

ZONING

Chapter 134

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 3-7-67 as L.L. No. 1-1967. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board - See Ch. 21.

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ARTICLE I

Purposes

§ 134-1. Enumeration of purposes. [Amended 3-27-01 by L.L. 2001-05]

There is hereby established a comprehensive zoning plan for the Village of Cold Spring, which plan is set forth in the text and map that constitutes this chapter. Said plan is adopted for the purposes set forth in New York State Village Law § 7-704 and in the interest of the protection and promotion of the public health, safety and welfare. Said plan shall be deemed also to specifically include the following purposes, among others:

- A. To recognize that the land within the confines of the Village of Cold Spring has been largely developed, but that the remaining vacant land, if improperly controlled, could drastically alter the character of the community to the detriment of all people residing therein.
- B. To recognize that the capacity of the sewer and water systems is limited and that uncontrolled building would impose an intolerable burden upon said public facilities.
- C. To recognize that the traffic capacity of village streets is limited and that proper control of parking and traffic is of paramount importance for adequate transportation and safety from fire and public dangers.
- D. To recognize that the Village of Cold Spring is situated in a location of unique beauty and that all planning and zoning must have as one of its goals the development of a village that will blend and harmonize with the surrounding countryside, thereby making a more pleasant, relaxed and healthful community for all.
- E. To recognize that while the Village of Cold Spring is primarily a residential community, provision also must be made for business, parks, recreation and mixed-use.

ARTICLE II

Definitions

§ 134-2. Word usage and definitions.

- A. Word usage. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

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B. Definitions. As used in this chapter the following terms shall have the meanings indicated:

ACCESSORY APARTMENT - A separate dwelling unit with its own cooking, sanitary and sleeping facilities and occupied by no more than one family for living purposes, which accessory apartment is a part of, subordinate and incidental to a single-family dwelling located on the same individual lot, and wherein the principal single-family dwelling is owner-occupied.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building allowed and located on the same lot as such principal use or building. In buildings restricted to residence use, the office of a professional person, customary home occupations, and workshops not conducted for compensation shall be deemed "accessory uses."

ACCESSORY BUILDING, ACCESSORY STRUCTURE - Supplemental building or structure, the use of which is incidental to that of a main or principal building or structure and located on the same lot therewith, the use of which requires location on the ground or attachment to something having location on the ground.

APARTMENT HOUSE - A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

AREA, BUILDING - The total area, taken on a horizontal plane at the main grade level, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BASEMENT - A story partly underground and having equal to or more than one-half ($\frac{1}{2}$) of its clear height below the average grade level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

BED & BREAKFAST -A dwelling owner occupied and licensed by NYS; with maximum number of guest rooms three (3); paid transient accommodation; no separate cooking facilities for guests; the maximum stay is thirty (30) continuous days or less.

BUILDING - Any structure having a roof and walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot.

BUILDING, HEIGHT OF - The vertical distance measured from the average elevation of the proposed finished grade around the perimeter of the building with the average measurement on each side of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and

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ridge for gable, hip and gambrel roofs. **[Amended 3-27-01 by L.L. 2001-5]**

BUILDING, PRINCIPAL OR MAIN - A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPER OR CAMPING TRAILER - A trailer drawn especially by an automobile or truck and equipped for use (as while traveling) as a dwelling. Also includes recreational vehicle, often abbreviated as RV, which is a motor vehicle or trailer which includes living quarters.

CODE ENFORCEMENT OFFICER — The Village Official appointed pursuant to § 40.1 of the Village Code

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership of such club.

COFFEE SHOP - A small, informal restaurant.

COMMERCIAL AMUSEMENT - A facility supplying refreshments and various forms of entertainment to the general public.

CONVENIENCE STORE **[Added 2-18-14 by L.L. 2014-01]**-A retail establishment which primarily sells food and beverages prepackaged or packaged within the establishment and in a ready to consume state and which also sells such items as magazines, newspapers and other sundries of a convenience nature to customers.

COVERAGE, LOT - That percentage of the plot or lot area covered by the building areas.

DEMOLITION — The act of pulling down, destroying, removing, moving, or razing a structure or part thereof, or commencing the work of total or partial destruction with the intent of completing same.

DEMOLITION, EMERGENCY — A demolition authorized when, after inspection, it is determined by the Code Enforcement Officer in consultation with the Village Engineer or an Engineer retained by the Village, that a structure poses an imminent threat to the health or safety of the community

DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW **[Added 2-18-14 by L.L. 14-01]** - A component of an establishment wherein the sale of goods, services, food or drink is provided directly to patrons while seated in automobiles which are located on the premises, or where the service such as ordering, delivering or payment is performed by a carhop, waiter or waitress located outside the confines of the building

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to patrons seated in a stationary automobile parked on the premises and where such consumption is allowed, encouraged or permitted on the premises, or a component of an establishment where food or drink is served from an enclosed building to patrons seated in automobiles located outside the confines of the building for immediate consumption, and where all or part of the consumption occurs outside the confines of the building or off the premises.

DUMP - A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING - A building designed or used as the living quarters for one (1) or more families.

DWELLING, MULTIPLE-FAMILY - A building or buildings on one (1) parcel of land, arranged, used, intended or designed to be occupied by three (3) or more families living independently of each other as separate and distinct housekeeping units, including apartment houses, cooperative apartments, condominium apartments, cooperative dwellings, condominium dwellings, cluster-type dwellings, dwellings which adjoin one another and dwellings built on one (1) parcel of land without delineation of plot lines. **[Amended 9-14-71 by L.L. No. 5-1971]**

DWELLING, ONE-FAMILY - A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY - A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT - A building or portion thereof providing complete housekeeping and living facilities for one (1) family.

ELECTRIC VEHICLE CHARGING STATION - An electric vehicle charging station, also called EV charging station, electric recharging point, charging point, charge point, ECS (electronic charging station), and/or EVSE (electric vehicle supply equipment), is an element in an infrastructure that supplies electric energy for the recharging of plug-in electric vehicles—including electric cars, neighborhood electric vehicles and plug-in hybrids.

FAMILY - One (1) or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a club or hotel.

FENCE - A barrier, railing, or other upright structure, regardless of composition, and potentially including a gate, separating an area of ground to mark a boundary, control access, or prevent escape.

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FILLING STATION - Any area of land, including structures thereon, that is used or designed to be used for the sale or supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, or otherwise cleaning or servicing such motor vehicles, but not including painting.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, NET - The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

FORMULA RESTAURANT [Added 2-18-14 by L.L. 2014-01] - A restaurant, whether a principal or accessory use, having, or required by contractual, franchise or other legal arrangements to have, along with ten or more other restaurants located in the United States, standardized menus, ingredients, food preparation or uniforms and required to have, or having, two or more of the following: (1) the same name, trade name or trademark; (2) distinctive and/or exterior or interior signage, design and/or architecture; (3) pre-prepared food in a ready to consume state; or (4) food sold over the counter in disposable containers and wrappers.

FORMULA RETAIL BUSINESS [Added 2-18-14 by L.L. 2014-01] - Any retail business, whether a principal or accessory use, that has or is required by contractual, franchise or other legal arrangements to have, along with ten or more other retail businesses located in the United States, two or more of the following: (1) the same name, trade name, or trademark; (2) distinctive and/or standardized architecture and/or exterior or interior signage; (3) the same or standardized uniforms; or (4) merchandise or an array of standardized merchandise. Provided, however, a grocery store is specifically excluded from this definition and shall not be considered a formula retail store.

GARAGE, PRIVATE - An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

GARAGE, PUBLIC - Any garage other than a private garage, available to the public, operated for gain and which is used for sales (franchised dealers only), parking, storage, repair, rental, greasing, washing, servicing, supplying fuel, adjusting or

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equipping of automobiles or other motor vehicles.

GROCERY STORE [Added 2-18-14 by L.L. 2014-01] - A retail store whose primary function is the retail sale of food, beverages and household related items, not for onsite consumption. Provided, however, a convenience store is specifically excluded from this definition and shall not be considered a grocery store.

HISTORIC STRUCTURE — A structure listed on or eligible for listing on the Local, State or National Register of Historic Places.

HOME OCCUPATION - Any occupation, activity or use carried out by the inhabitants for gain, profit or financial support that is clearly a customary, incidental and secondary use of a Primary Dwelling or Accessory Building.

HOME PROFESSIONAL OFFICE - The professional office of a lawyer, architect, engineer, physician, surgeon, dentist, chiropractor, real estate broker, accountant, tax consultant or other practitioner of a recognized licensed profession conducted as a secondary and incidental use of a residential Dwelling Unit.

HOSPITAL - An institution providing medical, diagnostic and surgical treatment and nursing care for sick or injured people.

HOTEL - A building containing three (3) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests and where only a general kitchen and dining room are or may be provided within the building or in an accessory building and licensed by NYS. **[Amended 3-2-70 by L.L. No. 1-1970]**

HOUSE TRAILER - Any vehicle or structure used or designed to be used or suitable for use for living purposes or as a dwelling, and which is or may be mounted on wheels, or is designed to be moved on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached. The term "house trailer" shall be deemed to include mobile home.

INDEPENDENT LIVING FACILITY - A unit containing: bath facilities including, at a minimum a sink or washbasin, a flush toilet and bathtub or stall shower; food preparation facilities including, at a minimum, a sink, a refrigerator, an oven and a stove; and a living room and a sleeping area.

JUNKYARD - A lot, land or structure or part thereof used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, chemicals, or waste consisting of discarded electronic products (such as computers, televisions, and cell phones); for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDERETTE/LAUNDROMAT - A business premises equipped with individual

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clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LINE, STREET - The dividing line between the street and the lot.

LIVE/WORK UNIT - A mixed-use dwelling unit (e.g., studio, loft or one bedroom) consisting of both a commercial/office and a residential component. The commercial/office function may be anywhere in the unit and shall be occupied by a business operator who lives in the same unit that contains the commercial/office activity.

LOT - A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Chapter.

LOT, CORNER - A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT, DEPTH OF - A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT LINE, FRONT - A line separating a lot from the street.

LOT LINE, REAR - A line that is opposite from the front lot line.

LOT LINES - Any line dividing one lot from another.

LOT, WIDTH OF - The average width measured at right angles to its depth.

LUNCHEONETTE - A small, informal restaurant serving lunches.

MIXED USE - Multiple functions (residence, office, commerce, light manufacturing, etc.) occurring within the same building or the same general area.

MOBILE HOME - See "House Trailer" [**Amended 3-27-01 by L.L. 2001-05**]

NONCONFORMING BUILDING [**Added 11-15-2011 by L.L. 2011-04**] - A structure lawfully existing at the effective date of this chapter or an amendment thereto affecting such structure, which contains a use permitted in the district in which it is located but does not conform to the district bulk requirements, such as minimum lot area, set back, lot coverage or building height.

