner shall call the Underground Line Location Service. The owner is responsible to locate and protect all above and below ground utilities throughout all phases of construction.
5. At least ten days prior to commencing construction, the owner of the land shall notify the CEO, Planning Board, Town Engineer, and Town Planner in writing and, if not already conducted, a pre-construction meeting shall take place with the applicant, contractor, CEO, Town Engineer, and other relevant parties.
6. Approval of the site plan does not constitute acceptance of land areas designated for dedication to the Town of Putnam Valley, if any.
7. Electrical power, telephone, cable television, and other such utilities shall be installed underground.

E. Putnam Valley site specific notes.

The following notes, unless specifically waived by the Planning Board for good cause on the applicant's written request, shall be shown on the site plan.

1. Total area of the site is \_\_\_\_\_ acres.
2. Survey data shown hereon is taken from \_\_\_\_\_.
3. Topographic data shown hereon is taken from \_\_\_\_\_.
4. Soil boundaries and data shown hereon are based on \_\_\_\_\_.
5. The subject site is located in the \_\_\_\_\_ Zoning District.
6. The subject site is located in the \_\_\_\_\_ School District.
7. The subject site is located in the Putnam Valley \_\_\_\_\_ Overlay District(s).
8. The subject site is located in the \_\_\_\_\_ watershed.

F. Criteria for approval.

In acting on any site plan application, the Planning Board shall grant site plan approval unless the following minimum criteria are met and all other applicable laws, rules, and regulations are complied with.

1. All proposed traffic access points and roads shall be adequate but not excessive in number, adequate in width, paving, grade, alignment and visibility and not located too near street corners or other places of public assembly. Necessary traffic signalization, signs, dividers and other safety controls, devices and facilities shall

- be given proper consideration and duly provided wherever appropriate or warranted.
2. Safe, adequate and convenient pedestrian and vehicular access and circulation shall be provided both within the site and to adjacent streets with particular attention to all intersections with vehicular traffic.
  3. Proposed uses will not impair intersection safety, impair pedestrian safety, or overload existing roads.
  4. Off-street parking and loading spaces shall be arranged with consideration given to their location, sufficiency and appearance and to prevent unauthorized parking in public streets. The interior circulation system shall be adequate to provide safe accessibility to, from and within all required off-street parking areas.
  5. All structures, recreational, parking, loading, public and other service areas shall be reasonably landscaped and/or screened so as to provide adequate visual and noise buffers in all seasons from neighboring lands and streets. The scale and quality of the landscaping and screening on site shall be harmonious with the character of and serve to enhance the neighborhood.
  6. All bodies of water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value shall be preserved insofar as possible; soil erosion shall be prevented insofar as possible; flood hazard shall be minimized; air quality shall be protected; and all potentially ecologically disruptive elements of site preparation shall be conducted according to the highest standards of professional care. Adjacent and neighboring properties shall be protected against noise, glare, unsightliness or other objectionable features.
  7. All structures, equipment and materials shall be reasonably accessible for fire, police, and other emergency vehicles.
  8. All increases in stormwater runoff (volume and rate) must be fully mitigated in conformance with State and local regulations.
  9. In selecting stormwater management practices, preference will be given to non-structural methods such as reduced impervious surfaces, reduced use of enclosed pipe conveyances, and reduced use of centralized detention facilities. Such low impact development approaches shall include use of biofiltration depressions, grassed swales in lieu of piped catchbasins, and multiple stormwater management practices employed throughout the site versus a centralized approach.
  10. The public and/or private disposal systems shall be sufficient to safely and adequately handle the type and volume of refuse and sewage which can reasonably be anticipated to be generated by the land uses on-site.

11. The public and/or private delivery systems for bringing potable water to the site shall be shown to be sufficient.
12. Where structural stormwater conveyance measures are required, preference will be given to bridges or box culverts with footings that avoid impacts to streambed and stream banks in lieu of more constrictive pipe culverts that may restrict animal movement.
13. Silt fencing used for erosion control or other purposes must incorporate breaks/overlaps at select locations between upland and wetland areas where potential amphibian movements may be impeded. Such breaks will allow amphibians to pass but will continue to function for erosion control.
14. All erosion control measures must be removed within 30 days of final grading and vegetation establishment to allow passage of animals across the landscape.
15. The construction and use of all buildings and other structures, including traffic, noise and any wastes or effluents generated thereby, will be consistent with the neighborhood and zone in which the site is located and with the Comprehensive Plan; and otherwise will comply with all applicable laws and regulations.
16. The applicant shall obtain any federal, State, or County permits or approvals.
17. Site plans in the CC-1, NC and CC-3 Districts shall be consistent, to the extent possible, with the design guidelines specified in Article IX hereof.

G. Site plan review in agricultural districts.

Proposed activities which comprise farm operations in County adopted, State certified agricultural districts under New York State Agriculture and Markets Law Article 25-AA shall be subject to the site plan submission requirements and review procedures outlined in this subsection (G), rather than subsections (B) through (F) of this §165-37, unless the proposed activity poses a demonstrable threat to public health or safety, including ground and surface waters. A proposal for a new structure with a footprint in of less than 800 square feet or for an addition that expands the existing footprint by no more than 800 square feet and is used for farm operations in County adopted, State certified agricultural districts under New York State Agriculture and Markets Law Article 25-AA shall be exempt from this §165-37 in its entirety.

1. Submission requirements.
  - a. Application form, required fees and escrow.

- b. A scale drawing of the site and a location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways.
  - c. Existing contours showing elevations at ten-foot intervals; a United States Geologic Survey (USGS) topographic quadrangle map is acceptable.
  - d. Illustration of regulated wetlands, wetland buffers, waterbodies and/or watercourses and buffers associated with waterbodies and/or watercourses.
  - e. Illustration of existing and proposed water supply and sewage disposal systems.
  - f. Proposed location and arrangement of buildings and structures on-site, including means of ingress and egress, parking, circulation of traffic, and signage. Exterior dimensions and elevations of front, side and rear views shall be provided along with any available blueprints, plans, or drawings.
  - g. A description of the project including the intended use of proposed buildings, structures, signs, and any anticipated changes in the existing topography and natural features of the site to accommodate the changes.
  - h. A soil erosion and sediment control plan shall be prepared in conformance with State requirements and Chapter 155 of the Code of the Town of Putnam Valley.
  - i. Additional information as required by the Planning Board.
2. Procedure.
- a. Application shall be submitted to the Planning Board and shall be placed on the next available agenda.
  - b. An application will be deemed complete when all the information and documentation required under section G(1) above has been received and reviewed by the Planning Board.
  - c. The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant, all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

*August 23, 2007*

*Putnam Valley Zoning Code Update-CPRC Draft*

- d. The Planning Board shall approved the proposed farm operation upon demonstration that:
  - i. The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law §305-a.
  - ii. The proposed project does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, waterbodies, and/or groundwater.
- e. The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this section, it shall issue its decision no later than its next regular meeting after such public hearing. Prior to issuing its decision, the Planning Board may consult with appropriate officials of the New York State Department of Agriculture and Markets.

ARTICLE VI  
**Conservation Subdivision**

**§165-38. Conservation subdivision.**

- A. Purpose. Pursuant to Section 278 (Cluster Subdivisions) of Town Law, the purpose of these regulations is to achieve well-designed residential development, meaningful open space conservation, and natural resource protection within the Town of Putnam Valley by requiring conservation subdivisions instead of conventional subdivisions. The use of conservation subdivisions is intended to preserve open space, including important habitat, ecologically sensitive land, scenic quality and other environmental values. Conservation subdivisions allow compact development, more walkable and bikeable neighborhoods, and more design flexibility than conventional subdivisions, while preserving contiguous open space and important environmental resources.
- B. Applicability. Unless exempted under §165-38C(2)(d), conservation subdivision design shall be required for all subdivisions of property within the Town of Putnam Valley unless the proposed action results in the creation of fewer than four lots from one parent parcel.

Subdivision proposals that result in three or fewer lots may still utilize conservation subdivision design as outlined in this Article or may utilize the conventional subdivision process as outlined in Chapter 158, Subdivision of Land.

The Planning Board, at its discretion, may require conservation subdivision design for subdivisions of fewer than four lots if the subject property contains important habitat, ecologically sensitive lands, scenic quality, or other conservation value.

- C. Standards for conservation subdivisions.
1. Density Calculation.
    - a. The maximum number of dwelling units allowed on a site is calculated by dividing the number of acres of buildable area on the site by the minimum number of acres per dwelling unit required within the base zoning district. Where a two-family dwelling is proposed on a lot, said structure shall account for two units. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the maximum number of dwelling units allowed on the site.
    - b. The density permitted by this section shall not be reduced as a result of the conservation analysis required in §165-38C(2) of this Article or as a result of the reservation of parkland during the subdivision process.

## 2. Conservation Analysis

As part of its preliminary plat submission an applicant shall include a conservation analysis prepared by a landscape architect, engineer, environmental scientist, planner or other licensed or registered qualified professional acceptable to the Planning Board, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features.

- a. The conservation analysis shall identify lands with conservation value, on the site and within 200 feet of its boundary, including but not limited to the following:
  - i. Those features subtracted from a lot's area in calculating the lots' buildable area, as defined in §165-5 of this chapter.
  - ii. Farmland, existing or proposed trail corridors, scenic viewsheds, park and recreation land, unfragmented forestland, and historic or archeological sites.
  - iii. Stone walls and individual trees that are 18" in diameter at breast height or larger and forest areas containing such trees.
  - iv. Buffer areas necessary for screening new development from adjoining properties.
  - v. Documented aquifers and aquifer recharge areas, and water supply wellheads
  - vi. Critical habitat area as determined in accordance with Section 165-32 of this chapter
  - vii. Unique geologic features.
  - viii. Land exhibiting other present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.

The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. The conservation analysis shall also identify areas that are potentially suitable for development, especially those that have been previously disturbed (e.g. by mining, prior development, or clear-cutting) and their present condition. Such locations depending on their condition and location, might be preferred locations for development or they may be more appropriate for environmental restoration as part of a mitigation plan. In conjunction with appropriate town staff and consulting professionals, and/or the Commission for the Conservation of the

Environment, the Planning Board shall review the conservation analysis for completeness and accuracy.

