

# Town of Plattekill Code Chapter 110 - Zoning

*As Revised  
October 19, 2005*

[www.shepstone.net/plattekill](http://www.shepstone.net/plattekill)

Prepared by:

Peter Fairweather, AICP  
Fairweather Consulting  
16 Grove Street  
New Paltz, NY 12561  
845-255-0611  
[www.fairweathergroup.com](http://www.fairweathergroup.com)  
[email@fairweathergroup.com](mailto:email@fairweathergroup.com)

Thomas J. Shepstone  
Shepstone Management Company  
100 Fourth Street  
Honesdale, PA 18431  
570-251-9550  
[www.shepstone.net](http://www.shepstone.net)  
[smc@ezaccess.net](mailto:smc@ezaccess.net)

NOTE: This is the version of the Zoning Law adopted by the Town of Plattekill Town Board on October 19, 2005. However, it is not the official copy of the law, which is only available at the Town Hall. The Town Board may, periodically, enact additional amendments subject to the normal adoption process. Interested parties who require an official copy and want to be sure they have the latest version with any amendments, if any, should contact the Town Clerk's office.

# Town of Plattekill Code, Chapter 110, Zoning

*As revised October 19, 2005*

**GENERAL REFERENCES:**  
(Town Code Chapters)

- Code enforcement - See Ch. 32
- Unsafe buildings - See Ch. 33
- Building construction - See Ch. 48
- Junkyards - See Ch. 60
- Landfills - See Ch. 63
- Manufactured homes - See Ch. 68
- Subdivision regulations -- See Ch. 93
- Planning Board - See Ch. A114
- Zoning Board of Appeals - Sec Ch. A115

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# Town of Plattekill Code, Chapter 110, Zoning

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## ARTICLE I GENERAL PROVISIONS

### § 110-1. Scope.

This chapter is adopted to regulate buildings, structures and land uses within specified districts or zones in the Town of Plattekill in the County of Ulster, to provide for the administration and enforcement of provisions herein contained and to fix penalties for violations.

### § 110-2. Title.

This chapter shall be known and may be cited as the "Town of Plattekill Zoning Law."

### § 110-3. Authority.

The intent of this chapter is to establish a specific and detailed plan for the use of land in the Town of Plattekill based on the Comprehensive Plan, as it may be amended, and other studies and findings. This chapter is enacted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Law, Article 16, and the New York State Municipal Home Rule Law, to protect and promote public health, safety, morals, comfort, convenience and the general welfare of the people.

### § 110-4. Purpose.

Such regulations are deemed necessary to further the advancement of the town as a social, economic and political unit, to promote the general welfare and to achieve the following purposes:

- A. Promoting orderly development, protecting the character and maintaining the stability of residential, business and agricultural areas, preventing the premature abandonment or collapse of present low-density land uses, such as agriculture and commercial recreation, and promoting the orderly and beneficial development of the Town.
- B. Conserving and enhancing property value by designating zones or use districts in the Town for the various land uses and densities, based on accessibility, the presence or absence of limiting physical factors, the existence of compatible land uses and the overall economic development needs of the community.
- C. Regulating the intensity of use of land consistent with the findings of Natural Resources Conservation Service studies identifying areas of extreme wetness and ponding, poorly drained organic soils, shallow depth to bedrock and slopes in excess of 15% as well as other limiting characteristics, such as the availability of water and sewers.
- D. Accepting the Town's share of future regional population without constraint and to encourage population growth at a rate consistent with the Town's capacity to absorb such

growth in an orderly manner.

- E. Providing for a balanced variety of housing types in compatible residential environments for the full range of incomes, ages and family sizes of the Town's present and future population.
- F. Regulating alterations of existing buildings to prevent additions, alterations or remodeling of existing buildings or structures that would not otherwise comply with these purposes and regulations.
- G. Regulating the location of buildings for residential, commercial, manufacturing or other uses to accomplish other purposes of these regulations.
- H. Prohibiting uses, buildings or structures that are incompatible with the character of development of the permitted uses within specified zoning districts.
- I. Establish reasonable standards to which buildings or structures shall conform and to encourage the highest standards of environmental balance within the town in accordance with the objectives of the Comprehensive Plan.

### § 110-5. Interpretation of provisions.

In the interpretation and the application of the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes greater restrictions upon the use of buildings or premises or upon the height or bulk of a building or requires larger open spaces, the provisions of this chapter shall apply.

### § 110-6. Word usage and definitions.

- A. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the chapter. and words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building," the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not optional.
- B. Words or phrases that are not otherwise defined under this section or elsewhere in this Law shall have the meaning ordinarily conveyed by such terms. The Merriam-Webster Collegiate Dictionary may be employed by the Town for this purpose.
- C. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT -- A separate but secondary dwelling

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unit, created in conjunction with a single family dwelling structure that serves as the residence of the owner, including, but not limited to "mother-daughter" units.

**ACCESSORY USE OR STRUCTURE** -- A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**ACTIVE ADULT RETIREMENT COMMUNITY** -- Housing intended and operated for occupancy by persons fifty-five (55) years of age or older, as provided under 42 U.S.C. § 3607(b)(2)(C).

**ADULT USE** -- A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter depicting, describing or relating to specified sexual activities or specified anatomical areas and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

**AGRICULTURE** -- The cultivation of the soil for food products, tree crops, other useful or valuable growths of the field or garden and also dairying and livestock raising. This definition is also intended to encompass all activities recognized as agriculture by New York State.

**ANIMAL HOSPITAL** -- A facility where animals and pets are provided with veterinary care in combination with boarding for temporary periods.

**AUTO SERVICE, REPAIR & FILLING STATION** -- A building or place of business where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail and/or where vehicle repair service is rendered, not including a "Convenience Store."

**BED AND BREAKFAST** -- See "Boardinghouses and Tourist Homes."

**BOARDINGHOUSES and TOURIST HOMES** -- A dwelling unit occupied by a resident owner, or agent thereof, from whom a maximum of eight transient tenants rent sleeping space with or without provisions for meals. A bed-and-breakfast facility is considered to be included within this definition. A facility accommodating more than eight transient tenants shall be considered a hotel or motel, depending upon the circumstances.

**BOND OR GUARANTEE, MAINTENANCE** -- Financial security in an amount acceptable to the Planning Board and in the form of cash, assigned deposits or an irrevocable letter of credit, collateral to the principal obligation of the owner, to secure or guarantee the proper maintenance of or to protect against defects in construction of improvements. The form of said bond or guarantee shall be approved by the Town Board, and the bond or guarantee shall remain in full force and effect for a period of

time after completion of the improvements and until the bond or guarantee is released by resolution of the Town Board.

**BOND OR GUARANTEE, PERFORMANCE** -- Financial security in an amount acceptable to the Planning Board and in the form of cash, assigned deposits or an irrevocable letter of credit, collateral to the principal obligation of the owner, to secure or guarantee the proper installation of or to protect against defects in construction of improvements. The form of said bond or guarantee shall be approved by the Town Board, and the bond or guarantee shall remain in full force and effect for a period of time after completion of the improvements ~~or~~ and until the bond or guarantee is released by resolution of the Town Board.

**BUILDING** -- A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**BUILDING COVERAGE** -- That proportion of a lot that is covered by buildings, structures and other built improvements, excluding driveways and parking areas.

**BUILDING HEIGHT** -- The vertical distance, measured from the average level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.

**BUILDING, PRINCIPAL** -- A structure in which is conducted the principal use or uses of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which the same is located.

**BUSINESS PARK, PLANNED** -- Two or more business, commercial or light industrial establishments located on a site of not less than 10 acres and sharing certain facilities in common, such as parking, public utilities and open space. Activities may include the manufacture, assemblage, treatment or packaging of products when conducted without exceeding applicable state or local standards governing odor, noise, smoke, dust, glare or other undesirable environmental consequences. Ancillary or complementary retail activities associated with the principal use (e.g. outlet sales) shall also be permitted as part of a Business Park.

**CAMPGROUND** -- Any parcel of land providing accommodations for temporary living purposes, but containing two or more paved or unpaved areas to be used for the parking of recreational vehicles, the erection of tents or the accommodation of other forms of temporary, portable or movable shelters. Temporary storage of recreational vehicles as provided in Section 110-15.H of this Law shall not be considered a campground.

**CAR WASH** -- A building or structure used for the commercial cleaning of automobiles and trucks.

**CENTRAL SEWAGE SYSTEM** -- The treatment facilities (including treatment plants, spray irrigation areas or subsurface disposal areas), pumping stations, sewer mains, collection and discharge

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pipes, outfall structures and all appurtenances of a nonmunicipal or municipal sewer district and collector facilities. A central system shall be installed when required by the New York State Department of Environmental Conservation. The system design, construction, operation and maintenance programs shall be approved by the New York State Department of Environmental Conservation, State and County Department of Health and other required regulatory agencies.

**CENTRAL WATER SYSTEM** -- The wells, reservoirs and reservoir sites, treatment plants, pumping apparatus, water mains, infiltration galleries, pipes and all appurtenances of a nonmunicipal or municipal water district and distribution facilities. A central water system shall be required for projects with five or more units using the same facilities. The system design, construction, operation and maintenance programs shall be approved by the New York State Department of Environmental Conservation, the State and/or County Department of Health and other required regulatory agencies.

**CHANGE OF USE** -- Conversion of the use of a parcel of land or structure from one category of land uses regulated by this law to another, regardless whether or not construction is involved but excluding mere changes in ownership.

**CLUBS, LODGES AND FRATERNAL ORGANIZATION** -- A private organization of voluntary membership organized to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a set of by-laws. Uses associated with such organizations shall be limited to eating, drinking, meeting and indoor recreation facilities.

**COMMERCIAL** -- An activity or use carried out for financial gain.

**COMMERCIAL COMMUNICATIONS TOWER** -- A structure including one or more antennas that is intended for transmitting and/or receives radio, television, telephone or microwave communications but excluding those used either for fire, police and other dispatch communications or exclusively for private radio and television reception and private citizens bands, amateur radio and other similar communications.

**COMMERCIAL INDOOR RECREATION & ENTERTAINMENT** -- Any and all indoor amusement and recreation uses and associated facilities and structures used for sports and leisure activities on a fee basis, excluding adult uses.

**COMMERCIAL USE OF LAND FOR THE OPERATION OF OFF-ROAD AND/OR MOTOR VEHICLES** -- Any use of land which permits the operation of one or more off-road and/or motorized vehicles whether conducted on pavement, dirt, snow, ice or natural terrain for which an admission, donation, membership fee or any other financial remuneration is required, requested and/or suggested.

**COMMUNICATIONS CENTER/TOWER** -- A facility erected on a lot or existing structure, and regulated by the Federal

Communications Commission, for the purpose of conducting wireless communications.

**COMMUNAL SEWAGE SYSTEM** -- A common system used for two or more residences and more than 1,000 gallons per day (GPD) for the collection and subsurface treatment of sewage and is owned, operated and maintained by one entity other than the municipality. The system shall include as a minimum a septic tank absorption system and collection pipes.

**COMMUNITY BUILDING** -- A facility used in common by a number of people, owned by a public or nonprofit agency, used for recreational or social purposes, without membership restrictions.

**CONSERVATION SUBDIVISION** -- A land development or subdivision where lots or dwelling units are clustered closer together on a tract with the specific objective of creating large usable sections of open space on the remainder of the property and without substantially increasing density for the tract as a whole.

**CONVENIENCE STORE** -- A retail store of 6,000 square feet or less offering general goods and services for travelers or the convenience of a neighborhood where gasoline may also be dispensed. A car wash may be part of the convenience store operation.

**CEMETERY** -- A property used for the interring of the dead, excluding crematoriums.

**CUL-DE-SAC** -- A permanent turnaround at the end of a dead-end street, constructed in accordance with Town of Plattekill Private Road Specifications.

**DAY CARE (HOME CARE)** -- An adult or child day care service conducted from the home as a Class II home occupation.

**DAY CARE (COMMERCIAL)** -- An adult or child day care service including, but not limited to, services offered by an employer, for the benefit of that employer's employees.

**DRIVE-IN ESTABLISHMENT** -- A retail business or establishment engaged in the sale of food, nonalcoholic drinks, ice cream or similar confections, which are so prepared, packaged in paper or other types of disposable wrappers or containers, and served at counters either inside or outside the confines of a building, or to persons in motor vehicles, so as to be intended for immediate consumption by persons, either seated or standing, either within or outside the building, or in motor vehicles. Excluded from this definition shall be retail stores which sell confections or food intended for immediate consumption as incidental items.

**DWELLING** -- A dwelling for a single family whether in a single building or combined with other dwelling units in a single building.

1) **SINGLE-FAMILY** -- A detached building, designated for or occupied exclusively by one family and containing not more

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than one dwelling unit.

- 2) TWO-FAMILY -- A property used for not more than two individual attached dwelling units entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- 3) MULTI-FAMILY -- A building or portion thereof used or designed for three or more dwelling units.
- 4) TOWNHOUSE -- Dwelling, single-family attached (townhouses, group, row); a building containing dwelling units each of which has primary ground floor access to the outside and having a common or party wall separating the dwelling units.

DWELLING UNIT -- On an individual lot, a building having a minimum width of 23 feet and not less than 768 square feet of floor area, consisting of one or more rooms, including areas within for cooking facilities and sanitation facilities. Width, as used herein, shall be exclusive of overhangs, cornices, eaves, stoops and all unenclosed additions, such as decks, porches or breezeways or any other addition which does not constitute a permanent, all-season addition to the unit.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare. Essential services shall include firehouse, first aid and emergency aid stations and community antenna television, whether provided by a municipal or nonprofit agency, but shall exclude cellular communications towers.

EXTRACTIVE USE -- A use whose primary function is the sale of extracted sand, gravel, topsoil or any other natural deposit found in the ground.

FAMILY -- Any number of persons living together as a single, permanent and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together with sharing of food, rent, utilities or other household expenses. The Code Enforcement Officer may, in the instance of households or groups of more than four (4) unrelated persons living together, require affirmative evidence that the household or group meets the other criteria contained herein before considering the household or group as a family for purposes of this Law.

FARM -- Any parcel of land of 7 acres or more used principally in the raising or production of agricultural products and the

necessary or usual dwellings, farm structures, storage and equipment.

FARM LABOR HOUSING -- Any area of land and all buildings or other structures which are accessory to a farm, any part of which may be used as a dwelling for employees and their families, who gain their primary income from employment on the farm parcel. Farm labor housing shall be permitted as an accessory use.

FAST-FOOD RESTAURANT -- A restaurant offering a combination of drive-in service and sit-down dining where customers place their orders at a counter or a drive-up or walkup window.

FENCE -- A man-made structure designed to serve as a land border.

FLAG LOT -- A lot where access to the street is provided by a private shared driveway.

FLEA MARKET (COMMERCIAL) -- A regularly scheduled or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FORESTRY USES -- The growing and harvesting of trees, including firewood cutting and logging, but excluding sawmills and other manufacturing or processing operations.

FUNERAL HOME / MORTUARY -- A structure occupied and used by licensed undertakers or morticians for burial/cremation preparation and funeral services, not including a crematory.

GREENHOUSE, PRODUCTION -- A glass or plastic-sided, temperature-controlled structure designed and used for the commercial raising of crops for wholesale distribution.

HEALTHCARE FACILITY -- A structure equipped to provide primary health services such as clinics, nursing homes, convalescent homes and adult homes; physician's offices; diagnostic laboratory and radiology services; preventive health services, including prenatal services, well child services and family planning services; emergency medical services; transportation services, as required for adequate patient care; and preventive dental services.

HOME OCCUPATION -- Any business, or profession, conducted in a dwelling and/or accessory building, that is carried on by members of the household residing on the property, with or without nonresident employees, and that is clearly an accessory use in relation to the residential use of the premises. Home occupations are divided into the following classes:

- 1) Class I (Minimal Impact): Home occupation whose base of operation is carried out within the principal residence, that does not involve the parking of any service delivery vehicles on site and that will not generate customer traffic, have nonresident employees, use an accessory building, receive deliveries by other than letter or parcel carriers or pose an environmental, safety or health hazard. Class I Minimal

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Impact Home Occupations are permitted accessory uses in all zones, requiring a permit from the Code Enforcement Officer.

- 2) Class II: Home occupation whose base of operation is carried out within the principal residence and/or accessory building and which will generate customer traffic, have nonresident employees or receive deliveries, use an accessory building or outdoor storage or may have environmental, safety or health impacts. Class II home occupations shall only be authorized by a Special Use Permit.

**HOTEL** -- A building designed for occupancy as the temporary residence of individuals who are lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite, not including boarding houses or bed and breakfasts.

**INSTITUTIONAL USES** -- Nonprofit public or quasi-public institutions and uses, such as houses of worship, public schools, libraries, museums and municipally owned or operated buildings, structures or land, including public parks, used for public purposes.

**INSTRUCTIONAL USE** -- An institution or organization not necessarily licensed or accredited as a school by the State of New York, which provides for the teaching of any skill or body of knowledge independent of a general curriculum of studies.

**JUNKYARD** -- Consists of buildings, structures or premises where junk, wastes or discarded or salvage materials are bought or sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, but not including used cars in operable condition or the purchase or storage of used furniture and household equipment when carried on in completely enclosed buildings.

**KENNEL** -- Any place at which there are kept four or more dogs over the age of six months for care, boarding, breeding or other purpose, whether or not a fee is charged.

**LIGHT INDUSTRIAL USE** -- Any use involving the manufacture, assembly, processing or storage of materials, when conducted in an enclosed building without generating noise, glare, odor, smoke or other environmental nuisances perceptible beyond the property line.

**LOT** -- A piece or parcel of land or assemblage of recorded contiguous parcels of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter, and having access to a street.

**LOT, CORNER** -- A lot abutting upon two or more streets at their intersections or upon two parts of the same street, such streets or

parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.

**LOT COVERAGE** -- That proportion of a lot that is covered by impervious surfaces including buildings, structures, paved areas and other built improvements.

**LOT DEPTH** -- The average horizontal distance between the front and rear lot lines.

**LOT LINES** -- The property lines bounding the lot.

1) **FRONT** -- The right-of-way line of the town road or street providing access to the lot if such road or street is at least 50 feet in width. In cases where such street or town road is less than 50 feet in width, the front line shall be considered to be 25 feet from the center line of such access road. In the case of a lot accessed from a private drive, the front lot line shall be the lot line toward which a building will face.

2) **REAR** -- The lot line opposite and most distant from the front lot line.

3) **SIDE** -- Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a "side street lot line."

**LOT, THROUGH** -- A lot having frontage on two approximately parallel or converging public or private streets.

**LOT WIDTH** -- The distance between two side lot lines measured along the front lot line where it abuts the right-of-way line of the road serving the lot. For lots fronting on a cul-de-sac, lot width shall be measured at the required building setback line (e.g. at a point 35 feet from the right-of-way line in the RS-1 district). Frontage shall be measured parallel with the right-of-way line. See Section 110-12 for front yard (building setback) standards.

**MANUFACTURED (MOBILE) HOME** -- Any self-contained HUD-approved dwelling unit designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported, after fabrication, on its own wheels or on flatbed or other trailer; and arriving at the site where it is to be occupied as a dwelling complete. A sectional prefabricated house not subject to HUD approval shall not be considered a "manufactured" or "mobile home."

**MANUFACTURED (MOBILE) HOME PARK** -- Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**MEDICAL CLINIC/OFFICE** -- A building where health services are dispensed by medical professionals licensed by the State of New York.

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**MINIMAL IMPACT USE** -- A retail or service use that is otherwise classified as a Special Use, occupies less than 2,500 square feet of floor area and generates less than 100 trip-ends of traffic per day on average, not including auto related enterprises, drive-in establishments, salvage yards, commercial recreational facilities, industrial uses, taverns, adult uses, convenience stores or any other use that would generate noise, odor, fumes, light, glare, vibration or other similar impacts beyond the property line of the lot. Minimal impact uses shall be allowed as Principal Permitted Uses in specified zoning districts, but may be subject to Site Plan Review as provided under the New York State Town Law (see Schedule of District Regulations for such instances).

**MIXED USE PROJECT** -- A building or lot that is used for more than one permitted use under this law (e.g. a retail store with an apartment above).

**MOTEL** -- A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use primarily by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known variously as an "auto court," "motor inn," "motor lodge," "tourist court," "tourist cabins," or "roadside hotel," not including boarding houses or bed and breakfasts.

**NEIGHBORHOOD STORE** -- A retail business establishment of not more than 1,500 square feet in floor area, located in a building which may include living quarters, not including a "Drive-in Establishment," "Convenience Store" or gasoline sales.

**NURSERY AND GREENHOUSE** -- An enclosed structure utilized for the growing of plants and horticultural products for commercial purposes.

**NURSERY SCHOOL AND DAY CARE:**

- 1) A facility that is not part of a single-family residence designed to provide daytime care or instruction for five or more children for more than two hours a day duly licensed by the State of New York.
- 2) A facility that is part of a single-family residence designated to provide daytime care or instruction for 12 or more children for more than two hours a day duly licensed by the State of New York.

**OFF-ROAD AND/OR MOTOR VEHICLE** -- Motor vehicle, moto-cross, snowmobile, all terrain vehicle (three wheels or four wheels, motorcycles, go-karts) or any motorized vehicle.

**OFFICE, BUSINESS** -- A place offering business services, such as insurance or real estate services, excluding other uses specified on the Schedule of District regulations. However, any place of business may include an ancillary business office related to that use.

**OFFICE, PROFESSIONAL** -- The office of an accountant, architect, attorney, dentist, engineer, physician or similar licensed activity, whether in a single-family house as a home occupation or in a professional office building.

**OUTDOOR RECREATION AND AMUSEMENT** -- Any and all outdoor amusement and recreation uses, parks and playgrounds and associated facilities and structures, when all or a substantial portion of such activity is outside a building or structure and is intended and shall include uses employing modification of the natural terrain such as the construction of slopes, slides, runs, paths, courses or other improvements to assist in the activity, as well as uses which leave the land in a passive or undisturbed state, excluding commercial operation of off-road and motor vehicle uses in all residential zoning districts, including HR-1, RS-1, RR-1.5, AG-1.5 and M-3.

**OUTDOOR RECREATION. LIGHT** -- Trails, fishing and hunting preserves, nature preserves, picnic areas and other passive recreational facilities or programs taking place primarily outdoors, excluding off-road and motorized vehicle uses.

**PERSONAL SERVICES** -- Establishments primarily engaged in providing services involving the care of a person or his or her apparel (e.g. barbershop, nail salon, beauty shop, dressmaker) but excluding other uses specifically listed on the Schedule of District regulations.

**PLACES OF PUBLIC ASSEMBLY** -- Places where large numbers of individuals assemble on a regular or periodic basis for events, including but not limited to community buildings, clubs and places of worship.

**PLACES OF WORSHIP** -- A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for the conduct of organized religious services and accessory uses customarily associated with such uses.

**PRESERVE, NATURE OR ANIMAL** -- An area of open space reserved for the keeping of animals or protection of plant species for public visitation on either a commercial or noncommercial basis, provided such areas are both fenced and managed to restrain any animal species.

**PUBLIC BUILDINGS** -- Buildings or structures owned or operated by a unit of Town, County, School District, State or Federal government.

**PUBLIC PARKS AND PLAYGROUNDS** -- Recreation areas that are open to the public and for which no fee or other consideration is charged or required except for such fee or fees as may be charged by a governmental body having jurisdiction over its use and management. No facility involving the use of motorized vehicles for recreation or amusement as a principal element of the operation shall be considered a public park or playground.

**PUBLIC STREET** -- A Town, County or State highway.



# Town of Plattekill Code, Chapter 110, Zoning

*As revised October 19, 2005*

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**PUBLIC TRANSPORTATION FACILITIES** -- Bus stops, taxi stands and train stations, but excluding airports, heliports and truck terminals.

**RECREATIONAL VEHICLE** -- A vehicular-type unit primarily designed as temporary living quarters for recreational camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle.

**RESORT** -- An area of land on which is located a hotel or group of buildings containing living and sleeping accommodations for 20 or more persons, hired out for compensation and which has a public lobby serving guests and contains one or more dining rooms and one or more recreation facilities of such scope as to define the hotel as a recreational and tourist attraction in its own right (e.g. golf or ski area).

**RESTAURANT (SIT-DOWN DINING)** -- An eating and drinking place where meals are primarily served for sit-down dining at the same location, excluding drive-in establishments as defined herein.