NONCONFORMING USE - Any use of a building or structure, lot or land or part thereof, lawfully existing at the effective date of this chapter or any amendments thereto affecting such use, which does not conform to the use regulations of this

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chapter for the district in which it is located. **[Amended 11-15-2011 by L.L. 2011-04]**

NURSING HOME AND HEALTH-RELATED FACILITY [Added 10-12-76 by L.L. No. 2-1976] - Any building where persons are housed or lodged full or part-time and furnished with meals and nursing care, which complies with the laws, rules and regulations of the State of New York applicable thereto.

OPEN SPACE - Land used for recreation, resource protection, amenity, and/or yards. In no case shall any area of a lot constituting the minimum lot area of the lot nor any part of an existing or future road or right-of-way be counted as constituting open space except that yard areas may be included in the area of a lot constituting the minimum lot area.

OPEN SPACE, PROTECTED - Open land that is set aside as a condition of any Subdivision, Special Use Permit or Site Plan approval or permanently preserved by a conservation easement. Protected open space includes privately owned lands protected by conservation easement or municipal parkland.

OWNER-OCCUPIED – Occupied by property owner of record as primary residence and where owner resides for no fewer than two hundred and sixty (260) nights of a calendar year. **[Added 07-29-21 by L.L. 16--2021]**

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley; except that a driveway may be included for a dwelling unit in an R-1 District. The minimum width shall be nine (9) feet and the minimum length eighteen (18) feet. **[Amended 3-27-01 by L.L. 2001-5]**

PERSONAL SERVICE SHOP - Small business establishments which provide cosmetic and nonmedical health services for persons (e.g., barber or beauty shops, weight or fitness clinics, sun tan salons, etc.).

PROFESSIONAL OFFICE/SERVICES - Professional services are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some professional services require holding professional licenses such as architects, accountants, engineers, doctors and lawyers.

QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPING - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RESTAURANT [Added 2-18-14 by L.L. 2014-01] - An establishment where prepared food is sold for consumption on the premises or as take-out. The term “restaurant” shall include establishments such as a bar or pub and other

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establishments that sell a limited type of food for consumption on the premises or as take-out such as ice cream shops, donut shops, delicatessens, coffee houses and similar establishments, but shall not include push charts and street vendors.

RETAIL BUSINESS [Added 2-18-14 by L.L. 2014-01] - An establishment selling goods to the general public for personal and household consumption. The term 'retail business' shall include such businesses as bakeries, Grocery Stores, drug stores, florists, hardware stores, liquor stores, convenience stores (this is not meant to be an exhaustive list). However, retail business shall not include financial institutions such as banks and savings and loan associations.

SANATORIUM - An establishment for the medical treatment of people who are convalescing or have a chronic illness.

SENIOR CITIZEN HOUSING - Age-restricted housing facilities which meet the special housing needs of senior citizens, limit occupancy of each dwelling to no more than two (2) persons, and comply with the "housing for older persons" exception from the Federal Fair Housing Act, as amended (42 U.S.C. s.3607(b)(1)-(5)). **[Amended 05-13-14 by L.L. 2014-02]**

SHORT-TERM RENTAL— Rental of any residential dwelling or space therein to visitors in exchange for a fee or compensation, whether monetary or otherwise, for dwelling, sleeping or lodging, for a period of no less than two (2) nights and no more than thirty (30) consecutive nights. The term "short-term rental" does not include Bed & Breakfast, Tourist Home, boardinghouse, rooming homes or Hotel establishments. Any space used for an STR must be owner-occupied for no fewer than two hundred and sixty (260) nights. See Chapter 100 Short-Term Rentals. **[Added 07-29-21 by L.L. 16--2021]**

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. **[Amended 11-22-05 by L.L. 2005-05]**

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF – An uppermost story in which the potential net floor area, with a ceiling height of no less than seven feet (7'-0"), is no more than fifty (50) percent of the net floor area of the story directly beneath it. **[Amended 7-12-2011 by L.L. 2011-03]**

STORY, HEIGHT OF - The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance

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from the top surface of the floor to the top surface of the ceiling joists.

STREET - A public or private way which affords the principal means of access to abutting properties.

STREET GRADE - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

STRUCTURE - Any combination of materials or anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TRAILER - See "House Trailer."

USE - The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

WHOLESALE SALES – A sale by wholesalers to retailers, jobbers, dealers, or other wholesalers for resale.

YARD - An unoccupied space open to the sky on the same lot as a building or structure.

YARD, FRONT - An open, unoccupied space on the same lot as the building, between the building and the front lot line and extending the full width of the lot.

YARD, REAR - An open, unoccupied space on the same lot as the building, between the building and the rear lot line and extending the full width of the lot.

YARD, SIDE - An open, unoccupied space on the same lot as the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

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ARTICLE III
Establishment of Districts

§ 134-3. Listing of districts.

For the purpose of promoting the public health, safety, morals and general welfare of the Village of Cold Spring, said Village is hereby divided into the following types of districts:

R-1 One-Family Residence District

R-3 Multiple-Family Residence District

B-1 General Business District

B-2 Designated Shopping Center District

B-3 Designated Retail-Financial-Professional District [**Mar. 27, 1973 L.L. No. 2-1973**]

B-4 Designated Medical and Health Care Facility District [**Added Oct. 12, 1976 by L.L. No 2-1976**]

B-4A Designated Medical and Health Care Mixed Use District [**Added May 13, 2014 by L.L. 2014-02**]

B-5 Railroad District

MU-1 Mixed Use District

PR-1 Parks and Recreation District

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§ 134-4. Zoning Map.

Said districts are bounded as shown on a map entitled "Zoning District Map, Village of Cold Spring, Town of Philipstown, Putnam County, State of New York" dated September XX, 2021, which, with all explanatory matter thereon, is hereby made a part of this chapter and accompanies same.¹ **[Amended 12-9-08 by L.L. 2008-3]; [Amended 5-13-14 by L.L. 2014-02] SEE APPENDIX A and B**

¹ Editor's Note: The Zoning Map is on file in the office of the Village Clerk.

Note: A footnote shall be added to Village Code §134-4 stating that the change in zoning of the property described in this Local Law from B-4 to B-4A and B-4 to R-1 is conditioned upon and shall commence and be effective upon approval of a site plan that substantially conforms to the annexed concept plan. Provided, however, that in the event that the said property is not actually developed in accordance with the terms and provisions of the approved site plan, then the Zoning Map designation will revert to B-4. For purposes of this Local Law, the term "substantial conformity" shall mean that:

- (a) there shall be no increase in the number of buildings shown on the concept plan;
- (b) the size of the buildings shown on the concept plan may be decreased, but shall not be increased, except for the three proposed single Family homes which may be of any size conforming to applicable zoning;
- (c) the locations of the buildings shall not be altered by more than 15 feet in any direction unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations, under such specific circumstances a building may be moved no more than 25 feet in any direction;
- (d) the orientation of the individual buildings depicted on the concept plan shall not vary more than 10 degrees, unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations, under such specific circumstances the orientation of individual buildings may vary no more than 15 degrees. Building orientation restrictions shall not apply to the three proposed single Family homes;
- (e) the "Gateway Park Area" depicted on the concept plan shall not be decreased by more than 10%; the "Gateway Park Area" shall not be included in any calculation of resident community space;
- (f) the uses on the property shall not deviate from those listed in § 134-15A (B) of the B-4A zoning district.

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§ 134-5. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Along centerline of roads. Where district boundaries are indicated as approximately following the centerlines of streets or highways or rights-of-way, such centerlines shall be construed to be such boundaries.
- B. Along Lot Lines. Where district boundaries are so indicated that they approximately follow Lot Lines, such Lot Lines shall be construed to be said boundaries.
- C. Parallel to centerlines or right-of-way lines. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets or highways or rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Along railroad lines. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Watercourses. Where the boundary of a district follows an internal stream, lake or other body of water, said boundary line shall be deemed to follow the center line thereof; where the boundary of a district follows an external stream, lake or other body of water located along the town boundary, said district line shall be deemed to follow the line of jurisdiction of the town.

ARTICLE IV **District Regulations**

§ 134-6. Adherence to regulations; interpretation.

Except as hereinafter provided:

- A. No Building or land shall hereafter be used or occupied and no Building or part thereof shall be erected, moved or altered unless authorized by and in conformity with the regulations herein specified for the district in which it is located.²

² Editor's note: A Table of Dimensional Requirements is included as an appendix to this chapter.

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B. No Building shall hereafter be erected or altered:

- (1) To exceed the height;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of Lot Coverage area; or
- (4) To have a narrower or smaller rear yard, front yard or side yards,

than is specified herein for the district in which such Building is located.

C. No part of a yard or other Open Space about any Building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other Open Space similarly required for another Building.

D. The listing of any use in the regulations either as being permitted in or as being excluded from any particular district shall be deemed to be an exclusion of such use from any other district unless such use is permitted in such other district under the language set forth in the schedule as applying thereto.

E. Any use not permitted by this Chapter shall be deemed prohibited.

§ 134-7. Regulations for R-1 One-Family Residence District.

The following regulations shall apply in all R-1 Districts:

A. Permitted Uses.

- (1) One-Family Dwelling, not to include House Trailer.
- (2) Churches and similar places of worship; parish house.
- (3) Public parks and playgrounds; other municipal recreation uses.
- (4) Schools meeting State Department of Education requirements; public libraries and municipal Buildings.
- (5) Home Occupations as per Section § 134-16 G (4) and Accessory Uses as defined in Article II, § 134-2 B.
- (6) Short-Term Rentals [**Added 07-29-21 by L.L. 16-2021**] - See Chapter 100 (Short-Term Rentals).
- (7) One (1) Accessory Apartment is permitted on an R-1 lot. See §134-2

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(Definitions) and §134-17 F (Accessory Apartments).

(8) Home Professional Office as per Section § 134-16 G(4).

B. Uses under special use permit from the Planning Board according to §134-16.

(1) Conversion of a Structure existing on the date of passage of this chapter from a One-Family Dwelling to a Two-Family Dwelling or from a Two-Family Dwelling to a Multiple-Family Dwelling.

C. Minimum required. [**Amended 3-27-73 by L.L. No. 3-1973**]

(1) Lot area: seven thousand five hundred (7,500) square feet.

(2) Lot width: seventy-five (75) feet.

(3) Lot depth: seventy-five (75) feet.

(4) Front yard: twenty-five (25) feet. If two (2) or more existing Dwellings are located within two hundred (200) feet on each side of a proposed Dwelling [except in the case of a Corner Lot, then within two hundred (200) feet on one (1) side of a proposed Dwelling] on the same side of the street and within the same block and same district, said proposed Dwelling may have a front yard of twenty-five (25) feet or said proposed Dwelling may have a front yard of not greater than the average setback of all existing Dwellings so located.

(5) Each side yard: ten (10) feet.