- b. Based on its review of the Conservation Analysis in conjunction with appropriate town staff and consulting professionals and/or the Commission for the Conservation of the Environment, the Planning Board shall determine which of the lands identified as being of conservation value are most important to preserve. Special preference shall be given to critical habitat areas identified as a result of compliance with §165-32 of this chapter and those areas subtracted from a lot's area in calculating the lots buildable area, as defined in §165-5 of this chapter. This determination shall be based upon analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Planning Board shall deny an application that does not include a complete and accurate conservation analysis sufficient for the Board to make its conservation findings.
  - c. The amount of land set aside as protected open space shall equal, at a minimum, the amount of land subtracted from a lot's area in calculating the lot's buildable area, as defined in §165-5, plus 50% of the remaining area. The protected open space, to the extent possible, shall consist of contiguous lands. The applicant shall present to the Planning Board a subdivision plan with buildings and other improvements clustered in the area of the parcel outside of the protected open space.
  - d. If, based upon the conservation analysis, the Planning Board determines in its conservation findings that there is no reasonable basis for requiring a conservation subdivision; the Planning Board may approve a conventional subdivision design of the site. In order for the Planning Board to make such a determination, the applicant must demonstrate:
    - i. That the land contains no substantial resources with conservation value, and.
    - ii. That the site does not adjoin other land that, when combined with open space on the site, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining land has been protected as open space.
3. The allowable dwelling units in a conservation subdivision may be developed as single-family detached or as duplexes. Duplexes in a conservation subdivision do not require a Special Use Permit.

4. Lot sizes in conservation subdivisions. There shall be no minimum lot size in a conservation subdivision. The Planning Board shall determine appropriate lot sizes in the course of its review of a conservation subdivision. For the purposes of allowing smaller lots, wells and septic systems may be located in areas of protected open space, provided that necessary easements or other appropriate legal arrangements are provided for installation, maintenance, repair and replacement of these facilities.
5. Other area and dimensional requirements.
  - a. Except for maximum building height, the bulk regulations specified in §165-19 shall not apply to lots in a conservation subdivision provided that:
    - i. No structure in a conservation subdivision shall be closer than 75 feet to an adjoining lot in a residential zone.
    - ii. All site disturbance shall be located within the buildable area, as defined in §165-5 of this chapter, however, the Planning Board may allow up to five percent (5%) of the proposed disturbed area to occur outside the buildable area where the applicant demonstrates hardship from this restriction and provided there would be no substantial negative impact, or there would be a beneficial impact, to the public health and safety or to the environment.
  - b. The applicant shall identify setbacks and other lot dimensions on the final plat.
  - c. In accordance with section 278 of Town Law, when the final plat is filed with the County Clerk and a copy of the final plat is filed with the Town Clerk, the Town Clerk shall make appropriate notations and references thereto on the Town Zoning Map.
6. Conservation subdivision of a portion of a larger tract.

The Planning Board may at its discretion entertain an application for a conservation subdivision of a portion of a larger tract if the parent parcel is larger than 25 acres. In such cases, the Planning Board shall require a full conservation analysis in accordance with subsection 165-38C(2) of the portion of the parent parcel to be subdivided. The Planning Board shall also require a more general conservation analysis of the remainder of the parent parcel that is not proposed for subdivision. The more general conservation analysis shall be based on publicly available information about the physical characteristics and natural resources present on the remainder of the parent parcel that is not proposed for subdivision. For the purposes of this general conservation analysis, the Planning Board may at its discretion waive requirements of subsection 165-38C(2) that would necessitate preparation of a survey or other on-site analysis for the portion of the parent

parcel that is not the subject of the subdivision proposal only. In order to allow a conservation subdivision of a portion of a larger tract, the Planning Board must find that approval to develop a portion of the parent parcel is not a basis for the applicant or successor in interest to subsequently request an exception under §165-38C(2)(d) for the remainder of the parent parcel.

7. Conservation subdivision design standards.

Lots shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. Buildings shall be constructed in locations as shown on the final plat and a Site Plan shall be submitted in conformance with Article V. Unless otherwise stated herein, the requirements specified under Chapter 158, Subdivision of Land, apply.

D. Permanent Open Space

Open space set aside in a conservation subdivision shall be permanently preserved as required by this Article. Any development permitted on land located in a conservation subdivision that is not protected as open space shall not impair the conservation value of such open space land.

1. Permanent preservation by conservation easement.

- a. A perpetual conservation easement restricting development of the open space land and allowing use only for growing agricultural crops, pasturing farm animals, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to section 247 of the General Municipal Law and/or sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, and/or to a qualified not-for-profit conservation organization acceptable to the Town Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of final plat approval. The Planning Board shall require that the conservation easement also be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's Office and proof of recording shall be provided to the Town.
- b. The conservation easement shall prohibit residential, industrial, or commercial use of open space land (except for growing agricultural crops, pasturing farm animals and passive recreation), and shall not be amendable to permit such use. Driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, and structures necessary for sheltering farm animals pastured thereon may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land.
- c. A land management plan, approved by the Planning Board, shall be included

in the conservation easement. The conservation easement shall provide that if the Town Board finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the Town may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and that the cost of such maintenance by the Town shall be assessed against the landowner or, in the case of a homeowners' association (HOA), the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

- d. Preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Dwellings may be constructed on portions of lots that include preserved open space land.

E. Notations on final plat.

1. Preserved open space land shall be clearly delineated and labeled on the final plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of lots in the subdivision and the public to the open space land. The final plat shall clearly show that the open space land is permanently preserved for conservation purposes by a conservation easement required by this Article, and shall include deed recording information in the County Clerk's office for the conservation easement.

F. Ownership of Open Space Land.

1. Open space land shall under all circumstances be protected by a perpetual conservation easement, offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value
2. If the open space land will be held as a separate lot or lots (not part of a residential lot or lots created in the subdivision), and unless title to the open space lot or lots is conveyed to and accepted by the Town, County, or State governments or to a qualifying conservation organization, title to said open space lot or lots shall be held in fractional shares equal in number to the residential lots in the subdivision and title to each such residential lot shall include title to one such fractional share of the open space lot or lots. In no case shall a Home Owners Association hold title to the open space lot or lots.

G. Conservation Subdivision Review Process.

1. Unless otherwise stated within this Article, the approval process and procedure for a conservation subdivision shall be the same as for that of a conventional subdivision as required by Chapter 158, Subdivision of Land.

2. Sketch approval is the first formal step in the subdivision review process. The purpose of the sketch plan is to provide an introductory review of the proposed subdivision. In addition to those items required under §158-7 and §158-8 of the Subdivision Regulations (that are applicable to conservation subdivision design), the following items shall be provided to the Planning Board:
  - a. A density calculation, as described in §165-38C(1) of this Article.
  - b. A schematic “bubble” diagram showing which areas on the site would be developed and where land would be protected as permanent open space by a conservation easement.
  - c. A conceptual layout showing approximate building locations, roads, trails, and lot lines.
3. Preliminary plat approval is the second step in the subdivision review process, following sketch plan approval. In addition to those items required under §158-9 and §158-10 of the Subdivision Regulations (that are applicable to conservation subdivision design), the following items shall be provided to the Planning Board:
  - a. A conservation analysis as described in §165-38C(2).
  - b. A site plan prepared in conformance with §165-37 of this chapter shall be submitted.
  - c. The preliminary plat shall show all lands to be preserved by conservation easement.
4. Final plat approval is the third and final step in the subdivision review process. In addition to those items required under §158-11 and §158-12 of the Subdivision Regulations (that are applicable to conservation subdivision design), the following items shall be provided to the Planning Board:
  - a. Legal documentation shall be provided for the creation of the conservation easement(s), prepared to the satisfaction of the Town Attorney.
  - b. A final land management plan for the permanent open space areas, to be incorporated into the conservation easement(s) and made enforceable by the Town.
  - c. Other submission items required by the Planning Board.

ARTICLE VII  
**Special Use Permit**

**§165-39. Purpose.**

- A. It is the policy of the Town to allow for a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural character of the Town. Many uses are therefore permitted only upon issuance of a special use permit in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this chapter.
- B. The special permit uses set forth in this Article shall be deemed to be permitted uses where indicated in the Land Use Category Table subject, however, to obtainment of a special use permit upon a showing of compliance with the general and individual special permit criteria in §165-41 and §165-42 and subject also to the obtainment of site plan approval under §165-37 of this chapter.
- C. Any use for which a special use permit is required or for which a special use may be granted as provided in this chapter, which use was existing at the time of the adoption of this chapter or its predecessor or was existing at the time of the adoption of any amendment thereto which designated the use as requiring a special use permit, in any district in which such use requires the securing of a special use permit and which use has continuously existed since that time, shall without further action be deemed to have been granted a special use permit. Any expansion of such use shall require a special use permit and site plan approval pursuant to this chapter.

**§165-40. Application procedures.**

- A. Unless otherwise stated, special use permits shall be issued by the Planning Board.
- B. The applicant shall submit an application on forms to be provided by the Clerk of the approving authority, and shall simultaneously submit a site plan application to the Planning Board under §165-37 of this chapter.
- C. A public hearing shall be required prior to final approval. The public hearing shall be conducted within 62 days from the date the application is deemed complete by the approving authority and in cases where the approving authority is the Planning Board, shall be conducted simultaneously with the public hearing to be held on the site plan. An application will be deemed complete when all of the information and documentation required by this section and any additional information requested has been received and reviewed by the approving authority, together with any and all required compliance with the New York State Environmental Quality Review Act (SEQRA). The approving authority shall mail a notice of said hearing to the applicant and all property owners within 200 feet of the subject site at least 10 days prior to

said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

- D. Prior to taking final action on a special use permit, the approving authority shall comply with the referral requirements of the General Municipal Law.
- E. Subject to compliance with SEQRA, the approving authority shall make a decision on the application within 62 days after the close of the public hearing; however, the time within which the approving authority must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the approving authority shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. Such decision may impose conditions on the issuance of such permit as may be necessary to insure compliance with applicable law and public health, safety, and welfare including, but not limited to, limits on the operating hours of the use authorized by the special permit, and a time limit with respect to the duration of any such special use permit.
- F. The CEO shall not issue a building permit until the special use permit has been issued and the site plan has been signed by the Planning Board.
- G. The terms and conditions of a special use permit may be modified by application to the approving authority in the same manner as an application for a new special use permit. If the approving authority finds that the modification sought is insubstantial, the approving authority may waive one or more of the application requirements of this Article.
- H. A special use permit may be revoked by the approving authority pursuant to §165-43 of this chapter for a violation of such special use permit and/or its terms or conditions. Should the special use permit be revoked, the use authorized thereby shall immediately cease and no special use permit shall issue for the same use within one year.
- I. No application for a special use permit shall be entertained for a property where there is an outstanding violation of this chapter or any other local law or ordinance of the Town unless the granting of such special use permit and site plan approval will result in the correction of said violation. The Planning Board may, as a condition of entertaining the application, order that the use for which a special use permit is required be suspended pending its review and determination of the application therefore.
- J. In connection with the issuance of a special use permit, the approving authority may establish a schedule of inspection to be conducted by the CEO to determine continued compliance with this chapter and any conditions of the special use permit.