**RETAIL BUSINESS OR SERVICE NOT OTHERWISE SPECIFIED** -- Retail or personal service establishments, such as appliance sales and service; banks; bakeries and food stores; barbershops and beauty parlors; book, card and stationery stores; candy and tobacco shops; dry goods and variety stores; florists and garden supplies; hardware stores; newspaper and periodical vendors; package liquor stores; photographic supplies, services and equipment; shoe sales and repair services; tailors and dress makers; wearing apparel stores; and similar uses.

**SAWMILL** -- A machine or plant with power-driven machines for sawing logs into rough-squared sections or into planks and boards for commercial sale and not personal consumption. A sawmill may also be equipped with planing, molding, tenoning or other machines for finished processes.

- 1) Type A: a sawmill operation which is located on any particular site, either temporary or permanent in nature, which processes less than 2,000 board feet of lumber per day.
- 2) Type B: a sawmill operation which is located on any particular site, either temporary or permanent in nature, which processes more than 2,000 board feet of lumber per day.

**SCHOOLS, COLLEGES AND EDUCATIONAL FACILITIES** -- Elementary and secondary schools and institutions of higher learning duly licensed by the State of New York, attendance at which fulfills the compulsory education requirements of the state or leads to the granting of diplomas from accredited educational institutions recognized by the State of New York.

**SELF-STORAGE MINI-WAREHOUSE FACILITY** -- A building or structure containing separate storage spaces leased or rented on an individual basis.

**SENIOR CARE COMMUNITY** -- Age-restricted (55+ years) communities of independent living or congregate care residential units, or any combination of these, that accompanied by supportive care services in the activities of daily living, including, but not limited to "continuing care retirement communities" and "life care communities," as these are often described where progressive levels of assistance with the activities of daily living are provided, but excluding motels, hotels, group homes, hospitals, clinics or alcohol and drug rehabilitation facilities.

**SEWAGE TREATMENT PLANT** -- A plant in which sewage is treated in a facility and the system employs the biological, physical and chemical mode of treatment.

**SIGN** -- A name, identification, description, display or illustration or any other visual display which is affixed to or painted or represented, directly or indirectly, upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SIGN, DIRECTIONAL** -- A sign indicating the location and direction of premises other than those on which the sign is located.

**SIGN, GENERAL DIRECTORY** -- A sign erected on a property to advertise multiple businesses or enterprises on site.

**SITE PLAN** -- A rendering, drawing or sketch prepared to specifications and containing necessary elements as set forth in this Zoning Law and any other statutes, that shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

**SITE PLAN REVIEW** -- Review of a site plan by the Town of Plattekill pursuant to Section 274-a of the New York State Town Law. Site Plan Review is required for all Special Use Permits, certain specific uses designated on the Schedule of District Regulations and, upon referral from the Code Enforcement Officer, for certain other uses.

**SPECIAL USE PERMIT** -- A use, which because of its unique characteristics is permitted in certain zoning districts and is subject to conditions and requirements imposed by the provisions of this chapter to assure that the proposed use is in harmony with said provisions and will not adversely affect the neighborhood if such requirements are met (see also Section 274-b of the New York State Town Law).

**SPECIALTY SHOP** -- A small retail enterprise focusing on a particular class or type of food goods, such as a bakery, meat shop, delicatessen, fish store, tobacco shop, or similar store, not including any enterprise occupying more than 1,500 square feet of floor area.

**STABLE, PRIVATE** -- The keeping of one or more equines in conjunction with a residential use where the animals are used for the enjoyment of the occupants, without remuneration or other

# Town of Plattekill Code, Chapter 110, Zoning

## As revised October 19, 2005

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organized activities involving the activities of customers, guests, members or clients.

STABLE, COMMERCIAL -- The keeping of equines for remuneration or purposes of organized activities involving the activities of customers, guests, members or clients, including riding academies, boarding stables and similar uses, but excluding horse breeding farms subject to protection under the New York State Agricultural Districts Law.

STRUCTURE -- Anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, including stationary and portable carports.

SUPERMARKETS -- Those particular retail establishments, primarily selling food as well as other convenience and household goods, that happen to exceed 20,000 square feet in floor area. Other such establishments shall be simply be considered "retail and service establishments."

TAVERN -- An eating and drinking place primarily oriented toward the sale of alcoholic beverages. Any eating and drinking place where less than 50% of the floor area is devoted to use for sit-down consumption of food and nonalcoholic beverages (excluding bar seating) shall be considered a tavern.

TRIP ENDS -- The total number of vehicular trips made to and from a site over the course of a designated period of time.

TOWN ENGINEER -- The person duly designated as Engineer of the town on a permanent or consulting basis.

TRUCKING TERMINAL -- An area and building where cargo is stored and where trucks load and unload cargo on a regular basis, with or without truck maintenance and repair facilities.

VETERINARIAN'S OFFICE -- The office of a licensed veterinarian. Also, see ANIMAL HOSPITAL.

WAREHOUSE -- A building or structure used primarily for the commercial storage of goods and materials awaiting distribution.

WHOLESALE BUSINESSES -- Establishments or places of business primarily engaged in selling merchandise to retailers; industrial, commercial or institutional users; or other wholesale businesses.

YARD -- An open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted.

- 1) FRONT -- An open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward.
- 2) REAR -- An open space extending the full width of the lot

between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

- 3) SIDE -- An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

# Town of Plattekill Code, Chapter 110, Zoning

*As revised October 19, 2005*

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## ARTICLE II REGULATIONS APPLICABLE TO ALL DISTRICTS

### § 110-7. District enumeration.

The Town of Plattekill is hereby divided into the following types of districts:

RS-1	Residential Settlement
HR-1	Hamlet Residential
AG-1.5	Agricultural
RR-1.5	Rural Residential
BD-40	Business
BD-60	Light Business
GB-80	General Business
M-3	Mountain

PBD Planned Business Park Districts are also provided for hereunder.

### § 110-8. Zoning map.

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Town of Plattekill, amended this date or hereafter, which is attached hereto and is hereby made a part of this chapter. Said map or maps and all notations, references and designations shown thereon shall be a part of this chapter as if the same were all fully described and set forth herein.

### § 110-9. District boundary interpretations.

- A. The district boundary lines are intended generally to follow the boundary lines of rights-of-way, existing lot lines, the centerline of rivers, streams and other waterways or Town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension or relationship to such line.
- B. Where a district boundary line divides a lot of record at the time such line is established, the Town Board may allow the extension of activities permitted in one district to the other as a Special Use if the land area to which the use would be extended constitutes less than 50% of the total parcel. This is to permit more flexibility in the use of large parcels.
- C. When the specific location of a zoning district boundary line cannot be ascertained, the Code Enforcement Officer shall refer the matter to the Zoning Board of Appeals to render an interpretation which shall then be used as the basis for applying zoning standards.

### § 110-10. Schedule of district regulations.

The restrictions and controls intended to regulate development

in each district are set forth in the following Schedule of District Regulations which is then supplemented by other sections of this Law and other laws of the Town of Plattekill.

Any use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Code Enforcement Officer, provided the proposed use is in compliance with these regulations, excepting that the Code Enforcement Officer shall have authority to refer any Minimal Impact Use or other matter involving new commercial or industrial site development to the Planning Board for Site Plan Review. Additional uses requiring only Site Plan Review are designated on the Schedule of District Regulations. Should Site Plan Review be conducted for such uses the Planning Board shall have the option of conducting a public hearing on the application. Site plan review procedures and requirements set forth in Section 274 of the New York State Town Law and Article IV of this Zoning Law, including SEQRA obligations shall apply.

All Special Uses are subject to Site Plan Review, public hearing and Planning Board approval prior to the Code Enforcement Officer issuing a permit for their establishment. Accessory Uses are permitted to accompany Principal Permitted and Special Uses. Permits for these uses shall be issued directly by the Code Enforcement Officer, excepting that where an Accessory Use is proposed to precede a Principal Permitted or Special Use, it shall be processed as a Special Use.

Town of Plattekill Zoning Law - Schedule of District Regulations																																																											
District Intent	Principal Permitted Uses	Special Uses (§110-61)	Accessory Uses (§110-15)	Development Standards																																																							
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<p><b>RS-1 Residential Settlement:</b> The purpose of the RS-1 residential District is to provide reasonable standards for the development of residential areas in the vicinity of established residential centers, to encourage a greater variety of lot sizes and housing types, to control development and otherwise to create conditions conducive to carrying out the purposes of this chapter.</p>	<p>Agriculture (§110-49) Conservation subdivisions (§110-48) (subject to Planning Board review) Essential services (§110-24) One-family detached dwellings Public buildings* Public parks and playgrounds* Two-family dwellings (§110-12.A)</p> <p>* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35) Bed and breakfasts (§110-20) Cemeteries Class II home occupations (§110-28) Communications centers/towers (§110-41) Day care facilities (home care only) Multiple (multi-family) dwellings (§110-22) Places of worship, parish houses &amp; parsonages</p>	<p>Accessory apartment (§110-15.I) Class I home occupations (§110-28) Customary incidental uses and structures Home day care Private garages, tool houses &amp; play houses Private outdoor swimming pools (§110-15.F) Signs (§110-17) Vehicles &amp; boat storage (§110-15.H)</p>	<table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td><b>Minimums:</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Lot area:</td> <td>43,560 sf</td> <td>43,560 sf</td> <td>32,670 sf</td> <td>21,780 sf</td> </tr> <tr> <td>Lot width:</td> <td>150 ft</td> <td>125 ft</td> <td>125 ft</td> <td>100 ft</td> </tr> <tr> <td>Lot depth:</td> <td>200 ft</td> <td>175 ft</td> <td>150 ft</td> <td>150 ft</td> </tr> <tr> <td>Front yard:</td> <td>50 ft</td> <td>40 ft</td> <td>40 ft</td> <td>40 ft</td> </tr> <tr> <td>Side yard:</td> <td>30 ft</td> <td>25 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> <tr> <td>Rear yard:</td> <td>30 ft</td> <td>25 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> <tr> <td><b>Maximums:</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Building coverage:</td> <td>25%</td> <td>25%</td> <td>25%</td> <td>35%</td> </tr> <tr> <td>Building height:</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> </tr> </tbody> </table> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	<b>Minimums:</b>					Lot area:	43,560 sf	43,560 sf	32,670 sf	21,780 sf	Lot width:	150 ft	125 ft	125 ft	100 ft	Lot depth:	200 ft	175 ft	150 ft	150 ft	Front yard:	50 ft	40 ft	40 ft	40 ft	Side yard:	30 ft	25 ft	25 ft	25 ft	Rear yard:	30 ft	25 ft	25 ft	25 ft	<b>Maximums:</b>					Building coverage:	25%	25%	25%	35%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>HR-1 Hamlet Residential:</b> This District is intended to provide for the orderly growth of established residential areas, to prevent overcrowding of the land and to restrict those uses that are not compatible with residential neighborhoods, while allowing for moderate to higher density housing.</p>	<p>Conservation subdivisions (§110-48) (subject to Planning Board review) Essential services (§110-24) One-family detached dwellings Public buildings* Public parks and playgrounds* Two-family dwellings (§110-12.A)</p> <p>* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35) Agriculture (§110-49) Bed and breakfasts (§110-20) Cemeteries Class II home occupations (§110-28) Clubs, lodges and fraternal organizations Communications centers/towers (§110-41) Community buildings Medical clinics and offices (§110-34) Mixed use projects of allowed uses (§110-21) Multiple (multi-family) dwellings (§110-22) Neighborhood stores (§110-29) Nurseries and greenhouses Nursery schools &amp; day care facilities Places of worship, parish houses &amp; parsonages Professional offices Residential conversions (§110-22.O) Restaurants (sit-down dining, §110-32) and taverns Schools, colleges &amp; education facilities</p>	<p>Accessory apartment (§110-15.I) Class I home occupations (§110-28) Customary incidental uses and structures Home day care Private garages, tool houses &amp; play houses Private outdoor swimming pools (§110-15.F) Signs (§110-17) Vehicles &amp; boat storage (§110-15.H)</p>	<table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D*</th> </tr> </thead> <tbody> <tr> <td><b>Minimums:</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Lot area:</td> <td>43,560 sf</td> <td>43,560 sf</td> <td>32,670 sf</td> <td>10,890 sf</td> </tr> <tr> <td>Lot width:</td> <td>150 ft</td> <td>125 ft</td> <td>125 ft</td> <td>75 ft</td> </tr> <tr> <td>Lot depth:</td> <td>200 ft</td> <td>175 ft</td> <td>150 ft</td> <td>100 ft</td> </tr> <tr> <td>Front yard:</td> <td>35 ft</td> <td>25 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> <tr> <td>Side yard:</td> <td>30 ft</td> <td>25 ft</td> <td>25 ft</td> <td>20 ft</td> </tr> <tr> <td>Rear yard:</td> <td>30 ft</td> <td>25 ft</td> <td>25 ft</td> <td>20 ft</td> </tr> <tr> <td><b>Maximums:</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Building coverage:</td> <td>25%</td> <td>25%</td> <td>25%</td> <td>35%</td> </tr> <tr> <td>Building height:</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> </tr> </tbody> </table> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p> <div style="border: 1px solid black; padding: 2px;"> <p>* Note: A developer providing central sewage and water may reduce lot areas to 7,500 square feet, lot widths to 50 feet and lot depths to 100 feet.</p> </div>		A	B	C	D*	<b>Minimums:</b>					Lot area:	43,560 sf	43,560 sf	32,670 sf	10,890 sf	Lot width:	150 ft	125 ft	125 ft	75 ft	Lot depth:	200 ft	175 ft	150 ft	100 ft	Front yard:	35 ft	25 ft	25 ft	25 ft	Side yard:	30 ft	25 ft	25 ft	20 ft	Rear yard:	30 ft	25 ft	25 ft	20 ft	<b>Maximums:</b>					Building coverage:	25%	25%	25%	35%	Building height:	35 ft	35 ft	35 ft	35 ft
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## Town of Plattekill Zoning Law - Schedule of District Regulations

District Intent	Principal Permitted Uses	Special Uses (§110-61)	Accessory Uses (§110-15)	Development Standards																																																							
<p><b>RR-1.5 Rural Residential:</b> This District is intended to limit the density of development within those areas of the Town that, due to steep grades, other limiting physical factors or the inaccessibility of public services, are not suitable for intensive development but can accommodate specialized low intensity uses requiring large land areas.</p>	<p>Agricultural land uses, building and activities, including the growing of field, truck and tree crops, dairying, livestock raising, low-density poultry raising and similar agricultural uses</p> <p>Conservation subdivisions (§110-48) (subject to Planning Board review)</p> <p>Essential services (§110-24)</p> <p>Forestry uses</p> <p>Minimal impact uses (§110-11.D)*</p> <p>One-family detached dwellings</p> <p>Public buildings*</p> <p>Public parks and playgrounds*</p> <p>Two-family dwellings (§110-12.A)</p> <p style="text-align: center;">* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35)</p> <p>Bed and breakfasts (§110-20)</p> <p>Campgrounds (§110-43)</p> <p>Cemeteries</p> <p>Class II home occupations (§110-28)</p> <p>Clubs, lodges and fraternal organizations</p> <p>Communications centers/towers (§110-41)</p> <p>Community buildings</p> <p>Extractive uses (§110-44)</p> <p>Instructional uses</p> <p>Kennels (§110-49.C)</p> <p>Manufactured (mobile) home parks (Code Ch. 68)</p> <p>Medical clinics and offices (§110-34)</p> <p>Mixed use projects of allowed uses (§110-21)</p> <p>Multiple (multi-family) dwellings (§110-22)</p> <p>Neighborhood stores (§110-29)</p> <p>Nurseries and greenhouses</p> <p>Nursery schools &amp; day care facilities</p> <p>Outdoor recreation and amusement (§110-45)</p> <p>Places of worship, parish houses/parsonages</p> <p>Planned business park (§110-42)</p> <p>Professional offices</p> <p>Resorts (§110-46)</p> <p>Restaurants (sit-down dining)</p> <p>Sawmills (Types A &amp; B - §110-39)</p> <p>Schools, colleges &amp; education facilities</p> <p>Self-storage mini-warehouse facilities</p> <p>Stables (commercial - §110-49.B)</p> <p>Warehouses</p>	<p>Accessory apartment (§110-15.I)</p> <p>Class I home occupations (§110-28)</p> <p>Customary incidental uses and structures</p> <p>Private garages, tool houses &amp; play houses</p> <p>Private outdoor swimming pools (§110-15.F)</p> <p>Signs (§110-17)</p> <p>Stables (private - §110-49.A)</p> <p>Vehicles &amp; boat storage (§110-15.H)</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> <th style="text-align: center;">C</th> <th style="text-align: center;">D</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>Minimums:</b></td> </tr> <tr> <td>Lot area:</td> <td style="text-align: center;">65,340 sf</td> <td style="text-align: center;">65,340 sf</td> <td style="text-align: center;">43,560 sf</td> <td style="text-align: center;">32,670 sf</td> </tr> <tr> <td>Lot width:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">125 ft</td> </tr> <tr> <td>Lot depth:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">125 ft</td> </tr> <tr> <td>Front yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">40 ft</td> <td style="text-align: center;">40 ft</td> </tr> <tr> <td>Side yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">40 ft</td> <td style="text-align: center;">40 ft</td> </tr> <tr> <td>Rear yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">40 ft</td> <td style="text-align: center;">40 ft</td> </tr> <tr> <td colspan="5"><b>Maximums:</b></td> </tr> <tr> <td>Building coverage:</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">25%</td> <td style="text-align: center;">25%</td> </tr> <tr> <td>Building height:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> </tr> </tbody> </table> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	<b>Minimums:</b>					Lot area:	65,340 sf	65,340 sf	43,560 sf	32,670 sf	Lot width:	200 ft	200 ft	150 ft	125 ft	Lot depth:	200 ft	200 ft	150 ft	125 ft	Front yard:	50 ft	50 ft	40 ft	40 ft	Side yard:	50 ft	50 ft	40 ft	40 ft	Rear yard:	50 ft	50 ft	40 ft	40 ft	<b>Maximums:</b>					Building coverage:	20%	20%	25%	25%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>AG-1.5 Agricultural:</b> This District is intended to encourage continuation of agriculture and related low-density uses compatible with the soil, topography and location of this district and to preserve important natural and economic resources.</p>	<p>Agricultural land uses, building and activities, including the growing of field, truck and tree crops, dairying, livestock raising, low-density poultry raising and similar agricultural uses</p> <p>Bed and breakfasts (§110-20)*</p> <p>Conservation subdivisions (§110-48) (subject to Planning Board review)</p> <p>Essential services (§110-24)</p> <p>Forestry uses</p> <p>Minimal impact uses (§110-11.D)*</p> <p>Mixed use projects of allowed uses (§110-21)*</p> <p>Nurseries and greenhouses*</p> <p>One-family detached dwelling (§110-51)</p> <p>Public buildings*</p> <p>Public parks and playgrounds*</p> <p>Sawmills (Type A)*</p> <p style="text-align: center;">* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35)</p> <p>Campgrounds (§110-43)</p> <p>Cemeteries</p> <p>Class II home occupations (§110-28)</p> <p>Clubs, lodges and fraternal organizations</p> <p>Communications centers/towers (§110-41)</p> <p>Community buildings</p> <p>Extractive uses (§110-44)</p> <p>Farm equipment sales and service</p> <p>Farm labor housing (§110-23)</p> <p>Kennels and animal hospitals (§110-49.C)</p> <p>Light industrial uses (§110-25)</p> <p>Multiple (multi-family) dwellings (§110-22 &amp; 51)</p> <p>Nursery schools &amp; day care facilities</p> <p>Outdoor recreation and amusement (§110-45)</p> <p>Places of worship, parish houses/parsonages</p> <p>Resorts (§110-46)</p> <p>Sawmills (Type B - §110-39)</p> <p>Stables (commercial - §110-49.B)</p> <p>Two-family dwellings (§110-12.A)</p> <p>Warehouses</p>	<p>Accessory apartment (§110-15.I)s</p> <p>Class I home occupations (§110-28)</p> <p>Customary incidental uses and structures</p> <p>Private garages, tool houses &amp; play houses</p> <p>Private outdoor swimming pools (§110-15.F)</p> <p>Signs (§110-17)</p> <p>Stables (private - §110-49.A)</p> <p>Vehicles &amp; boat storage (§110-15.H)</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> <th style="text-align: center;">C</th> <th style="text-align: center;">D</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>Minimums:</b></td> </tr> <tr> <td>Lot area:</td> <td style="text-align: center;">65,340 sf</td> <td style="text-align: center;">65,340 sf</td> <td style="text-align: center;">65,340 sf</td> <td style="text-align: center;">65,340 sf</td> </tr> <tr> <td>Lot width:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> </tr> <tr> <td>Lot depth:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">200 ft</td> </tr> <tr> <td>Front yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> </tr> <tr> <td>Side yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> </tr> <tr> <td>Rear yard:</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> <td style="text-align: center;">50 ft</td> </tr> <tr> <td colspan="5"><b>Maximums:</b></td> </tr> <tr> <td>Building coverage:</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">20%</td> </tr> <tr> <td>Building height:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> </tr> </tbody> </table> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	<b>Minimums:</b>					Lot area:	65,340 sf	65,340 sf	65,340 sf	65,340 sf	Lot width:	200 ft	200 ft	200 ft	200 ft	Lot depth:	200 ft	200 ft	200 ft	200 ft	Front yard:	50 ft	50 ft	50 ft	50 ft	Side yard:	50 ft	50 ft	50 ft	50 ft	Rear yard:	50 ft	50 ft	50 ft	50 ft	<b>Maximums:</b>					Building coverage:	20%	20%	20%	20%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>BD-40 Business:</b> This District is intended to provide reasonable standards for the orderly expansion of general retail and commercial uses and to contribute to the soundness of the Town's economic base.</p>	<p>Bed and breakfasts (§110-20)* Clubs, lodges and fraternal organizations* Community buildings* Essential services (§110-24) Minimal impact uses (§110-11.D)* Neighborhood stores (§110-29)* One-family dwelling set back 300' from Rts 32/44/55 One-family dwelling, improvements to existing Personal services Professional offices* Public buildings* Public parks and playgrounds* Specialty shops*</p> <p style="text-align: center;">* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35) Agriculture (§110-49) Auto service, repair &amp; filling stations (§110-16.1) Commercial indoor recreation &amp; entertainment Communications centers/towers (§110-41) Convenience stores Day care (commercial) Drive-in establishments (§110-31) Hotels and motels (§110-46) Instructional uses Light industrial uses (§110-25) Medical clinics and offices (§110-34) Mixed use projects of allowed uses (§110-21) Mortuary &amp; funeral homes (§110-33) Multiple (multi-family) dwellings (§110-22) Nurseries and greenhouses One-family dwelling connected to business Public transportation facilities Restaurants (sit-down dining) Retail and service establishments (§110-37) Supermarkets Taverns (§110-32) Warehouses Wholesale businesses</p>	<p>Class I and II home occupations (§110-28) Customary incidental uses and structures Signs (§110-17)</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> <th style="text-align: center;">C</th> <th style="text-align: center;">D</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>Minimums:</b></td> </tr> <tr> <td>Lot area:</td> <td style="text-align: center;">40,000 sf</td> <td style="text-align: center;">40,000 sf</td> <td style="text-align: center;">30,000 sf</td> <td style="text-align: center;">20,000 sf</td> </tr> <tr> <td>Lot width:</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">125 ft</td> <td style="text-align: center;">125 ft</td> <td style="text-align: center;">100 ft</td> </tr> <tr> <td>Lot depth:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">175 ft</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">150 ft</td> </tr> <tr> <td>Front yard:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> </tr> <tr> <td>* Side yard:</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">20 ft</td> </tr> <tr> <td>* Rear yard:</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">20 ft</td> </tr> <tr> <td colspan="5"><b>Maximums:</b></td> </tr> <tr> <td>Building coverage:</td> <td style="text-align: center;">40%</td> <td style="text-align: center;">40%</td> <td style="text-align: center;">50%</td> <td style="text-align: center;">50%</td> </tr> <tr> <td>Building height:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> </tr> </tbody> </table> <p>* Add 25 feet where abutting a residential district boundary</p> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	<b>Minimums:</b>					Lot area:	40,000 sf	40,000 sf	30,000 sf	20,000 sf	Lot width:	150 ft	125 ft	125 ft	100 ft	Lot depth:	200 ft	175 ft	150 ft	150 ft	Front yard:	35 ft	25 ft	25 ft	25 ft	* Side yard:	25 ft	25 ft	25 ft	20 ft	* Rear yard:	25 ft	25 ft	25 ft	20 ft	<b>Maximums:</b>					Building coverage:	40%	40%	50%	50%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>BD-60 Light Business:</b> This District is intended to provide reasonable standards for the orderly expansion of general retail and commercial uses and to contribute to the soundness of the Town's economic base, but limiting the intensity and range of uses to those compatible with surrounding uses and districts.</p>	<p>Bed and breakfasts (§110-20)* Clubs, lodges and fraternal organizations* Community buildings* Essential services (§110-24) Minimal impact uses (§110-11.D)* Neighborhood stores (§110-29)* Nurseries and greenhouses* One-family dwelling set back 300' from Rts 32/44/55 One-family dwelling, improvements to existing Personal services Professional offices* Public buildings* Public parks and playgrounds* Specialty shops*</p> <p style="text-align: center;">* Site Plan Review by Planning Board required.</p>	<p>Active adult / senior care communities (§110-35) Agriculture (§110-49) Auto service, repair &amp; filling stations (§110-16.1) Automotive &amp; vehicular sales &amp; rentals Commercial indoor recreation &amp; entertainment Communications centers/towers (§110-41) Day care (commercial) Flea markets (commercial - §110-50) Funeral homes/mortuaries (§110-33) Hotels and motels (§110-46) Instructional uses Kennels and animal hospitals (§110-49.C) Light industrial uses (§110-25) Medical clinics and offices (§110-34) Mixed use projects of allowed uses (§110-21) Multiple (multi-family) dwellings (§110-22) One-family dwelling connected to business Outdoor recreation and amusement (§110-45) Public transportation facilities Restaurants (sit-down dining) Retail and service establishments (§110-37) Schools, colleges &amp; education facilities Self-storage mini-warehouse facilities Taverns (§110-32) Trucking terminals Warehouses Wholesale businesses</p>	<p>Class I and II home occupations (§110-28) Customary incidental uses and structures Signs (§110-17)</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> <th style="text-align: center;">C</th> <th style="text-align: center;">D</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>Minimums:</b></td> </tr> <tr> <td>Lot area:</td> <td style="text-align: center;">60,000 sf</td> <td style="text-align: center;">60,000 sf</td> <td style="text-align: center;">40,000 sf</td> <td style="text-align: center;">30,000 sf</td> </tr> <tr> <td>Lot width:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">175 ft</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">150 ft</td> </tr> <tr> <td>Lot depth:</td> <td style="text-align: center;">200 ft</td> <td style="text-align: center;">175 ft</td> <td style="text-align: center;">150 ft</td> <td style="text-align: center;">150 ft</td> </tr> <tr> <td>Front yard:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> </tr> <tr> <td>* Side yard:</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">20 ft</td> </tr> <tr> <td>* Rear yard:</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">25 ft</td> <td style="text-align: center;">20 ft</td> </tr> <tr> <td colspan="5"><b>Maximums:</b></td> </tr> <tr> <td>Building coverage:</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">40%</td> <td style="text-align: center;">40%</td> </tr> <tr> <td>Building height:</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> <td style="text-align: center;">35 ft</td> </tr> </tbody> </table> <p>* Add 25 feet where abutting a residential district boundary</p> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	<b>Minimums:</b>					Lot area:	60,000 sf	60,000 sf	40,000 sf	30,000 sf	Lot width:	200 ft	175 ft	150 ft	150 ft	Lot depth:	200 ft	175 ft	150 ft	150 ft	Front yard:	35 ft	25 ft	25 ft	25 ft	* Side yard:	25 ft	25 ft	25 ft	20 ft	* Rear yard:	25 ft	25 ft	25 ft	20 ft	<b>Maximums:</b>					Building coverage:	30%	30%	40%	40%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>GB-80 General:</b> This District is intended to encourage the orderly development of the Town's transportation-related and heavy impact activities in such fashion as to be compatible with adjacent land uses and to contribute to the soundness of the town's economic base.</p>	<p>Agriculture (§110-49) Auto service, repair &amp; filling stations (§110-16.I)* Automotive &amp; vehicular sales &amp; rentals* Commercial indoor recreation &amp; entertainment* Essential services (§110-24) Light industrial uses (§110-25)* Nurseries and greenhouses* Public transportation facilities* Wholesale businesses*</p> <p>* Site Plan Review by Planning Board required.</p>	<p>Adult uses (§110-36) Crematoriums Communications centers/towers (§110-41) Flea markets (commercial - §110-50) Junkyards Kennels and animal hospitals (§110-49.C) Mixed use projects of allowed uses (§110-21) Off-road and motorized vehicle uses (§110-54) Outdoor recreation and amusement (§110-45) Outdoor storage facilities (§110-27) Trucking terminals Warehouses</p>	<p>Customary incidental uses and structures Signs (§110-17)</p>	<p><b>Minimums:</b></p> <table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>Lot area:</td> <td>80,000 sf</td> <td>80,000 sf</td> <td>40,000 sf</td> <td>40,000 sf</td> </tr> <tr> <td>Lot width:</td> <td>200 ft</td> <td>200 ft</td> <td>125 ft</td> <td>125 ft</td> </tr> <tr> <td>Lot depth:</td> <td>200 ft</td> <td>200 ft</td> <td>175 ft</td> <td>175 ft</td> </tr> <tr> <td>Front yard:</td> <td>50 ft</td> <td>50 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> <tr> <td>* Side yard:</td> <td>50 ft</td> <td>50 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> <tr> <td>* Rear yard:</td> <td>50 ft</td> <td>50 ft</td> <td>25 ft</td> <td>25 ft</td> </tr> </tbody> </table> <p><b>Maximums:</b></p> <table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>Building coverage:</td> <td>25%</td> <td>25%</td> <td>40%</td> <td>40%</td> </tr> <tr> <td>Building height:</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> </tr> </tbody> </table> <p>* Add 25 feet where abutting a residential district boundary</p> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	Lot area:	80,000 sf	80,000 sf	40,000 sf	40,000 sf	Lot width:	200 ft	200 ft	125 ft	125 ft	Lot depth:	200 ft	200 ft	175 ft	175 ft	Front yard:	50 ft	50 ft	25 ft	25 ft	* Side yard:	50 ft	50 ft	25 ft	25 ft	* Rear yard:	50 ft	50 ft	25 ft	25 ft		A	B	C	D	Building coverage:	25%	25%	40%	40%	Building height:	35 ft	35 ft	35 ft	35 ft
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<p><b>M-3 Mountain:</b> This District is intended to protect the character of the Town's mountain ridge and associated land areas possessing environmental limitations and special natural features that require more attention to land planning.</p>	<p>Agricultural land uses, building and activities, including the growing of field, truck and tree crops, dairying, livestock raising, low-density poultry raising and similar agricultural uses Conservation subdivisions (§110-48) (subject to Planning Board review) Essential services (§110-24) Forestry uses One-family detached dwellings Outdoor recreation, light (trails, picnic areas) Public buildings* Public parks and playgrounds* Two-family dwelling</p> <p>* Site Plan Review by Planning Board required.</p>	<p>Animal and nature preserves Bed and breakfasts (§110-20) Campgrounds (§110-43) Cemeteries Class II home occupations (§110-28) Communications centers/towers (§110-41) Community buildings Extractive uses (§110-44) Kennels (§110-49.C) Nurseries and greenhouses Sawmills (Types A &amp; B - §110-39)</p>	<p>Accessory apartment (§110-15.I) Class I home occupations (§110-28) Customary incidental uses and structures Private garages, tool houses &amp; play houses Private outdoor swimming pools (§110-15.F) Signs (§110-17) Vehicles &amp; boat storage (§110-15.H)</p>	<p><b>Minimums:</b></p> <table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>Lot area:</td> <td>130,680 sf</td> <td>130,680 sf</td> <td>130,680 sf</td> <td>130,680 sf</td> </tr> <tr> <td>Lot width:</td> <td>250 ft</td> <td>250 ft</td> <td>250 ft</td> <td>250 ft</td> </tr> <tr> <td>Lot depth:</td> <td>300 ft</td> <td>300 ft</td> <td>300 ft</td> <td>300 ft</td> </tr> <tr> <td>Front yard:</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> </tr> <tr> <td>* Side yard:</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> </tr> <tr> <td>* Rear yard:</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> <td>50 ft</td> </tr> </tbody> </table> <p><b>Maximums:</b></p> <table border="1"> <thead> <tr> <th></th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>Building coverage:</td> <td>10%</td> <td>10%</td> <td>10%</td> <td>10%</td> </tr> <tr> <td>Building height:</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> </tr> </tbody> </table> <p>* Add 25 feet where abutting a residential district boundary</p> <p>A = On-site sewage and water B = Central water only C = Central sewage only D = Central sewage &amp; water</p>		A	B	C	D	Lot area:	130,680 sf	130,680 sf	130,680 sf	130,680 sf	Lot width:	250 ft	250 ft	250 ft	250 ft	Lot depth:	300 ft	300 ft	300 ft	300 ft	Front yard:	50 ft	50 ft	50 ft	50 ft	* Side yard:	50 ft	50 ft	50 ft	50 ft	* Rear yard:	50 ft	50 ft	50 ft	50 ft		A	B	C	D	Building coverage:	10%	10%	10%	10%	Building height:	35 ft	35 ft	35 ft	35 ft
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**§ 110-11. Applicability of regulations.**