(6) Rear yard: twenty (20) feet.

(7) Net floor area per Dwelling Unit: six hundred (600) square feet.

(8) Off-street Parking Space per Dwelling Unit (see § 134-17 M): two (2).
[**Amended 3-27-01 by L.L. 2001-5**]

(9) [**Added 3-27-01 by L.L. 2001-05**] Each lot shall be of such shape that a square fifty by fifty feet (50 x 50) will fit in fifty (50) percent of the lot.

(10) In computing the front yard setback, the presence of entries and porticoes may be ignored (see 134-17 D (2)).

D. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2½).

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- (b) Feet: thirty-five (35).
- (2) Building percentage of Lot Coverage: thirty (30) percent.
- E. Supplementary regulations as may be required by § 134-14 and § 134-17.
- F. Site plan review and approval.
 - (1) In each case where a Building is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan review and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.
 - (2) In each case where a change of use, other than for One-Family Dwellings, Home Occupations, and Short-Term Rentals, is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed use to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan review and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

§ 134-8. Regulations for R-3 Multiple Family Residence District.

The following regulations shall apply in all R-3 Districts:

A. Permitted Uses.

- (1) All uses permitted in R-1 Districts with the exception of Short-Term Rentals. Short-Term Rentals are not permitted in R-3 districts. **[Amended 07-29-21 by L.L. 16-2021]**

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(2) Two-Family and Multiple-Family Dwellings.

B. Uses under special use permit from the Planning Board according to § 134-16:

(1) Same as under R-1 One-Family District (see § 134-7B) with the exception of Accessory Apartments. Accessory Apartments are not permitted in an R-3 District.

(2) Bed & Breakfast.

C. Minimum required. [**Amended 3-27-73 by L.L. No. 1-1973; 12-10-74 by L.L. No. 1-1974**]

(1) Lot area: twenty-seven thousand (27,000) square feet.

(2) Lot area per Dwelling Unit.

(a) Studio and one-bedroom Dwelling Unit: four thousand (4,000) square feet.

(b) Two-bedroom Dwelling Unit: six thousand five hundred (6,500) square feet.

(c) Three or more bedroom Dwelling Unit: eight thousand five hundred (8,500) square feet.

(3) Lot width: one hundred (100) feet.

(4) Lot depth: two hundred (200) feet.

(5) Front yard: twenty-five (25) feet.

(6) One (1) side yard: twelve (12) feet.

(7) Total both side yards: thirty (30) feet.

(8) Rear yard: thirty (30) feet.

(9) Net Floor Area per Dwelling Unit: six hundred (600) square feet.

(10) Off-street parking per Dwelling Unit (see § 134-17 M). [**Amended 3-27-01 by L.L. 2001-05**]

(11) In computing the Front Yard setback, the presence of entries and porticoes may be ignored (see 134-17 D (2)).

(12) Exceptions to Front Yard setbacks – see § 134-17 D (3).

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D. Maximum permitted. **[Amended 12-10-74 by L.L. No. 1-1974]**

(1) Building Height.

(a) Stories: two and one-half (2 ½).

(b) Feet: thirty-five (35).

(2) Maximum length of Building: one hundred eighty (180) feet.

(3) Building Percentage of Lot Coverage: twenty-five (25) percent.

E. Supplementary regulations applying to Multiple-Family Dwellings. **[Amended 9-14-71 by L.L. No. 5-1971; 12-10-74 by L.L. No. 1-1974]**

(1) Distance between Buildings. The following minimum distances between Buildings shall be observed:

(a) Between a Principal Building, other than a One-Family Dwelling, and a one-Story Accessory Building or Accessory Structure: twenty (20) feet.

(b) Between two (2) Multiple-Family Dwelling buildings: a distance equal to at least twice the number of Building Height in feet.

(2) Applicable requirements of § 134-14 and §134-17.

(3) Site plan review and approval. In each case where a Building or use is proposed in this district, or when an alteration or conversion of a Building is proposed, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building or use to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan review and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

§ 134-9. Regulations for B-1 General Business District.

The following regulations shall apply in all B-1 GB Districts:

A. **[Added 3-27-01 by L.L. 2001-5]** Site plan review and approval. In each case where a Building or alteration or conversion is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the

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proposed Building to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan review and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Uses permitted.

- (1) All uses permitted in any residential district. For Multifamily residences, apartments shall meet the requirements in 134-8.
- (2) Retail businesses. [**Amended 2-18-14 by L.L. 2014-01**]
- (3) Professional Offices/Services.
- (4) Personal Service Shops.
- (5) Banks, theaters, restaurants and similar commercial establishments.
- (6) Wholesale Sales which are incidental to a Retail Business conducted on the premises.
- (7) Hotels.
- (8) Signs subject to regulations set forth in § 104 Signs and Placards.
- (9) Short-Term Rentals [**Added 07-29-21 by L.L. 16-2021**] - see Chapter 100.
- (10) Conversion of a first floor commercial, professional or retail space to residential use is prohibited. In addition, existing first floor store front glass areas cannot be reduced during any renovation or use change, or change from residential to commercial or retail use.

C. Uses under special use permit from the Planning Board according to § 134-16.

- (1) Other uses which, in the opinion of the Planning Board, are of the same general character as those listed as Permitted Uses and which will not be detrimental to the district in which they are located.
- (2) Same as uses under special use permit in any residence district (R-1 and R-3) (see §§ 134-7 B and 134-8 B).

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- (3) Bed & Breakfast.
- (4) Marinas for the docking of pleasure boats , together with restaurant facilities to be used in connection with the marina. All such uses shall have toilet facilities connected to the municipal sewer system. No such use, however, shall be established or permitted on a parcel of land less than one hundred sixty thousand (160,000) square feet in area, with a minimum frontage on the Hudson River of two hundred (200) feet.

D. Minimum required.

- (1) Lot area: ten thousand (10,000) square feet.
- (2) Lot width: fifty (50) feet.
- (3) Lot depth: one hundred fifty (150) feet.
- (4) Front yard: forty (40) feet except B-1 Lots on Main Street can have a zero (0) foot front yard setback. If two (2) or more existing Dwellings are located within two hundred (200) feet on each side of a proposed Dwelling (except in the case of a Corner Lot, then within two hundred (200) feet on one (1) side of a proposed Dwelling) on the same side of the street and within the same block and same district, said proposed Dwelling may have a front yard of forty (40) feet or B-1 Lots on Main Street can have a zero (0) foot front yard or said proposed Dwelling may have a front yard of not greater than the average setback of all existing Dwellings so located.
- (5) One (1) side yard: five (5) feet.
- (6) Total both side yards: ten (10) feet.
- (7) Rear yard: ten (10) feet.
- (8) Off-street parking: see supplemental parking regulations, § 134-17 M.
- (9) **[Added 3-27-01 by L.L. 2001-5]** Each Lot shall be of such shape that a rectangle thirty by forty feet (30x 40) will fit in fifty (50) percent of the Lot.

E. Maximum permitted.

- (1) Building Height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).

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(2) Building Percentage of Lot Coverage: thirty-five (35) percent.

F. Supplementary regulations applying to B-1, General Business District.

(1) Any permitted nonresidential use located on a Lot within twenty-five (25) feet of a residence district boundary, shall be screened from that residence district along any such Lot Line and lighting shall be so arranged to conform with Chapter 81, Outdoor Lighting Standards. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the Lot from the view of properties in the adjoining residence district.

(2) Applicable requirements of § 134-14 and § 134-17.

G. Prohibited.

(1) Bulk storage of any kind including lumberyard, warehouses, oil and gas storage; Junkyards or similar uses.

(2) Any use, which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety.

§ 134-10. Regulations for B-2 Designated Shopping Center District.

The following regulations shall apply in all B-2 Districts:

A. Site plan review and approval. In each case where a Building or alteration or conversion or use is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building or use to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan reviews and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted Uses.

(1) Retail Businesses. **[Amended 2-18-14 by L.L. 2014-1]**

(2) Business and professional offices.

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- (3) Restaurants.
- (4) Signs accessory to an establishment located on the same Lot, provided such signs are limited as set forth in §104 Signs and Placards. Signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.
- (5) Theaters and other Commercial Amusements in fully enclosed structures.

C. Uses under special use permit according to § 134-17.

None.

D. Minimum required.

- (1) Lot area: forty thousand (40,000) square feet.
- (2) Lot Width: two hundred (200) feet. **[Amended 3-27-01 by L.L. 2001-5]**
- (3) Lot Depth: two hundred (200) feet.
- (4) Front yard: sixty (60) feet.
- (5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.
- (6) Rear yard: thirty (30) feet.
- (7) Off-street parking: see supplemental regulations in Subsection F and § 134-17 M.

E. Maximum permitted.

- (1) Building Height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building Percentage of Lot Coverage: thirty (30) percent. **[Amended 3-27-01 by L.L. 2001-5]**

F. Supplementary regulations applying to B-2 Designated Shopping Center Districts.

- (1) Entrances and exit driveways shall be identified on the site plan.
- (2) All Permitted Uses and all storage accessory thereto, other than off-street

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parking, shall be carried on in Buildings fully enclosed on all sides.

- (3) All loading and unloading shall be off the street and on the property.
- (4) Any use located on a Lot within twenty-five (25) feet of a residence district boundary, shall be screened along any such Lot Line from that residence district and light shall be arranged to conform to Chapter 81, Outdoor Lighting Standards. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the Lot from the view of properties in the adjoining residence district.
- (5) Supplementary sign regulations. Subject to the regulations set forth in § 104 Signs and Placards, signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.
- (6) Conversion of a first floor commercial, professional or retail space to residential use is prohibited. In addition, existing storefront glass areas cannot be reduced during any renovation, use change, or change from residential to commercial or retail use.
- (7) Requirements of § 134-14 and § 134-17 are applicable to this district.

G. The following uses are expressly prohibited:

- (1) Amusement parks and circuses.
- (2) Bulk storage of any kind including lumberyard, warehouses, oil and gas storage, Junkyards or similar uses.
- (3) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health and safety.
- (4) Accessory Apartments.

§ 134-11. [Added 3-27-73 by L.L. No. 2-1973] Regulations for B-3 Designated Retail-Financial-Professional District.

The following regulations shall apply in all B-3 Districts:

- A. Site plan review and approval. In each case where a Building or alteration or conversion is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building or use to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan reviews and, after holding a public hearing on each case, following the

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procedure required for approval of site plans or subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted Uses.

- (1) Retail Business. [**Amended 2-18-14 by L.L. 2014-1**]
- (2) Banks and similar commercial establishments.
- (3) Professional offices/services.
- (4) Single Family residences
- (5) Restaurants
- (6) Signs accessory to an establishment located on the same Lot, provided such signs are limited as set forth in §104 Signs and Placards.
- (7) Churches and similar places of worship; parish house.
- (8) Schools meeting State Department of Education requirements; public libraries and municipal Buildings.