**§165-41. Standards for special use.**

- A. The special permit uses as set forth in this Article shall be subject to compliance with the requirements and standards set forth herein and in §165-37 of this chapter, in addition to all other applicable codes and requirements.
- B. All special permit uses shall comply with the following:
  - 1. The use will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and streets.
  - 2. Except where otherwise specified by this chapter, the bulk regulations applicable within the district containing the proposed special permit use shall apply to such use.
  - 3. The proposed action will not result in an adverse change in the ground or surface water quality or quantity and will not interfere with the movement of any resident or migratory fish or wildlife species.
  - 4. The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
  - 5. Operations in connection with the use will not be offensive, potentially dangerous, destructive of property values and the environment or detrimental to the public health, safety, and welfare of the residents of and visitors to the Town and will not be more objectionable to nearby properties by reason of traffic, noise, dust, waste, glare, fumes, vibration, lighting, and similar nuisance conditions than would be the operations of any permitted use in the same zoning district not requiring a special use permit.
  - 6. The hours of operation shall be stated on the site plan and on the special use permit.

**§165-42. Individual standards for special uses.**

The following additional standards and application requirements are hereby established for the following special permit uses:

- A. Adult business.
  - 1. No adult use shall be located within 1,000 feet of any dwelling or of any school, day care center, library, camp, or religious institution.
  - 2. No adult use shall be located within 1,000 feet of any other adult use.

3. No more than one sign, which shall comply with §165-29 of this chapter, shall be permitted and shall be limited to the name and address of the business.
4. Adult uses shall be set back at least 200 feet from all public rights-of-way and shall be screened from view by a landscape buffer of at least 50 feet wide.

B. Accessory apartment.

1. The subject lot shall be a minimum of 1 acre.
2. The owner of the lot must reside in the principal dwelling unit or the accessory apartment.
3. The accessory apartment shall be located in or attached to the principal building or within a detached accessory structure which existed on or prior to the adoption of this chapter.
4. The accessory apartment shall have a separate entrance and separate cooking, sanitary, and sleeping facilities.
5. There shall be no more than one accessory apartment per lot.
6. No more than two bedrooms are permitted in an accessory apartment.
7. The gross floor area devoted to the accessory apartment shall not exceed 1,200 square feet or 35% of the existing gross floor area of the original single-family dwelling, whichever is less.
8. The Putnam County Department of Health shall approve the sewage disposal and water supply systems, if applicable. Further, the existing sewage disposal system must be physically inspected and certified by a New York State Professional Engineer as being in good working condition. The inspection must be conducted to the satisfaction of the Town Engineer and may include the uncovering of septic components for inspection, testing, inspection of the grounds surface, measurement of distance to nearest well, and submission of plans illustrating the existing system's design, configuration, and components.
9. Any home occupation on the lot shall be limited to the principal dwelling.
10. The Special Use Permit for the accessory apartment shall terminate with the transfer of title to the premises, if the accessory apartment is unoccupied for a period of two years or more, or if the owner of the lot containing the accessory

apartment ceases to occupy either the principal dwelling or the accessory apartment.

11. Smoke and carbon monoxide detectors shall be provided within the accessory apartment and shall be wired so as to activate the smoke detector in both the principal dwelling and the accessory apartment.

C. Assisted living.

1. The minimum net lot area shall be five acres.
2. A minimum of 30% of the net lot area shall be set aside as undisturbed open space.
3. A minimum of 15% of the net lot area shall be set aside for active or passive recreation.
4. One principal building, not exceeding 20,000 square feet of gross floor area, shall be permitted per five acres of land.
5. The proposed facility shall conform to the requirements of the Americans with Disabilities Act (ADA).
6. The applicant shall specify the total number of patients and total number of employees.
7. The applicant shall demonstrate that there is a public need for the facility.

D. Assembly of component parts.

1. The goods to be assembled shall not be manufactured on-site.
2. Assembly shall take place indoors and shall not produce noise, odors, vibrations, fumes, or smoke that would be detectable beyond the boundaries of the lot containing the proposed use.
3. A detailed floor plan and emergency evacuation plan shall be provided.
4. A list of the materials used, and the storage protocols, in the manufacturing process shall be provided.
5. The type of items manufactured shall be identified.
6. The number of employees shall be provided.
7. The Planning Board may limit the number of trucks stored on-site.

8. No loading, unloading, or transfer operation shall be permitted on the street or within the front yard. Specific loading and unloading plans shall be submitted to the Planning Board.

E. Automotive dealership.

1. Storage or display of new and/or used cars, as well as customer and employee parking, shall be located on paved areas approved on the site plan and shall not be permitted in the front yard or within 10 feet of any lot line adjoining a non-residentially used lot or within 50 feet of any lot line adjoining a residentially used lot.
2. No more than one motor vehicle for every 3,000 sq. ft. of net lot area shall be stored outside at any time (inclusive of customer and employee parking).
3. Inoperable or junk vehicles shall not be stored outdoors.
4. Service and/or repair of vehicles may occur as an accessory use; however, all service or repair of motor vehicles shall be conducted within a fully enclosed building.
5. No loading, unloading, or transfer operation shall be permitted on the street, at the curb, or within the required front yard. Specific loading and unloading plans shall be submitted to the Planning Board.

F. Automotive repair station.

1. Unregistered or junk vehicles shall not be stored outdoors.
2. Outdoor storage of parts is prohibited.
3. All service, repair, and painting of motor vehicles shall be conducted within a building.
4. All vehicles shall be parked in areas so designated on the site plan.
5. Detailed plans for the disposal of all petroleum products, solvents, paints, radiator fluid, and the like shall be provided.
6. Fire prevention and suppression methods shall be provided on the site plan.
7. The facility shall not include the sale of vehicular fuels and shall not include a convenience store, the sale of new or used automotive vehicles, or the operation of a car wash.

G. Automotive repair and gas station.

1. Unregistered or junk vehicles shall not be stored outdoors.
2. Outdoor storage of parts and products offered for sale is prohibited.
3. All service and repair of motor vehicles shall be conducted within a building.
4. The bulk storage of gasoline, fuel, and oils shall meet all State and federal regulations and shall be located not nearer than 50 feet to any lot line and no closer than 200 feet from a well, wetland, watercourse, or waterbody.
5. Buildings shall have pitched roofs and if a canopy is proposed, such canopy shall also have a pitched roof.
6. The maximum height between the finished grade and the bottom of any canopy shall be 15 feet.
7. The maximum area of any canopy shall not exceed 1,500 square feet.
8. The maximum overhang distance of a canopy shall not exceed 10 feet from the fuel pump.
9. Car washes as an accessory use are prohibited.
10. Detailed plans for the disposal of all petroleum products, solvents, radiator fluid, and the like shall be provided.
11. Fire prevention and suppression methods shall be provided on the site plan.
12. One externally illuminated ground sign and one wall sign is permitted on-site; signs attached to or incorporated within the canopy are prohibited.
13. Light fixtures mounted under canopies shall be completely recessed into the canopy; the sides (fascias) of the canopy shall extend 12 inches below the lens of the fixture.
14. All luminaires shall be turned off at the close of business.
15. All vehicles shall be parked in areas so designated on the site plan.

H. Bed and breakfast.

1. The minimum lot size for a bed and breakfast is two acres.
2. The number of guests accommodated per night shall not exceed 10, and no guest shall stay for a period exceeding 14 consecutive nights.

3. The bed-and-breakfast shall be the primary residence of the lot owner.
  4. There shall be no more than five bedrooms occupied by paying guests and with the exception of a coffee pot, said rooms shall not be equipped with any cooking devices.
  5. All guest rooms shall be contained within the principal building.
  6. At least one bathroom shall be provided for each two guest rooms and a separate bathroom shall be provided for the owner.
  7. Meal service shall be limited to a morning meal served to an overnight guest.
  8. There shall be no more than three employees in addition to the owner.
  9. Each guest room shall be equipped with a smoke and carbon monoxide detector.
  10. Parking is prohibited in the front yard.
  11. The existing sewage disposal system must be physically inspected and certified by a New York State Professional Engineer as being in good working condition. The inspection must be conducted to the satisfaction of the Town Engineer and may include the uncovering of septic components for inspection, testing, inspection of the grounds surface, measurement of distance to nearest well, and submission of plans illustrating the existing system's design, configuration, and components. The applicant shall also provide proof to the Planning Board that the well water meets all New York State drinking water standards.
- I. Camp.
1. The minimum net lot area shall be 10 acres.
- J. Cemetery.
1. The minimum net lot area shall be 5 acres.
  2. All graves shall be located at least 100 feet from all lot lines.
  3. All mausoleums and columbariums shall be located at least 200 feet from all lot lines.
  4. If the cemetery is contiguous to a residential use, a 50 foot wide, vegetated buffer shall be provided and maintained along the common lot line.
  5. No grave shall be located within 100 feet of an existing well.

6. No grave shall be located within a 100 year floodplain, as defined by the Federal Emergency Management Agency.

K. Commercial horse stables and riding facilities.

1. The minimum lot area shall be five acres and an additional one acre is required per horse to be housed on said premises.
2. No building shall be permitted within 200 feet of any street or lot line.
3. The Planning Board may limit the number of horses kept on-site.
4. Suitable arrangements for the storage and disposal of animal waste shall be provided.
5. No storage of manure or other odor- or dust-producing substance shall be allowed within 200 feet of a street or lot line or within any floodplain, wetland or wetland buffer area.
6. Outdoor stables and riding areas shall not be permitted within 100 feet of a lot line or within a regulated wetland or wetland buffer area.
7. The site plan shall show how and where feed will be stored, the location of riding trails, and a detail of the proposed fencing.
8. All fencing shall be constructed of wood or wood composite material.
9. All stables shall be equipped with fire detection and suppression equipment.

L. Day care center.

1. An outdoor play area of a size, design, and location suitable for the specific use and for the number of children attending the facility shall be located in the side or rear yard of the premises.
2. An evacuation plan shall be submitted to the Planning Board and CEO.
3. The number of children, number of employees, and hours of operation shall be stated on the site plan.
4. The applicant shall state the age(s) of the children to be cared for.
5. A vehicular drop-off and pickup area must be provided on-site and must be separated from the recreation area.

6. The existing sewage disposal system must be physically inspected and certified by a New York State Professional Engineer as being in good working condition. The inspection must be conducted to the satisfaction of the Town Engineer and may include the uncovering of septic components for inspection, testing, inspection of the grounds surface, measurement of distance to nearest well, and submission of plans illustrating the existing system's design, configuration, and components. The applicant shall also provide proof to the Planning Board that the well water meets all New York State drinking water standards.

M. Duplex.

1. Duplex units are permitted on lots within the RR, CD, and PD zoning districts, provided the lot contains twice the minimum net lot area and twice the minimum contiguous buildable area required for a lot in that zone.
2. The owner of the lot shall reside in one of the two units.
3. To the extent possible, duplex structures shall be externally indistinguishable from single-family detached units (see below example).