A. Whenever any owner or occupant of any property in the Town of Plattekill shall, for any purpose or in any manner;

- 1) establish a new use,
- 2) commercially clear, excavate or grade land for purposes of making permanent structural improvements to a property,
- 3) change an existing use,
- 4) make permanent structural improvements to a property,
- 5) erect a new building,
- 6) move, alter, add to or enlarge any existing land use or building;

such owner or occupant shall first comply with the requirements of this Law and obtain any approvals and permits required hereunder, unless specifically exempted from such requirements by this Law. An approval shall be required whenever a change in land use occurs, regardless of whether or not any new construction is involved hereunder, excepting a change from one agricultural activity to another.

For example, the replacement of a law office (Professional Office) use in a BD-40 District with a pharmacy (Retail and Service Establishment) use in the same structure would require a zoning permit even though no new construction is involved. The purpose is to evaluate any new parking needs and other changes having to do with the nature of the operation itself, irrespective of the physical improvements that may or may not be involved. In the example cited, the new pharmacy would also require Special Use approval, because Retail and Service Establishments are Special Uses in the BD-40 District - that is to say any new use in an existing structure is treated as if it were an entirely new project.

B. If a proposed use is not specifically prohibited under this Law and is not listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Town Board shall render a formal determination as to those districts in which the use shall be permitted. The Town Board shall, pursuant to the Municipal Home Rule Law, supersede New York State Town Law Article 16 for this purpose. If the use is permitted in a given district, the Planning Board shall then process any application for such use received for that district as a Special Use.

The Town Board shall make its determination on the basis of similarities of the use to other specifically listed uses within various districts, taking into consideration the impacts of the use on the community and the neighborhood in which it is

proposed. This shall not permit the Town Board to reclassify uses that are already listed nor shall the Town Board allow any use which is not listed in a particular district if that use is already permitted in another district.

C. Any use that is noxious, offensive or objectionable, by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in a manner or amount as to cause permanent damage to the soil and stream or to adversely affect the surrounding area or by reason of the creation of noise, vibration, electromagnetic or other disturbance or by reason of illumination by artificial light or where light reflection emanates, or that involves any dangerous fire, explosive, radioactive or other hazard or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or general welfare is prohibited. Further, except as may herein be provided, the following uses and activities are expressly prohibited:

- 1) Dumps. No dump or any other use where deposit of rubbish, or garbage or tires where vermin, flies or mosquitoes may breed, from which offensive odors may be emitted or where a smoldering fire may burn shall be permitted except for municipal transfer stations.
- 2) Use of any mechanical, electrical or other sound-amplifier device capable of being heard beyond the property line. Installation or use of any mechanical, electrical or other sound-amplifier device or similar device for magnifying sound whereby the sound is regularly and routinely audible beyond the premises on which it is installed or located, or fails to comply with Section 72-5 of the Town of Plattekill Code is prohibited.
- 3) Artificial lights as traffic hazards. No artificial lights or reflecting devices shall be located or otherwise displayed where such lights or devices interfere with, compete for attention with or may be mistaken for traffic signals or divert the attention of operators of motor vehicles or otherwise create traffic hazards.
- 4) Blinking and flashing signs. Except for traffic signals regulated and approved by the appropriate state, county or town transportation agency, blinking and/or flashing signs are prohibited.

D. Minimal impact uses.

- 1) Such uses shall be allowed as Principal Permitted Uses in specified zoning districts. A Minimal Impact Use is one that is otherwise classified as a Special Use, occupies less than 2,500 square feet of floor area and generates less than 100 trip-ends of traffic per day on average, not including auto related enterprises, drive-



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in establishments, salvage yards, commercial recreational facilities, industrial uses, taverns, adult uses, convenience stores or any other use that would generate noise, odor, light, vibration or other similar impacts beyond the property line of the lot.

- 2) The Town of Plattekill Code Enforcement Officer shall, on finding that any proposed use could generate such impacts, refer the matter to the Town of Plattekill Planning Board, which may either permit the application to go forward as a Minimal Impact Use with its recommendations or retain authority to process the application as a Special Use and proceed accordingly. All Minimal Impact Uses shall, nonetheless, be subject to Site Plan Review.

### E. Disclosure notices.

- 1) All maps, plans, plats or site plans to be filed with the Town of Plattekill or Ulster County in connection with the development of or transfer of property within the Town of Plattekill BD-40, BD-60 and GB-80 Business Districts shall hereafter contain said statement:

"It is the policy of the Town of Plattekill to encourage economic development through the creation of a business district in which business will be encouraged to locate, develop and promote."

- 2) Likewise, all maps, plans, plats or site plans to be filed with the Town of Plattekill or Ulster County in connection with the development of or transfer of property within the Town of Plattekill AG-1.5 Agricultural District shall hereafter contain said statement:

"It is the policy of the Town of Plattekill to encourage agricultural economic development through the creation of an agricultural district in which farm and agricultural support businesses will be encouraged to locate, develop and promote."

- 3) These notices are to inform prospective residents that their homes will be located in districts where the primary land use is agriculture or other business and that landowners have the right to lawfully and responsibly undertake activities necessary to the conduct of those businesses. Such uses may include but not be limited to activities that cause noise, dust, odors and traffic.

### § 110-12. Lot development standards.

- A. Minimum development standards. The development standards contained herein are minimums and shall apply to each dwelling unit unless otherwise specifically provided. A two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, as will any two dwelling units on the same property. However, two principal nonresidential uses may be located on the

same lot, provided there is adequate parking for each and the site plan addresses all other needs under this Law.

- B. Corner lots. No obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street center lines of such lot and a line drawn between points along such street center lines seventy-five (75) feet distant from their points of intersection. The Planning Board may impose higher standards where necessary to deal with grade limitations that would otherwise limit the beneficial impact of these measures.
- C. Through lot requirements. A through lot shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this law.
- D. Minimum lot frontage. All residential lots shall have a front lot line, along the right-of-way, with a minimum length of fifty (50) feet. Notwithstanding this standard, flag lots lacking the required frontage on a public street, where access to the street is by a private shared driveway, shall be permitted provided such lots conform to the Town of Plattekill Subdivision Law and meet the following requirements:
  - 1) a release shall be given the Town and approved by the Town Board making clear that the Town is exempted from all responsibility for the maintenance of the same,
  - 2) the flag lot in question shall not be capable of being subdivided further or shall be so restricted,
  - 3) although the use the flag lot driveway shall be shared and maintenance may also be shared, the twenty-five (25) strip of land owned in fee shall be a part of the flag lot parcel (owned by the same party as the rear lot) and all legal responsibility for maintenance that may be required by the Town shall remain with such owner,
  - 4) no more than two (2) lots shall be accessed from the flag lot driveway, including the lot fronting on the street, which shall be accessed from the same driveway as the lot in the rear,
  - 5) the driveway should not be accessed from a cul-de-sac unless the Planning Board shall determine this is necessary due to environmental constraints and desirability of minimizing road construction in steep areas.
  - 6) the driveway pavement shall be at least twelve (12) feet in width with a twenty-five (25) feet wide strip of land owned in fee to the rear flag lot, and
  - 7) flag lots shall not be used in new subdivisions to create additional lots, unless the Planning Board shall find, in a particular situation limited to no more than two (2) flag

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lots or 10% of all lots, whichever shall be greater, that such technique will serve to avoid new road construction and reduce impervious surfaces.

**§ 110-13. Height restrictions.**

- A. General application. No building or structure shall exceed in building height the number of feet permitted as a maximum on the Schedule of District Regulations for the district where such building or structure is located.
- B. Permitted exceptions. Height limitations stipulated elsewhere in this law shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and transmission towers, farm buildings or similar non-inhabited structures under 150 feet in height. Other height exceptions may also be granted as Special Uses where firefighting capacity will not be threatened, buffers and setbacks are also proportionally greater and the need for the additional height is demonstrated by the applicant.

**§ 110-14. Yard regulations.**

- A. Side yard exception. Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied at the discretion of the Planning Board. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
- B. Front yard exception. When an unimproved lot is situated adjacent to or between improved lots already having a principal building within the required front yard, the front yard for the unimproved lot may be reduced to the average depth of the front yards for the two (2) nearest adjoining improved lots, but not less than thirty (30) feet from the centerline.
- C. Provision of yard or other open space. No yard or other open space provided about any buildings for the purpose of complying with the provisions of the law shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot.
- D. Waterfront yards. Any yard which borders on a New York State Department of Environmental Conservation classified lake, stream or body of water shall be not less than one-hundred (100) feet in depth except for boathouses and docks.

**§ 110-15. Accessory structures and uses.**

- A. No accessory building permitted by this law shall be placed in any required side or front yard except as provided in this

Article.

- B. The aggregate ground area covered by any accessory buildings in any rear yard shall not exceed twenty-five percent (25%) of the rear yard area.
- C. Accessory structures not attached to a principal structure shall:
  - 1) Be located not less than ten (10) feet from any side or rear lot line or principal structure and shall not be sited in such a fashion as to prevent emergency fire fighting access or to shade a residential structure on an adjoining lot.
  - 2) Be no closer to the street than any principal structure on the lot, except in the case of farm buildings. When the principal structure is located 100 feet or more from the front lot line, the accessory structure may be placed in front of the principal structure but not in the required setback from the front lot line.
- D. No accessory structure shall be located closer than 10 feet to the side and rear lot lines, provided that it is not more than 10 feet in height. Accessory structures more than 10 feet in height shall be set back from side and rear lot lines one additional foot for each additional foot in height. Farm buildings and structures shall be exempt from this requirement, however.
- E. Storage trailers, railroad cars, bulk containers or retired mobile home units and recreational vehicles shall not be used for purposes of accessory structures in connection with any nonagricultural use.
- F. Swimming pools shall comply with the applicable sections of the New York State Uniform Fire Prevention and Building Code, as amended. Swimming pools shall not be located in the front yard.
- G. Fences and walls. All retaining walls and combinations thereof over ten (10) feet high shall require Site Plan Review by the Planning Board (limited to the proposed improvement only) and a building permit from the Code Enforcement Officer. Except as otherwise approved by the Planning Board as part of a site plan, fences and walls;
  - 1) fences shall not exceed six (6) feet in height when erected in required side or rear yards and shall not exceed four (4) feet in height when erected in the required front yard,
  - 2) fences and walls shall be set back at least two (2) feet from any property line, excepting agricultural fences and fences erected jointly by the adjoining landowners.
  - 3) fences and walls shall conform to corner lot requirements contained herein, and

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- 4) fences and walls shall be measured from the ground level at the base of the fence or wall, excepting that where there is a retaining wall the height shall be measured from the average of the ground levels at each end of the retaining wall.
- H. Garages and storage of recreation vehicles in residential zones.
- 1) One garage of up to 1,500 square feet in gross floor area, accessory to a single-family detached dwelling and used for vehicle storage, shall be permitted.
  - 2) Garages with up to 750 square feet in gross floor area per dwelling unit, accessory to two-family or multifamily dwellings and used for vehicle storage shall be permitted. Space in a garage accessory to a multifamily residence shall be used solely by occupants of the premises.
  - 3) The outdoor storage of one (1) recreation vehicle or boat of more than twenty-two (22) feet in length is permitted for any lot or for every twenty thousand (20,000) square feet of lot area, provided that such trailer or boat is unoccupied and not stored between the street line and the front building line, except that one (1) such vehicle or boat may be stored in a driveway. Under no circumstance may such a vehicle or boat be stored within fifteen (15) feet of a street line or closer to a property line than the minimum distance permitted for an accessory structure.
  - 4) Storage of commercial vehicles. In residential zones, no more than one (1) truck vehicle or piece of heavy equipment (e.g. backhoe) used in a commercial enterprise, which vehicle or piece of equipment shall be under eighteen thousand (18,000) pounds in weight, shall be kept outdoors. No tractor-trailer combinations shall be permitted to be parked overnight in any residential zone. Commercial vehicles or auxiliary engines may not be left running in residential zones. Outdoor storage of more than one (1) commercial vehicle may be permitted for GB-80, BD-40 and BD-60 district uses in conjunction with Special Use approval or Site Plan Review of such uses.
- I. Accessory apartments.
- 1) Authority to permit. An accessory use permit may be granted to allow a single-family detached dwelling to be accompanied by one accessory apartment unit, provided that:
    - a) The principal dwelling unit is the legal residence of the owner.
    - b) The lot area shall be no less than 10,000 square feet per dwelling unit (20,000 square feet in total).
  - c) The individual waste disposal system shall be certified as adequate for the additional unit by the Department of Health.
  - d) The accessory unit is self-contained with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupant.
  - e) The floor area of an accessory apartment shall not exceed 25% of the floor area of the finished principal structure or 500 square feet, whichever is greater.
  - f) The accessory unit shall not exceed one bedroom in size and shall be limited to a side or rear entrance.
- 2) Within 60 days of the approval of a permit for an accessory apartment and/or upon transfer of title to the property, the Code Enforcement Officer shall inspect the unit to ensure all codes are met and the dwelling unit is owner-occupied.
  - 3) If any lawful inspection of the dwelling is refused by the owner or if the Code Enforcement Officer finds that all codes are not met or that the dwelling is not owner-occupied, the Code Enforcement Officer shall order, in writing, the remedying of all conditions found to be in violation and shall state in the order a reasonable time limit for compliance therewith and, where necessary, shall revoke the permit and order the vacating of the accessory apartment so that the property reverts to its original status as a single-family detached dwelling.
- J. Flea markets and tent sales. Individuals, business owners, churches, schools and other commercial or nonprofit organizations within all districts may conduct flea markets and tent sales provided no more than three (3) such sales shall be conducted per calendar year and each sale is limited to four (4) days in length. The enterprise shall not be conducted in public rights-of-way or without otherwise complying with the requirements of this Ordinance pertaining to off-street parking, lighting, noise and signage.

**§ 110-16. Off-street parking and loading.**

- A. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined in conjunction with Site Plan Review. The amount of parking required shall be based on the following factors:
- 1) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board may require the developer or applicant to gather and submit such

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data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of sources.

- 2) The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
- 3) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
- 4) Recommendations, if any, from other public agencies (e.g. Department of Transportation) or information sources that suggest, based on experience, the appropriate amount of parking in connection with a given use.
- 5) The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and hours of operation as compared to other neighborhood activities.
- 6) Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied by the Planning Board or the Code Enforcement Officer, as the case may be:

Home-occupations	1 space per 200 sq. ft. of floor area devoted to use
Hotels/motels	1 space per rental room
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 250 sq. ft. floor area
Places of public assembly	1 space per 5 seats
Offices (business/professional)	1 space per 300 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Auto service, repair & filling stations	1 space per 100 sq. ft. floor area

- B. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces.
- C. Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light away from adjoining premises and public right-of-ways and avoid light spillage onto adjacent properties.
- D. All parking areas that are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following are guideline standards the Planning Board may apply, giving due consideration to the size of the project and maintenance issues:
  - 1) No more than twelve (12) parking spaces should be allowed in a continuous row uninterrupted by landscaping.
  - 2) No parking areas should be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public highway or through road.
  - 3) Commercial parking areas, where possible, should generally be located in the rear yard of any use, with the principal building situated near the front lot line as permitted by Schedule of District Regulations. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify.
- E. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials. The minimum size loading space shall be sixty (60) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
- F. Access to and from all non-residential off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following:
  - 1) Access drives shall comply with all requirements of the Town of Plattekill. Access drives onto State and County

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highways shall be subject to New York Department of Transportation and Ulster County standards, as the case may be.