C. Uses under special use permit from the Planning Board according to § 134-16.

None.

D. Minimum required.

- (1) Lot area: forty thousand (40,000) square feet. [**Amended 3-27-01 by L.L. 2001-5**]
- (2) Lot Width: two hundred (200) feet. [**Amended 3-27-01 by L.L. 2001-5**]
- (3) Lot Depth: two hundred (200) feet.
- (4) Front yard: sixty (60) feet.
- (5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.

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- (6) Rear yard: thirty (30) feet.
- (7) Off-street parking: see supplemental regulations in Subsection F and § 134-17 M.

E. Maximum permitted.

- (1) Building Height.
 - (a) Stories: two and one-half (2½).
 - (b) Feet: thirty-five (35).
- (2) Building Percentage of Lot Coverage: thirty-five (35) percent.

F. Supplementary regulations applying to B-3 Retail Financial-Professional District.

- (1) Entrances and exit driveways shall be identified on the site plan.
- (2) All Permitted Uses and all storage accessory thereto, other than off-street parking, shall be carried on in Buildings fully enclosed on all sides.
- (3) All loading and unloading shall be off the street and on the property.
- (4) Any use located on a Lot, any Lot Line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such Lot Line and Light shall be arranged to conform to Chapter 81 Outdoor Lighting Standards. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the Lot from the view of properties in the adjoining residence district.
- (5) Supplementary sign regulations. Subject to the regulations set forth in § 104 (Signs and Placards), signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.
- (6) The requirements of § 134-14 and § 134-17 shall be applicable to this district.

G. The following uses are expressly prohibited in this district:

- (1) Theaters.
- (2) Amusement parks, circuses, bowling alleys and other Commercial Amusements.
- (3) Public Garages, Filling Stations, motor vehicle body and repair shops.
- (4) Manufacturing, assembling, converting, altering, finishing or any other

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processing of products or materials.

- (5) Motor vehicle and Mobile Home sales and dealerships.
- (6) Wholesale Sales.
- (7) Bulk storage of any kind, including lumberyard, warehouses, oil and gas storage, Junkyards or similar uses.
- (8) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health and safety.

§ 134-12. Regulations for MU-1 Mixed Use District.

The following regulations shall apply in all MU-1 Districts:

- A. Site plan review and approval. In each case where a Building or alteration or conversion is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building to the Planning Board for its review. Such Board shall determine that all the requirements of this Chapter have been met, including the plan and standards required for site plan approvals and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.
- B. Permitted Uses:
 - (1) Any use permitted in R-1 One-Family Residence District excepting Accessory Apartments and Short-Term Rentals. (Accessory Apartments and Short-Term Rentals are not permitted in an MU-1 District).
 - (2) Buildings, Structures, municipal parking and uses owned by the Village of Cold Spring.
 - (3) Office Buildings for editorial, business and professional offices, and research and design.
 - (4) Live/Work Units including attendant sales of work output.
 - (5) Professional Services, retail, and recreational uses and facilities.

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- (6) Restaurants.
- (7) Conversion of a first floor commercial, professional or retail space to residential use is prohibited. In addition, existing store front glass areas cannot be reduced during any renovation or use change, or change from residential to commercial, professional or retail use.
- (8) Commercial Amusement venues.
- (9) Signs accessory to an establishment located on the same Lot, provided such signs are limited as set forth in §104 Signs and Placards.

C. Uses under special use permit according to § 134-16.

- (1) Manufacturing, assembling, which operation, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area.
- (2) All applications for building permits shall be referred to the Planning Board as set forth above.

D. Minimum required.

- (1) Lot area: ten thousand (10,000) square feet.
- (2) Lot Width: seventy-five (75) feet.
- (3) Lot Depth: one hundred (100) feet.
- (4) Front yard: ten (10) feet.
- (5) One (1) side yard: fifteen (15) feet.
- (6) Total both side yards: thirty (30) feet.
- (7) Rear yard: thirty (30) feet.
- (8) Off-street parking: see supplementary regulations, § 134-17 M.
- (9) Net Floor Area per Dwelling Unit: six hundred (600) square feet.

E. Maximum permitted.

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- (1) Building Height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building Percentage of Lot Coverage: .
 - (a) For Residential Use – thirty (30) percent.
 - (b) For Business Use – thirty (30) percent.
 - (c) For Mixed Use – thirty (30) percent.

F. Supplementary regulations applying to MU-1 District:

- (1) Any permitted nonresidential use located on a Lot, any Lot Line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such Lot Line and light shall be so arranged to conform to Chapter 81 Outdoor Lighting Standards. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the Lot from the view of properties in the adjoining residence district.
- (2) Applicable requirements of § 134-14 and § 134-17 shall be applicable to this district.

G. The following uses are expressly prohibited:

- (1) Manufacturing uses involving primarily production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and animal size; linoleum and oilcloth, matches, paint, varnishes and turpentine; rubber (natural or synthetic), soaps, including fat rendering starch.
- (2) The following processes: nitrating of cotton or other materials; milling or processing of flour or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber,

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including paper-mill operations.

- (3) Operations involving stockyards and slaughterhouses, grain elevators and slag piles.
- (4) Storage of explosives; bulk or wholesale storage of gasoline above or below ground.
- (5) Dumps, Junkyards and landfills, except those owned and/or operated by the Village.
- (6) Quarries, mining, stone crushers, screening plants, and storage of Quarry screenings accessory to such uses.
- (7) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety.

§ 134-13. Regulations for PR-1 Parks and Recreation District.

The Parks and Recreation District is created to define areas in the Village which provide opportunities for the enjoyment of the environment including proximity to water, recreational opportunities, opportunities for relaxation, and the opportunity to enjoy the scenery.

The Parks and Recreation District applies to the Waterfront Park, Dockside Park, Mayor's Park, Ronald McConville/Tot Park, the Haldane ballfields west of Morris Avenue (37 Morris Ave. tax id 48.8-3-9), West Point Foundry Preserve, Foundry Dock Park, the Cold Spring Boat Club, the Chapel Restoration, and from the Hudson River/Cold Spring Boat Club to Market Street bounded on the north by New Street and bounded on the south by tax id 48.12-1-50 and tax id 48.12-1-48 .

The following regulations shall apply in all PR-1 Districts:

- A. Site plan review and approval. In each case where a use or a Building or alteration or conversion is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed use(s) and Building(s) to the Planning Board for its review. The Planning Board shall be authorized to determine that all requirements of this Chapter have been met, including any additional requirements referenced in the site plan review regulations with the Planning Board having sole authority to apply appropriate conditions, standards and safeguards as deemed necessary in each case. After holding a public hearing on each case, following the procedure required for approval of a site plan under Village Law, the Planning Board shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its

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reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted Uses:

- (1) Neighborhood and community parks and playgrounds.
- (2) Public plazas and bandstands.
- (3) Bicycle and pedestrian trails.
- (4) Athletic fields and court games.
- (5) Wildlife refuges and conservation areas.
- (6) Forestry.
- (7) Water dependent uses such as docks and boat launches.

C. Uses under special use permit:

- (1) Commercial facilities incidental to the operation of public recreational uses, such as refreshment stands, offices and museums, subject to a special use permit that takes into considerations factors such as traffic, property size and location.
- (2) .Marinas for the docking of pleasure boats, together with restaurant facilities to be used in connection with the marina. All such uses shall have toilet facilities connected to the municipal sewer system. No such use, however, shall be established or permitted on a parcel of land less than one hundred sixty thousand (160,000) square feet in area, with a minimum frontage on the Hudson River of two hundred (200) feet.

D. Minimum requirements:

- (1) Lot area: one thousand (1,000) square feet.
- (2) Lot Width: twenty (20) feet.
- (3) Lot Depth: twenty (20) feet.
- (4) Front yard: five (5) feet.
- (5) Side yard: five (5) feet; total both side yards ten (10) feet.
- (6) Rear yard: ten (10) feet.

E. Maximum permitted:

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(1) Building Height:

- (a) Stories: one (1) Story.
- (b) Feet: sixteen (16).

(2) Building Percentage of Lot Coverage: one (1) percent.

F. Supplementary regulations applying to PR-1 District:

- (1) Applicable requirements of § 134-14 and § 134-17 shall be applicable to this district.

§ 134-14. Scenic Viewshed Overlay District.

A. Findings and purpose.

- (1) Pursuant to the New York Scenic Area of Statewide Significance (“SASS”) regulations (19 NYCRR Part 602, Policy 24), special protection of the features of the Cold Spring Subunit of the Hudson Highlands SASS, as identified in the Inventory below, is necessary to preserve the attractive scenic quality of the Village.
- (2) The purposes of this section are:
 - (a) To ensure that new development and major changes to existing development in the Village are sited and planned in a manner that will protect the scenic beauty of the Village and surrounding areas;
 - (b) To protect public views from public places (as used hereafter in this section, “views”), consistent with the New York DEC Program Policy on Assessing and Mitigating Visual Impacts³;
 - (c) To protect views of certain properties within the Village; and
 - (d) To protect views from within the Village of certain areas outside the Village.

B. Applicability.

- (1) The Scenic Viewshed Overlay (“SVO”) District is overlaid onto the Village’s underlying zoning districts, as shown on the Zoning Map. All provisions of the

³ https://www.dec.ny.gov/docs/permits_ej_operations_pdf/vispolfinaldraftoct18.pdf.

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underlying districts shall be applied except where provisions of the SVO District differ. In such cases, the more restrictive provision shall apply.

- (2) The provisions of this section apply only to applications for subdivision of a property, those applications that require a site plan or special use permit, and applications for Building Permits requesting permission to increase the height or width of an existing Structure by ten (10) feet or more.
- (3) In order to grant approval for subdivision of property, site plan or special use permit within the SVO District, or applications for Building Permit requesting permission to increase the height or width of an existing Structure by ten (10) feet or more within the SVO District, the Planning Board must find that the use or alteration is in compliance with the regulations of this Article and all other applicable regulations of this Law.

C. Inventory.

The following elements, parcels and Structures form an integral part of the scenic viewshed of the Village of Cold Spring and comprise the Inventory for purposes of this section, including views of:

- (1) Dockside Park.
- (2) The riverfront park and bandstand.
- (3) Historic waterfront Buildings on West Street (north of Main Street) and Lower Main Street.
- (4) The Chapel Restoration (formerly known as the Chapel of Our Lady).
- (5) The West Point Foundry, including the foundry path from the northbound Metro-North platform to Kemble Avenue.
- (6) Foundry Cove.
- (7) Foundry Dock Park.
- (8) Kemble Ridge (including the Kemble overlook) St. Mary's Episcopal Church and lawn.
- (9) Mount Taurus (Bull Hill), including from:
 - (a) Route 9D south of Main Street.
 - (b) West of Route 9D.