*A row of duplexes that have been designed to be indistinguishable from single-family detached homes*

N. Elder cottage housing opportunity (ECHO).

1. The ECHO unit shall only be permitted on lots having a net lot area of at least three acres, and upon which no more than one single-family detached dwelling is located. The record owner of the lot shall occupy, as his/her principal residence, either the single-family residence or the ECHO unit.
2. The ECHO unit shall not be located in the front yard and shall meet the setback requirements applicable to principal buildings within the district.

3. The ECHO unit shall be serviced by the existing water supply and sanitary sewage disposal system servicing the existing single-family dwelling. Such systems must be approved for the ECHO unit by the Putnam County Health Department. The sewage disposal system and water supply may be modified to accommodate the ECHO unit.
4. The ECHO unit shall not exceed 950 square feet of gross floor area and shall have a maximum height of 20 feet or the height of the principal building, whichever is less.
5. The ECHO unit shall be designed to resemble a single-family dwelling. The unit shall have a pitched roof and shall contain at least five windows.
6. The ECHO unit shall be constructed so as to be easily removed from the lot on which it is located. No permanent fencing, walls, or other structures shall be installed that will hinder the removal of the unit.
7. Two inhabitants are permitted per ECHO unit, at least one of whom must be at least 62 years of age or is disabled (as defined under the Americans with Disabilities Act).
8. The special use permit shall terminate with a change in ownership of the lot, unless the lot is sold to an inhabitant of the ECHO unit. Upon termination of the special use permit, the ECHO unit shall be removed from the lot.
9. Smoke and carbon monoxide detectors shall be provided within the ECHO unit and shall be wired so as to simultaneously activate the smoke and carbon monoxide detector in both the principal dwelling and the ECHO unit.

O. Exterminating services.

1. The applicant shall identify the type, amount, and storage methods of chemicals on-site. A complete listing of all chemicals stored on the premises and any hazards associated with their exposure to heat, fire, or water shall be kept on file in the office of the CEO.
2. Copies of all required operating licenses shall be provided by the applicant.

P. Farm stand.

1. The Planning Board may require that the farm stand be removed when not in use.
2. A farm stand can be located within required setback areas; however, no structure shall be within 40 feet from any street line.

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3. One non-illuminated portable sign, not to exceed 12 square feet is permitted in conjunction with the use.
4. The preparation of food for on-site consumption is prohibited. The site shall be properly maintained and the appropriate containers for garbage disposal shall be located on-site.

Q. Funeral home.

1. The funeral home's exterior shall resemble a single-family dwelling.
2. No sign, other than one post-and-arm sign is permitted on-site.

R. Home occupation.

1. Traffic generated by the home occupation shall not exceed two vehicle trips per hour.
2. Whether located in the principal structure or in an accessory building, the business or trade shall not occupy more than 25% of the gross floor area of the principal building on-site.
3. One non-illuminated sign not to exceed 4 square feet shall be permitted.
4. Merchandise, products, and other materials shall not be stored or displayed outside.
5. On-site parking shall comply with §165-27 of this chapter. In addition, no more than two additional parking spaces shall be permitted to be installed, neither of which can be located in the front yard.
6. The occupation shall be carried on by a resident therein with not more than two nonresident employees.
7. No more than one commercial vehicle, utilized in connection with the home occupation, shall be parked or stored on the premises and shall be garaged or screened from public view. The commercial vehicle shall not be parked in the front yard.

S. Kennel.

1. If animals are housed, groomed, bred, boarded, trained, or sold outdoors, the kennel shall be located on a lot that has a net lot area of at least five acres.
2. Outdoor exercise pens or fenced in areas shall be at least 200 feet away from any lot line.

3. The special use permit shall stipulate the maximum number and type of animals boarded or housed on-site.

T. Laundromat.

1. The Planning Board may require well-yield testing to demonstrate the availability of adequate water supply and to ensure that water usage and disposal by the proposed facility will not adversely impact the quantity and quality of the groundwater.

U. Light Industry.

1. Any lot used for the purposes of light industry must have frontage and access onto a New York State Highway.

V. Multifamily.

1. Dimensional standards and requirements. The following regulations shall apply:
  - a. Density. A maximum of five multifamily dwelling units per acre.
  - b. Street frontage. The lot must have at least 100 feet of public street frontage.
  - c. Each multifamily structure shall conform to the required setback areas of the underlying zoning district.
  - d. Maximum building height. The height of a multifamily structure shall not exceed 3 stories or 40 feet, whichever is less.
2. Additional development standards.
  - a. Each multifamily dwelling unit shall be serviced by a central or community water and wastewater system.
  - b. Two separate means of access from a street shall be provided.
  - c. Parking areas shall be located behind multifamily dwellings.
3. Design guidelines.
  - a. Each multifamily dwelling unit shall be provided with a private outdoor space in the form of a patio, terrace, deck or balcony.
  - b. Building exteriors shall incorporate the following design features:

- i. Emphasis on façade elements such as bay windows, cornices, etc.
  - ii. Use of roof pitches and other roof elements, such as dormer windows, to provide architectural distinction.
  - iii. Colors, textures, and exterior materials and treatment should be similar to or complement the surrounding neighborhood and should be compatible with the natural surroundings.
4. Affordable housing criteria.
- a. Each approved multifamily development that contains eight or more dwelling units is required to have no less than 25% of all units designated as affordable dwelling units. If the resulting number of required affordable units involves a fraction of a unit, this fraction, if equal to or greater than one-half, shall be rounded up to the next whole number, and a fraction of a unit less than one-half shall be rounded down to the next whole number.
  - b. For the purposes of this section, an affordable dwelling unit shall be defined as a dwelling unit within a multifamily dwelling that is limited in occupancy to households whose aggregate annual income does not exceed 80% of the regional median family income applicable to the Town of Putnam Valley, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.
  - c. Each affordable unit created in accordance with this section shall have limitations governing its resale and/or rental. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale and/or rental controls shall be established through a restriction on the property. The following statement shall be included in any executed deed, certificate of occupancy, and rental agreement: "This is an affordable dwelling unit as defined in Chapter 165 of the Putnam Valley Zoning Ordinance and is subject to all restrictions and limitations as set forth therein." Any special use permit resolution and the final approved plan shall contain a notation that clearly identifies that there are affordable housing unit deed restrictions along with the designated units and specified conditions.
  - d. Resale/rental price. All sales and/or rentals shall be to a qualified income purchaser/renter. In the case of resale, the price offered shall not exceed the unit's appraised value at the time of resale multiplied by its discount rate. The discount rate is the ratio between the unit's initial sale price and its appraised value at the time of initial sale. The discount rate shall be recorded as part of the restriction on the property noted in (c) above. The initial appraisal, to establish the discount rate, shall be paid for by the applicant. Future appraisals, as required for resale by the deed restriction described in (c) above

will be paid for by one of the parties to the real estate transaction. For example, if a unit appraised for \$100,000 is initially sold for \$75,000 as a result of this chapter's provisions, it has sold for 75% of its appraised value. If the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500 – 75% of the appraised value of \$150,000. In the case of affordable units created in accordance with this section that will be renter occupied, the deed restriction on the property noted in (c) above shall provide for a system to ensure that monthly rents will remain affordable as described herein. Such system for monitoring the affordability of rental units must be administered by a not-for-profit housing organization or other third party suitable to the Planning Board and approved by the Town Attorney.

- e. Affordable housing units created in accordance with this section shall be incorporated into the development in the following manner:
  - i. Affordable units shall be evenly distributed throughout the project. In no event shall affordable units be located in only one portion of the project.
  - ii. Affordable units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with market-rate units.
  - iii. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the following schedule:

Percent Market Rate Units Constructed	Percent Affordable Housing Units Constructed
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

W. Restaurant, take out.

- 1. The gross floor area shall not exceed 2,000 square feet.
- 2. Adequate waterproof receptacles shall be provided for the storage of solid waste materials.
- 3. No sign other than one wall sign and one ground sign are permitted on-site.

4. Drive-through windows are prohibited.

X. Timber Harvesting.

1. The applicant must comply with Chapter 140, Forestry, of the Town Code.
2. The lot(s) on which timber harvesting is to be conducted must contain at least 10 acres of net lot area.

**§165-43. Duration and revocation of a special use permit.**

- A. Unless otherwise indicated, a special use permit shall issue to the subject property and not to the individual applicant. In addition to any other enforcement remedies available to the Town, the special use permit may be revoked by the approving authority for violations of its terms and/or conditions, and the use allowed by special use permit shall thereby terminate immediately.
- B. The following procedure shall be followed in the revocation of a special use permit:
1. The CEO shall issue a notice of violation and require the record owner to remedy the violation within 30 days or require the record owner to make a complete application for any permit required for such remedy within 30 days; a copy of the notice of violation shall be provided to the approving authority.
  2. If the violation is not remedied within the allotted period specified by the CEO, a public hearing shall be held with respect to the violation and revocation by the approving authority on 10 days' written notice to the record owner.
  3. The approving authority shall make a decision within 62 days after the close of the revocation public hearing. The approving authority may revoke the special use permit entirely, require the applicant to rectify the violation, and/or provide additional conditions to the original permit. The decision of the approving authority shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the record owner.
- C. At least 30 days prior to the scheduled expiration of a special use permit, for which a time limit has been imposed and which the record owner desires to renew, the record owner shall make application to the approving authority for a renewal. An application for renewal shall follow the same procedures as required for a new special use permit; however, certain items may be waived by the approving authority upon written request of the record owner, including a statement of justification therefore.

ARTICLE VIII  
**Environmental Management Districts**

**§ 165-44. Ground and Surface Water Protection (WP) Overlay District.**

A. Purpose and intent.

The Ground and Surface Water Protection (WP) Overlay District has been created to protect the health and welfare of residents of the Town by minimizing the potential for contamination and depletion of the Town's ground and surface water. The Town has determined that one of the limiting factors to the development capacity of the land in the Town is its ability to provide water in sufficient quality and quantity such that its use by some users does not adversely affect its use by other users. Another limiting factor to the development capacity of the land is its ability to accept wastewater discharges from increasing number of septic systems before loading begins to adversely affect the quality of groundwater and surfacewater used by and enjoyed by Town residents and the environment.

B. Effect of the WP District.

1. The WP Overlay District applies to all lands within the boundaries of the New York City Watershed, City of Peekskill Watershed, and certain Aquifer Protection Zones (APZs), all as shown on the WP Overlay District Map titled the "Ground and Surface Water Protection Overlay Map," dated \_\_\_\_, as same may from time to time be amended, a copy of which is on file in the office of the Town Clerk. Certain uses within the District are prohibited, certain uses require an Aquifer Protection Permit, and certain uses require a Watershed Protection Permit.
2. The regulations associated with specific areas mapped on the WP Overlay Map supersede, where applicable, the regulations applicable within the base zoning district embraced within the WP Overlay District.