- 2) Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits.
- 3) All access drives shall be subject to the requirement of obtaining a driveway permit from the Town of Plattekill Highway Superintendent, the Ulster County Department of Public Works or the New York State Department of Transportation, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities.
- 4) No use shall be permitted which requires year-round access from a Town highway which has been designated by the Town of Plattekill Town Board as a low volume or minimum maintenance seasonal highway pursuant to Section 205-a of the New York State Highway Law.

G. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth landscaped according to § 110-19 hereof.

H. Traffic study. The Planning Board, at its discretion, may require a traffic impact study by an independent engineer with any Special Use application involving any use or combination of uses by separate but concurrent applications likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area

Institutional uses

4.0 trip-ends per employee

Other uses

See "Trip Generation" Institute of Transp. Engineers

Such a study may also be required in instances where the project would substantially impact upon a problem intersection or section of road with a history or congestion problems. The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Board with the final product incorporated in the SEQRA submission.

- I. Automobile service stations. Location of exits and entrances. No gasoline filling station or automobile repair shop, or any vehicular access thereto, shall be located within 200 feet of school buildings, playground entrances and church buildings. Vehicular access to the above automobile uses shall not be closer to the intersection of any two street lot lines than 50 feet.

### § 110-17. Signs.

Signs may be erected and maintained in the Town of Plattekill only when in compliance with the following provisions:

- A. Signs advertising items sold or produced elsewhere than on the lot where such sign is located are prohibited. Signs advertising services or resorts not located on the lot where such sign is located are prohibited. This shall not apply to general directory or directional signs.
- B. General directory signs shall be no larger than 40 square feet in area and shall include only the names of the establishments in letters no higher than five inches. Such signs shall be permitted upon special approval of the Planning Board. The Planning Board shall encourage uniform directory signs.
- C. Signs indicating the name or address of the occupant of a permitted home occupation, provided that they shall not be larger than four (4) square feet in area, are permitted. Only one such sign per dwelling unit shall be permitted, except in the case of corner lots, where two such signs, one facing each street, shall be permitted for each dwelling unit.
- D. For buildings other than dwellings, one identification sign, not exceeding 32 square feet in area, may be displayed for each 250 feet of road frontage. Zoning permits shall be required for all signs larger than eight square feet in area.

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E. Signs advertising for sale or rental of the premises upon which they are erected by the owner or broker or any person interested in the sale or rental of such premises may be erected and maintained, provided that:

- 1) The size of any such sign is not in excess of six square feet.
- 2) Not more than two signs are placed upon any property, unless such property fronts upon more than one street, in which event two more signs may be erected on each additional frontage.

F. The following general regulations shall apply to all permitted signs:

- 1) Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- 2) Attached signs shall not project from any building more than three feet in the direction of the street, provided further that no such sign shall extend over the public street or public sidewalk area.
- 3) No sign shall be higher than the height limit in the district where such sign is located.
- 4) No illuminated signs shall be permitted which utilize flashing lights or allow their lights to be directed onto the highway.
- 5) For signs in the interest of the public information and convenience, the Code Enforcement Officer, upon approval of the Zoning Board of Appeals, may issue a temporary permit for a period to be designated by said Board. Such temporary signs shall be completely removed by the property owner at the termination of any permit for the erection thereof.
- 6) Notwithstanding the foregoing, the sign regulations shall not be interpreted so as to infringe on constitutional rights, and where signs are otherwise permitted, the content of such signs shall not be regulated, except where such content substantially endangers the public health, safety or morals.

**§ 110-18. Stormwater management.**

New land uses and construction shall comply with all applicable requirements of the Town of Plattekill pertaining to stormwater management, erosion and sedimentation. Site plan review applications shall include stormwater pollution prevention plans addressing these requirements.

**§ 110-19. Landscaping regulations.**

A. The Planning Board may, to assure an acceptable buffer

between adjacent residential and non-residential uses and create a healthy, safe and aesthetically pleasing environment in the Town, require a landscape plan be prepared as part of any Special Use or Site Plan Review application. Such a plan may also be required whenever any non-residential use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses. Where it is determined that a proposed Special Use or use subject to Site Plan Review would not have a major impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be modified by the Planning Board to allow for alternative methods of satisfying the purposes of these regulations.

- B. The landscape plan, if required, shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan.
- C. The Planning Board, in reviewing a landscape plan, may employ the assistance of design professionals. The Planning Board shall also specifically consider the following before approving, approving with modifications or disapproving the Special Use or site plan:
  - 1) The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
  - 2) The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
  - 3) The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.
  - 4) The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.
  - 5) The plan should be realistic in terms of maintenance and use materials which, as a minimum, are winter hardy to Zone 4.

Consideration and determination of the adequacy of the above plan requirements are at the Planning Board's discretion.

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- D. Landscaping Guidelines. The following minimum specifications are suggested guidelines that the Planning Board may apply when new landscaping is required:
- 1) The minimum branching height for all shade trees should be six (6) feet.
  - 2) Shade trees should have a minimum caliper of three (3) inches (measured 4 feet above grade) and be at least twelve (12) feet in height when planted.
  - 3) Evergreen trees should be a minimum of six (6) feet in height when planted.
  - 4) Shrubs should be a minimum of 24" in height when planted. Hedges shall form a continuous visual screen within two (2) years after planting.
  - 5) A buffer screen at least fifteen (15) feet in width along any residential lot line should be provided. It shall include, at a minimum, a solid wooden stockade fence six (6) feet in height and one (1) evergreen tree for every fifteen (15) linear feet of property line. An additional row of evergreens meeting these standards, and offset such that each row serves to place trees between the gaps of the other, should be permitted as a substitute for the stockade fence.
  - 6) A landscape strip at least fifteen (15) feet in width, that includes at least one (1) deciduous tree for every 35 linear feet of perimeter lot line should be required for any non-residential use. Such deciduous trees should also be accompanied by smaller shrubs and ground cover as may be required to effectively separate and buffer the activity from the highway but still allow for visibility of the use. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line.
  - 7) All lot area (except where existing vegetation is preserved) should be landscaped with grass, ground cover, shrubs, or other appropriate cover.
  - 8) The preservation of mature shade trees should be required unless there is no alternative but to remove them. These may be used to meet requirements of this section provided the Code Enforcement Officer or Planning Board, as the case may be, determines the purpose of this section is achieved.
- E. A performance bond or guarantee in a form acceptable to the Town Attorney and Town Board in the amount of one-hundred-twenty-five percent (125%) of the cost of materials and installation may be required to assure that all landscaping survives in a healthy condition one (1) full year. The Code Enforcement Officer or Planning Board, as the case may be, shall determine the amount of the bond or guarantee and consider financial impacts of this requirement on the project. The Code Enforcement Officer shall have the right to enter upon the property to inspect the landscaping and, after notifying the owner of any deficiencies, to require that the bond or guarantee be used to pay for the replacement of any dead, dying, diseased, stunned or infested plant materials.
- F. All applicable requirements of these landscaping regulations imposed by the Planning Board shall be fully met prior to the Code Enforcement Officer granting a Certificate of Occupancy for a new building or use subject to these regulations.

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**ARTICLE III**  
**SUPPLEMENTARY REGULATIONS**

**§ 110-20. Bed & breakfasts.**

- A. The ratio of bathrooms to lodging rooms shall be in accordance with the requirements of the Department of Health.
- B. Lodging rooms shall not be equipped with individual kitchens.
- C. Common eating spaces and group kitchens shall conform to all applicable New York State Regulations.
- D. In calculating density, every two lodging rooms, in excess of four, shall constitute the equivalent of one dwelling unit.
- E. There shall be a resident owner, manager or other agent of the owner, residing on the premises at all times.

**§ 110-21. Mixed use projects.**

Where mixed use projects are permitted, a nonresidential use, other than a home occupation, also may include residential uses if the following requirements are met:

- A. Such uses occupy the upper floors or rear of the building.
- B. Such use is not in proximity to or affected by a noxious, hazardous or noisy nonresidential use.
- C. All applicable off-street parking requirements set forth herein are met.
- D. No conversion of retired cooler space for dwelling purposes shall be permitted absent a removal of all aspects that could, in the judgment of Planning Board, deter ingress and egress, unduly restrict light and air or otherwise create conditions contrary to the public health, safety and welfare.

**§ 110-22. Multi-family dwellings.**

- A. Multi-family dwelling projects shall be considered subdivisions, for purposes of financially guaranteeing any site improvements such as roads, infrastructure and common recreational amenities, and also be subject to the requirements of this Law. This classification shall apply to all subdivisions of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Town Planning Board in the manner provided under the Town Subdivision Regulations. The subdivider shall also submit all information required by such Regulations plus the following additional data;

- 1) An application for approval on a form to be supplied by the Town or, in the absence of such form, by a letter or brief from the developer or his or her representative indicating how the development will specifically comply with or meet the criteria set forth herein.
  - 2) A proposed plot plan showing the approximate (generally within five feet) locations of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Law. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Town of Plattekill. Setbacks from property lines, improvements and other buildings shall also be indicated.
  - 3) A schedule or plan and proposed agreement(s) either with the Town or a property owners' association for the purpose of dedicating, in perpetuity, the use and/or ownership of the recreation area and open space required by this Law to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Town that maintenance and use of the property, regardless of ownership, be restricted to either; (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.
- B. The Planning Board shall act on the Preliminary Development Plan and Special Use application concurrently provided an Environmental Assessment is also conducted pursuant to the New York State Environmental Quality Review Act. No building permit shall be issued to the applicant, however, and no building construction shall take place until all conditions attached to the approval of any preliminary Development Plan, shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Approval and the installation or financial guarantee of all site improvements. This requirement notwithstanding, the building permit application shall be made with the Preliminary Development Plan and shall, if granted, be valid for a period equal to that for Preliminary Development Plan approval. If the Preliminary Development Plan shall be rejected no building permit shall be granted.
  - C. Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed



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improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly be completed or guaranteed prior to the applicant's request for Final Development Plan approval. No Certificate of Occupancy (where the same is required) shall, however, be issued until such time as; (1) Final Development Plan approval shall have been granted in accordance with the procedures and requirements of this Law and (2) buildings have been completed and inspected by the Town Code Enforcement Officer.

- D. Complete final building plans shall also be submitted as part of the Final Development Plan Application for review by Town Code Enforcement Officer.
- E. No person shall sell, transfer or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Law, unless and until Final Development Plan approval shall have been granted (unless the improvements shall have been guaranteed), and the Plan has been recorded in the Office of the Ulster County Clerk.
- F. Multi-family dwelling density shall be granted a 100% density bonus above the number of dwelling units per acre which would be permitted within the district if the parcel on which the units are to be constructed were to be developed for one-family detached dwellings with central sewage and central water. Where a project includes both multi-family and other residential elements, the density for each section shall be separately determined with the results combined to yield overall density. Density shall be calculated by taking the total acreage of the development and deducting the following acreages;
  - 1) Land contained within public rights-of-way;
  - 2) Land contained within the rights-of-way of existing or proposed private streets. (where formal rights-of-way are not involved, the width shall be assumed to be fifty (50) feet);
  - 3) Land contained within the boundaries of easements previously granted to public utility corporations providing electrical or telephone service;
  - 4) All wetlands, floodplains, slopes of 15% or greater grade, water bodies and other undevelopable areas;and dividing by the number of proposed units.
- G. All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the benefit and enjoyment of the residents of

the particular units being proposed. No less than 50% of the tract shall be used for this purpose and fees in lieu of dedication may not be substituted for such space. Such open space shall be subject to the following regulations:

- 1) No less than 50% of the open space to be provided (25% of the total tract) shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed. Recreation areas (as distinct from other open space) shall be immediately adjacent (part of the same parcel and contiguous) to the proposed units and freely and safely accessible to all residents of the development. They shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, excepting as provided for in subsection (2) below. They shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over 15% in grade, water bodies or acreage used for improvements such as storm drainage facilities or sewage effluent disposal areas.
- 2) Land designated as open space shall be permanently maintained as such and not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all Development Plans. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density or other zoning requirements shall have been modified to preclude such development.
- 3) Open space areas shall be permanently maintained so that their use and enjoyment as open space are not diminished or destroyed. Such areas may be owned, preserved and maintained by dedication to a property owners association which assumes full responsibility for maintenance of the open space and/or deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, such portion of the open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a portion of the property (for hunting, fishing, etc.) provided the permanence of the open space is guaranteed.
- 4) Whichever maintenance mechanism(s) is used, the developer shall provide, to the satisfaction of the Town

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Board with the advice of the Town Attorney and prior to the granting of any Final Development Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.

- 5) Developments of 50 units or more shall provide one-half acre of playground area per 50 units unless restricted to adult occupancy only.
- H. All multi-family developments shall be served with central or communal sewage facilities and water supplies. Effluent disposal areas shall also be subject to the setback requirements applicable to other multi-family buildings and structures as a minimum.
- I. The following design criteria shall apply to multi-family developments;
  - 1) There shall be no more than ten (10) dwellings in each multi-family building.
  - 2) No structure shall be constructed within fifty (50) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.
  - 3) Access roads through the development shall comply with the Town of Plattekill Private Road Specifications (Chapter A-118). No parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.
  - 4) No multi-family development shall be served by more than one entrance and one exit from any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.
  - 5) Parking spaces of two (2) per unit shall be provided plus, for every two (2) units intended for rental or other transient occupancy, one additional space to accommodate parking needs during sales and other peak visitation periods.
  - 6) No more than sixty (60) parking spaces shall be provided in one parking lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.
  - 7) No structure shall be erected within a distance equal to its own height of any other structure.
  - 8) All multi-family structures of five or more units shall be a minimum of 100 feet from any of the exterior property or boundary lines of the particular project involved and 75 feet from any public right-of-way. Smaller projects shall be subject to 75 feet and 50 feet setback, respectively.
  - 9) Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. Similar buffering of areas adjoining County and State highways shall be required. A landscaping plan shall also be prepared and submitted to the Planning Board for approval.
  - 10) Multi-family developments shall be subject to the stormwater management requirements of the Town of Plattekill Private Road Specifications (Chapter A-118). Facilities shall be designed to accommodate storms of a 25 year average frequency unless a more stringent standard shall be recommended by the Town Engineer or required by other statutes. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Board may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow that can be achieved under the circumstances.
  - 11) All electrical and other utilities shall be placed underground and buried to a depth determined by the Town Engineer as sufficient for safety purposes.
- J. Maintenance of a multi-family project shall be vested in (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5). If the developer shall opt to manage the project or designate a manager, the preliminary application shall include financial statements, a description of previous management experience and other data sufficient for the Planning Board to ascertain the financial responsibility of the manager.
- K. The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses that the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project and enforcement of applicable covenants and restrictions in perpetuity. The Planning

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Board may require that a Certified Public Accountant review such financial data to determine proposed fees are, in fact, adequate to secure maintenance on a continuing basis.

- L. The developer shall, in filing a Preliminary Development Plan, provide a narrative description of how responsibility for maintenance and care of the units and common areas will be assured. A pro forma operating budget for the maintenance organization including a breakdown of the common expense to be borne by the maintenance organization and a separation of long-term maintenance costs from on-going routine maintenance costs shall also be provided. There shall be provided a narrative description of how the developer proposes to assure maintenance of the units and common facilities during any sales program. The Planning Board may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided, for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer.
- M. If the development shall be subject to the New York State statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this subsection such certification shall suffice as to conformance with these requirements.
- N. Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and, moreover, be subject to the provisions of this Law. If the proposed project does involve structural alterations, the Preliminary Development Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

However, the conversion of an existing one-family detached dwelling or single family semi-detached dwelling into not more than three residential units shall be exempt from these requirements, unless such units are intended to be a condominium. This shall not, however, exempt an owner from any requirements of the State Building Code or this Zoning Law as they may pertain to such activities.

### **§ 110-23. Farm labor housing.**

Farm labor housing shall be an accessory permitted use on a farm, subject to compliance with the following requirements:

- A. The housing shall be supported by adequate water supply and sewage disposal facilities in accordance with the standards of the Ulster County Health Department.
- B. The housing shall be in compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and all other applicable laws,

ordinances and regulations applicable to either building construction and/or the operation and maintenance of farm labor/migrant housing.

- C. The housing shall be located on the farm parcel no closer to any adjoining property line than 100 feet. The housing shall be separated from adjoining housing or buildings by a minimum of 50 feet.
- D. The housing density shall be in compliance with the minimum lot area for a principal dwelling unit in the zoning district as set forth in Schedule of District Regulations. For the purposes of this section, 250 square feet of floor space associated with the sleeping area shall be considered one dwelling unit.
- E. The housing shall be removed from the site when the farming operations have ceased for two years and may not be occupied for nonfarm purposes. The property owner shall specifically acknowledge, in writing, this requirement prior to the issuance of a building permit for the intended building or use. Further, the first sentence of this subsection shall be included on the certificate of occupancy.
- F. The host farm parcel shall be not less than 7 acres.
- G. Farm labor housing can include single wide mobile homes of a minimum dimension of 14 feet by 70 feet spaced 35 feet apart.
- H. For any farm labor housing units requiring Site Plan Review, the applicant shall provide to the Planning Board a sketch map or drawing at a scale herein for site plans with the relevant details to determine compliance with these standards. Such map, sketch or drawing shall not be deemed plans or specifications as referred to in the Education Law and need not be sealed by a licensed professional.

### **§ 110-24. Essential services.**

- A. Such uses shall be limited to land and facilities owned and operated by public utilities or municipal or other governmental agencies, such as a special district (also see Definitions).
- B. Such uses shall be so located as to draw a minimum of vehicular traffic to and through residential streets.
- C. The location, design and operation of such uses shall not adversely affect the character of the surrounding residential area.
- D. Adequate fences, barriers and other safety devices shall be provided and shall be landscaped.

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## § 110-25. Commercial and industrial uses.

- A. Light industrial uses in any district where designated shall be permitted, subject to the approval of the Planning Board, when conducted without generating noise, glare, odor, smoke, dust or other environmental nuisances perceptible beyond the property line.
- B. All commercial and industrial uses shall be subject to the procedures for Site Plan Review and special permit use approval set forth elsewhere in this chapter. In its determinations, the Planning Board shall consider traffic access, circulation and parking, disposal of usable open space, arrangement of buildings, landscaping and impact on adjacent uses. The Town Engineer shall report on the adequacy of stormwater drainage. The County Department of Health shall report on waste disposal and any other matters within its jurisdiction.
- C. Commercial and industrial uses in RR-1.5 and AG-1.5 Districts shall be designed to ensure compatibility of uses and minimize impacts on agricultural and residential uses through buffering, setbacks and similar techniques. The Planning Board may require the use of these measures as a condition of Special Use or Site Plan Review approval.

## § 110-26. Commercial design standards.

The Planning Board, in reviewing the site plan for any proposed commercial or industrial Special Use application, shall consider its conformity to the Town of Plattekill Comprehensive Plan and the various other plans, regulations and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the Town in general shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following specific factors in reviewing commercial site plans:

- A. Building design and location. Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the crestlines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to a national franchise concept.
- B. Maximum retail commercial building size. Individual retail commercial structures, not including office, industrial and wholesale facilities, but specifically including membership clubs and any wholesale establishments selling goods directly to the general public, shall be limited to a maximum of 60,000 square feet of gross floor area.

- C. Large commercial buildings. Commercial facades of more than one-hundred (100) feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in roof lines should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks, garbage dumpster facilities and other accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape defined pedestrian walkways breaking up all parking areas.
- D. Lighting and signage. Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred. Lighting shall be shielded to prevent glare and spillover of light onto adjoining properties.
- E. Parking and accessory buildings. Parking areas should be placed in the rear whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.
- F. Drainage systems. Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.
- G. Landscape preservation. Trees, shrubs and other landscaping should be used to buffer or soften a use in terms of visual or other impacts on adjoining property owners. Impacts on other Town residents and visitors, on whom the local economy often depends, should also be considered. Existing landscape features such as stone walls, hedgerows, tree borders and individual large trees should be retained for this purpose and removal should be limited to the area of building or driveway construction unless additional sight-distance is required.
- H. Driveway and road construction. Whenever feasible, existing roads onto or across properties should be retained and reused instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated

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traffic flows.

- I. Construction on slopes. The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multi-storied with entrances at different levels as opposed to regrading the site flat.
- J. Tree borders. New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes and interior access drives that preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders may, at the discretion of the Planning Board, be permitted to recover density on the interior of their property through use of clustering.
- K. Development at intersections. Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.
- L. Streets and sidewalks. Roads and drives that connect to existing streets on both ends are generally preferable to cul-de-sac and dead-end streets and shall ordinarily be used unless traffic safety issues will be mitigated by the use of a cul-de-sac or dead-end street. Streets within more densely developed residential areas (two or more units per acre) should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas and pedestrian access should be encouraged.
- M. Setbacks. New buildings on a street should conform to the dominant setback line and be aligned parallel to the street so as to create a defined edge to the public space. Where commercial or industrial uses of substantial size (not a Minimal Impact Use) adjoin residential properties or districts, the Town may require greater setbacks and landscaped buffered areas than otherwise required herein for purposes of transitioning from one use to the other and protecting the integrity of residential uses.
- N. Utilities. The impact of the proposed use on the capacities of existing sewer and water utilities shall be thoroughly evaluated in terms of both quality and quantity. Where the impact of the proposed new use would substantially consume existing capacities and leave inadequate reserve capacity to deal with seasonal or other needs or pose a threat to the health and safety of any existing water supply, the Town may require the applicant to mitigate the impacts by providing supplementary capacities or taking alternative measures to provide for these needs. The Town may also require the applicant to post performance guarantees in the manner provided in the Town Subdivision Law to ensure that the proper protection mechanisms are in place and will

be maintained in the future. Where mitigation is not possible the use shall be denied.

- O. Sidewalks. All commercial uses within BD Districts in the hamlets of Modena and Plattekill shall comply with the requirements of the Town of Plattekill Sidewalk Law (Local Law No. 2 of 2002, as amended).

**§ 110-27. Outdoor storage of commercial materials and junkyards.**

Outdoor storage of materials and junkyards shall be governed by the following provisions and such other conditions as may be required by the Planning Board to protect the public health, safety, comfort, convenience and general welfare, especially with regard to abutting properties and the occupants thereof.

- A. Fencing and setbacks. All outdoor storage facilities shall be enclosed by suitable screening or fencing as provided by Chapter 60 of this Code or as required by the Planning Board. Such fencing or screening shall not be less than 30 feet distant from all property lines.
- B. Deposit of wastes. No materials or wastes which can, in the opinion of the County Department of Health, the State Department of Environmental Conservation or other agency competent to judge, contaminate surface or subsurface water bodies shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- C. Other hazardous materials. All materials or wastes which might cause fumes or dust, which constitute a fire hazard or otherwise involve hazards to health and safety shall be stored outdoors only in closed containers.

**§ 110-28. Home occupations.**

- A. Home occupations, as defined herein, shall be subject to the following regulations and standards, whether permitted by accessory (Class I) or Special Use (Class II) permit:
  - 1) More than one Class I (Minimal Impact) home occupation may occur on a single residential premises. However, the cumulative impacts must fall within the limits of these standards.
  - 2) The home occupation activity, whether located within the dwelling or in a (customary) accessory structure, shall occupy an enclosed space of no more than 1,000 square feet of gross floor area or 50% of the gross floor area, whichever is less.
  - 3) There shall be no indication of the home occupation from the exterior of the building except for a single sign not exceeding four square feet. Modifications to a structure shall not alter its primary residential character.
  - 4) No outdoor display of goods or outdoor storage of

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equipment or materials used in the home occupation shall be permitted in the front yard of the premises. Such goods, equipment or materials may be displayed or stored elsewhere on the property if appropriately covered by a structure and/or screened by a fence or natural vegetation, provided that any such outdoor storage does not occur within 20 feet of an adjacent property line.

- 5) Not more than two persons other than members of the household occupying such dwelling shall be employed on the residential premises in the conduct of a Class II home occupation. A Class I home occupation shall not employ any nonresidents on the premises.
- 6) Sufficient off-street parking, up to four spaces, shall be provided, in addition to those required for the principal residential use, shall be provided in the case of Class II home occupations. Such spaces shall be accessed from the residence driveway and designed so as to minimize disturbance to adjacent properties, including screening if necessary.
- 7) The home occupation shall be fully consistent with all other provisions of this chapter. When use exceeds standards, the use shall not be considered a home occupation and must be located in a zoning district where the use is permitted by right or by Special Use Permit.
- 8) All Class II home occupations are transferable upon reapplication to the Planning Board for Special Use Permit. Class I home occupations shall be transferable without Planning Board review or Special Use Permit.
- 9) The home occupation shall not utilize substantially more water than a residential use. The home occupation shall comply with all necessary Health Department requirements in regards to the utilization of water or solid waste disposal.
- 10) No home occupation shall exceed the maximum size requirements of this Law. Any home occupation that exceeds these requirements shall, upon notice from the Town of Plattekill, cease and desist all activity related to such use until such time as a permit as provided hereunder for an allowed principal use has been obtained from the Town, the operation has been made to again conform with the applicable limitations for a home occupation or the Code Enforcement Officer's actions have been reversed by the order of a court of competent jurisdiction.