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(11) Crow's Nest and Storm King Mountain, including from:

- (a) Kemble Avenue south of The Boulevard.
- (b) Upper and lower Main Street.
- (c) The waterfront area from Dockside Park to the southern boundary of the Village.

(12) The United States Military Academy at West Point.

(13) Mayor's Park.

(14) McConville Park.

D. Procedures.

(1) The following actions (hereafter, "proposed action") shall trigger review by the Planning Board under these SVO District regulations:

- (a) Application for subdivision approval;
- (b) Application for site plan review;
- (c) Application for special use permit: or
- (d) Application for Building Permit requesting permission to increase the height or width of an existing Structure.

(2) The Planning Board shall determine that the proposed action is not likely to impair the scenic beauty of the elements, parcels and Structures listed in the Inventory. Examples of impairment include:

- (a) The irreversible modification of geologic forms, when the geologic forms are significant to the scenic quality of an identified scenic resource;
- (b) The destruction or removal of vegetation, when the vegetation is significant to the scenic quality of an identified scenic resource;
- (c) The modification, destruction, or removal of Structure(s), when the Structure(s) are significant to the scenic quality of an identified scenic resource; and
- (d) The addition of Structure(s) which because of siting or scale, will reduce identified views or which because of scale, form, or materials, will diminish the scenic quality of an identified scenic resource.

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E. Site Development Standards.

To the extent possible, all Structures to be built within the SVO District shall be sited and clustered in such a way as to avoid or minimize the obstructing of views of elements, parcels and Structures listed in the Inventory. This is to be accomplished by the following:

- (1) Building Design and Placement. The Planning Board shall use the following siting and facility-related guidelines in reviewing and proposing modifications to a proposed action:
 - (a) Structures shall be clustered or oriented to retain views and, if possible, provide Protected Open Space and provide visual organization to a development;
 - (b) Development shall be clustered near existing trees or other Buildings whenever possible or on the down-slope of existing tree clusters instead of creating new view obstructions;
 - (c) Structures and other development such as power lines and Signs shall be sited so as not to interfere with views, for example, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
 - (d) Development shall be located in a manner that maintains the existing landscape features to the greatest extent feasible by locating Buildings on natural topography;
 - (e) Long, unbroken planes of Building frontage shall be avoided whenever feasible if public views will be obstructed. For example, the gabled ends of Buildings may be oriented toward the road to mitigate view obstruction;
 - (f) Colors and materials shall be compatible with surrounding Structures and natural features to blend Buildings into the landscape;
 - (g) Vegetation shall be maintained or added to provide interest, blend Structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters; and
 - (h) Original geologic forms shall be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest.
- (2) Lighting: Off-site lighting impacts shall be minimized, consistent with the Chapter 81- Outdoor Lighting Standards.

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- (3) Roads and Driveways: Roads and Driveways shall take into consideration existing contours and, to the extent practical, contours following existing linear features such as tree lines or stone walls.
- (4) Utilities: All on-site utilities shall be located underground. The Planning Board may waive this requirement as part of Site Plan approval where the applicant can demonstrate that site conditions make undergrounding impractical or where required by the Utility Company to be otherwise located. If this provision is waived by the Planning Board, every attempt shall be made to establish utility corridors that are shared with other utilities and shall be located to minimize site disturbance, and any adverse impacts to the natural, cultural or scenic resources in the SVO district.

§ 134-15. [Added 10-12-76 by L.L. No. 2-1976] Regulations for B-4 Designated Medical and Health Care Facility District.

The following regulations shall apply in the B-4 District:

- A. Site plan review and approval. In each case where a Building or alteration or conversion is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building to the Planning Board for its review. The Planning Board shall determine that all the requirements of this Chapter have been met and, after holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.
- B. Permitted Uses.
 - (1) Any use permitted in an R-1 District with the exception of both Accessory Apartments and Short-Term Rentals, neither of which are permitted in a B-4 District.
 - (2) Hospital or Sanatorium,
 - (3) Nursing Home and Health-Related Facility.
- C. Uses under special use permit. **[Amended 2-28-78 by L.L. No. 1-1978]**
 - (1) Senior Citizen Housing.
- D. Minimum requirements.

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- (1) Lot area: sixty thousand (60,000) square feet.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred (200) feet.
- (4) Front, side and rear yards: as determined by the Planning Board.
- (5) Off-street parking area: see § 134-17 M.

E. Maximum permitted.

- (1) Building Height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building Percentage of Lot Coverage: twenty-five (25) percent.

F. Supplementary regulations applying to B-4 Designated Medical and Health Care Facility District.

- (1) Entrances and exit driveways shall be identified.
- (2) All Permitted Uses and all storage accessory thereto, other than off-street parking, shall be carried on in Buildings fully enclosed on all sides.
- (3) All loading and unloading shall be off the Street and on the property.
- (4) No part or portion of any use permitted hereunder shall be within fifty (50) feet of any Street or Lot Line.
- (5) The requirements of § 134-14 and § 134-17 shall be applicable to this district.

G. The following standards, in addition to § 134-15 F are applicable to B-4 when permitted under special use permit for Senior Citizen Housing. **[Added 2-28-78 by L.L. No. 1-1978]**

- (1) Sites shall afford a safe and convenient system of drives, service access and walks conveniently accessible to all occupants. No roads or driveways shall be located within fifty (50) feet of any Street intersection. Onsite facilities for vehicle parking shall be provided to meet the needs generated by the project, with due regard for economic utilization of the land and good site planning practice. There shall be provided at least one (1) parking area for each Dwelling Unit, and two (2) for any Building superintendent.

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- (2) Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of senior citizens and shall conform to § Chapter 81 Outdoor Lighting.
- (3) The project design shall be functional and shall provide for the safety, health and general welfare of occupants of this age group.
- (4) The location of Buildings, the arrangement of Dwelling Units within the Buildings and suitable materials and methods of construction shall be utilized to reduce the transmission of sound.
- (5) Dwelling Units may be the one-room efficiency type or may include one-bedroom Units, depending upon the occupancy. In no event, however, shall a Dwelling Unit exceed one (1) bedroom. The minimum Net Floor Area for an efficiency-type Dwelling Unit shall be five hundred (500) square feet. A one-bedroom Dwelling Unit shall have a minimum Net Floor Area of six hundred (600) square feet. No more than one (1) person shall be permitted to occupy an efficiency unit and no more than two (2) persons shall be permitted to occupy a one-bedroom Dwelling Unit.
- (6) The architectural design of all Buildings. The site selection and recreation facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of senior citizens and should take into account the desires and needs of senior citizens for privacy and for participation in social and community activities. At the same time, provision should be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible.
- (7) Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project.
- (8) The Village Board shall have the right to require the applicant to dedicate to the public all new Streets and recreational areas. The Village Board shall have the right to require that the applicant execute such agreements and covenants as may be required in the opinion of the Village Attorney in order to assure that the premises shall be used in accordance with the terms of the special use permit to be issued. Said agreements or covenants shall be such as may be recorded in the Putnam County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may only be modified or released as set forth in said covenant or agreement or by local law of the Village of Cold Spring.
- (9) Construction requirements. All Buildings and Dwelling Units constructed under this subsection shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State

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Energy Conservation Construction Code (the Energy Code), the New York State Building Construction Code, the Code of the Village of Cold Spring,⁴ and conform to any additional requirements of the state or federal programs providing for housing for senior citizens where state and/or federal funds are used in the construction and/or acquisition of the senior citizens' housing or site.

- (10) Each Dwelling Unit shall have bath facilities, including as a minimum a lavatory, water closet and bathtub or stall shower. The size of the bathroom and arrangement of the fixtures shall be adequate for the convenient use of the fixtures by senior citizens, and shall be ADA compliant. The floor finish shall be impervious to water and shall have nonslip characteristics. The threshold shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid of senior citizens. Shower stalls shall include a built-in seat or bench or provide room enough for a bath stool.
- (11) Community space.
 - (a) In order to qualify under this subsection, the applicant or sponsor of housing for senior citizens shall provide a community space of at least equal to ten (10)% of the total Gross Floor Area of the Buildings. Such community space may include lounges, workshops, game rooms, dining hall and other facilities designed for senior citizens. Spaces for medical facilities or dispensaries shall not be considered community space. Community space shall not be in the Basement unless there be ground-level ingress or egress into such space. The Village Board shall determine the apportioning of this community space between or among Buildings and may modify the community space ratio to conform to the requirements of the state and/or federal agencies providing funds for the construction and/or acquisition of the Senior Citizen Housing and/or site.
 - (b) Wherever practical, out-of-door facilities, including landscaped sitting areas and space for exercise and games, shall be provided.
 - (c) Where practicable, self-service laundry facilities for the common use of residents should be provided in a convenient location.
- (12) The Zoning Board of Appeals, at the time the Planning Board authorizes any special use permit, may also grant such variances from these regulations as it deems necessary and proper to implement the purposes of this Chapter.
- (13) Permitted general Accessory Uses.

⁴ Editor's Note: See Ch. 40, Building Construction.

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- (a) Cafeterias or dining halls for use of residents and guests.
- (b) A medical dispensary or doctor's office for use of residents.
- (c) Storage or tool sheds for on-site equipment and material.

(14) Minimum required.

- (a) Lot area: three (3) acres.
- (b) Lot area per dwelling unit: two thousand three hundred (2,300) square feet.
- (c) Lot width: eighty (80) feet.
- (d) Lot depth: one hundred (100) feet.
- (e) Front yard: twenty-five (25) feet.
- (f) One (1) side yard: twelve (12) feet.
- (g) Total both side yards: thirty (30) feet.
- (h) Rear yard: thirty (30) feet.
- (i) Livable floor area per dwelling unit: six hundred (600) square feet.
- (j) Off-street parking area per dwelling unit: see 134-17 M.
- (k) Distance between buildings: twice the height of building. (15) Maximum Permitted.

15. Maximum Permitted.

- (a) Building height.
 - [1] Stories: two and one-half (2 ½).
 - [2] Feet: thirty-five (35).
- (b) Maximum length of building: one hundred eighty (180) feet.
- (c) Building percentage of lot coverage: twenty-five (25) %.

- (16) In addition to any other conditions the Planning Board may impose, it may condition its approval upon the applicant's furnishing additional fencing, safety devices, landscaping and other appropriate requirements which will enhance the proposed use.

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The Zoning Board of Appeals shall also, as a condition of its approval, require site development plan approval by the Planning Board.

§ 134-15A. [Added 5-13-14 by L.L. 2014-2] Regulations for B-4A Medical and Health Care Facility Mixed Use District.

The following regulations shall apply in the B-4A District:

A. Site plan review and approval. In each case where a Building or alteration or conversion or Mixed Use development is proposed in this district, a site plan shall be submitted to the Code Enforcement Officer, who shall refer the site plan of the proposed Building(s) to the Planning Board for its review under Article VIII of this chapter. The Planning Board shall be authorized to determine that all requirements of this Chapter have been met, including any additional requirements referenced in §134 via footnote. After holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, the Planning Board shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted Uses.