C. Aquifer protection permits.

1. The following uses proposed on lands within an Aquifer Protection Zone (APZ), shall require an Aquifer Protection Permit from the Planning Board:
  - a. Assembly of component parts.
  - b. Exterminating services.
  - c. Laundromats.

- d. Printing establishments.
  - e. Funeral homes.
  - f. Veterinary services.
  - g. Hospitals.
  - h. Uses where water consumption is more than natural recharge as calculated under subsection “G” and “H” hereof.
2. The following uses proposed on lands within the WP District, but not necessarily within an APZ, shall require a Watershed Protection Permit from the Planning Board:
- a. Commercial horse stables and riding facilities.
  - b. Golf courses.
  - c. Cemeteries.
  - d. Bulk storage of salt, manure, fertilizers, herbicides, and/or pesticides.

D. Submission requirements for Watershed Protection Permit.

In addition to the site plan requirements set forth in this chapter, applications requiring a Watershed Protection Permit, whether or not located within an APZ, shall include:

1. The source of water to be used.
2. The quantity of water required.
3. Water use minimization measures to be implemented.
4. Water recycling measures to be implemented.
5. Wastewater discharge measures and measures to limit or prevent chemical discharges to septic systems.
6. Grading and/or stormwater control measures to enhance on-site recharge of surface water.
7. Point source or non-point discharges which include any chemical discharges.

8. A complete list of any hazardous substances to be used on site along with quantity to be used and stored on site, and proposed methods of storage.
9. A description of hazardous substance storage and handling facilities and procedures.

E. Additional requirements for Aquifer Protection Permit.

1. In addition to the requirements specified under subsection “D” above, applicants requiring an Aquifer Protection Permit shall conform to the following requirements:
  - a. Storage of chloride salts is prohibited except as used by the Town in structures designed to minimize contact with precipitation and constructed on low permeability pads designed to control seepage and runoff.
  - b. Small quantity generators of hazardous waste shall provide the Town with copies of all applicable permits provided by State and/or Federal regulators and shall annually provide the Town with copies of all annual, incident, and remediation-related reports.
  - c. Where water consumption exceeds the natural recharge, as defined in subsections (G) and (H) herein, the applicant shall demonstrate through the State Environmental Quality Review Act review how such impact will be mitigated through, for example, provisions of compensatory recharge equal to the identified recharge deficit through a combination of artificial on-site or off-site recharge, or provision of or availability of compensatory natural recharge areas elsewhere in the Town.

F. Prohibited uses in the WP District.

1. The following uses are prohibited within the WP District:
  - a. Land application of sludge, or human excreta, including land application facilities as defined in 6 NYCRR Part 360-4.
  - b. Disposal, by burial, of any hazardous waste, as defined in 6 NYCRR Part 371.
  - c. Large quantity generators of hazardous waste.
  - d. The storage and/or dispensing of petroleum based fuels in any for, as a commercial enterprise, other than the dispensing of heating oil from trucks directly to homes and businesses.

G. Determination of natural recharge.

For the purposes of subsections C(1)(i) and E(1)(c) of this §165-44, the natural recharge on a lot is determined as follows: The natural recharge rate for a lot shall be determined by identifying the soil types on the property, classifying them by Hydrologic Soil Groups (A through D), applying the recharge rates of 20.2 inches per year through Hydrological Soil Group (HSG) A and A/D soils, 14.7 inches per year through HSG B soils, 7.6 inches per year through HSG C and C/D soils, and 4.2 inches per year through HSG D soils, and multiplying the recharge rates(s) by the number of acres of each soil group within the lot.

At the discretion of the Planning Board, and on the strict condition that the Planning Board is to retain a professional Hydrogeologist to review an alternate method for estimating site recharge, applicants may also propose other methods to estimate annual aquifer recharge rates on their sites.

H. Consumption of water.

This section establishes the method to calculate water consumption. Water consumption is the net loss of water through site activities, plus the water needed to dilute wastewater and other discharges to a concentration equal to 50% of the NYS Title 6 Part 703 Groundwater Standard.

The following table establishes the method to calculate water consumption:

<u>Use</u>	<u>Gallons per day</u>	<u>Multiplied by</u> <u>Dilution factor</u>	<u>Consumption/day</u>
Animal husbandry	#Animals x Daily use <sup>(1)</sup>	x 6 <sup>(2)</sup>	= _____
Irrigated Lands	Irrigated Acres x 4,000 <sup>(3)</sup>	x 1	= _____
Uses with Surface Water Discharge <sup>(2)</sup>	Site activity use x 0.2	x 1	= _____
Residential Uses with Subsurface Water Discharge <sup>(4,5)</sup>	70 gpd/capita	x 6	= _____
Nonresidential Uses with Subsurface Water Discharge <sup>(4,5)</sup>	Daily Use	x 6	= _____

1. Daily use rates per table 3-14, p. 288, Environmental Engineering and Sanitation, 4<sup>th</sup> Ed., Salvato, J.A., Wiley Interscience, 1992.
2. Dilution factor may only be reduced by Planning Board on a case-by-case basis for animal husbandry operations utilizing wastewater collection and treatment facilities.
3. Applicable for crops requiring 1 inch/week irrigation. May be adjusted for dedicated cropland with other water requirements.
4. Calculate use per NYSDEC intermediate wastewater disposal guide.
5. Discharge must not exceed NYSDEC Title 10, Part 703 effluent limits.

I. Discharge reporting.

Any person or organization responsible for any discharge of a hazardous substance, solid waste, hazardous waste, petroleum product, or radioactive material, or the owner of any lot upon which any such discharge occurs, shall notify the Town Clerk of such discharge within 24 hours of the time of discovery of the discharge. Such notification does not alter other applicable reporting requirements under existing law.

**§165-45. Ridgeline Protection (RP) Overlay District.**

A. Purpose. The purpose of the Ridgeline Protection (RP) Overlay District is to minimize structural intrusions upon the visual landscape, to preserve the important aesthetic, scenic, and ecological character and nature of higher elevation areas, and prominent ridgelines, and to maintain the rural character and scenic beauty of the Town.

B. The RP Overlay District is hereby comprised of all properties containing one or more of the following characteristics:

1. Designated Ridgeline Area. Designated Ridgeline Area shall include the crest of ridges designated on the Town's Ridgeline Protection Overlay Map, prepared by \_\_\_\_\_, dated \_\_\_\_\_, and all lands within 50 feet in elevation below the crests of such ridges. Exact locations of ridgelines and those areas within 50 feet in elevation below such ridgelines shall be based on site specific, field surveyed topography.

2. Hillsides. For the purposes of this section, hillsides shall mean lands within five hundred (500) horizontal feet of a Designated Ridgeline Area. Hillsides are not mapped on the Town's Ridgeline Protection Overlay Map.

C. Scenic Protection Standards. Where site plan approval is required in a Designated Ridgeline Area or Hillside by this chapter, the following additional regulations shall apply:

1. Building sites. No portion of any structure shall be situated within any Designated Ridgeline Area. No portion of any structure located within a Hillside shall protrude into a Designated Ridgeline Area. All portions of all structures on a Hillside shall be located as far as possible below the crest line of the ridge.

2. Structure design. Structures to be erected in Hillsides shall be designed to blend in with the natural surroundings and landscaping and, to that end:

a. All buildings, structures, and/or accessory elements of buildings and structures shall be limited to no more than 30 feet in height.

- b. All buildings, structures, and/or accessory elements of buildings and structures shall use natural wood siding and/or stone (or composite materials designed to mimic the look and texture of natural wood and/or stone) and roofing materials with colors found most commonly in the land and vegetation around such structures to increase visual conformity with their surrounding landscape. Light, bright, and reflective materials that contrast significantly with the colors of the surrounding land and vegetation shall be avoided on the exterior surfaces of structures. In determining compliance with this requirement the Planning Board shall consult with the Advisory Board for Architecture and Community Appearance.
  - c. Windows in such structures shall not occupy more than 20% of any building façade.
  - d. Roof slopes of such structures shall follow the natural contour of the land where possible.
3. Structure screening. Vegetation shall be preserved to the maximum extent possible. Every attempt shall be made to limit the amount of cutting necessary for construction so as to maintain natural vegetation as a screen for structures as seen from public streets or parks, waterbodies, and other public views and to preserve the vegetated appearance of the site. In addition to all other requirements of this chapter, where necessary to satisfy the scenic protection objectives of this section, the Planning Board shall require new plantings of native vegetation to screen structures, and such plantings shall be properly maintained.
  4. SEQRA. The applicant shall submit, as part of his/her application, the Visual Addendum of the Environmental Assessment Form.
  5. The Planning Board shall require the applicant to submit such plans, architectural elevations and models, viewshed analyses, and any other materials necessary to ensure compliance with the above standards. Visibility shall be measured using winter foliage conditions.
- D. Approval criteria. The Planning Board shall attach such conditions to a site plan for a property within a Hillside as it deems necessary to ensure compliance with the regulations of this §165-45. This may include, without limitation, reducing the height, footprint, or floor area of a proposed structure; limiting clearing, grading, filling or excavation, including excavation for footings and foundations; changing the location of structures, including the alignment of roads and driveways and the placement of any other improvements on the property where necessary to preserve scenic views. In the event that, even with the imposition of conditions, the scenic protection objectives of this section cannot be satisfied, the Planning Board shall deny the application unless to do so would deny the owner all reasonable use of the property.

*August 23, 2007*

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E. Exemption.

Disturbance or construction associated with an existing or proposed farm operation in a County adopted, State certified, agricultural district under New York State Agriculture and Markets Law Article 25-AA shall be exempt from this section if and to the extent such exemption is required by such law.