B. The above standards may be modified in the AG-1.5 and RR-1.5 Districts upon determination by the Planning Board that, due to size for the lot, distance from neighboring property lines and residences, capacity of access roads and the presence of vegetation or topographic features, the

proposed home occupation would have no greater impact on the surrounding residential area than if the standards were adhered to. Upon such determination the Planning Board may issue a special permit setting forth specific waivers granted and including all conditions deemed necessary. Such waivers and conditions shall be reconsidered at the same time any future subdivision or site plan application for the property is submitted and may be revoked if such action would change the basis of the original determination.

- C. Applicant shall provide to the Planning Board a sketch map or drawing at a scale of one inch equals 50 feet. Such map shall not be deemed plans or specifications as referenced in the Education Law and need not be sealed by a licensed professional. The drawing shall include site plan information required herein that the Planning Board deems relevant to the special permit use application.

**§ 110-29. Neighborhood stores.**

- A. New buildings in which neighborhood stores are located shall meet all yard and building coverage requirements applicable to all permitted-use buildings in the zoning district in which the neighborhood store is to be located.
- B. At least one off-street parking space shall be provided for each 300 square feet of net retail floor area. In a building containing residential and retail commercial uses (multiple-use building), one additional off-street parking space for each residential use must be provided.
- C. If conducted in an existing residential building, the neighborhood store shall not alter the residential appearance of that building. If in a new building, such building shall conform to the general character of buildings in the vicinity.
- D. The Planning Board may require larger lot areas than the minimum required in the Zoning District, in order to accommodate required spaces and access driveways. Suitable buffering may also be required.

**§ 110-30. Light industrial uses.**

Individual light industrial uses shall be subject to the following area regulations:

Lot area/use (minimum)	5 acres
Building coverage (maximum)	50%

**§ 110-31. Drive-in establishments.**

- A. Off-street parking areas shall be paved in accordance with Town Road Specifications. Parking stalls shall be clearly identified in accordance with the standards specified elsewhere in this article.

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- B. Dumpsters or other waste collection facilities shall be screened and placement shall ordinarily be in rear yards but shall be subject to Planning Board discretion as part of the site plan process.
- C. The drive-in establishment shall be served by a single exit from any entryway to the common parking areas.
- D. A landscaping plan is to be included as part of the site plan.
- E. There must be a sufficient length of driveway so that eight motor vehicles may stack off-street and on-site while waiting for service.

**§ 110-32. Transfers of density rights.**

A. Purposes. This section is intended to:

- 1) encourage the permanent preservation of important farmland and environmentally sensitive areas;
- 2) direct growth to locations where central sewage disposal services are available; and
- 3) provide a voluntary method for landowners to be compensated by the free market to preserve their land.

B. Special definitions.

- 1) **SENDING PROPERTY** -- A lot(s) or portion of a lot that is restricted by a conservation easement or farmland preservation easement as a condition of approval of a higher density on the "Receiving Property" than would otherwise be permitted.
- 2) **RECEIVING PROPERTY** -- A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on the Sending Property through a Conservation Easement.

C. Applicability.

- 1) Owners of Sending and Receiving Properties may voluntarily commit to transfer residential density rights under this Zoning Law. Although the transfer of density rights shall only officially occur at the time of final approval of a subdivision or site plan, the process shall be initiated during the preliminary planning process. The approval of a preliminary plan shall then be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.
- 2) The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Plan

approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.

- 3) The form of the Conservation Easement shall be acceptable to the Town Board based upon review by the Town Attorney and Planning Board. The term "Conservation Easement" shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the Ulster County Agricultural and farmland Protection Board may be utilized. The easement shall limit the development of the Sending Property to agricultural and open space uses and associated accessory activities and any residual residential density not transferred to the Receiving Property.
- 4) A Sending Property shall be within the AG-1.5, RR-1.5 or M-3 Districts. A Sending Property shall have a minimum lot area of 10 acres.
- 5) A Receiving Property shall be within the RR-1.5, RS-1, HR-1, BD-40, BD-60 or GB-80 Districts.
- 6) Once a Conservation Easement is established it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Town shall be under no obligation to pay the owner of the Sending Property.
- 8) The right to develop a Sending Property may also be purchased by or donated to an established incorporated nonprofit conservancy organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall, in such case, be established on the Sending Property at the time of such purchase or donation. The right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).

D. Determination of density.

- 1) Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each

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property under Town regulations without any transfer of development rights. Detailed percolation tests are not required on all potential lots but deep pit soil testing may be required in areas of suspected marginal soil types for subsurface sewage disposal.

- 2) Such Yield Plans shall be reviewed by the Town Planning Board, with advice by the Town Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Planning Board to revise such Yield Plan.
  3. Based upon the Yield Plans, permission to develop a number of dwelling units may be transferred from the Sending Property to the Receiving Property. The potential to develop some or all of the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.
  - 4) If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property. The development of the Receiving Property shall still comply with all other requirements of this Zoning Law, except for the maximum density, which shall be regulated by this Section.
  - 5) The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Town Planning Board based upon the Yield Plan, provided that density shall not be increased by more than 50% under any circumstance. Yard requirements may also be reduced, but in no instance to less than twenty (20) feet for the front yard and ten (10) feet for the side and rear yards, except in instances where zero-lot line development is proposed with compensating yards on the opposite side. Also, no more than 35% of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.
  - 6) Utilities. To receive a transfer of density rights, all lots of less than one acre on the Receiving Property shall be served by a central or communal sewage system.
  - 7) The transfer of density rights shall not be combined with incentives concerning Conservation Subdivision development.
- E. Once a conservation easement is established under a

transfer of density rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or site plan approval. The Planning Board may extend time limits to complete the development of the Receiving Property in response to a written request.

- F. As part of a transfer of density rights, the development of the Receiving Property shall comply with all Town of Plattekill zoning requirements, except for provisions specifically modified by this section.

### **§ 110-33. Funeral homes/mortuaries.**

Funeral homes and mortuaries shall be required to provide driveways and off-street parking areas sufficient to permit the off-street assembling of funeral processions, so as to avoid congestion of adjoining streets.

### **§ 110-34. Manufactured homes and parks.**

Manufactured homes and manufactured home parks shall be subject to Chapter 68 of the Town of Plattekill Code, provided that new manufactured home parks shall comply with the open space standards applicable to Conservation Subdivisions hereunder. Notwithstanding this, a manufactured home park shall not be considered a Conservation Subdivision and no density bonuses shall apply. The following are the applicable lot design standards for manufactured home parks:

- A. The minimum lot area for each manufactured home unit shall not be less than 8,500 square feet
- B. There shall be a minimum front yard of 20 feet, a minimum rear yard of 30 feet and a minimum side yard of 15 feet on each side, for a total combined minimum side yard of 30 feet.

### **§ 110-35. Active adult and senior care communities.**

- A. The minimum size parcel required for the development of senior care communities (see definition) shall be two (2) acres or three-thousand (3,000) square feet for each residential accommodation or living unit within the establishment, whichever is greater. Such density shall be determined after deducting all floodplains, wetlands, slopes over 15%, rights-of-way and improved roads.
- B. The applicant shall provide the Town with copies of all required state and federal construction and operation licenses and permits for their review.
- C. Where on-lot sewage disposal is proposed, a suitable secondary or replacement area shall be located and designed. Site plans for such projects shall provide adequate landscaping, storm drainage, sewer and water facilities, parking and buffering of adjoining properties.



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Such projects shall also meet the following development standards:

Minimum Lot Width	200 feet
Minimum Front Yard	50 feet
Minimum Rear Yard	50 feet
Minimum Side Yard	30 feet
Maximum Building Height	40 feet*
Maximum Lot Coverage	50%
Maximum Building Coverage	30%
Parking Spaces Required	1 space per unit

\* Provided there is no enclosed habitable space above 25 feet.

- D. Any permanent residential housing unit shall meet all applicable requirements for the respective type of housing structure within the respective Zoning District. However, in the case of elevator-served projects restricted to occupancy by persons of fifty-five (55) years or more in age where safety and twenty-four hour security are critical and can only be provided effectively by including the units in a single building with a controlled access, the above requirements only shall apply and there shall be no limit on the number of dwelling units per structure.
- E. Age-restricted active adult retirement communities (see definition) and senior care communities involving any combination of permanent units, independent living units and units accompanied by supportive care services, shall be subject to the following regulations:
- 1) In no event shall any person under the age of nineteen (19) permanently occupy a unit in an active adult community. However, such age restrictions shall not apply to employees of the Homeowners Association performing substantial duties related to the management or maintenance of the community; persons who are necessary to provide a reasonable accommodation to disabled residents of the age of 55 years or older; a spouse or domestic partner of an individual who is of the age of fifty-five years or older or a child at least nineteen (19) years or older, who is residing with his or her parent(s) who is of the age of fifty-five (55) years or older. A deed restriction that enforces the foregoing requirement shall be provided in a form acceptable to the Town and be included in every deed conveying title to each unit.
  - 2) Consideration shall be given to the special needs of older persons in planning walks, ramps and driveways. Gradients of walks shall not exceed 10% and single riser grade changes in walks shall not be permitted without Planning Board approval. All outdoor areas available to the residents shall be designed so as to permit residents to move about freely.
  - 3) The design and location of all buildings, recreational

facilities and other site improvements shall be consistent with the ultimate purpose of achieving pleasant living arrangements for persons 55 years of age or older, and shall contemplate the desires and needs of such persons for privacy, participation in social and community activities and accessibility to all community facilities.

- 4) All active adult housing units of an independent living nature, whether single-family, two-family or multi-family, shall be designed in accordance with the Conservation Subdivision regulations of this chapter (see § 110-48).

**§ 110-36. Adult uses.**

- A. Findings. There are presently, in various portions of Ulster County and environs, a number of adult entertainment uses. Based upon recent studies evaluating the nature and extent of adverse secondary effects caused by such adult uses in residential and commercial areas, including a 1996 study by the City of Newburgh, a 1994 study by the City of New York, and a 1980 study by the City of Islip, the Town of Plattekill Town Board hereby finds that adult uses have negative secondary impacts such as a deterioration of community character and quality of life, depreciation of property values, increase in crime rates, and the blighting or downgrading of surrounding neighborhoods and commercial uses.
- B. Purpose. In the development and execution of this Section, it is recognized that there are some adult uses which, because of their very nature, are recognized as having serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods or land uses, increase crime or police calls, contribute to the spread of prostitution and AIDS, increase the quantity of transients in residential and commercial areas, cause a deterioration in the quality of life in residential neighborhoods, increase the accessibility of adult oriented material and entertainment to minors, and encourage residents and businesses to locate elsewhere.
- C. Definitions. As used in this Law, the following terms shall have the meanings indicated:

**Specified Sexual Activities**

- 1) Human genitals in a state of sexual stimulation or arousal; or
- 2) Acts of human masturbation, sexual intercourse or sodomy; or
- 3) Fondling or other erotic touching of human genitals,

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pubic region, buttocks or female breast.

Specified Anatomical areas

- 1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately about the top of the areola; or
- 2) Human male genitals in a discernible turgid state even if completely and opaquely covered.

D. Location Standards. Adult uses shall be permitted in the GB-80 District subject to Special Use standards and the following additional Site Plan Review criteria:

- 1) No adult use shall be located within a five hundred (500) foot radius of any residence or other residential or commercial zoning district.
- 2) No adult use shall be located within a one thousand (1,000) foot radius of the property of any church, synagogue, mosque or other place of religious worship.
- 3) No adult use shall be located within a one thousand (1,000) foot radius of any school, park, civic or youth oriented center, playground or playing field.
- 4) No adult use shall be located within a five hundred (500) foot radius of the property of another adult use.
- 5) The proposed adult use shall not be contrary to the public interest or injurious to nearby properties.
- 6) The proposed adult use shall not be contrary or injurious to any program of neighborhood conservation or improvement, either residential or nonresidential.

E. Exterior Display Prohibited. No adult use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

F. Touching and Close-In Entertaining Prohibited. It shall constitute a violation of this Section for any entertainer in an adult use facility, as defined in Subsection C above, to perform closer than six (6) feet from the nearest patron.

**§ 110-37. Reserved.**

**§ 110-38. Veterinarian's office.**

In the HR-1 District there shall be no provision for boarding animals, other than those which have received treatment. In HR-1 Districts animals shall have no access to the outdoors during their confinement in the veterinarian's office. Areas in which

animals are confined shall be soundproofed. Offices in the AG-1.5 and RR-1.5 Districts may provide access to the outdoors.

**§ 110-39. Sawmill operations.**

All principal and Special Use sawmills shall comply with the following:

- A. The sawmill hours of operation will be determined based upon noise, lighting, traffic, size of the property, the machinery to be utilized, whether the machine(s) will be enclosed in a building, etc.
- B. The sawmill operation Type A shall only be permitted on a lot which is one or more acres in size.
- C. The sawmill shall be in conformity with Chapter 73, Noise, of the Code of the Town of Plattekill.
- D. Ingress to and egress from the property on which the sawmill is located shall comply with New York State standards of site distance. Driveway permits will be required from the appropriate agency.
- E. Logs, lumber and sawmill waste materials shall be located no less than 75 feet from the perimeter property lines of the site.
- F. All sawmill refuse materials shall be disposed of properly.
- G. The sawmill shall meet the setback requirements of the zone it is located in.
- H. The sawmill shall not create any conditions which are injurious or hazardous to the public or detrimental to the character of the surrounding neighborhood.
- I. Sawmills milling in excess of 2,000 board feet of lumber per day shall also be subject to the following:
  - 1) Such sawmill operation shall function only during Monday through Saturday and shall be closed the following holidays: Memorial Day, Labor Day, July Fourth, Thanksgiving, Christmas and New Year's.
  - 2) Notwithstanding Subsection P(2) above, such sawmill operation shall only be permitted on a lot which is four or more acres in size.
  - 3) Primary vehicular access to such sawmill operation shall be by a street in the collector, arterial, county or state roadway system or other street in which, in the opinion of the Planning Board, the traffic generated by said use will not adversely affect existing or potential development in the area.

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**§ 110-40. General BD-40 District standards.**

**A. Lot requirements.**

- 1) The minimum lot area/use for the first use shall be 40,000 square feet. There will be no lot acreage restrictions for each additional use, provided that the applicant for commercial use can demonstrate that the project will meet the applicable width, building coverage, height and front, side and rear yard requirements, receive Ulster County Health Department approval and meets all applicable regulations or laws of any governing agency.
  - 2) If any structure is used wholly or partly for a dwelling purpose, hotel, motel, living quarters or other housing accommodations other than by one person acting as a janitor or caretaker, the lot shall comply with the lot acreage, width, building coverage, height and front, side and rear yard requirements found in RS-1 Residential District Zone for the type of dwelling proposed.
- B.** Building coverage will be a portion of the total area of the lot so that each rear yard is not less than 50 feet in depth and each side yard is not less than 40 feet in width, except that the side yards of buildings in relation to buildings located on the same lot shall be a combined distance of 20 feet in width. Building coverage shall not exceed 25% of the total lot area.
- C.** Building shall be set back a minimum of 50 feet from the adjacent edge of the highway right-of-way, and no parking shall be within 20 feet of the highway right-of-way.
- D.** Building height (maximum): 2 and 1/2 stories or 35 feet.
- E.** There shall be no vehicular access within 75 feet of any school building, playground entrance or church building, measured from the edge of pavement to the nearest portion of any building, structure or playground.
- F.** Dumpsters or other waste collection facilities shall be screened and placement shall ordinarily be in rear yards but shall be subject to Planning Board discretion as part of the site plan process.
- G.** Buffer. It shall be the responsibility of the owner to maintain a suitable planting a minimum of 10 feet deep along each side and rear lot line where a nonresidential use abuts a residential use, as approved by the Planning Board as part of the site plan process.

**§ 110-41. Communications centers/towers.**

- A.** No commercial communications tower shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing

structure shall be modified to serve as a commercial communications tower unless in conformity with regulations.

- B.** Site plan. An applicant shall be required to submit a site plan as required herein. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
- C.** Supporting documentation. The Planning Board shall require that the site plan include a completed visual environmental assessment form (visual EAF; available from the Planning Board) and documentation on the proposed intent and capacity of use as well as justification for the height of any tower or antenna and justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this subsection and the following requirements.
- D.** Shared use of existing towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
- 1) An applicant proposing to a shared use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
  - 2) The Planning Board may consider a new commercial communications tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documentation of the physical and/or official reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- E.** Shared usage of site with new tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection D-1 and D-2 above. Any new commercial communications tower approved for an existing tower site shall be subject to the standards of Subsections 7 through 14 below.
- F.** New tower at a new location. The Planning Board may consider a new commercial communications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of an existing tower site is impractical and submits a report as described in

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Subsection 4-b above.

G. Future shared usage of new towers.

1) The applicant must examine the feasibility of designing a proposed commercial communications tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:

- a) The number of Federal Communications Commission (FCC) licenses foreseeably available for the area.
- b) The kind of tower site and structure proposed.
- c) The number of existing and potential licenses without tower spaces.
- d) Available spaces on existing and approved towers.
- e) Potential adverse visual impact by a tower designed for shared usage.

2) Further, the applicant will demonstrate that the collocation will be offered at a fair and equitable rate in order to encourage rather than discourage collocation.

H. Setbacks for new towers. All proposed commercial communications towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all icefall or debris from tower failure and preserve the privacy of adjoining residential properties.

1) All tower bases must be relocated at a minimum setback of the following, whichever is the greater, from a property line at a distance at least equal to the tower height or the distance between the tower base and guy wire anchors or the minimum setback of the underlying zoning district or a minimum setback at a distance which shall be established in the sole discretion of the Planning Board based on the unique characteristics of the site requirements of this subsection, which may be increased at the discretion of the Planning Board.

2) Accessory structures must comply with the minimum setback requirements in the underlying district.

I. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing

tower. Construction of a new tower or modification of an existing tower shall be subject to the relevant guidelines and criteria below that are determined by the Planning Board to be appropriate.

1) Assessment of before and after views from key viewpoints both inside and outside of the town, including state highways and other major roads, from state and local parks, other public lands, from any privately owned preserves and historic sites normally open to the public and from any other location where the site is visible to a large number of visitors or travelers.

2) Assessment of alternative tower designs and color schemes, as described in Subsection 10 below.

3) Assessment of visual impact of the tower base, guy wire, accessory buildings and overhead utility lines from abutting properties and streets.

J. New tower design. Alternative designs shall be considered for new towers, including single pole structures. The design of a proposed new tower shall comply with the following:

1) Unless specifically required by other regulations, all towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have. The applicant is to provide a maintenance plan for the town to include painting, how the paint will be applied, frequency, maintenance of grounds, buildings and other.

2) The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and /or regulation.

3) Any new tower shall have the minimum height needed to provide future shared usage, but artificial lighting of any kind shall be prohibited.

4) The Planning Board will request a review of the application by a qualified structural engineer for evaluation of need for design and stability of the ground to support any new tower.

5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

6) Communication tower heights shall be proportional to their surroundings so as not to dominate a given landscape. Where a tower will protrude above the height of existing tree canopy by more than twenty (20) feet, the Planning Board may require the use of

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camouflaging and similar techniques to minimize the visual impact of the structure. Specific plans for the styling and maintenance of such camouflaging shall be submitted for review and approval in such instances.

- K. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at height of four feet off the ground) shall take place prior to approval of the special permit. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
- L. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
- M. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- N. Signs. No tower shall be used for or have placed upon it any type of sign, except warning signs needed for public safety.
- O. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, unless that applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.
- P. Applicant is to provide a plan of action which will outline the disposition of the tower if it is abandoned, damaged or destroyed. Specifically the applicant will provide time frames for removal, repair of damaged towers and removal or sale of abandoned towers.
- R. Maintenance and/or performance letter of credit. The Town Board requires the applicant and/or owner to post and file with the Town Supervisor prior to approval of any application and/or license a maintenance and/or performance letter of credit in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime. The amount required shall be

determined in the sole discretion of the Town Board, based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Town Board prior to approval of any application and/or license to accomplish the foregoing.

- S. In cases where the access to the tower includes a town road, the applicant and/or owner shall be required to post a performance letter of credit with the Town Board. Said letter of credit will be used to repair any damages to town roads that might occur during the construction of the tower. The applicant and/or owner is to supply the Highway Superintendent with a list of all equipment and vehicles and their respective weights that will be utilized during the construction, including a construction schedule and any other information required by the Highway Superintendent to determine potential damage to town roads. The Highway Superintendent will recommend to the Town Board an amount of the letter of credit to operate said tower in accordance with the requirements of this subsection. Said letter of credit shall be posted and filed with the Town Supervisor prior to any final approvals being granted.
- T. Simultaneously with the filing of an application for a Special Use Permit as required by this subsection, the applicant and/or owner shall file an application for a license in the form approved by the Town Board. Approval of said license application and the issuance of a license, subject to approval of a Special Use Permit, shall be a requirement which must be fulfilled by the applicant and/or owner prior to approval and receipt of a Special Use Permit required under this law. This license application may be obtained from the Town Clerk, and the license, which shall expire one year after its issuance, must be approved by the Town board and renewed by the Town Board on an annual basis. The applicant shall be required to pay an annual fee, the amount of which shall be determined by the Town Board in its sole discretion based on the unique characteristics of the site and taking into consideration the cost of its implementation and processing.

As part of the application for said license, the applicant shall file with the Town Clerk proof of causality and liability insurance in a form and amount which shall be determined and approved by the Town Board in its sole discretion. Said insurance must remain in full force and effect during the term of the license. Termination of insurance shall result in the immediate revocation of this license, and revocation, suspension and/or expiration of said license shall be immediate grounds to vacate, rescind and set aside the applicant's authority to operate said tower.

In the event that the town determines that due to termination of insurance and/or for any other cause which shall include the applicant's failure to abide by any of the conditions of the Special Use Permit or any provision of this subsection,

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applicant and/or owner shall be entitled to five days' notice to remedy the defects after which, in the event applicant and/or owner does not correct the defect complained of, this license shall terminate immediately. Termination of said license shall be grounds to immediately revoke the Special Use Permit, and any action taken shall be in the sole discretion of the Town Board.

## **§ 110-42. Planned business parks.**

A Planned Business Park may be established within any RR-1.5 or BD-40 or BD-60 District as a Special Use.

A. Purposes. The purpose of the Planned Business Park is:

- 1) To provide a planned area with sufficient space to accommodate the region's expected future business and manufacturing growth requirements. This district will provide a location for the establishment of light manufacturing enterprises, the transaction of business, the rendering of professional services or other services involving stocks of goods, ware or merchandise.
- 2) To protect and buffer abutting uses by establishing setbacks, providing off-street parking and loading/unloading areas and requiring landscape screening and interplantings of new landscape materials between existing trees.
- 3) To minimize the danger of fires, explosions, toxic and noxious matter, radiation, offensive noise, vibration, smoke, odor and other objectionable influences or hazards.
- 4) To promote a well considered plan that protects the character of the area and established patterns in adjacent development, thereby maintaining land values and protecting the tax base.

B. Special Definitions. The following special definitions shall apply to Planned Business Parks:

- 1) Manufacturing, Basic Industrial: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new materials, including, but not limited to; the manufacturing or transformation of materials for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving the storage of hazardous materials or the generation of hazardous waste products or other environmentally regulated processes.
- 2) Manufacturing, Light: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products that require special permits or special

handling, or other environmentally regulated processes (not including ordinary permits for items such as sewer, water or stormwater). Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

C. General Procedure. A Planned Business Park shall require Special Use approval. The application shall include, in addition to other applicable requirements, the following:

- 1) A Traffic Impact Study conducted under New York State Department of Transportation and Institute of Transportation Engineers guidelines.
- 2) An Environmental Impact Assessment conducted under SEQRA.
- 3) A report describing the anticipated uses within the Planned Business Park and setting forth the design specifications, management techniques and covenants and restrictions that will be employed to ensure performance standards set herein be met.