- (1) Any use permitted in an R-1 District, however neither Accessory Apartments nor Short-Term Rentals are permitted in a B-4A District. **[Amended 07-29-21 by L.L. 16-2021]**
- (2) Hospital and Sanatorium.
- (3) Nursing Home and Health-Related Facility.
- (4) Senior Citizen Housing of up to fifty-five (55) units with the following exceptions: (1) every unit shall be occupied by at least one person who is at least fifty-five (55) years of age and there shall be no residents under the age of eighteen (18); (2) up to two (2) bedrooms may be provided per unit, with occupancy limited to no more than two (2) persons per unit; (3) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval; (4) the community space for the use of residents shall be ten (10) percent of the total Gross Floor Area of the residential Buildings. Such community space may include lounges, workshops, game rooms, dining hall and other facilities designed for senior citizens. Spaces for medical facilities or dispensaries shall not be considered community space. Community space shall not be in the Basement unless there be ground-level ingress or egress into such space. The Village Board shall determine the apportioning of this community space between or among

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Buildings and may modify the community space ratio to conform to the requirements of the state and/or federal agencies providing funds for the construction and/or acquisition of the Senior Citizen Housing and/or site. Wherever practical, out-of-door facilities, including landscaped sitting areas and space for exercise and games, shall be provided.

- (5) Municipal and other government uses.
- (6) Privately owned facilities leased to a municipal or government entity, such as a United States post office.
- (7) Retail Stores at street-level, provided that the total square footage of retail space in the district does not exceed thirteen thousand (13,000) square feet and that no single Building in the district shall have more than seven thousand (7,000) square feet of retail space.
- (8) Business and professional offices, provided that the total square footage of business and professional office space in any one Building shall not exceed seventeen thousand five hundred (17,500) square feet and the total amount of square footage of business and professional office space in the district shall not exceed thirty-two thousand five hundred (32,500) square feet.
- (9) Banks.
- (10) Mixed uses, consisting of two (2) or more Permitted Uses in the district.
- (11) Personal Service Shops.
- (12) Coffee Shop or Luncheonette, with counter service and customer seating for a maximum of fifteen (15) customers and not exceeding seven hundred fifty (750) square feet, only permitted if in connection with a Mixed Use development

C. Prohibited Uses

- (1) Restaurants shall be prohibited uses in the B-4A District, in addition to any other uses prohibited by the Village Code, whether expressly or through omission of such use from the list of Permitted Uses.
- (2) Accessory Apartments.

D. Minimum requirements.

- (1) Lot area: three (3) acres (120,000) square feet.

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- (2) Lot Width: two hundred (200) feet.
- (3) Lot Depth: two hundred (200) feet.
- (4) Front Yard: For any use fronting on a Village Street other than a One- Family Dwelling – seventy-five (75) feet. For One-Family Dwelling fronting on a Village street or State Highway – twenty-five (25 feet) or less as may be permitted by the Planning Board. For use (other than One- Family) fronting on a New York State Highway – fifteen (15) feet or less as may be permitted by the Planning Board.
- (5) Side Yard: ten (10) feet.
- (6) Combined side yard: twenty-five (25) feet.
- (7) Rear Yard: ten (10) feet.
- (8) Open Space: fifteen (15) percent of total site area.
- (9) Off-street parking: see supplemental regulations in Subsection F and §134-17 M.
- (10) Dwelling Units may be the one-room efficiency type or one-bedroom units or two-bedroom units. The minimum Net Floor Area for an efficiency-type Dwelling Unit shall be five hundred (500) square feet. The minimum Net Floor Area for a one-bedroom Dwelling Unit shall be six hundred (600) square feet. The minimum Net Floor Area for a two-bedroom Dwelling Unit shall be nine hundred (900) square feet. No more than one (1) person shall be permitted to occupy an efficiency unit and no more than two (2) persons shall be permitted to occupy a one-or two-bedroom Dwelling Unit.

E. Maximum permitted.

- (1) Building Height. Stories: two and one-half (2 1/2); Feet: thirty-five (35).
- (2) Building Percentage of Lot Coverage: Twenty-five (25) percent.
- (3) Senior Citizen Housing: fifty-five (55) units.

F. Supplementary regulations applying to B-4A Medical and Health Care Facility Mixed Use District.

- (1) Entrances and exit driveways shall be identified.
- (2) All Permitted Uses and all storage accessory thereto, other than off-street parking, shall be carried on in Buildings fully enclosed on all sides.

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- (3) All loading and unloading shall be off the Street and on the property.
- (4) No access (other than emergency access) shall be provided from a Village Street to any use other than a single Family residential use.
- (5) The requirements of § 134-14 and §134-17 shall be applicable to this district.
- (6) Parking: Parking requirements in the B-4A district shall be as set forth in §134-17 M including the following provision:
 - (a) The Planning Board may reduce the required Parking Space for any use up to twenty (20) percent when shared parking amongst uses can be demonstrated.
- (7) Landscaping: Landscape planting shall be shown on the site plan for the areas around and between all Buildings, around the perimeter of and within parking areas and along Streets and driveways. Pedestrian site improvements, such as sidewalks, paths, and benches, shall be provided. The Planning Board shall in its discretion determine suitable landscaping with a preference for trees and plantings that are non-invasive, non-allergenic and of an urban-tolerant species.
- (8) Green Building and Energy Efficiency: Future development should be consistent with the Village's desire to create a more sustainable community by encouraging the use of green building and energy efficiency measures in the design, construction, and maintenance of Buildings. The Planning Board shall promote these measures to the greatest extent practicable during the site plan review process.
- (9) Sites shall afford a safe and convenient system of drives, service access and walks conveniently accessible to all occupants. No roads or driveways shall be located within fifty (50) feet of any Street intersection. Onsite facilities for vehicle parking shall be provided to meet the needs generated by the project, with due regard for economic utilization of the land and good site planning practice.
- (10) Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of senior citizens and shall conform to § Chapter 81 Outdoor Lighting.
- (11) The project design shall be functional and shall provide for the safety, health and general welfare of occupants of this age group.
- (12) The location of Buildings, the arrangement of Dwelling Units within the Buildings and suitable materials and methods of construction shall be utilized to reduce the transmission of sound.
- (13) The architectural design of all Buildings. The site selection and recreation

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facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of senior citizens and should take into account the desires and needs of senior citizens for privacy and for participation in social and community activities. At the same time, provision should be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible.

- (14) Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project.
- (15) The Village Board shall have the right to require the applicant to dedicate to the public all new Streets and recreational areas. The Village Board shall have the right to require that the applicant execute such agreements and covenants as may be required in the opinion of the Village Attorney in order to assure that the premises shall be used in accordance with the terms of the special use permit to be issued. Said agreements or covenants shall be such as may be recorded in the Putnam County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may only be modified or released as set forth in said covenant or agreement or by local law of the Village of Cold Spring.
- (16) Construction requirements. All Buildings and Dwelling Units constructed under this subsection shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code), the New York State Building Construction Code, the Code of the Village of Cold Spring,⁵ and conform to any additional requirements of the state or federal programs providing for housing for senior citizens where state and/or federal funds are used in the construction and/or acquisition of the senior citizens' housing or site.
- (17) Each Dwelling Unit shall have bath facilities, including as a minimum a lavatory, water closet and bathtub or stall shower. The size of the bathroom and arrangement of the fixtures shall be adequate for the convenient use of the fixtures by senior citizens, and shall be ADA compliant. The floor finish shall be impervious to water and shall have nonslip characteristics. The threshold shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid of senior citizens. Shower stalls shall include a built-in seat or bench or provide room enough for a bath stool.
- (18) The Zoning Board of Appeals, at the time the Planning Board authorizes any special use permit, may also grant such variances from these regulations as it

⁵ Editor's Note: See Ch. 40, Building Construction.

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deems necessary and proper to implement the purposes of this Chapter.

§ 134-15B. B-5 Railroad District.

The Railroad District is composed of all parcels of NYS Property Class 843, Non-ceiling railroad.

ARTICLE V

Special Uses and Supplementary Regulations

§ 134-16. Permitted special uses.

- A. General provisions. The special uses for which conformance to additional standards is required shall be deemed to be Permitted Uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Required plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all Buildings, parking areas, traffic access and circulation drives, Open Spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.
- C. Expiration. A special use permit shall be deemed to authorize only one (1) particular special use and shall expire one (1) calendar year from date of issuance of permit unless the use is begun or substantial construction is commenced. **[Amended 3-27-01 by L.L. 2001-5]**
- D. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter. ("Existing violation" shall not mean legally existing Nonconforming Use.)
- E. Standards applicable to all special uses.
 - (1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future Streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of Buildings, walls and Fences will not discourage the appropriate development and use of adjacent land and Buildings or impair the value thereof.
 - (2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, dust, odor, fumes, vibration or flashing

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lights than would be the operation of any Permitted Use.

- (3) The special use shall be commensurate with requirements for the health, interest and welfare of the public; it shall be located appropriately with respect to transportation facilities, water supply, fire and police protection, waste disposal, sewerage and similar facilities, and it shall not cause undue traffic congestion or create a traffic hazard.
- (4) Appropriate conditions and safeguards may be fixed and determined by the Planning Board as deemed necessary in each case.
- (5) There shall be fulfillment of any other conditions or standards specified in this Chapter and required by other ordinances and codes of the Village of Cold Spring.

F. Procedure.

- (1) All applications for special use permits shall be made to the Planning Board in writing, on forms prescribed by this Chapter; shall refer to the specific provision of the law involved; and shall set forth exactly the interpretation that is claimed and the use for which the special use permit is sought, together with all informative details in connection therewith.
- (2) All applications for a special use permit shall comply with both the special use standards set forth herein and the site plan review requirements of § 134-27.
- (3) A public hearing shall be held and a decision rendered in accordance with the following procedures:
 - (a) The Planning Board shall schedule the public hearing within sixty (60) days of receipt of completed application, and shall give public notice by the publication in the official paper for the Village of a notice of such public hearing at least five (5) days before such hearing, unless additional time is required by statute. Copies of such notice shall also be mailed to such parties as may be required under the Village Law, the General Municipal Law or other statutes, at least ten (10) days before such hearing, unless additional time is required by statute. A public hearing notice Sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) Signs are provided for Corner Lots. The applicant will obtain the public hearing Sign and the detailed instructions from the Village Office during regular business hours. The Sign will be marked with all boards having scheduled hearings. The applicant will post the Sign at the property under review at least ten (10) days before the hearing, and the Sign shall remain on display until all hearings are formally closed.
 - (b) Every decision of the Planning Board shall be by resolution, each of which

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shall contain a full record of the findings of the Board in the particular case, and a copy thereof shall be filed with the Village Clerk. The Planning Board shall keep thorough records of all proceedings and decisions.