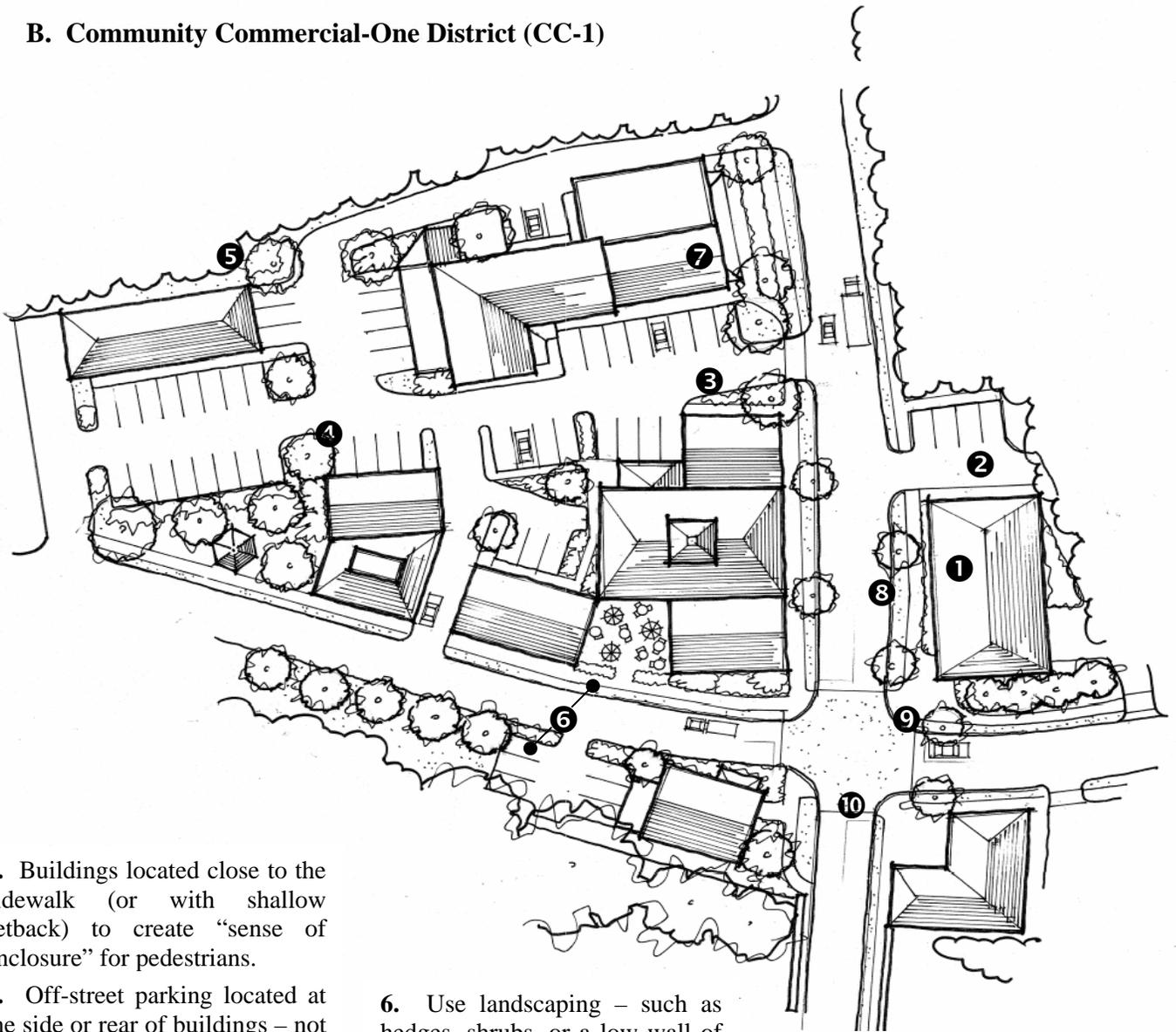
ARTICLE IX  
**Design Guidelines**

**§165-46. Design Guidelines for the CC-1, NC, and CC-3 Districts.**

**A. Purpose and Applicability**

1. Purpose. Consistent with the Town of Putnam Valley Comprehensive Plan, these design guidelines are intended to:
  - a. Illustrate how new development, and major alterations to existing sites, can enhance the character of this community.
  - b. Clearly articulate design expectations and ensure fairness and predictability in the development review process.
  - c. Provide substantive direction about design while allowing reasonable flexibility in application to specific sites.
  - d. Attract businesses and developers who recognize opportunities and desire to invest with confidence in a community that actively reinforces its character and quality of life.
2. Applicability.
  - a. New Construction. These design guidelines shall be used to assist in the design and review of all new construction projects in the CC-1, NC, and CC-3 Districts. All site plan and special use permit reviews involving new construction shall endeavor to comply to the maximum extent possible with these design guidelines. Practical difficulties or potential conflicts can be discussed with the intent of identifying solutions that are acceptable to the Planning Board.
  - b. Existing Sites and Structures. These design guidelines also apply to projects involving modifications to existing sites and structures in the CC-1, NC, and CC-3 Districts. Above the substantial alteration threshold defined in this chapter, all site plan and special use permit reviews shall endeavor to comply to the maximum extent possible with these design guidelines. Below this threshold, the Planning Board's intent will be to improve the site and/or structure and move toward compliance to the degree practical.
3. Design and Architectural Guidelines applicable to the CC-1, NC, and CC-3 Districts are set forth as subsections (B) through (E) of this Article IX.

## B. Community Commercial-One District (CC-1)



1. Buildings located close to the sidewalk (or with shallow setback) to create “sense of enclosure” for pedestrians.

2. Off-street parking located at the side or rear of buildings – not in front of buildings.

3. Consolidated points of access from street. Use cross access easements to provide shared access through side and rear parking areas.

4. Use Interior parking area landscaping to breakup continuous areas of pavement.

5. Use landscaping to buffer adjoining residential property.

6. Use landscaping – such as hedges, shrubs, or a low wall of stone, wood, wrought iron, or an acceptable substitute - to screen parking, to partially enclose courtyards or outdoor seating areas, and to maintain an edge along the sidewalk.

7. Main building façade and main entrance facing the street. On a corner lot, main facades along both streets. A secondary entrance facing the rear or side parking is strongly encouraged.

8. Street trees in planting strip between curb and sidewalk; or directly in sidewalk near the curb with porous hard surfaced grate.

9. Bulb-outs or tightened turn radii can be used at intersections to slow traffic and shorten crossing distances for pedestrians.

10. Continuous sidewalk network. Well defined pedestrian crosswalks. ADA compliance.



**Top:** New mixed-use infill between existing buildings

**Middle:** New mixed-use buildings in a new development.

### Building Location:

New buildings in the CC-1 should be constructed at or near the sidewalk to create a consistent street wall and “sense of enclosure” for pedestrians. A small setback could be appropriate to accommodate room for outdoor seating or a small courtyard (not for parking).

If improvements are being made to an existing building that is not located at the sidewalk edge, efforts should be made to bring the façade closer to the sidewalk (if appropriate) and/or to use landscaping or a low wall to define the interior side of the sidewalk edge.



### Mixed Uses:

A wide range of mixed uses should be encouraged in the CC-1 – both horizontally (across the area) and vertically (within individual buildings). Buildings with two or three stories are preferred. Active uses such as retail and restaurants should be located on the ground floor to create pedestrian activity. Offices and residential units should be located on the upper floors.



### C. Neighborhood Commercial District (NC)

1. Buildings located with a small setback from sidewalk. Maintain residential character of buildings – pitched roofs, front porches or steps, etc. Main entrance to business facing the street with secondary entrance from side or rear parking strongly encouraged.

2. Off-street parking located primarily at the side or rear of buildings, or in shared or public parking areas that serve the district. Allow a small amount of “convenience” parking in front of the building if other options do not exist.

3. Use interior parking area landscaping to breakup continuous areas of pavement.

4. Use landscaping – such as hedges, shrubs, or a low wall of stone, wood, wrought iron, or an acceptable substitute - to screen parking and to maintain an edge along the sidewalk.

5. Consolidated points of access from street. Use cross access easements to provide shared access through side and rear parking areas.

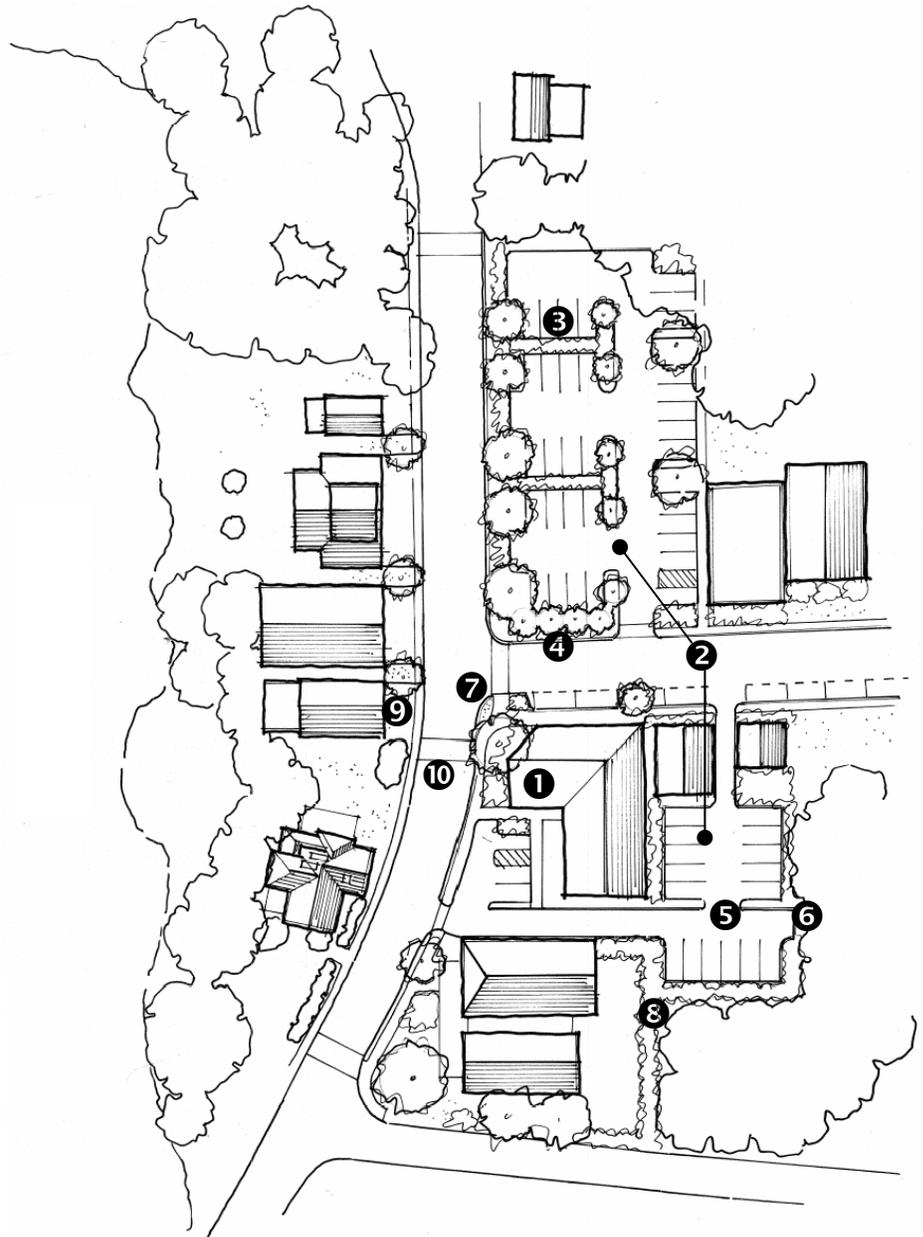
6. Possible future connection to rear of adjoining parcel if it is converted to a non-residential use too.

7. Bulb-outs can be used to define on-street parking areas, slow traffic, and shorten crossing distances for pedestrians.

8. Use landscaping to buffer adjoining residential property.

9. Street trees on interior side of sidewalk to preserve sight distances when necessary; or between sidewalk and curb in planting strip.