D. Procedure Applicable to Individual Uses in Planned Business Park

The following uses shall be permitted within a Planned Business Park once a Special Use Permit and a final subdivision plan approval have been granted by the Planning Board:

- 1) Principal Permitted Uses. The following shall be permitted as Principal Permitted Uses in Planned Business Park:
  - a) Apparel and upholstery manufacturing.
  - b) Business and professional offices.
  - c) Electronic assembly, manufacturing and distribution.
  - d) Electronic data processing and back office operations.
  - e) Furniture, woodworking and glass products manufacturing.
  - f) Government offices.
  - g) Health care facilities and medical offices.

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- h) Hotels and associated amenities such as restaurants.
  - i) Processing/packaging of flavorings and fragrances, health care products and packaged retail goods (where such processes do not involve air emissions or require Federal or State permits for the same).
  - j) Plastic product molding and fabricating.
  - k) Printing facilities.
  - l) Processing and fabricating of agricultural, food and kindred products; including wood products manufacturing; excluding feed milling facilities, sawmills, tanneries and slaughterhouses.
  - m) Research and development facilities.
  - n) Small appliance and light metal fabrication, including tool and die manufacturing, production of other small metal parts and manufacturing of medical equipment.
  - o) Warehouse and distribution facilities.
  - p) Wholesale businesses.
  - q) Production greenhouses.
- 2) Permitted Uses Subject to Site Plan Review. The following uses shall be permitted within Planned Business Parks subject to Site Plan Review, unless prohibited by subsection 4) following:
- a) Other operations, not listed above, that involve assembling, disassembling, repairing, fabricating, finishing, packaging or processing operations of a light manufacturing nature, not including vehicle or other industrial salvage or recycling.
  - b) Other operations, not listed above, that involve office, professional or service oriented businesses.
  - c) Facilities involving more than 100,000 square feet of building area.
  - d) Facilities and operations, from above, that involve outdoor storage or stockpiling of materials used in production or held in inventory.
  - e) Operations generating average daily traffic of 1,500 or more trip ends.
- 3) Permitted Accessory Uses. The following uses shall be permitted as Accessory Uses to Principal Permitted Uses and uses subject to Site Plan Review in Planned Business Parks:
- a) Garages, warehouses and enclosed storage facilities.
  - b) Fuel storage.
  - c) Off-street loading and parking.
  - d) Communications facilities.
  - e) Nursery schools or day care facilities primarily serving on-site businesses.
  - f) Recreation and cafeteria facilities for company employees and families, including trails, picnic areas, recreational areas and public access facilities open to the general public.
  - g) Retail outlets connected with on-site manufacturing or processing operations.
  - h) Signs.
  - i) Water and sewage treatment facilities, pump houses, water towers, fire protection monitors, and other auxiliary installations.
  - j) Other accessory structures and uses customarily associated with Special and Principal Permitted Uses listed above.
- 4) Prohibited Uses. The following uses are prohibited in Planned Business Parks:
- a) Fuel distribution or processing operations.
  - b) Junk yards, recycling facilities, salvage operations and solid waste disposal facilities.
  - c) Mini-storage facilities (mini-warehouses) for consumer use.
  - d) Extractive uses or the processing of materials generated by such uses.
  - e) Storage yards for forest products and stone.
  - f) Addiction treatment centers/clinics.
  - g) Vehicle sales, supply and service facilities (except accessory activity).
  - h) Basic industrial manufacturing facilities.
  - i) Truck terminals.
  - j) Other uses not complying with this Section.
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- E. Standards Applicable to Planned Business Parks and Uses Permitted. The following standards shall apply to Planned Business Parks and individual uses permitted within such parks:
- 1) The outdoor storage of goods or materials, open sided covered structures, truck loading and unloading areas and all equipment, electrical substations, and mechanical devices shall be shielded from view from any public highway.
  - 2) All electric, telephone, telecommunications, and other service lines shall be underground or routed along the rear of lot lines wherever possible.
  - 3) No land or structure in the district will be used, occupied or operated in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions that may affect other properties. All uses shall comply fully with performance standards of this Law pertaining to noise, lighting, odors, vibrations, smoke and related matters regulated thereunder.
  - 4) A management plan and covenants and restrictions for the Planned Business Park to ensure long-term maintenance of properties and improvements, address hours of operation and deal with other matters potentially having an impact on adjoining properties, shall be submitted for review and approval by the Town Planning Board at the time the land development plan for the Park is processed.
  - 5) On street parking on public highways or access roads within the Planned Business Park shall not be permitted under any circumstance.
  - 6) Landscape and Design Requirements. Landscape and building design requirements to be incorporated in project covenants and restrictions shall be developed and submitted for approval by the Planning Board at the time the land development plan is processed. Accessory buildings shall comply with all setback, screening and facade design requirements applicable to principal buildings. Landscaping shall, at a minimum, meet the following requirements:
    - a) A landscaped planting screen of no less than 50 feet in width shall be required along the border of the Planned Business Park with any adjoining dwelling within 200 feet of the property and any public highway. Such buffer area shall substantially screen proposed structures from view within a period of five (5) years. Existing trees and vegetation shall be maintained where ever possible in such buffer areas and interplanted as may be necessary to accomplish screening objectives.
    - b) Landscaping, trees and plants (native species) required by these regulations shall be planted in a growing condition according to accepted horticultural practices and maintained in a healthy growing condition. Screening improvements required by these regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot. Any landscaping, trees and plants that are not in a condition to fulfill the intent of these regulations shall be replaced by the property owner during the next planting season. 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.
    - c) To the extent practical and possible, existing trees, vegetation and unique site features, such as stone walls, shall be retained and protected. Existing healthy trees with a minimum two-and-one-half inch caliper measured three (3) feet from the base, if properly located, shall be fully credited against the requirements of these regulations. However, additional interplantings may be required by the Town to increase the effectiveness of a buffer. Where no existing trees or landscaping exist, a new shade tree having a minimum caliper of two and one-half (2-1/2) inches measured three (3) feet from the base shall be planted within the front landscaped area for every forty (40) feet or fraction thereof of lot frontage.
    - d) Parking areas of 50 or more off-street parking spaces shall have at least ten (10) square feet of interior landscaping within the paved portion of the parking area for each parking space and at least one (1) tree with a minimum two-and-one-half-inch caliper for every ten (10) parking spaces or fraction thereof. Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall be planted with grass or shrubs and shall include at least one (1) tree of not less than two-and-one-half-inch caliper. A landscape area shall be provided along the perimeter of any parking area except that portion of the parking area that provides access.
  - 7) Development Standards. The following development standards shall apply to Planned Business Parks.
    - a) A Planned Business Park shall be a minimum of 10 acres in size.
    - b) Individual lots within a Planned Business Park shall be a minimum of three (3) acres in size. This shall not apply, however, to lots used for the purpose of locating utility structures.



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- c) No lot, other than a utility(e.g. well) lot, shall have less than 200 feet of lot depth or 200 feet in lot width.
  - d) No lot, other than a utility lot, shall have any side yard on any side of less than 50 feet. Such yards shall be increased to a minimum of 100 feet along the periphery of a Planned Business Park, except where such Planned Business Park adjoins another such business park or a commercial or manufacturing uses.
  - e) Structures within Planned Business Parks shall not exceed a height of 45 feet, except for communications towers otherwise regulated herein and unoccupied areas used for mechanicals, elevators, antennas and industrial processes, which shall be limited to a maximum of 75 feet. Structures over 35 feet in height shall require evidence from the local fire department that substantiates capacity to provide fire protection services related to the structure.
  - f) Structures in excess of 45 feet in height, notwithstanding the limitations above, may be approved on a Special Use basis, to ensure that all fire safety and aesthetic issues are addressed.
  - g) Individual lots within Planned Business Parks shall be limited to a maximum lot coverage of 75%, provided the total lot coverage for the Planned Business Park shall not exceed 50%.
  - h) No land disturbance shall be permitted in advance of approvals of the Planning Board.
- setback of the residential structures from the adjoining lot line with the campgrounds, the nature of the property located between the camping spaces or areas and the adjoining uses (woods or clear fields) and the required placement of appropriate improvements buffers (including fencing and natural buffers) to diminish any impact created by the placement of camping spaces or areas at 50 feet from the property line to the existing residences. The outlined setback provisions shall be utilized and take precedence over the Schedule of District Regulations.
- 3) Parking spaces for automobiles shall be 30 feet long and 12 feet wide with an eight-foot-wide strip of gravel, if necessary. Parking spaces for automobiles with trailers shall be 50 feet long and 14 feet wide with a ten-foot-wide strip of gravel, if necessary.
  - 4) Campgrounds with more than 100 spaces may have as accessory uses laundromats, retail stores, clubhouses, snack bars, game rooms, recreational facilities as necessary to allow for the recreational use, camping cabins and other accessory uses and structures common to modern campground operations. Accessory uses of a recreational nature and or accessory structures of a recreational nature shall not be located within 100 feet of any property line. Accessory uses as it pertains to recreation uses and/or facilities as used in this section shall not include racing facilities and/or tracks for motorized or nonmotorized uses, theme parks and/or pay-per-event concerts. In addition to the restriction on pay-per-event concerts, "free" concert events are restricted to registered overnight guests of the campground. All accessory uses shall be primarily for the use of the campers
  - 5) Interior roads shall be a minimum of 12 feet wide for one-way traffic and 20 feet wide for two-way traffic, with no parking permitted on the roadway. Such interior roads shall be easily traversable and have a well-drained surface. If necessary, provisions shall be made for dust control.
  - 6) At least 10% of the gross acreage of any campground shall be used for recreational purposes and/or preserved as open space. All buffer areas required along property lines by this section shall be credited toward this 10% requirement as open space only. Recreational uses shall not be located in buffer areas.

**§ 110-43. Campgrounds.**

**A. Campground design standards.**

- 1) Each camping space shall be at least 1,500 square feet in area and 30 feet in width. There shall be an average of no more than eight camping spaces per acre for any campground (gross density including open spaces). The maximum occupancy of the campground shall be determined by multiplying the number of approved camping spaces by a factor of six.
  - 2) No camping space or area shall be located within 50 feet of any property line. The Planning Board, in the exercise of its discretion, may increase that setback up to a maximum of 100 feet. The intention of the setback is to create a minimum division of 100 feet from residential structures which should ordinarily occur with the use of a fifty-foot setback. The Planning Board, in exercising its discretion, should review the general layout of the proposed campground and camping spaces, its proximity to residential structures, the
- B. Occupancy by any individual or group of individuals in any form of permitted temporary, movable or portable shelter shall be for a period of not longer than 90 days in any twelve-month period.
  - C. No electrical outlets will be required for individual camp spaces except for those provided for recreational vehicles. All electrical installations, whether for individual camp spaces or other, shall be in conformance with town, county,

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state and/or federal regulations.

D. Sanitation facilities shall be furnished in accordance with the town, county, state and/or federal agency regulating such facilities and with the following minimum specifications:

- 1) One toilet for each sex for each 10 spaces shall be provided within 300 feet of each camping space. A minimum of two toilets for each sex shall be provided.
- 2) Urinals shall be provided. Up to 1/2 of the male toilets may be urinals.
- 3) Showers shall be provided and must be served with hot and cold or tempered water between 90° F. and 110° F. and be available at a ratio of two showers for each 50 spaces for each sex.
- 4) Slop sinks or basins and laundry tubs with water supply shall be provided to serve each 50 spaces.
- 5) Each toilet and shower for which provision is made in subsections above shall be in a private compartment or stall.
- 6) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.
- 7) Where individual water hookups and sewage disposal facilities are provided, the ratio shall be one toilet and lavatory for each sex for every 40 spaces, within 500 feet of each space.
- 8) At least one recreational vehicle sanitary dumping station shall be provided at campgrounds that provide space for recreational vehicles.

E. Service buildings housing sanitation facilities shall be constructed and maintained in accordance with the following specifications:

- 1) They shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- 2) The service building shall be well lighted at all times of the day and night, shall be well ventilated, with screened openings, shall be constructed of such moisture proof material, which may be painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of at least 68° F. during the period from October 1 to May 1. The floors of the service buildings shall be of concrete or similar materials, elevated not less than four inches above grade, and shall slope to a floor drain located in each room.

3) All service buildings and the grounds of the site shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

F. Facilities shall be provided and maintained for the satisfactory disposal or treatment and disposal of sewage in accordance with applicable regulations of the Ulster County Department of Health or the New York State Department of Environmental Conservation, whichever shall have jurisdiction.

G. One outdoor water faucet shall be provided for every 10 camping spaces not designed for recreational vehicles. Such water supply source shall be within 250 feet of the camp spaces.

H. Flytight, watertight, rodent proof containers shall be provided within 100 feet of each camping space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

I. Each camp space shall be marked for identification and such markers shall be easily readable from the interior road.

J. Provision shall be made for drainage of surface water so as to prevent accumulation of stagnant water. Each camp space shall be graded so as to provide proper drainage.

K. Cooking shelters, campfires, barbecue pits, fireplaces, woodburning stoves and incinerators shall be so located, constructed, maintained and used so as to minimize fire hazard and smoke nuisance both on the individual campground used and on neighboring property. No fuel shall be used and no material burned which emit dense smoke or objectionable odors. No campfires shall be allowed at any campground within 100 feet of a property line of a residential structure existing at the time of site plan approval of the campground.

L. All lighting systems and or illuminated signs shall be directed away or shielded from adjoining properties.

M. No swimming pool shall be located within 100 feet of any property line. Pools and structures associated with the pool shall be completely enclosed by a permanent fence. Installation of pools and associated structures shall be done in accordance with all local, county, state, and/or federal laws or regulations.

N. A copy of the site plan identifying each camp space, roadways, recreational areas, buildings and facilities and potential water supplies for fire protection shall be provided to the Chief of the Fire Department providing fire and ambulance services to the campground. The Fire Chief shall review and provide comment on any aspects of the site which might delay or prevent response of emergency services.

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- O. A site map of the facility identifying interior roadways, individual camp spaces and accessory buildings shall be located at the entrance to the campground.
- P. An operational manual shall be provided with the site plan that shall outline the campground rules and regulations for campers, operating procedures of the camp site and fire safety rules and regulations. Fire safety rules and regulations shall be supplied to each camper and posted conspicuously. Said fire safety rules and regulations shall include:
- 1) The 911 number to dispatch fire, ambulance and/or police services.
  - 2) The telephone number, street address of the campground and location of the camp space.
  - 3) Location of the nearest public telephone.
  - 4) Evacuation plans.
- Q. Liquefied petroleum (LP) gas storage. Storage of bulk LP gas and individual LP gas containers and construction of LP gas filling stations shall be in compliance with National Fire Protection Association (NFPA) regulations and with local, state or federal guidelines. No bulk storage container for LP gas or LP gas filling stations shall be located closer than 100 feet from any property line.
- R. Exposed ground surfaces in all parts of every camping area shall be paved or covered with stone screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of minimizing dust.
- S. Interior roads shall be properly related to topography. The surface and maintenance of interior roads shall be such to provide a smooth, hard, dense and well-drained surface to provide drainage and minimize dust. Interior roads shall be signed to indicate directions of travel.
- T. Dogs, cats or other pet animals shall not run at large or commit any disturbance of the public peace as found in Chapter 41 of this Code.
- U. Campgrounds shall maintain quiet hours from 10:00 p.m. through 8:00 a.m. During this time there shall be no loudspeaker, public address system, sound amplification device, radio, CD/cassette player, TV or other sound producing item used outside of an enclosed structure. In addition, camp guests shall be required to observe these quiet hours.
- V. Each campground shall have located on the grounds one public telephone accessible to camp guests 24 hours a day.
- § 110-44. Mining and excavation (extractive uses).**
- A. Mining and excavation operations, shall include the quarrying operations for sand, gravel or other minerals, but limited to the removal of the product from the earth and its washing, screening, crushing, processing and loading for transportation.
- B. The New York State Department of Environmental Conservation (DEC) is the entity responsible for administering the permits for mining applications made to the state. It is the Town's intent to provide input on the conditions that should be included in DEC mining permits issued for operations located within the town and to assist in the enforcement of any resulting DEC mining permit conditions, as permitted by the State statute. The following procedure shall apply for the approval of Special Use Permits for mining operations requiring a DEC permit, not previously approved:
- 1) The Supervisor of the Town, upon receipt of a complete application for a mining permit from the DEC, or the Code Enforcement Officer, upon receipt of an application for a Special Use Permit from the applicant, shall forward said application to the Planning Board within ten (10) days following receipt. If the applicant for a State permit has not yet applied to the Town for Special Use approval, such applicant shall be immediately notified that such approval is required prior to the commencement of operations.
  - 2) The Planning Board may, within thirty (30) days of the receipt of an application, provide the DEC with recommendations on conditions to be included in the state mining permit, within the following categories:
    - a) Ingress, egress and the routing of mineral transport vehicles on roadways controlled by the town.
    - b) Appropriate setbacks from property boundaries or public road rights-of-way.
    - c) The need for man-made or natural barriers designed to restrict access and the type, length, height and location thereof.
    - d) The control of dust.
    - e) Hours of operation.
    - f) Whether mining is prohibited within the involved zoning districts.
    - g) Whether or not the applicant has applied for a Special Use permit from the Town and the status of such application.

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- (3) Upon receipt of the resulting DEC mining permit, the applicant shall submit to the Planning Board a copy of the permit and all information provided to the DEC in support of the application. The Planning Board shall accept the information as a complete Special Use Permit/site plan application, once the applicable Town application fees have been received. The Planning Board shall then incorporate into the town Special Use Permit any conditions contained in the state mining permit related to issues identified by the Town of Plattekill.
- C. For all mining operations not requiring a DEC mining permit, the normal procedure for Special Use Permit review and approval shall be used and the following Special Use Permit conditions shall apply:
- 1) No permit shall be valid for a period of more than one (1) year.
  - 2) The applicant shall file a proposed plan for site rehabilitation in the manner of DEC applications and shall post a performance bond or guarantee in a form satisfactory to the Town Attorney and the Town Board in a sum sufficient to secure such rehabilitation. If a bond or guarantee has been posted with the Department of Environmental Conservation, the Town Board may waive the posting of an additional bond or guarantee.
  - 3) Rehabilitation of any worked-out areas shall be commenced notwithstanding that quarrying operations are still in progress at the site, provided that such rehabilitation shall not unduly interfere with continued operations.
  - 4) The proposed operation shall not adversely affect soil, drainage and lateral support of abutting land or other properties nor shall it contribute to soil erosion by water or wind. Adequate siltation and erosion control measures shall be specified with the application.
  - 5) All machinery shall be electrically operated, except for bulldozers, shovels and other equipment used for excavation, collection of material, loading or hauling.
  - 6) There shall be no operations of any kind on Sundays or public holidays. Within one thousand (1,000) feet of any residence, there shall be no operation on weekdays between 7:00 p.m. and 7:00 a.m. except by special permission of the Zoning Board of Appeals.
  - 7) Where any open excavation will have a depth of ten (10) feet or more and create a slope of more than thirty degrees (30°) with the horizontal, there shall be a substantial fence at least six (6) feet high with suitable gates blocking access to the area in which such excavation is located. Such fence shall be approved by the Planning Board (or Town Board, if applicable) and be located fifty (50) feet or more from the edge of the excavation. All operations shall be screened from nearby residential uses.
  - 8) The slope of material in any excavation shall not exceed the normal angle of repose or forty-five degrees (45°), whichever is less.
  - 9) Access roads within the area of the permit and located within five hundred (500) feet of a lot line of an excavation operation shall be provided with a dustless surface. Said access shall not be permitted within two hundred (200) feet of any lot line.
  - 10) There shall not be excavation or mechanical equipment operation nearer than fifty (50) feet to any lot line.
  - 11) After any such operation, the site shall be made reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation. Topsoil shall not be removed from the site. The area shall be brought to final grade by a layer of earth of two (2) feet or original thickness, whichever is less capable of supporting vegetation. Fill shall be suitable material approved by the Planning Board (or Town Board, if applicable) consisting of clean, noncombustible material containing no garbage, refuse or deleterious matter.
  - 12) Proper measures, as determined by the Planning Board, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavated materials on the site.
  - 13) At all stages of operation, proper drainage, approved by the Town Engineer, shall be provided to prevent the collection and stagnation of water to prevent harmful effects upon surrounding properties.
- D. Mining and other extractive uses shall be permitted in the AG-1.5 District, and such portions of the RR-1.5 District as are designated as "Good" on the "Map of Soil Types Suitable for Construction Materials," by Special Use Permit. Said Map, attached hereto and dated October 27, 2003, is hereby incorporated as part of this chapter.
- § 110-45. Outdoor amusement and recreation.**
- A. No building or structure used in conjunction with any outdoor amusement and recreation uses, parks and playgrounds and associated facilities (other than utility lines) shall be located within 100 feet of any property line.
  - B. Unenclosed amusement and recreation uses, parks and

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playgrounds and associated facilities shall be located not less than 150 feet from any property line, except when greater distances are otherwise required due to the unique characteristic of the use, facility, proximity of homes, topography, etc. Such unenclosed use shall be appropriately screened to ensure minimum impact upon adjacent properties.

- C. Illuminated signs and other lights shall be directed away or shielded from adjoining properties.
- D. No public address system is permitted to be used before 9:00 a.m. and after 10:00 p.m. and only then when such system conforms to the requirements of the Town of Plattekill Noise Ordinance.
- E. Sanitation facilities shall be provided as required by any town, county, state or other agency.
- F. Interior roads shall be easily traversable and have a well-drained surface with provisions for dust control.
- G. The Planning Board may require the applicant to conduct various studies, including but not limited to noise, traffic, drainage or other. Such cost to conduct and review said studies would be borne by the applicant.
- H. The applicant shall be required to provide for mitigation devices, such as but not limited to berms, fencing, landscaping, screening, water systems for dust suppression, traffic control, etc., for the control of noise, dust, fumes or other impacts that might occur as a result of the recreational activity.

**§ 110-46. Hotels, motels and resorts.**

- A. Such uses shall include hotels, motels and resort hotels.
- B. There shall be filed with the application a map or plan of the entire property showing the proposed location and dimensions of all structures, recreation grounds and community facilities proposed to be constructed thereon.
- C. There shall be presented with the application for this permit a certificate of the County Department of Health approving of the source and method of treatment of the proposed supply of potable water.
- D. There shall be presented prior to final site plan approval two copies of a map or plan of the system of sewage and waste disposal, which copies shall bear the endorsement and approval of the County Department of Health.
- E. No structure in such use shall be within 50 feet of any property line or within 100 feet of any watercourse which is part of any public water supply system.
- F. No public address system is permitted, except where such

system will comply with the Town's Noise Law.

- G. Within the total area of the lot, each principal building used for living purposes shall have the equivalent of lot area and width, yards and open spaces as follows: Each principal building shall have, appurtenant and adjacent thereto, a portion of the total area of the lot to give it front and rear yards each not less than 25 feet in depth and side yards each not less than 15 feet in width.
- H. Any building designed or used as a place for entertainment, as a clubhouse, pavilion, casino or for a similar purpose or for bathhouses for guests of the premises shall have, appurtenant and adjacent thereto, a portion of the total area of the lot to give it front and rear yards each not less than 50 feet in depth and side yards each not less than 40 feet in width.
- I. If swimming facilities are proposed to be provided in such use, plans showing the extent and location of such facilities and proposed source of water and method of treatment, if any, shall be submitted with the application for the above permit and such plans shall bear the approval of the County Department of Health.
- J. No certificate of occupancy shall be issued for any such use until the Code Enforcement Officer has made a personal examination and satisfied himself that all of the requirements herein set forth have been complied with. No such use shall be used or occupied until a certificate of occupancy has been issued.

**§ 110-47. Pedestrian walkways.**

In all districts where required, there shall be provided, at the time any building, structure or use is erected, enlarged or increased in capacity, pedestrian walkways in accordance with the requirements set forth herein.

- A. Layout design consideration. The Planning Board shall consider the layout of the pedestrian walkways so that the walkways are contiguous with pedestrian walkways on adjacent parcels. The Planning Board shall require all site plans in the business district to provide for an easement, which specifies the location and layout of such pedestrian walkways. [Note: Where possible, sidewalks are to be constructed in the public highway right-of-way (see Chapter A119). Easements are to be located on the lot where the sidewalks cannot be properly located in the public right-of-way.] Should such walkways not be immediately required as hereinafter provided, all such site plans shall provide for an easement for the location of walkways in the future.
- B. The Planning Board shall have the authority to allow for phased construction of the pedestrian walkways within a specified time frame. Construction standards may be found in the Appendix to the Town of Plattekill Code and amended from time to time by resolution of the Town Board.