- (c) It shall be a condition of approval of all variances that all expenses, costs and consultants' fees imposed under this Chapter have been paid to the Village.
- (d) Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.
- (4) **[Added 4-8-08 by L.L. 2008-02]** The Planning Board may refer applications for special use permits to the Village's planning, engineering or legal consultants for review and comment and may upon approval of the Village Board retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary. All such referrals or engagements by other consultants and/or professionals will be at the applicant's expense.
- (5) **[Amended 10-22-2019 by L.L. 2019-08]** All applications for special use permits shall be accompanied by funds to be held in an escrow account pursuant to Chapter 57 Reimbursement of Professional Consultants' expenses.
- (6) **[Amended 10-22-2019 by L.L. 2019-08]** It shall be a condition of approval of all special use permits that all expenses, costs and consultants' fees imposed under this Chapter and under Chapter 57 have been paid to the Village.
- (7) **[Added 10-22-2019 by L.L. 2019-08]** Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.
- (8) All uses requiring a special use permit will also require site plan approval from the Planning Board.

G. Additional standards. The following are additional standards deemed necessary before a special use permit may be issued for certain specific uses:

- (1) Conversion of an existing Structure from a One-Family to a Two-Family or from a Two-Family Dwelling to a Multiple-Family Dwelling, subject to the following special conditions:
 - (a) Such Structure shall have contained, on the effective date of this Chapter, one thousand (1,000) square feet of Gross Floor Area for the original Dwelling Unit plus seven hundred fifty (750) square feet Gross Floor Area for each additional Dwelling Unit created.
 - (b) The Lot on which such Structure is located shall contain fifteen thousand

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(15,000) square feet of Lot area for the original Unit and five thousand (5,000) square feet for each additional Unit so created.

- (c) Off-street parking per Dwelling Unit (see §134-17 M): one (1) space for each Dwelling Unit under one thousand (1,000) square feet Gross Floor Area; one and one half (1.5) spaces for each Dwelling Unit between one thousand (1,000) and fifteen hundred (1,500) square feet Gross Floor Area; two (2) spaces for each Dwelling Unit over fifteen hundred (1,500) square feet Gross Floor Area.

- (2) Marinas with connected restaurants as authorized under B-1 and PR-1.

- (a) The Planning Board shall find the use as proposed would not be deleterious to or adversely affect adjacent properties.

- (b) The following minimum standards shall be observed:

- [1] Lot area one hundred sixty thousand (160,000) square feet.

- [2] Each lot shall be of such shape that a square two hundred by two hundred (200 x 200) feet will fit on the lot.

- [3] Yard setbacks.

- [a] All yards, including front, rear and side for main buildings: fifty (50) feet.

- [b] Yards adjacent to railroad right-of-way for buildings other than as set forth in Subsection G (2) (b) [3] [a]: ten (10) feet.

- [c] Yards around buildings for Accessory Uses may be established by the Planning Board, but in no event need exceed the minimum standards set forth above.

- [d] Docks, floats, moorings, ramps, lights and marina equipment shall not be considered violations of setbacks for yards adjacent to the Hudson River, but their basic design, location and layout shall be subject to approval of the Planning Board.

- (c) The following maximum standards shall be observed:

- [1] Maximum height.

- [a] Main Building height.

- i. Stories: two and one-half (2½).

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ii. Feet: thirty-five (35).

[b] Accessory Buildings and Accessory Structures height:

i. Stories: one (1).

ii. Feet: eighteen (18).

[c] Storage, including boats: twenty (20) feet.

[2] Maximum building coverage for all buildings: thirty (30) percent.

[3] Maximum outside storage, including storage of boats, shall not exceed twenty (20) percent of the lot area and shall not occupy areas required for yard setbacks.

(d) Off-street parking shall be entirely located on the Lot and sufficient to accommodate all parking resulting from operation of marina and other uses permitted, together with observance of standards required by § 134-17 M.

(e) Off-street loading. All truck parking and loading shall take place entirely on the Lot and also as per standards in § 134-17 M.

(f) In PR-1, commercial facilities incidental to the operation of public recreational uses, such as refreshment stands, offices and museums, subject to a special use permit that takes into consideration factors such as traffic, property size and location.

(3) Home Occupations and Home Professional Offices.

(a) Intent. The purpose of these provisions is to allow for Home Occupations and Home Professional Offices which are compatible with the neighborhoods in which they are allowed.

(b) Conditions. A Home Occupation or Home Professional Office shall be permitted subject to the following conditions:

[1] The establishment and conduct of a Home Occupation shall not change the principal character, visual appearance, façade or use of the Structure involved.

[2] The establishment and conduct of a Home Professional Office shall not change the principal character, visual appearance, façade or use of the dwelling unit involved.

[3] Such use of a Home Occupation shall not require internal or external

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alteration or invoke construction features not customarily in a Structure.

- [4] Such use of a Home Professional Office shall not require internal or external alteration or invoke construction features not customarily in a dwelling.
- [5] The use of a Home Occupation is clearly incidental and secondary to the use of the premises.
- [6] The use of a Home Professional Office is clearly incidental and secondary to the principal residential use of the premises.
- [7] No storage or display of materials, goods, supplies or equipment related to the use shall be visible from the exterior of the premises.
- [8] No on-premise sale of goods.
- [9] No person other than a legal resident of the premises may be the service provider in the occupation.
- [10] In order to maintain the residential character of the neighborhood in which it is located, the use shall not generate excessive noise, vibration, glare, fumes, odors, deliveries, shipments, electrical interference or any activity that would suggest a business operation beyond what normally occurs in the applicable zoning district or which would present a hazard to public health or safety.
- [11] Traffic shall be limited to no more than four (4) vehicular trips (combined drop off, visit, service call, etc.) per day.
- [12] Parking required by § 134-17 M shall be provided on the premises, off the street and other than in a required front, side or rear yard setback.
- [13] The use shall not involve pets, laboratory animals, livestock, organisms, viruses or the like.
- [14] The use shall not involve the use of advertising signs visible from the exterior, other than one non-illuminated nameplate not to exceed one hundred forty-four (144) square inches which shall be allowed. It may display the name of the occupant or the name of the Home Occupation or Home Professional Office.

No special use permit shall be required for a Home Occupation which complies with the conditions set forth above. A special use permit shall be required for a Home Professional Office. (See § 134-27 for instructions on obtaining a special use permit from the Planning Board).

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(4) Live/Work Units.

- (a) A Live/Work space may exist on the first floor of a structure only if the appearance and use of the Live/Work space on the street side is consistent with the nature of the permitted uses in the surrounding area. For example, if the surrounding area is retail in nature at the first-floor level, the Live/Work space shall be restricted to retail on the street side of the first floor, and said street side space shall be large enough, in the opinion of the Code Enforcement Officer, to support a typical retail enterprise.
- (b) Each Live/Work space and its various components shall be physically separate and distinct from other Live/Work spaces and other uses within a particular building. The sharing of Live/Work spaces by multiple tenancies, components thereof or utilities shall not be permitted. However, access to Live/Work spaces may be provided from common areas, halls or corridors.
- (c) Each Live/Work space must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
- (d) Each Live/Work space must be individually equipped with a kitchen consisting of a sink, non-portable stove, oven and refrigerator.
- (e) Each Live/Work space must contain a Gross Floor Area of no less than eight hundred (800) square feet, of which a minimum area shall be devoted to the following: thirty-five (35) square feet for an enclosed bathroom, sixty (60) square feet for a kitchen, and one hundred twenty (120) square feet for a sleeping area.
- (f) No more than forty (40) percent of the Gross Floor Area of the Live/Work space may be devoted to residential space with at least sixty (60) percent of the Gross Floor Area devoted to the business/work to be conducted.
- (g) Direct access between living and working areas must be provided.
- (h) In order to ensure that the use is consistent with other commercial uses, Live/Work spaces shall not be used for: classroom instructional uses with more than two (2) pupils at any one time; the storage of flammable liquids or hazardous material; welding; or any open-flame work. Further, the work in the Live/Work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond the Lot Lines.
- (i) Not more than two (2) persons who are at least eighteen (18) years of age, of

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which at least one (1) of whom is the business operator in residence, and not more than two (2) children of said persons who are under eighteen (18) years of age may reside within a Live/Work space on a year-round basis.

- (j) Only one nonresident employee may be employed within a Live/Work space. This requirement may be waived for Live/Work spaces that provide retail space on the first floor.
- (k) Other than a first-floor retail-oriented area, articles offered for sale within a Live/Work space must include those items produced by the business operator residing in said Live/Work space and may be offered with other like items.
- (l) Signage for Live/Work units shall conform to Chapter 104.
- (m) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the Live/Work space and permitted nonresident employees.
- (n) All Live/Work spaces shall conform to all applicable codes including the Uniform Fire Prevention and Building Code.
- (o) Renewal inspections. Each Live/Work space shall be inspected by the Code Enforcement Officer every two (2) years to determine whether the Live/Work space remains in compliance with this section. Upon a satisfactory inspection report, the Live/Work space owner shall be reissued a Certificate of Occupancy for two (2) additional years. If the Code Enforcement Officer determines that the Live/Work space is not in compliance, the building owner or manager shall have sixty (60) days in which to rectify all noncomplying elements and shall apply for reinspection with the Code Enforcement Officer, subject to an additional fee. If all such noncomplying elements are not rectified with the above-specified time frame, the Certificate of Occupancy for the use shall expire and the use as authorized by the special use permit shall be terminated.
- (p) The owner of the Live/Work space shall file a certification with the Code Enforcement Officer every two (2) years, and at any point in time when there is a change in ownership or a change in the use of the space, on a form provided by the Code Enforcement Officer which certifies that the Live/Work space is in conformance with this Chapter and the special use permit, and that the residential portion of the space has not been expanded beyond the maximum specified in § 134-16 G (6) (f) above.
- (q) The deed, offering plan, Certificate of Occupancy and/or rental agreement, as appropriate, for each Live/Work space shall contain language, satisfactory to the Village Attorney in form and substance, which states that

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the subject dwelling is subject to all restrictions and limitations as set forth in said Chapter and the approval resolution(s) including the requirement for a certification with the Code Enforcement Officer in accordance with § 134-16 G (6) (p). Proof of recording of the deed shall be provided to the Code Enforcement Officer within 60 days after the conveyance.

§ 134-17. Supplementary regulations applying to all districts.