10. Continuous sidewalk network. Well defined pedestrian crosswalks. ADA compliance.



### D. Community Commercial-Three District (CC-3)

1. Buildings located with a small setback from sidewalk. Maintain residential character of buildings – pitched roofs, front porches or steps, etc. Main entrance to business facing the street with secondary entrance from side or rear parking strongly encouraged.

2. Off-street parking located primarily at the side or rear of buildings, or in shared or public parking areas that serve the district.

3. Consolidated points of access from street.

4. Use cross access easements to provide shared access through side and rear parking areas. Provide for the possible future connection of rear parking areas on adjoining parcels.

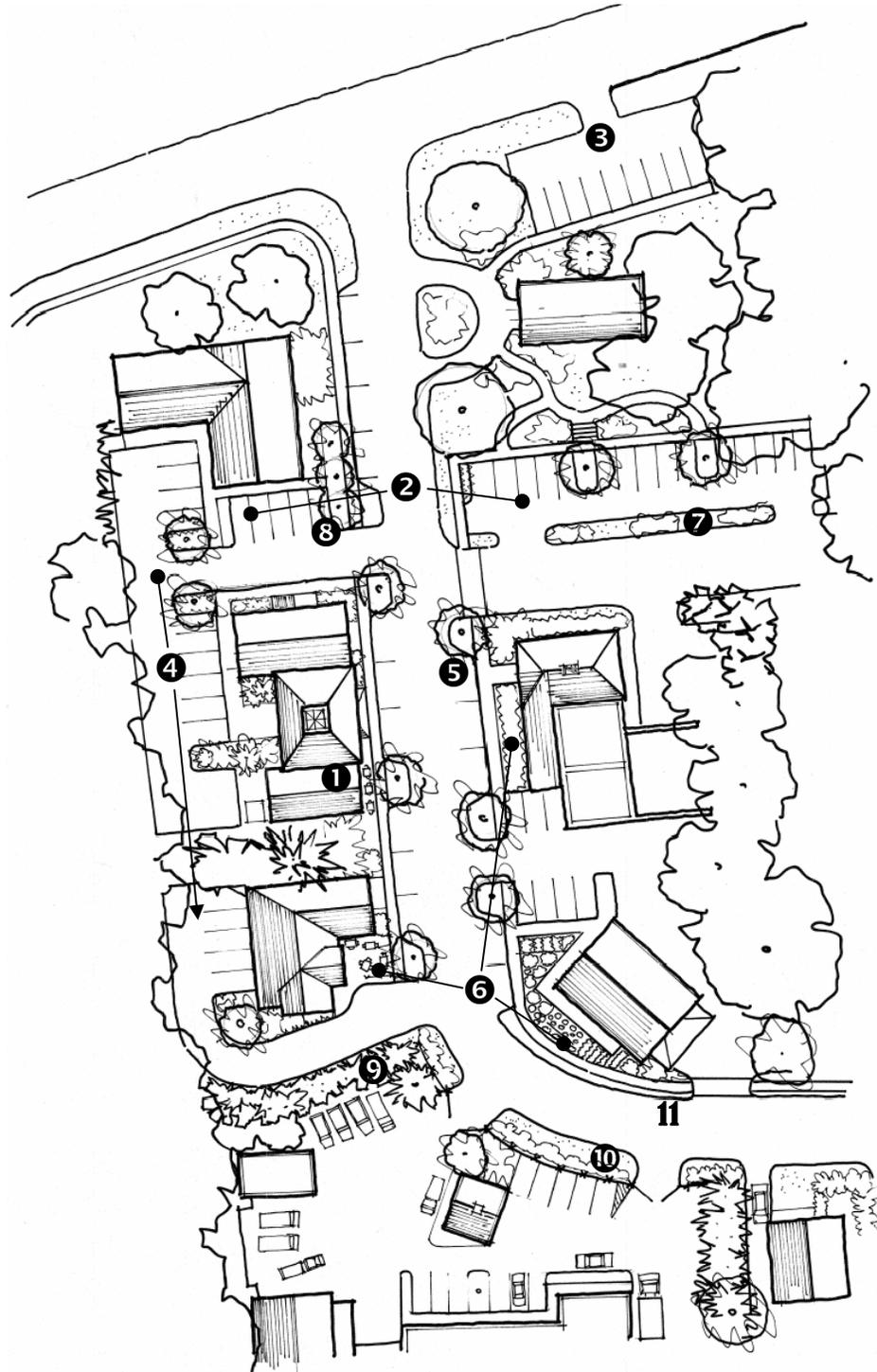
5. Bulb-outs can be used to define on-street parking areas and slow traffic.

6. Replace small front yard parking areas with attractive landscaping or create courtyards for outdoor seating.

7. Use interior parking area landscaping to breakup continuous areas of pavement.

8. Use landscaping – such as hedges, shrubs, or a low wall of stone, wood, wrought iron, or an acceptable substitute - to screen parking and to maintain an edge along the sidewalk.

9. Use landscaping to screen equipment and vehicle storage areas, mechanical equipment, dumpsters, and other visual clutter from the street and from adjoining properties.



10. Eliminate on-street parking along the curve of the road. Use landscaping to screen larger areas of pre-existing front yard parking (new areas of front yard parking are prohibited).

11. Continuous sidewalk network. Well defined pedestrian crosswalks. ADA compliance.

### E. Additional Design Guidelines applicable to the CC-1, NC, and CC-3 Districts

**Streetscape** – The built and planted elements of a street, from building facade to the opposite building facade, that define its character. Streetscape is the visual and functional aspect of a street. Streetscape elements often include sidewalks, curbs, street trees, planting strips, benches, lighting, trash receptacles, and other elements that together define the character and function of the community environment. Streetscape elements contribute to the overall experience of place and serve to improve the quality of the public realm.

**Right: for Mixed Use Development primarily in the core area of the CC-1, and perhaps in the NC and CC-3 – “Formal” Streetscape** – To the extent possible, sidewalk should be wide and should extend to the curb. Street trees, located with tree grates, and pedestrian scaled streetlights should be spaced at regular intervals near the curb. Street furniture such as benches and trash receptacles should be located as appropriate. Ideally, above ground power lines could be under-grounded or moved to the rear of parcels in these areas.



**Left: For most of the NC and CC-3 Districts and perhaps outer areas of the CC-1 - “Less Formal” Streetscape** – Buildings set back slightly with small front yards. Narrower sidewalks (at least 4 feet – 5 feet preferable where possible) are appropriate in these areas, with a grass planting-strip between the sidewalk and the curb. Street trees should be located at regular intervals, in the planting strip or on the interior side of the sidewalk. Street furniture such as benches would usually not be located in these areas.



**Maintain sidewalk edge:**

Whenever a building façade cannot be used to frame the sidewalk edge, landscaping – such as hedges, shrubs, or a low wall of stone, wood, wrought iron, or an acceptable substitute – should be used. This is especially important along parking areas.



**Top right:** Use of low “wall” and street furniture to define sidewalk edge for an existing building that has a deep setback.

**Bottom right:** close-up view of same treatment.



### General Architectural Characteristics



### Top and Middle: Mixed Use Buildings:

- Multiple story (2-3) buildings are encouraged
- First story height should be at least 12 feet (measured floor to floor)
- Pitched, flat (parapet with decorative cornice), gambrel or mansard roofs suggested.
- Overall façade composition should break the building down into smaller distinct portions.
- Building transparency is very important at the street level. Generous quantities of vertically oriented windows strongly encouraged on the first floor. Second floor windows should relate to the first in shape, form, and pattern.
- Storefront design should provide for recessed entryway to allow the door to swing open without obstructing the sidewalk.
- Major features of the architectural treatment of the front building façade should be continued around all visible sides from the primary street.
- Awnings and canopies (especially canvas) are encouraged on front façade.
- Rooftop mechanical equipment and street level equipment (dumpsters and loading docks) should be hidden from view.
- Traditional hamlet building materials (or visually indistinguishable substitute) and color pallets are encouraged.

### Bottom (left and right): Residential buildings converted to commercial use:

- Maintain residential character of buildings
- Subtle alterations, such as an awning or decorative freestanding sign, may be appropriate.

## Signs



The following are examples of some suggested signage types for the CC-1, NC, and CC-3 Districts.

**Left:** Examples of creative Projecting Signs. These signs work well in a pedestrian oriented hamlet setting.  
**Right:** a freestanding Directory Sign identifies several businesses in one building.



**Left:** This monument sign is visible to motorists on a NYS Main Street (a busy state highway), but is attractive and appropriately scaled for its village setting.

**Right:** Low freestanding signs such as these are also visible to motorists and attractive for pedestrians.

ARTICLE X  
**Administration and Enforcement**

**§165-47. Code Enforcement Officer.**

- A. The Town Board shall appoint a CEO. If a CEO was appointed to enforce the zoning ordinance which this chapter replaces, such appointment shall be deemed to continue and such CEO shall have been deemed appointed hereunder. The CEO is hereby given the duty, power, and authority to enforce the provisions of this chapter. It shall be the duty of the CEO to issue building permits and certificates of occupancy, provided that he or she is satisfied that the structure and the use conforms to all requirements of this chapter, and the Building Code of New York State, and that all other approvals, if any, called for in this chapter and elsewhere in the Code of the Town of Putnam Valley have been complied with and all necessary approvals have been granted.
- B. If, upon review of a building permit application, the CEO finds that relief is required from the Zoning Board of Appeals and approval from the Planning Board is not required, the CEO shall deny the application and refer the applicant to the Zoning Board for the appropriate variance or other relief.
- C. If, upon review of a building permit application, the CEO finds that approval is required from both the Zoning Board of Appeals and the Planning Board, the CEO shall deny the application and refer the applicant to the Planning Board. The Planning Board shall review the submitted plans and refer the applicant to the Zoning Board of Appeals for the appropriate variance or other relief.
- D. The CEO, Town Engineer, Town Planner, Town Wetlands Inspector, or any other consultant to the Town, as well as members of the Planning Board and Zoning Board of Appeals, shall have the right to enter the premises in connection with any application, upon reasonable notification to the property owner.
- E. Whenever the CEO has reasonable grounds to believe that work on any building or structure is being conducted, or that any building or lot is being used or occupied in violation of the provisions of this chapter and/or the approved plans associated with such building or lot, or other applicable laws, ordinances and regulations, or if the building or structure is unsafe and dangerous, he or she shall issue a notice of violation and/or a stop work order. Such order and notice shall be in writing, shall state the nature of the violation, the conditions under which work may resume (if any), and may be served upon the owner of the land, the owner's agent, or posted on the building under construction or land being used.
- F. The CEO shall have the authority to issue an appearance ticket pursuant to the Criminal Procedure Law §150.20 in the enforcement of this chapter.