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- C. Maintenance. The owner of any real property, whether vacant or improved, shall be responsible for all maintenance, construction or improvement costs of the pedestrian walkway.
- D. Monies in lieu of pedestrian walkways. Where the Planning Board determines that suitable pedestrian walkways are not immediately required because of inadequacy or lack of connecting sidewalks adjacent to or in proximity to the lot, the Planning Board may waive the requirement of pedestrian walkways on the condition that the owner or applicant deposit a cash payment with the Town Supervisor in lieu of constructing pedestrian walkways. Such payment shall be placed in a trust fund to be used exclusively for the construction of pedestrian walkways in the business districts. The amount of such payment shall be determined from time to time by resolution of the Town Board.
- B. The Planning Board may require conservation subdivision, as a form of development, in those instances where conventional subdivisions or residential developments would cause significant loss of open space or otherwise result in significant negative environmental impacts. An alternative Sketch Plan employing this concept may be required. The Town of Plattekill Comprehensive Plan may be used as a basis for making such a requirement of a subdivider.
- C. Proposed developments shall be processed in the same manner as a major subdivisions and in accordance with the standards below.
- D. Conservation subdivisions shall ordinarily include at least five (5) lots and 10 acres of contiguous land but the Planning Board may grant exceptions or require conservation subdivision design practices to protect particularly valuable open spaces. The Planning Board shall have the authority to require the submission of an alternative Sketch Plan, for any subdivision of seven (7) lots or more, depicting how the property might be developed using this technique.

**§ 110-48. Conservation subdivisions.**

A conservation subdivision is one where lots or dwelling units are clustered closer together on a tract with the specific objective of creating large usable sections of open space on the remainder of the property and without substantially increasing density for the tract as a whole. Provided below is an illustration, followed by the regulations that shall apply to such development in the Town of Plattekill:

- A. The Town of Plattekill Planning Board shall be authorized, simultaneously with the approval of plans under the Town of Plattekill Subdivision Law, to apply the provisions set forth in this section for the purpose of accommodating conservation subdivision projects. Conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within the Town of Plattekill and be processed under subdivision approval procedures.

If this alternative Sketch Plan is determined to provide a superior design in accord with the purposes of this Zoning Law, the Planning Board may require use of the conservation subdivision technique or offer a density bonus as an incentive. Such bonus shall be determined using the following criteria (rounded up to the nearest lot) :

<u>Open Space</u>	<u>Density Bonus</u>
30% to 34% open space	0% density bonus
35% to 39% open space	5.0% density bonus
40% to 44% open space	10.0% density bonus
45% to 49% open space	15.0% density bonus
50% or more open space	25.0% density bonus

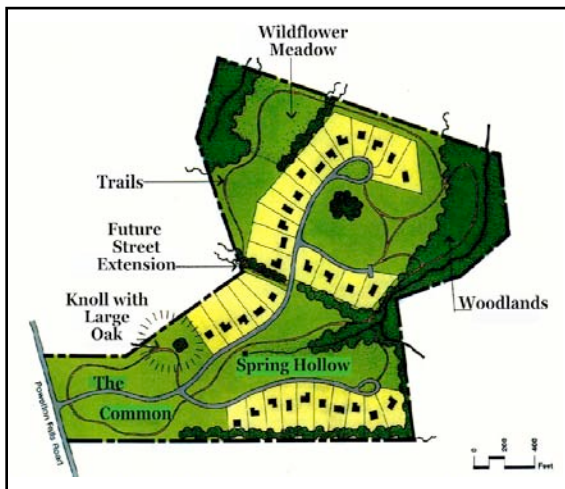


Illustration Courtesy of Natural Lands Trust

Nothing herein, however, shall require the Planning Board to offer a density bonus or full bonus in those circumstances where the site limitations are such that increased density would materially impact the quality of the natural environment, threaten public health and safety or excessively burden public services. At least 30% of the gross acreage of any conservation subdivision shall be composed of open space.

- E. The maximum permitted number of dwelling units before density bonuses shall be determined from the sketch plan submitted for a conventional subdivision of one-family dwelling units. Such yield plan shall illustrate all proposed lots, streets, right-of-way and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. Nevertheless, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing

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easements or encumbrances, the type of sewage system proposed, and, if unserved with a central or communal sewage disposal system, the suitability of soils for subsurface sewage disposal. The yield plan shall also be based on minimum lot sizes and other development standards for the zoning district involved.

- F. Only single-family detached and two, three and four family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings.
- G. Development standards for streets, lot size, lot width, lot coverage and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than;
  - 1) thirty-two-thousand, six-hundred seventy (32,670) square feet of land where neither central/communal sewer nor central water facilities are to be provided, or where either central water facilities or central/communal sewer facilities are to be provided.
  - 2) fourteen-thousand, five-hundred twenty (14,520) square feet of land where both central/communal sewer and central water facilities are to be provided.

A mix of lot sizes will be encouraged and up to 20% may consist of lots of (10) ten acres or more that shall be counted as open space for density calculation purposes if deed restricted from further subdivision. Such lots shall represent no more than 50% of the open space. Yard requirements may also be reduced, but in no instance to less than twenty (20) feet for the front yard and ten (10) feet for the side and rear yards, except in instances where zero-lot line development is proposed with compensating yards on the opposite side. Notwithstanding these yard requirements, however, all principal structures shall be separated by a distance of at least forty (40) feet. Also, no more than 35% of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.

- H. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No more than 50% of the permanent open space may consist of wetlands, floodplains, slopes of 25% or more, water bodies and other undevelopable areas unless incorporated into the open space in such a manner as to make substantial practical use of these areas for trails, other active recreational uses (e.g. ballfields and golf courses) or similar development features, including use for stormwater detention and sewage treatment (see §§ K). Such determination shall, however, be solely in the discretion of the Planning Board. The Planning Board may also require open space linkages with adjoining properties, set-asides of active recreation area for residents and

fronting of up to 50% of lots on open spaces.

- I. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement. The easement shall be titled to a property owner's association (POA), land trust, municipality (if accepted by the governing body) or other public entity and placed under such management as to ensure the perpetual maintenance of the open space in its generally existing condition. Such land may be used for any Town approved open space purpose including farming, active or passive recreational use and similar activities that will effectively preserve open spaces and the existing landscape character, prior to the sale of any lots or dwelling units within the subdivision. Private, deed-restricted ownership for us in open spaces or agriculture may also be approved at the discretion of the Planning Board.
- J. Membership in any POA to which open space is to be dedicated shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit. The subdivider shall have full responsibility for operation and management of the POA until such time as 90% of the lots or units are sold. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.
- K. Wells and sewage treatment systems of either an individual or central or communal nature as defined herein may be located within or extend into open space areas provided that infrastructure associated with such systems shall not count toward open space requirements and further provided that subsurface sewage disposal methods are employed, all required isolation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer and water facilities on a continuing basis.
- L. The POA shall be responsible for maintenance of all improvements including not only roads, utilities and recreation facilities, but also stormwater management improvements as required herein or under the Town Subdivision Law.

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**§ 110-49. Animal husbandry.**

The following standards shall apply to animal husbandry uses. However, nothing herein shall apply to the keeping of household pets indoors or property assessed as agricultural use or any property in a New York State Agricultural District that is actively employed in agriculture qualifying for agricultural assessment.

**A. Stables, Private**

Private horse stables are permitted in any District subject to the following conditions:

- 1) A minimum parcel of two (2) acres shall be required for the residence and stable.
- 2) No more than one (1) horses shall be kept except that one additional horse may be kept for each additional one (1) acre of land.
- 3) One-hundred (100) square feet of stable building area shall be provided for each horse kept on the property.
- 4) No manure storage area shall be located within one-hundred (100) feet of any adjoining property line or road right-of-way.
- 5) All horses shall be restricted from unauthorized grazing or intruding upon any adjoining property.

**B. Stables, Commercial**

- 1) A minimum parcel of ten (10) acres shall be required for a commercial horse stable operation.
- 2) No more than one (1) horse shall be kept for each one (1) acre of land. Notwithstanding this limitation, a horse training or similar facility where horses are exercised using a track rather than being turned out, shall not be restricted as to the number of horses kept, provided the facility encompasses a minimum of twenty-five (25) acres of land and other standards of this section are met. Such facilities shall be subject to Special Use approval and Site Plan Review, however.
- 3) One-hundred (100) square feet of stable building area shall be provided for each horse kept on the property.
- 4) No stable building shall be located within one-hundred (100) feet, and no manure storage area shall be located within two-hundred (200) feet, of any adjoining property line road right-of-way.
- 5) All horses shall be restricted from unauthorized grazing or intruding upon any adjoining property.

**C. Kennels**

Kennels (including animal day care centers where the animals are boarded for any length of time) shall, where permitted, be subject to the Special Use review criteria and the following standards:

- 1) A minimum parcel of three (3) acres shall be required.
- 2) No structure used for the keeping of animals shall be located closer than one-hundred twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road.
- 3) Parking shall be provided in accord with the requirements of this Law.
- 4) A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- 5) All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m..
- 6) Kennels shall be supervised by an on-site contact person during the day.

**D. Keeping of Other Animals**

The keeping of other animals such as cows, steers, goats, sheep, swine, llamas and other similar domesticated animals shall be permitted in any District in accord with the following criteria, excepting that the regulations of this subsection shall not apply to the keeping of horses (see instead the above for applicable standards) or household pets such as dogs and cats.

- 1) Not more than the following number of animals shall be kept:

<u>Animal</u>	<u>Minimum Acres for One</u>	<u>Animals Per Acre</u>
Cows or steers*	2 acres	1 animal
Swine*	1 acre	0.4 animal
Goats or sheep*	1 acre	0.4 animal

\* Not including commercial operations covered by New York State Department of Agriculture and Markets definition.

These numbers shall not be applied on a cumulative basis. Two (2) acres shall be required to keep one sheep and one swine, as an example. Other animals shall be classified based on similar sized animals.



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- 2) No stable building, pen, feed lot, corral, manure storage area or other area where animals are concentrated, except for grazing paddocks, shall be located less than one-hundred (100) feet from any adjoining property line and any public or private road.

**§ 110-50. Flea Markets (Commercial)**

- A. Commercial flea markets, auctions and similar uses where groups of individual vendors rent outdoor or indoor space for periodic sales events shall be subject to all parking, site design, buffering, screening, lighting, noise, traffic and other performance standards of this Law, whether or not structures are involved.
- B. Such uses shall, where permitted, be subject to Special Use approval and Site Plan Review and require traffic studies to determine what on-site or off-site access, parking and traffic improvements may be required to adequately serve the use.
- C. Parking needs shall be determined on the basis of industry best management practices, with no less than one space per 100 square feet of sales area provided. Such parking areas shall be improved to a mud-free condition. No parking shall be permitted along public highways or interior access roads.
- D. All such uses shall be closed to the public between 10:00 PM and 6:00 AM.
- E. All outdoor lighting associated with such uses shall be directed away from adjoining properties and public highways, shielded and minimized in scope and intensity. The Town may require lighting contour and other relevant data for this purpose and condition approval on modifications demanded to reduce the light output.
- F. No outside loudspeakers shall be used to draw attention to the facility, individual vendors or events.
- G. All signage shall comply fully with the requirements of this Law pertaining to retail uses. Temporary signs erected by vendors shall be directed only toward on-site customers and removed upon completion of each sales event.
- H. No strings of lights, strings of pennants or similar devices shall be used to attract attention to the facility.

**§ 110-51. Dwelling Uses in Ag-1.5 Districts**

Residential projects within the Ag-1.5 District shall be specifically reviewed to ensure that such uses will not create conflicts with nearby agricultural uses, include buffers of no less than one-hundred (100) feet from such uses insofar as the placement of habitable structures and water wells. Residential projects shall also incorporate right-to-farm notices and restrictions protecting agricultural uses from nuisance complaints by residents for engaging in sound agricultural practices (manure spreading, use of approved pesticides, pasturing of livestock) that are

recognized by the State of New York.

**§ 110-52. Lighting**

- A. Lighting for all commercial, residential, institutional and industrial uses shall be shielded to prevent glare and spillover of light onto adjoining properties.
- B. All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source.
- C. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.
- D. Lighting contours shall be required on site plans for purposes of determining compliance with this section. Average foot-candles at the property line shall be less than 1.0 except at site entrances.
- E. Globe lights shall not be permitted.
- F. Light pole heights shall not exceed building heights and none shall exceed twenty-five (25) feet in height.
- G. All lighting over 2,000 lumens in strength shall meet the full cut-off standard of the Illuminating Engineering Society of North America (IESNA).
- H. All site activity areas, including parking lots and walkways, shall meet minimum IESNA standards and exceed those standards by no more than 25%.
- I. All gasoline canopy lighting shall be fully recessed and the maximum light level under the vehicular canopy shall not exceed twenty (20) horizontal maintained foot candles.

**§ 110-53. Aquifer Protection Zone**

- A. Purpose of Zone

The purpose of this section is to protect the public health, safety and welfare of people utilizing the groundwater source within the area of potential impact from the Hertel Landfill Superfund Site in the Town of Plattekill, New York. This plan is to ensure, as feasible as possible, a water supply of safe drinking water standards. The purpose of this section is to delineate areas of potential water-quality impacts from the landfill, to maintain safe drinking water supply and provide adequate monitoring, if required, to ensure the safety of the water supply sources in the areas of concern.

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## B. Environmental Impact Assessment Area

- 1) The provisions of this Section 110-53 shall apply to all real property lying within the Environmental Impact Assessment Area (EIAA) as designated on a map (Figure 19) found in the report titled "Technical Evaluation, Hertel Landfill Superfund Site, Town of Plattekill, New York" prepared by Leggette, Brashears & Graham, Inc. (LBG) and dated 5/29/03. This map shall be considered an official supplement to and part and parcel of the Town of Plattekill Official Zoning Map. The affected area shall be known as the EIAA District.
- 2) The EIAA District boundary lines shall be determined by the use of the scale appearing on Plate 1. From time to time and to reflect new information of a site-specific nature, the Town Board may make amendments to the boundaries of EIAA districts delineated on Plate 1.
- 3) The provision, requirements and regulations of this article shall apply to all uses of land within EIAA Districts and no groundwater supply source(s) are to be used except in compliance with the provision, requirements and regulations of this Section 110-53.

## C. General Provisions and Requirements

Based on existing water-quality data, the EIAA District has been delineated to include areas of potential water-quality impact from the landfill. The EIAA District has been subdivided into three areas, EIAA I, II and III. EIAA I includes areas of potential moderate to high risk downgradient from the landfill that have previously reported water-quality impact from the landfill. EIAA II includes areas of potential low to moderate risk further downgradient from the landfill. EIAA III includes areas of potential low risk crossgradient and immediately upgradient from the landfill.

## D. Description of Environmental Impact Assessment Area (EIAA)

The following description of the individual EIAA districts depicted on Plate 1.

- 1) The EIAA I encompasses the area immediately north, northwest and northeast of the landfill property. The EIAA I extends approximately 900 feet from the northern edge of the property boundary (or approximately 750 feet north of Route 44); extends west approximately 450 feet to 550 feet and runs parallel with the western property boundary to approximately 1,100 feet south of the northwestern corner of the property (or approximately 1,250 feet south of Route 44); and extends east approximately 650 feet to 850 feet and runs parallel with the eastern property boundary to approximately 2,100 feet south of the northeastern corner of the property (or approximately 2,200 feet south of Route 44).

- 2) The EIAA II encompasses the area west and east of EIAA I and the landfill property. The EIAA II extends approximately 4,100 feet from north to south (beginning approximately 700 feet north of Route 44 and ending approximately 800 feet north of the southern edge of the landfill property); extends west from EIAA I approximately 1,300 feet to 600 feet and runs parallel with the western property boundary; and extends east from EIAA I approximately 400 feet to 1,650 feet and runs parallel with the eastern edge of the EIAA I boundary to approximately 850 feet south of the southeastern edge of the EIAA I boundary (or approximately 2,950 feet south of Route 44).
- 3) The EIAA III encompasses the area south, west and east of EIAA II and the landfill property. The EIAA III extends approximately 1,400 feet south of the southern edge of the property boundary; extends west approximately 1,100 feet and south approximately 2,000 feet to 2,500 feet from the southwestern boundary of the EIAA II; and extends east approximately 1,800 feet and south approximately 1,800 to 2,200 feet from the southeastern boundary of the EIAA II.

## E. Water Supply Development Criteria

- 1) Proposed subdivisions or any proposed individual water-supply source within the EIAA must meet New York State Department of Health 10 NYCRR Part 74, Section 7.4.5.C regulations. Water-quality analyses must be conducted of each proposed individual well supply and be sampled for all parameters listed on Table 1. The wells may be required to be pumped for 24 hours prior to sampling. Areas of high risk may warrant the pumping test duration to be expanded; or additional pumping tests may be required to confirm previous pumping test and water quality data.
- 2) Any proposed subdivision that indicates potential risks of water-quality impacts may be required to drill additional or even all the test wells on the proposed subdivision lots, including the required water-quality analysis. Any proposed subdivision which indicates water-quality impacts from the landfill may be required to develop an acceptable public water source at an acceptable location in the study region. This would not likely be economically feasible for smaller subdivisions. In addition, the applicant may be required to sample a representative number of wells in the subdivision semiannually to yearly for a prescribed number of years following buildout of the project. In addition, the applicant may be required to reduce zoning density or develop a clustered development in an area of the subdivision which minimizes the potential water quality impacts from the landfill site.
- 3) For proposed public water supply source(s) within the EIAA which indicate potential risks if water-quality

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impacts may be required to conduct up to 120-hour pumping tests, including offsite well monitoring. In addition, the applicant/owner of the public water-supply source may be required to sample the wells for the parameter listed on table 1 for a prescribed number of years following buildout of the project.

- 4) Site-specific drilling, testing and water-quality studies should be carried out at the parcels located within the EIAA and conducted by a qualified hydrogeologist or engineer representing the applicant.

F. Additional Requirements

In addition to compliance with the requirements, as applicable, an applicant for a use subject in an EIAA shall prepare or have prepared a hydrogeologic analysis of the property which shall be submitted to and reviewed by the Town Board and hydrogeologist or engineer of the Town's choice, at the applicant's expense.

1) Study Requirements

The purpose of the hydrogeologic analysis shall be to demonstrate existing water quality conditions on the study parcel and whether the proposed use of onsite water supply sources will degrade or become contaminated from the Hertel Landfill. Such analysis shall be prepared by a qualified hydrogeologist at the expense of the applicant. The work scope for hydrogeologic assessment must be submitted to the Town Board for review by the Town's hydrogeologist or engineer for approval prior to conducting any such work scope. Such analysis shall include:

- a) Identification of the nature and importance of the groundwater supply and recharge aspects of the individual property upon which the use is proposed.
- b) Indication of the direction of ground water flow.
- c) Assessment of existing water quality on the property, and adjacent properties (if available).
- d) A determination of how development will effect regional water table (ground water flow).
- e) An analysis of groundwater treatment options, if required.
- f) Data regarding the site-specific fracture pattern of underlying bedrock.
- g) Additional hydrogeologic data as warranted.

2) Planning Board Review

The Planning Board may, at the expense of the applicant, arrange for a review of the hydrogeologic analysis by a qualified engineer or hydrogeologist of the Town's choosing. Such review shall be considered by the Planning Board in rendering the decision on the application. To the greatest extent practicable, the application for the proposed development and the review of the hydrogeologic analysis required under this section shall be coordinated with all other review and permit procedures required by the Town of Plattekill, including the State Environmental Quality Review (SEQRA) process.

3) Planning Board Action

After a review of the hydrogeologic analysis, and compliance with all other applicable procedures for the proposed use, the Planning Board shall approve, deny or approve subject to conditions the application for a permit to develop the study parcel.

The Planning Board may attach such conditions to the issuance of a permit as it deems reasonable and necessary to ensure the protection of existing and proposed water supply source(s). Any conditions that are placed on the approval of a use permit shall require the owner of the property to perform such action. Such conditions may include, but are not limited to:

- a) The periodic monitoring and reporting of the condition of ground water within the boundaries of the subject property.
- b) The correction of any groundwater contamination or degradation of the developed water supply source(s) on the subject property.

4) Denial of Application

A denial of an application shall not preclude an applicant from reapplying for a permit provided that the applicant has made significant changes which are designed to eliminate potential or existing contamination of the ground water on the study parcel.

**§ 110-54. Off-road and motorized vehicle uses.**

A. Legislative Intent

The Town Board of the Town of Plattekill hereby declares its legislative intent to prohibit the commercial use of land for any operation of off-road and/or motorized vehicles in residential zoning districts of the Town, and to provide an orderly mechanism for the abatement of non-conforming uses of real property being used for operation of off-road

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and/or motorized vehicles for commercial purposes located in the residential zoning districts within the Town.

The Town Board further declares that such use of land permitting the operation of off-road and/or motorized vehicles for commercial purposes is incompatible with residential uses in general, and those specifically permitted uses that are designated in the residential zoning district regulations as contained in this Zoning Law of the Town of Plattekill.

Residents of the Town of Plattekill and the neighborhoods in which they reside will be protected from the severe negative impacts associated with the use of land permitting the operation of off-road and/or motorized vehicles for commercial purposes by the enactment of this local law.

## B. Legislative Findings

The Town Board of the Town of Plattekill has found upon due inquiry and investigation that the operation of off-road and/or motorized vehicles creates negative environmental impacts that are unacceptable and should not be permitted in residential neighborhoods and that legislative action is required to protect people and neighborhoods in the Town of Plattekill from such negative impacts.

The use of land which permits the operation of off-road and/or motorized vehicles for commercial purposes as defined in this local law should not be permitted to be introduced into any residential zoning district and any pre-existing, legal non-conforming such use should be terminated after a period of transition or amortization with due consideration to the financial costs that compliance with this local law imposes on owners of property presently used for such purpose in residential zoning districts of the Town.

The Town Board acknowledges the decision of the Appellate Court Third Judicial Department in *Valerie Smith, et al. v. Town of Plattekill, et al.*; decided and entered December 2, 2004, holding that motorcycle, and/or off-road vehicle racetracks were not a permitted or special use in an R-40 zoning district by virtue of a local law adopted by the Town of Plattekill Town Board on or about February 18, 1987. Therefore, the Town Board finds that only those properties that were devoted to such operations of off-road and/or motorized vehicles that were legally in existence prior to February 18, 1987 will be entitled to the transition or amortization provisions provided below.

The Town Board further finds that such operation is injurious to the public health and safety, reduces residential property values and deprives persons in adjacent neighborhoods of the peaceful enjoyment of their property. Termination is necessary because there are limited effective means of reducing such negative environmental impacts to the extent appropriate for the protection of nearby residential neighborhoods and owners of residential property.

C. The commercial use of land for the operation of off-road and/or motorized vehicles as defined herein shall be deemed injurious to the public health and welfare in residential zones. All such uses of real property which permit the operation of off-road and/or motor vehicles for commercial purposes in residential zoning districts shall be declared illegal and shall be terminated as provided herein.

- 1) All commercial uses of land which permit the operation of off-road and/or motorized vehicles, which have either legislatively and/or judicially been determined, prior to or as of the date of this local law, to be existing as of February 18, 1987, shall be permitted to continue to the extent and scope as established in such determination for a period of ten (10) years from the enactment of this local law at which time all such operations shall cease.
- 2) Any owner of real property in the Town of Plattekill which permits the commercial use of land for the operation of off-road and/or motor vehicles at the time of enactment of this local law and who has not already applied to the Town of Plattekill ZBA for a determination of whether the land use was pre-existing as of February 18, 1987, shall have ninety (90) days from the enactment of this local law to make and submit an application to the ZBA seeking a determination establishing the existence, scope and extent of this use on the premises prior to February 18, 1987. In the event the ZBA determines such use is a legal pre-existing non-conforming prior use prior to February 18, 1987, such use will be entitled to continue the scope, size and intensity that was determined to exist prior to February 18, 1987, for a period of two (2) years from the enactment of this local law, subject to the following. At the time of the ZBA's determination and within 30 days of said ZBA determination a property may request authorization from the Town Board to operate for a 10-year period from adoption of this local law subject to the following conditions:
  - a) The use may not take place for more than 16 occasions within a calendar year. This includes any type of operation including practice days.
  - b) The use may not occur on Sunday.
  - c) Any use on Friday or Saturday must cease by dusk.
  - d) Any week day use, Monday through Thursday, must cease by 6:00 p.m.
  - e) There shall be no expansion of the track or any other area used for the operation of off-road and/or motor vehicles as such areas exist as of January 1, 2005.
  - f) Submission of a plot plan to the Town Board

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depicting the limits of the operation and providing of adequate screening and buffering, which plan will be provided to the Planning Board for its review and recommendation as to the adequacy of said screening and buffering and all other site plan considerations such as but not limited to noise and dust.

- g) No overnight camping shall be conducted in connection with such use.
- 3) Any violations, expansions, extensions of said use in violation of subsection 2 shall be grounds for the immediate termination of said use.
- D. No overnight camping shall be allowed in conjunction with the commercial use of land which permits the operation of off-road and/or motorized vehicles.

**§ 110-55. RESERVED.**

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**ARTICLE IV**  
**SPECIAL USE AND SITE PLAN**  
**REVIEW PROCEDURES**

The Town of Plattekill Planning Board is authorized, in accordance with Sections 274-a and 274-b of the New York State Town Law, to review and approve, approve with modifications or disapprove Special Uses and Site Plans. Site Plan Review shall be required for all Special Use Permits and such other uses as are designated herein and the Town Board may from time to time designate by local law or that the Code Enforcement Officer refers to the Planning Board. The following procedures shall apply:

**§ 110-56. Preliminary site plan.**

An applicant for a Special Use Permit may submit a preliminary site plan for review and advice by the Planning Board and the Planning Board may require such preliminary site plans. Such a preliminary site plan should provide locations and dimensions of the proposed use in relation to the property boundaries and adjacent uses. It should also indicate all accesses and improvements both existing and proposed and any site features which could have a bearing on the project including the general topography and existing ground cover. Major improvements on adjoining properties shall typically be indicated.

This preliminary plan shall be used by the Planning Board as a basis for advising the applicant regarding information it shall require on the site plan before it conducts a public hearing or takes any action with respect to the plan. The Planning Board shall give no approval or disapproval regarding any preliminary site plan but may use it to schedule a public hearing if sufficient data is available, determine if any provisions of this article should be waived or begin its review of the application under the New York State Environmental Quality Review Act ("SEQRA"). A completed SEQRA Environmental Assessment shall be submitted.

**§ 110-57. Application and site plan required.**

The Planning Board shall be under no obligation to schedule a public hearing or take any action with respect to a Special Use Permit or Site Plan Review application until application has been made on forms provided by the Board, required fees have been paid and a detailed site plan providing the following information has been submitted:

- A. The location of all existing watercourses, wooded areas, rights-of-way, roads, structures, other land uses or any other significant man-made or natural feature, if such feature has an effect upon the use of said property.
- B. The location, use and floor or ground area of each proposed building, structure or any other land use, including sewage disposal and water supply systems.
- C. The location of all significant landscaping and ground cover

features, both existing and proposed, including detailed planting plans and a visual depiction or rendering of the final appearance of the property after all landscaping and other physical improvements are completed.

- D. The location, dimensions and capacity of any proposed roads, off-street parking areas or loading berths, including typical cross-sections for all paving or regrading involved.
- E. The location and treatment of proposed entrances and exits to public rights-of-way, including traffic signals, channelizations, acceleration and deceleration lanes, widenings or any other measure having an impact on traffic safety conditions.
- F. The location and identification of proposed open spaces, parks or other recreation areas.
- G. The location and design of buffer areas and screening devices to be maintained.
- H. The location of trails, walkways and all other areas proposed to be devoted to pedestrian use.
- I. The location of public and private utilities, including maintenance facilities.
- J. The specific locations of all signs existing and proposed, including a visual depiction of the latter.
- K. Preliminary architectural plans for the proposed buildings or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
- L. A completed SEQRA Environmental Assessment or any additional information related to the SEQRA Environmental Assessment, as the case may be to allow the Planning Board to make a determination of environmental impact.
- M. Environmental testing as may be required to establish the suitability of any site for intended development.
- N. Any other information required by the Planning Board that is clearly necessary to ascertain compliance with the provisions of this law and limited to such information.

**§ 110-58. Waivers.**

The Town of Plattekill Planning Board shall, pursuant to the Town Law, have the right to waive, when reasonable, any of the procedural requirements of this article for the approval, approval with modifications or disapproval of Special Use Permits and site plans submitted for approval. This waiver authority may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, or general welfare or are inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

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- A. No waiver shall result in allowing a use not permitted within the applicable Zoning District.
  - B. No waiver shall be given with respect to standards outside the scope of this article which would otherwise require a variance from the Zoning Board of Appeals.
  - C. Waivers shall be limited to those situations where the full application of the requirements contained herein would generate unnecessary data and create unnecessary costs with regard to deciding the matter at hand, due to the scope or nature of the project involved. The proposed enclosure of a deck or a simple change of use with no significant structural modifications in the case of a commercial property, for example, might not require typical cross-sections for proposed regrading or water supply data.
  - D. An applicant for site plan approval who desires to seek a waiver of certain of the above-referenced requirements pertaining to such applications shall submit a preliminary site plan as provided above. The Planning Board shall review the preliminary site plan, advise the applicant as to potential problems and concerns and determine if any additional site plan information is required. The Planning Board shall consider such site plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards contained herein and the intent of Site Plan Review criteria found below.
  - E. Nothing herein shall authorize the Planning Board to waive State Environmental Quality Review requirements.
- impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Use Permit or site plan. Upon approval of said permit and/or plan, any such conditions shall be met prior to the actual issuance of permits by the Town. These conditions may include requirements of the applicant to provide parkland or to provide fees in lieu thereof pursuant to Section 274-a(6) of the New York State Town Law.
- B. Referrals. The Code Enforcement Officer and Planning Board are authorized to refer Special Use and Site Plan Review applications to other agencies, groups or professionals employed or used by the Town for review and comment and to charge applicants fees for reasonable expenses connected therewith (see also § 110-60.G and § 110-71). The Board shall, in particular, ensure that the requirements of Section 239-m of the General Municipal Law regarding review by the Ulster County Planning Board are met. It shall also comply with all requirements of the New York State Environmental Quality Review Act.
  - C. Appeals. Any person aggrieved by a Site Plan Review or Special Use decision of the Planning Board or any officer, department, board or bureau of the town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules, after exhausting administrative remedies.
  - D. Effect of site plan approval. The site plan as approved by the Planning Board shall be binding upon the applicant. Any changes from the approved plan shall require resubmission and reapproval by the Planning Board. The site plan shall remain effective, as an authorization to establish the use, for a maximum of two (2) years from the date of approval unless the Planning Board shall have granted an extension in writing. Absent such an extension the Special Use shall be deemed to have expired. A Special Use which has been discontinued for a period of two (2) or more years shall also be deemed to have lapsed.

**§ 110-59. Hearing and decision.**

- A. The Planning Board shall fix a time, within sixty-two (62) days from the day an application for a Special Use Permit or site plan approval is deemed complete by the Planning Board, for the hearing of any matter referred to under this section. It shall give public notice of such hearing at least five (5) days prior to it in a newspaper of general circulation in the Town and decide upon the application within sixty-two (62) days after such hearing.
  - B. The Planning Board shall not grant approval before a decision has been made with respect to environmental impacts pursuant to SEQRA. The decision of the Planning Board shall be filed in the office of the Town Clerk and a copy thereof mailed to the applicant within five (5) business days after such decision is rendered.
  - C. Nothing herein shall be construed to entitle any applicant to default approvals in the event of failure to meet specified deadlines.
- E. Renewal of Permits. The Planning Board may require, at the time it is initially granted, that any Special Use approval be renewed periodically. Such renewal shall be granted following public notice and hearing and may be withheld only upon a determination that the conditions attached to any previous approval have not been met. A period of sixty-two (62) days shall be granted the applicant in such cases to make remedies and bring the use into full compliance with the terms of the Special Use approval. Should the applicant fail to make such remedies, the Special Use approval shall be revoked and the use immediately discontinued.
- F. Outstanding violations. Neither the Code Enforcement Officer nor the Planning Board shall be under any obligation to process an Special Use or Site Plan Review application for a property with outstanding violations of this Law.

**§ 110-60. Conditions and other procedures.**

- A. Conditions. The Planning Board shall have the authority to
- G. Professional fees. Applicants for Special Use approval or

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Site Plan Review shall pay all professional costs incurred by the Town of Plattekill in the processing and/or review of any such applications. These fees shall be governed by a schedule of uniform fees, charges and expenses adopted by the Town Board under § 110-71 of this Zoning Law.

**§ 110-61. Special Use review criteria.**

The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving ~~the~~ any Special Use Permit application connected therewith taking into consideration not only the criteria contained above and detailed in Article III with respect to particular uses but also the following:

- A. Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Plattekill.
- B. If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.
- C. Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.
- D. Whether the granting of an approval will cause an unreasonable economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and firefighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire-district expenses.
- E. Whether the site plan indicates the property will be developed and improved in a way that is consistent with that character which this law and the Town's Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.
- F. Where an applicant proposes any commercial or industrial use in a residential district the applicant shall demonstrate that the proposed uses are compatible with residential development and that any impacts associated with such use will be mitigated so that there will be no adverse impact on the residential character of such district.



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**ARTICLE V**  
**NONCONFORMING USES AND STRUCTURES**

**§ 110-62. Continuing nonconforming uses.**

- A. A use, building or structure lawfully in existence as of the effective date this law and non-conforming with it or any subsequent amendment may be continued, except as otherwise provided herein with respect to specific uses. Upon request, the Code Enforcement Officer may issue Certificates of Nonconformance to owners or operators of bona fide non-conforming uses, buildings or structures who desire confirmation of their rights hereunder.
- B. It is the purpose of this Article to limit the injurious impact of non-conforming uses, buildings, lots and structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses, buildings or structures may not be contrary to the public interest or the general purpose of this Zoning Law, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration.
- C. It is further the purpose of this Article to set forth those standards which are to be applied by the Town in determining the reasonableness of proposals to alter, continue or extend a non-conforming use and to establish when Town review and approval shall be required for such actions.
- D. The protections extended by this Article to existing non-conforming uses, buildings, lots or structures, commonly known as "grandfathering", shall not extend to any non-conforming activity occurring subsequent to the effective date of this law, as amended.

**§ 110-63. Normal maintenance and repairs.**

- A. Normal maintenance and repair activities, such as painting, replacing a roof or fixing gutters, shall be permitted. Also permitted are alterations, such as adding or removing windows, and interior renovations that do not structurally alter buildings, add living areas or result in extended or increased non-conforming use of a building, lot or structure.
- B. Increases in outside storage or display of retail or wholesale inventory, which in the ordinary course of business would be sold within one year, shall be permitted, provided they do not eliminate parking spaces, unoccupied open spaces or accesses required by this law. Notwithstanding this provision, however, the Planning Board, in reviewing any Special Use application for expansion or upon determining, with respect to any present use, that a condition exists which requires remedies, may establish limits on such storage or display or require removal of inventory (altogether or to another location on the site) to preserve adequate sight distances and residential buffers or otherwise protect public

health, safety and welfare.

**§ 110-64. Restoration or reconstruction.**

- A. If less than 75% of the floor area of any non-conforming use, building or structure is permanently damaged, it may be restored or reconstructed by building permit issued within twelve (12) months of the date of the damage. If more than 75% is affected, then the replacement or reconstruction shall be permitted by Special Use Permit. Single-family dwellings shall be exempt from this requirement provided a building permit is obtained.
- B. A non-conforming use, building or structure shall be considered abandoned under any one of the following circumstances:
  - 1) The intent of the owner to discontinue the use is made obvious by the posting of signs, boarding up of windows, failure to pay taxes or assessments or other measures which demonstrate the enterprise is going out of business or the use is otherwise ending; or
  - 2) The building has not been occupied for twelve (12) months or more; or
  - 3) The non-conforming use has been replaced by a conforming use or changed to another use under permit from the Town; or
  - 4) The equipment and furnishings used in furtherance of the non-conforming use have been removed from the premises.
- C. A non-conforming use, building or structure may be reestablished within a period of twelve (12) months after it has been discontinued or vacated, with an extension of six (6) months allowable where proven necessary to the Planning Board.

**§ 110-65. Changes and additions.**

Excepting for activities provided for in § 6.3 above and accessory uses, all changes and additions to non-conforming uses shall be considered Special Uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Planning Board that the following conditions have been, or will be, satisfied.

- A. There shall be no expansion in the amount of land area outside a non-conforming facility (outdoor area) used for storage of materials, supplies and/or products, excepting with respect to those types of uses outlined in this Article.
- B. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a lumberyard), the Planning Board may require dense evergreen screening sufficient to

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shield all such materials from the view of adjacent landowners and/or the traveling public.

- C. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located. Moreover, no change of use shall be to one of a more intensive classification (e.g. one with more employees, more traffic, more parking). A non-conforming retail enterprise could be converted to a barber shop, for example, but not to an industrial use.
- D. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this law. The U.S.D.A. Soil Conservation Service, a Professional Engineer or other appropriate professional may be relied upon to recommend appropriate measures to control storm water runoff. Such measures shall be attached as conditions of approval by the Planning Board.
- E. In no case will a change, addition or extension of a non-conforming use be allowed which would result in a traffic increase that would decrease the Level of Service for the highway, the diversion of traffic closer to a nearby residence or a reduction of any of the parking and unloading requirements of this law where additional parking or loading would otherwise be required due to the change, addition or expansion. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this law, the Planning Board may require vegetative screening of the parking area from nearby residential areas.
- F. The use may only be expanded or extended onto another property of record if; that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this law or amendments hereto and the use is not one which has been altogether prohibited as a new use under this law.
- G. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Town or is determined by the Planning Board to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this law, the requested expansion or extension shall be denied.
- H. Where the change or addition involves the replacement of a mobile home, the following rules shall apply:
  - 1) All lot owners within 500 feet of the site will be notified by the applicant by certified mail and provided an opportunity to be heard at a public meeting as set by the Planning Board.
  - 2) The applicant shall provide proof of financial hardship in regard to the applicants inability to comply with the

current zoning standards for single family dwelling units set forth herein.

- 3) Any approval shall be conditioned upon owner occupancy of the mobile home.
- 4) The replacement mobile home shall have a minimum of a 1994 valid HUD, and/or New York State approval shall be required to be sided with housing-type siding and have a peaked and shingled roof.
- 5) The preexisting mobile home shall be removed and disposed of properly.
- 6) The applicant must meet all other applicable standards and requirements of this Code.
- 7) The Planning Board shall impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property.
- 8) Mobile home replacement shall generally be authorized one time only.

### **§ 110-66. Non-conforming lots of record.**

A structure may be erected on any existing lot of record, providing the owner of a lot of less than 40,000 square feet in size does not own adjoining property; no yard is reduced to less than fifty (50) percent of the requirement for the district in which it is located or twenty (20) feet, whichever is greater; and a sewage disposal system meeting New York State standards, including well and septic isolation distances, can be placed on the lot should public facilities be unavailable. All legal existing homes, regardless of lot size, shall be considered legal conforming lots and owners shall be entitled to build on and use such lots subject to ordinary development standards.

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**ARTICLE VI**  
**ADMINISTRATION AND ENFORCEMENT**

**§ 110-67. Code Enforcement Officer.**

The Town Board shall provide for the services of a Code Enforcement Officer to simultaneously enforce the provisions of this Zoning Law and the Uniform Fire Prevention and Building Code Enforcement Law. Such Code Enforcement Officer shall examine all applications for permits, issue permits and/or certificates of occupancy for construction and uses which are in accordance with the requirements of this law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required including, at a minimum, a written monthly activity report to the Town Board. Permits requiring Site Plan Review and Special Use approval, however, shall only be issued with approval of the Town of Plattekill Planning Board. Likewise, permits requiring variances of this law shall only be issued with approval of the Town of Plattekill Zoning Board of Appeals.

**§ 110-68. Permit requirements.**

- A. No person shall construct, erect, alter, convert or use any building or structure, or part thereof, nor change the use of any land, subsequent to the adoption of this law, until a building permit and/or Certificate of Occupancy has been issued by the Code Enforcement Officer. This shall specifically include, but not be limited to wells, sewage disposal systems, enlargements, alterations, building demolitions and removals, conversions, electrical installations, plumbing installations, pools, sheds (metal or wood), fences, roofing, siding and signs. Applications for such permits shall be made to the Code Enforcement Officer prior to any construction activity and/or change in the use of land. The Officer shall review such applications and act upon them according to the requirements of this law, taking no action, however, until the Planning Board and/or Zoning Board of Appeals has first taken action, should the approval of either Board be required. A building permit shall authorize the applicant to proceed with construction proposed.
- B. Prior to use of the structure or the change in use of the land, a Certificate of Occupancy shall be required and shall be issued by the Officer, provided all construction has been in accord with the building permit granted and/or the proposed use is in compliance with this law. The Code Enforcement Officer shall be authorized to make such inspections as he deems necessary to ensure that construction does, in fact, comply with this law.
- C. The Code Enforcement Officer, with approval of the Town Board, may issue a temporary permit for an otherwise non-conforming structure or use which will promote public health, safety or welfare, provided such permit shall be of limited duration and the use or structure shall be completely removed within ninety (90) days of expiration of the activity

for which it was granted. A temporary permit shall not be valid beyond this period or three (3) years from the date of issuance, whichever is shorter. The Code Enforcement Officer may also issue temporary permits for such uses as may be authorized in advance by resolution of the Town Board.

- D. The Code Enforcement Officer shall ensure that all water supply and sewage disposal facilities proposed in connection with any building permit or Certificate of Occupancy application shall conform with New York State Department of Health guidelines.
- E. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided that he is satisfied that the structure, building, sign and the proposed use conform with all requirements of this law, and that all other reviews and actions, if any, called for in this law have been complied with and all necessary approvals secured therefor.
- F. When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this law, he shall refuse to issue a building permit or Certificate of Occupancy, as the case may be, and the applicant may appeal to the Zoning Board of Appeals.
- G. A building permit or Certificate of Occupancy may be revoked by the Code Enforcement Officer upon a finding that information provided in the application was inaccurate or invalid or that the construction or use has proceeded in a manner not consistent with the permit(s) granted.
- H. No change of use shall be made in any building, structure or premises now or hereafter erected or altered that is not consistent with the requirements of this law. Any person desiring to change the use of his premises shall apply to the Code Enforcement Officer for a Certificate of Occupancy. No owner, tenant or other person shall use or occupy any building or structure or premises thereafter erected or altered, the use of which shall be changed after the passage of this law, without first procuring a Certificate of Occupancy; provided, however, that an Certificate of Occupancy, once granted, shall continue in effect so long as there is no change of use, regardless of change in tenants or occupants.
- I. Though compliance with the development and use standards of this Law will still be required, the following activities shall not demand permits, except as may be required by the New York State Uniform Fire Prevention and Building Code:
  - 1) Aboveground swimming pools of two (2) feet or less in depth.
  - 2) Portable structures of less than one-hundred-forty-four (144) square feet in size which are unoccupied and intended for storage.

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- 3) Patios, farm livestock fences and landscape improvements.
- 4) All nonstructural accessory uses of a residential or temporary nature (30 days or less).
- J. All applications shall be made on forms as shall be developed and periodically updated by the Code Enforcement Officer. Applications shall include plot plans and such other information as is required to determine compliance with the requirements of this law.
- K. A zoning permit shall expire after twenty-four (24) months if the applicant fails to complete the improvements as approved. An extension may be approved by the Code Enforcement Officer for good cause (such as seasonal weather conditions) provided that any extension of more than twelve (12) months or subsequent extension of any length shall require approval of the Town Board.
- L. Accessory building permits shall not be issued in advance of permits for principal permitted or Special Uses or without an existing principal use in place and being operated on an on-going basis. Passive uses such as forestry shall not qualify for this purpose. However, accessory uses for other agricultural activities or in connection with seasonal occupations (e.g. structures used to store equipment or hunt camp structures) may be permitted as Special Uses. Accessory uses permitted under such circumstances shall be limited to those with the tangible and primary purpose of serving the principal use.
- M. The Code Enforcement Officer may issue a Certificate of Occupancy and/or Compliance to any legally existing use, provided the owner thereof so certifies and the Officer's investigations do not indicate otherwise.
- N. No permits shall be issued for any new uses in any instances where there are still unremedied existing violations.
- B. Should any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used in violation of this law, the Town Board or the Code Enforcement Officer, in addition to other remedies, may institute an appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, 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. Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. The Town Board shall be responsible for directing further enforcement.
- D. Should any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used in violation of this Law, the Town Board or the Code Enforcement Officer, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, 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.
- E. A violation of this Law is hereby declared to be an offense punishable by a fine not exceeding three hundred fifty dollars (\$350); for conviction of a second offense, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700); and, upon conviction for a third or subsequent offense, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000). Each day's continued violation shall constitute a separate additional violation.

**§ 110-69. Environmental quality review.**

All actions taken with respect to this law shall comply with the New York State Environmental Quality Review Act ("SEQRA") and applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.

**§ 110-70. Violations and penalties.**

- A. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. Nothing herein shall, however, restrict the right of the Code Enforcement Officer to act on a violation absent a complaint.

- F. The Code Enforcement Officer or acting Code Enforcement Officer, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Town of Plattekill.

**§ 110-71. Fees.**

The Town Board shall, by resolution, establish and periodically update a schedule of uniform fees, charges and expenses associated with the administration and enforcement of this law. Such schedule may provide for the assessment to applicants of professional costs incurred in the processing and/or review of any applications made pursuant to this Law.

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**ARTICLE VII**  
**ZONING BOARD OF APPEALS**

**§ 110-72. Establishment and membership.**

- A. There is hereby established a Zoning Board of Appeals having the powers authorized under the New York State Town Law. Said Board shall consist of seven (7) members of staggered 7-year terms, including a chairperson, appointed by the Town Board. Appointments shall be in accordance with the New York State Town Law and an appointment to a vacancy occurring prior to the expiration of a term shall be for the remainder of the unexpired term. In the absence of a Town Board appointment of a chairperson the Board of Appeals may designate a member to serve as acting chairperson. The Town Board may also provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper. In making such appointments, the Town Board may further require Board of Appeals members to complete training and continuing education courses.
- B. The Town Board shall also supersede the New York State Town Law pursuant to the Municipal Home Rule Law and, may during the annual reorganization meeting of Town Board, appoint an alternate member of the Zoning Board of Appeals to serve for a term of one (1) year or until a successor is appointed. Such alternate member shall attend meetings and act in the capacity of a full member whenever regular members cannot attend or must recuse themselves due to conflicts of interest. Alternate members shall not participate in the Board's deliberation of any matter in which they are not called upon to act in replacement of a full member.

**§ 110-73. Powers and duties.**

- A. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official(s) charged with the enforcement of this law and to that end shall have all powers of the administrative official(s) from whose order, requirement, decision, interpretation or determination the appeal is taken.
- B. Use variances.
- 1) The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officials charged with the enforcement of this law, shall have the power to grant use variances, as defined herein.
  - 2) No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable regulations and restrictions of this law have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall

demonstrate to the Zoning Board of Appeals that;

- a) he or she cannot realize a reasonable return, provided lack of return is substantial as demonstrated by competent financial evidence;
  - b) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - c) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - d) the alleged hardship has not been self-created.
- 3) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Area variances.
- 1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative officials charged with the enforcement of this law, to grant area variances as defined herein.
  - 2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
    - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    - c) whether the requested area variance is substantial;
    - d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    - e) whether the alleged difficulty was self-created, which consideration shall be relevant to the

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decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

- f) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- D. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

#### § 110-74. Procedures.

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
- B. Meeting of the Zoning Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- C. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days and shall be a public record. Every decision of the Zoning Board of Appeals shall be made by resolution and include findings establishing the basis of the decision.
- D. The Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. It shall also have authority to refer matters to the Town Planning Board for review and recommendation prior to making a decision.
- E. Except as otherwise provided herein, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative officials charged with the enforcement of this law. The concurring

vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town.

- F. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officials charged with the enforcement of this law by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record for the action appealed.
- G. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative office, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- H. The Zoning Board of Appeals shall fix a reasonable time, no more than sixty-two (62) days following application, for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney. The hearing shall be conducted in accordance with rules of the Zoning Board of Appeals. Such rules shall permit cross-examination by parties, provide for evidentiary procedures and allow for rehearings on the unanimous vote of the members present.
- I. The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after the close of said hearing. The time within which the Board of Appeals must render its decision may, however, be extended by mutual consent of the applicant and the Board.
- J. The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

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- K. At least five (5) days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the Ulster County Planning Department, as required by Section 239-m of the General Municipal Law. No Zoning Board of Appeals decision shall be made except in conformance with such 239-m procedures including requirements for an affirmative vote of no less than four (4) members of the Board if it shall determine to approve an application which the County has recommended it disapprove or modify.