- G. If the CEO becomes aware at any time during the investigation of a potential violation or after the issuance of a notice of violation and/or a stop work order, that the subject activity may be a farm operation under section 305-a of the Agriculture and Markets Law, he or she shall request any information necessary to determine whether the activity is exempt from the application of the pertinent regulation in whole or in part. The CEO shall allow the respondent at least fourteen (14) days to provide such information and shall suspend any prosecution against such operation during such period, provided however that the CEO may seek to enjoin any activity which appears to pose a threat to the public health or safety, including surface or ground waters.
- H. After a certificate of occupancy has been issued, the CEO, Town Engineer, Town Planner, Town Wetlands Inspector, or any other consultant to the Town, shall have the right to enter the premises, upon reasonable notice to the property owner, upon receiving information of noncompliance with this chapter and/or any other applicable ordinance or law.

**§165-48. Building permits.**

- A. To ensure compliance with the provisions of this chapter and other applicable laws, no person shall erect, alter, relocate, or convert any structure or building or part thereof, nor alter the use of any land until a building permit has been issued by the CEO. No building permit shall be issued for any structure or any use of land where approval is required from the Town Board, Planning Board, or Zoning Board of Appeals except in conformity with such approval(s). Ordinary repairs as determined by the CEO do not require a permit. The following, though not exclusive, require a building permit.
1. Changes in room arrangement affecting the use and/or occupancy of a building.
  2. Additions to area, height, or floor space.
  3. New construction.
  4. Accessory structures identified in §165-25 of this chapter.
  5. Erection or alteration of a sign.
  6. New wireless telecommunication towers and facilities, and alterations to existing like facilities.
  7. Structural alterations.
- B. If approval is required from the Putnam County Department of Health, Putnam County Department of Highways and Facilities, or other outside agency, no building permit shall be issued until said approval has been granted.

C. Permits for new subdivision lots.

1. No building permit shall be issued for a lot on a new subdivision street until the right-of-way has been cleared, the topsoil has been removed, the Item 4 and the base course of asphalt have been laid and temporary stormwater management facilities and erosion and sediment control measures have been installed, to the satisfaction of the Town Engineer and in accordance with State requirements, from the existing street to a point beyond the road frontage of the lot for which the building permit is sought, and all of the aforesaid measures must be approved by the Town Highway Superintendent and Town Engineer.
2. No certificate of occupancy shall be issued for the last 25% of the lots in a subdivision where the public improvements are guaranteed by a security, unless it is determined by written resolution of the Planning Board that the following conditions have been complied with:
  - a. The improvement of the street or streets and driveway giving access to the structure shall have been completed in accordance with all applicable Town ordinances, rules and regulations and to the satisfaction of the Town Highway Superintendent and Town Engineer up to and including the following stages:
    - i. All surface and subsurface drainage facilities are completed except for adjusting of catch basin, drop inlet and manhole frames, grates, and covers to final grade.
    - ii. Roadway subbase, base, first course of pavement, concrete curbing and sidewalks, if required, are completed.
    - iii. Roadway shoulders and slopes within the right-of-way of streets and within all slope easements are final graded and stabilized with vegetative or other approved surface cover.
    - iv. All driveway grading, base, pavement, drainage and surface restoration improvements serving the structure for which the certificate of occupancy is requested are completed.

- D. All building permits shall be issued in duplicate, and one copy shall be posted conspicuously on the premises affected and protected from the weather. No owner, contractor, laborer, or other person shall perform any building operations of any kind unless a building permit covering such operations has been displayed as required by this section, nor shall any person perform building operations of any kind if said building permit is revoked or notice of violation or stop work order is issued by the CEO.

- E. Every building permit shall expire if the work authorized has not commenced within six months after the date of issuance or has not been completed within two years from such date of issuance. If no zoning amendments or other code or regulations affecting the subject property has been enacted in the interim, the CEO may authorize, in writing, the extension of either of the above periods for up to an additional two years, in the aggregate, following which no further work is to be undertaken without a new building permit. The cost of extension shall be calculated as for a new permit based on the then-current fee schedule.
- F. No building permit shall be issued except upon receipt of an application signed by the owner upon forms supplied by the CEO. Said application must be accompanied by all resolutions and plans approved and signed by the Town Board, Planning Board, or Zoning Board of Appeals, construction plans, architectural elevations, and an existing conditions survey signed and sealed by a New York State licensed land surveyor. The CEO may request additional information necessary to determine and provide for the enforcement of the Code of the Town of Putnam Valley.
- G. If any of the statements contained in the application for such permit, or in any of the plans or surveys or maps submitted in conjunction therewith are false, the CEO may revoke said permit and order stoppage of all work thereunder.

**§165-49. Certificate of occupancy.**

- A. No building or structure erected subject to the Building Code of New York State and the provisions of this chapter shall be used or occupied until a certificate of occupancy has been issued.
- B. No change shall be made in the use or occupancy of a building or structure unless a building permit and new certificate of occupancy authorizing the change of use have been issued by the CEO.
- C. After completion of the building or structure and after inspection by the CEO or his or her duly authorized assistant and submission of an as-built survey certified by a New York State licensed land surveyor, the CEO shall, upon finding the facts to be represented, issue, in duplicate, a certificate of occupancy. The certificate of occupancy shall certify that the premises and its use comply with the provisions of the Code of the Town of Putnam Valley and may be used for the purposes set forth in the certificate of occupancy.
- D. No certificate of occupancy shall be issued except upon an inspection which reveals compliance with the Building Code of New York State and the Code of the Town of Putnam Valley.
- E. The issuance of certificates of occupancy to lots in new subdivisions shall also be subject to §165-48C(2).

**§165-50. Permits, approvals and acceptances prior to effective date.**

This chapter shall not apply to:

- A. Building permits issued prior to the effective date of this chapter, except that no building permit shall be extended if no site work authorized by the permit has been commenced within six months of the date of issuance of such permit.
- B. Site plan and special use approvals issued prior to adoption of this chapter, except that no special permit or site plan shall be extended if no building permit has been issued pursuant to such special permit or site plan approval within 12 months of approval of such special permit or site plan.
- C. Subdivision applications that have received conditional preliminary subdivision approval prior to the effective date of this chapter, except that no conditional preliminary approval shall be extended if the applicant fails to satisfy the conditions within the timeframe specified within the resolution.

Projects which are the subject of draft environmental impact statements which have been accepted as complete by the Town Board, Planning Board or Zoning Board of Appeals, whichever the case may be, prior to the effective date of this chapter and which have received preliminary subdivision approval, a special permit or site plan approval within 12 months of the effective date of this chapter.

Said applications may be processed under laws and conditions in effect prior to the adoption of this chapter.

ARTICLE XI  
**Zoning Board of Appeals**

**§165-51. Establishment, Powers and duties.**

The Zoning Board of Appeals (“Zoning Board”), heretofore established by the Town in accordance with Article XVI of Town Law, shall be continued. Such Board shall have all the powers and authority which may be vested in it under and pursuant to Town Law and be delegated under and pursuant to this chapter, including:

- A. Granting a special use permit wherever it is provided in this Article that a special use permit from the Zoning Board is required.
- B. Granting area variances and use variances as defined by, and pursuant to the standards for, area variances and use variances under the Town Law.
- C. Providing an interpretation of this chapter, including an appeal from a determination of the CEO, if requested to do so by the CEO, Town Board, Planning Board, or a any affected person.

**§165-52. Quorum.**

The concurrent vote of a majority of the total Zoning Board shall be necessary to decide in favor of the applicant on any matter upon which the Zoning Board is required to vote.

**§165-53. Public hearing.**

The Zoning Board shall fix a reasonable time for the hearing on the appeal or application and give due notice to the CEO, the Town Clerk, the Planning Board, the owner of the property, the applicant (if different from the owner), all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

**§165-54. Decision and order.**

Subject to compliance with SEQRA, the Zoning Board shall issue a decision and order within 62 days after the close of the public hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

The decision and order shall be filed in the office of the Town Clerk within five business days after the decision is signed by the chairperson or vice chairperson and a copy shall be mailed to the applicant.

**§165-55. Records maintained.**

The Zoning Board shall keep minutes of its proceedings, showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board, shall be filed in the office of the Town Clerk within five (5) days following its adoption and shall be a public record.

ARTICLE XII  
**Amendments**

**§165-56. Amendments.**

- A. The Town Board may from time to time, on its own motion or on petition of a property owner, amend, supplement, or repeal any or all of the regulations and provisions of this chapter, and the maps associated therewith, in accordance with Town Law and the Municipal Home Rule Law.
- B. The Town Board shall fix a time and place for a public hearing on any proposed amendment and cause notice thereof to be issued and/or published as required by law.
- C. The Town Board shall, before taking final action, refer the proposed text amendment and/or map change to:
  - 1. The Putnam County Department of Planning for review in accordance with §239-m of the General Municipal Law.
  - 2. The Planning Board and Zoning Board, which Boards shall each have 30 days following their receipt of said referrals within which to offer written comments thereon.

ARTICLE XIII  
**Penalties**

**§ 165-57. Penalties for offenses.**

- A. Any person, owner, lessee, tenant, occupant, architect, builder or agent who violates or is accessory to the violation of any provision of this chapter, who owns, occupies or uses any building, structure or premises which is in violation of any provision of this chapter, who fails to comply with any of the requirements thereof, or who erects, constructs, alters, enlarges, converts, moves, maintains or uses any building, structure or land in violation of any provision of this chapter shall be guilty of a violation of this chapter. A violation of this chapter shall constitute a violation of law and shall be punishable by:
1. A fine not exceeding \$350 or by imprisonment for a period not exceeding fifteen days, or both, for a first offense.
  2. A fine not less than \$350 nor more than \$700 or by imprisonment for a period not exceeding fifteen days, or both, for a second offense where both offenses have been committed within a period of five years.
  3. A fine not less than \$700 nor more than \$1,000 or by imprisonment for a period not exceeding fifteen days, or both, for a third or subsequent offense where three or more offenses have been committed within a period of five years.
- B. Each week's continued violation shall constitute a separate additional violation. In cases where a building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this chapter, the Town Board may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct business or use in or about such premises.
- C. In addition to the foregoing remedies, in the event of a violation of any provision of this chapter, the Town Board may assess against the property owner a civil penalty of not more than \$500 per violation, plus the cost of remediating the violation. The property owner shall be given notice and an opportunity to be heard before adoption of such special assessment. If such assessment is not paid by the property owner within 10 days of the Town Board's determination, the Town shall add such special assessment to the property owner's tax bill.

**ARTICLE XIV**  
**Fees**

**§165-58. Fees.**

The fee which shall accompany an application or permit required under this chapter shall be determined on an annual basis by resolution of the Town Board and a copy of the schedule of fees shall be available at the office of the Town Clerk.

ARTICLE XV  
**Separability**

**§165-59. Separability.**

If any portion of this chapter is declared illegal, the remainder of the chapter shall be declared to have been separately adopted and shall remain in full force and effect.