- A. An Accessory Building or Accessory Structure (including a Detached Garage) is any Building or Structure that has a combined measurement of sixteen (16) feet or larger (length plus width plus height). Such a Building or Structure requires a building permit and must conform to all setback and Lot Coverage standards, regardless of whether or not the Accessory Building or Accessory Structure is on a foundation.
- (1) An Accessory Building or Accessory Structure may be located in any required Side or Rear Yard, provided:
 - (a) Detached Garages shall not exceed a vertical height of twenty (20) feet; the vertical height distance is measured from the average elevation of the proposed finished grade around two (2) adjoining sides of the perimeter of the Building with not less than three (3) measurements on each side of the Building to the highest point of the roof.
 - (b) Detached Garages shall have minimum distance from the property line of three (3) feet or the Garage height times thirty (30) per cent, whichever is larger.
 - (c) Such Accessory Buildings and Accessory Structures (excluding detached Garages) shall have the required setbacks (side and rear yards) for the zoning district in which it is located, and if separated from the Principal Building, shall not be located less than, ten (10) feet from it.
 - (d) All such Accessory Buildings and Accessory Structures in the aggregate shall not occupy more than thirty (30) percent of the area of the required Rear or Side Yard.
 - (2) No Accessory Building or Accessory Structure shall project nearer to the Street on which the Principal Building fronts than such Principal Building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of Garages, the Zoning Board of Appeals may authorize, without a public hearing or variance, the erection of such Garages within not less than ten (10) feet of the Street Line where the natural slope of the ground within twenty-five (25) feet of such line is between twelve (12) percent and twenty (20) percent and within not less than five (5) feet of the Street Line where such slope within twenty-five (25) feet of such line exceeds twenty (20)

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percent.

- (3) Storage of unlicensed and/or unregistered vehicles is prohibited in any residential district except in enclosed Structures which comply with the above regulations.
- (4) An Accessory Building or Accessory Structure may not be used as a residence or an Accessory Apartment.
- (5) No more than two (2) Accessory Buildings or Accessory Structures are permitted on any Lot, including enclosed play Structures.

B. Corner Lots.

- (1) At all Street intersections in all residence districts, no obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any Lot within the triangle formed by the Street Lines of such Lot and a line drawn between points along such Street Lines thirty (30) feet distant from their point of intersection.
- (2) On a Corner Lot, Front yards are required on both Street frontages, and one Yard other than the Front Yards shall be deemed to be a Rear Yard and the other or others, Side yards. The minimum district requirements for each type Yard shall be complied within.

C. Exceptions to Lot Depth requirements:

- (1) The required lot depth at any point may be decreased by twenty-five (25) percent if the average Lot Depth conforms to the minimum depth requirements.

D. Exceptions to Yard requirements in residence districts:

- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three (3) feet into a required Yard. Belt courses, windowsills and other ornamental features may project not more than six (6) inches into a required Yard. For Fences or walls, see Chapter 42 (Fences and Walls). Paved terraces, steps and walks (other than such as are needed for access to the Buildings on the Lot) shall not project within fifteen (15) feet of a Street Line or four (4) feet of a property line.
- (2) Entries and porticoes. A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight (8) feet wide and extending not more than six (6) feet out from the front wall of the Building shall be permitted to encroach on a required Front Yard. In computing the average setback in § 134-7 C (10) and § 134-8 C (11), the presence of such entries and porticoes shall be ignored.
- (3) **[Added 3-27-01 by L.L. 2001-5]** Existing setback. If two (2) or more existing

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Dwellings are located within two hundred (200) feet on each side of a proposed Dwelling [except in the case of a Corner Lot, then within two hundred (200) feet on one (1) side of a proposed Dwelling] on the same side of the Street and within the same block and same district, said proposed Dwelling may have a Front Yard not greater than the average setback of all existing Dwellings so located, subject to a special use permit under § 134-16.

E. Exceptions to Yard requirements.

For Fences or walls, see Chapter 42 (Fences and Walls). However, Fences or walls with a height of up to six (6) feet are permitted on Lots in residential districts on any side of a residential Lot which is adjacent to a B-1, B-2 or B-3 Lot.

F. Existing nonconforming Lots in residence districts. In addition to the provisions of § 134-19 (K), for a Lot that was under separate ownership from all adjoining Lots on the effective date of this Chapter, and which has a total Lot Width less than prescribed herein, and which is proposed for use as a One-Family Dwelling, if such Lot is less than sixty (60) feet wide, then the minimum Side Yard shall be reduced to seven and one-half (7 ½) feet, provided that the two (2) Side Yards shall total at least four (4") inches for each foot of Lot Width. **[Amended 11-15-2011 by L.L. 4-2011]**

G. Accessory Apartments.

It is the intent of this section to allow the establishment of one (1) Accessory Apartment located entirely within a One-Family Dwelling in order to provide an opportunity for the development of small rental housing units designed to meet the special housing needs of senior citizens, young adults, single persons and small households; to ensure the retention of One-Family neighborhood character; allow the more efficient use of the Village's housing stock with minimal impact on community character and resources; to comply with the recommendations in the Comprehensive Plan; and provide economic support for existing resident families. Consistent with the intent of this section, any owner occupying a One-Family Dwelling may apply to the Planning Board for site plan approval for an Accessory Apartment permit to seek the establishment of one (1) Accessory Apartment. The Planning Board shall review such application, which requires a public hearing and shall strictly apply the following standards:

Any application for an Accessory Apartment shall require submission of a plan showing the proposed Accessory Apartment and parcel survey. The Planning Board is not granted the authority to waive any of the standards set forth below, unless such authority is specifically provided for herein.

- (1) Accessory to the One-Family detached Dwelling. Subject to the review and approvals set forth herein, an Accessory Apartment is allowed in R-1 and B-1 zoning districts as a permitted use subject to site plan review and approval from

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the Planning Board.

- (2) Compliance with district regulations. The lot on which the Accessory Apartment is to be located shall meet all bulk requirements applicable to a One-Family detached Dwelling as set forth in the schedule of district regulations for the zoning district in which it is located.
- (3) Dwelling size. The minimum size of a studio Accessory Apartment must be at least three hundred forty (340) square feet of Gross Floor Area and at least two hundred eighty (280) square feet of Net Floor Area. The minimum size of a one (1) bedroom Accessory Apartment must be at least four hundred ten (410) square feet of Gross Floor Area. The maximum size of an Accessory Apartment is six hundred (600) square feet of Gross Floor Area but in no case shall such Accessory apartment exceed thirty (30) percent of the Gross Floor Area of the One-Family detached Dwelling in which it is located, whichever is less. The applicant shall submit a floor plan to scale of the One-Family detached Dwelling that illustrates the interior space within which the Accessory Apartment will be created.
- (4) Existing One-Family detached Dwelling. The principal One-Family detached Dwelling shall have been lawfully constructed and used as a One-Family detached Dwelling for at least ten (10) years prior to the date that an application is made for the creation of an Accessory Apartment. Evidence of such use shall include the date of a duly issued Certificate of Occupancy for the One-Family detached Dwelling or other evidence of use that the Planning Board finds adequate to establish that the One-Family detached Dwelling has been lawfully established and maintained for at least ten (10) years. The Planning Board may waive the ten (10) year requirement upon an evidentiary showing by the applicant establishing that the Accessory Apartment will enable the owner occupying the principal Dwelling to provide care for an elderly or disabled relative residing in the Accessory Apartment.
- (5) Owner occupancy required. The principal One-Family detached Dwelling wherein the Accessory Apartment is to be located must be occupied at the time of application and at all times thereafter while the Accessory Apartment is established and maintained as the principal domicile of the record owner of title. Ownership shall be evidenced by the last deed recorded in the office of the Clerk of the County of Putnam. Evidence that the Dwelling is occupied as the principal domicile of the record owner may be established by an affidavit of the record owner, supported by voting records or such competent evidence as would be sufficient to establish domicile for purposes of voting. It shall be a condition of every Certificate of Occupancy issued for an Accessory Apartment that occupancy of such dwelling unit is valid only if the unit is located in an owner-occupied One-Family Dwelling, and the Certificate of Occupancy shall prominently display in bold print a statement that occupancy of such Accessory

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Apartment is not lawful and valid unless the One-Family Dwelling is owner-occupied. In the event a Certificate of Occupancy is issued without such statement, it shall not prevent enforcement of the condition. Nothing herein shall permit the establishment of separate ownership, e.g., condominium, of either dwelling unit.

- (6) Maximum number of Accessory Apartments. There shall be no more than one (1) Accessory Apartment in any single-family detached dwelling on any one (1) property. An Accessory Apartment is not permitted on any lot where two (2) dwelling units already exist, regardless of whether one (1) is a prior nonconforming dwelling unit or not.
- (7) Maximum number of occupants. The maximum occupancy of the Accessory Apartment is three (3) persons.
- (8) The Accessory Apartment shall comply with all applicable requirements of the New York State Uniform Fire Prevention and Building Code and shall be maintained in a neat and orderly manner.
- (9) Off-street parking shall be provided on the following basis: two (2) parking spaces per unit. The parking spaces shall be provided with a backup or turnaround area so that cars which park in the parking spaces are not required to back out into the Street. This requirement may be waived by the Planning Board during the site plan approval process, so long as the public Street or roadway is not classified as a state or county highway. The backup or turnaround area shall not be construed as nor used as a legal parking space.
- (10) No use shall be permitted accessory to an Accessory Apartment.
- (11) Each Dwelling unit in the structure shall contain its own separate and independent bathroom and kitchen entirely located within each Dwelling unit. The Accessory Apartment shall contain no more than one (1) bedroom and no other space shall, in the determination of the Planning Board, be so configured that it could be used as a second bedroom (e.g., a den, a sewing room, etc.).
- (12) No exterior changes or expansion which may alter its existing foundation, existing roofline, or existing façade, may be made to the principal One-Family detached Dwelling except for the installation of an entrance to serve the Accessory Apartment. The structure in which the Accessory Apartment is located shall have only one (1) front entrance and only one (1) entrance from any other façade of the structure. An exterior entrance leading to a foyer with interior entrances leading from the foyer to the dwelling units will be acceptable pursuant to this requirement.

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(13) Conditions of approval.

- (a) In addition to the above standards, the Planning Board shall grant such application and issue the required Accessory Apartment permit only after determining that the issuance of such Accessory Apartment permit will not adversely affect adjoining properties and the general surrounding neighborhood where the Accessory Apartment is proposed to be located. In the event that the Planning Board determines a proposed Accessory Apartment may adversely affect adjoining properties or the surrounding neighborhood, it may, as a condition of approving a permit, require that the applicant establishes and maintains landscaping or fencing or other mitigation measures, where necessary, to avoid such adverse effects.
- (b) It shall be a condition of the Accessory Apartment permit, whether or not specifically incorporated therein, that:
 - [1] The owner shall maintain the Accessory Apartment use in conformance with the requirements of this section and all applicable provisions of the Uniform Fire Prevention and Building Code, including, but not limited to, the Property Maintenance Code of New York State; and
 - [2] The Accessory Apartment permit shall be valid for a period of one (1) year from the date that a Certificate of Occupancy is issued for the Accessory Apartment, and that it shall be automatically renewed annually by the Code Enforcement Officer upon submission by the record owner of an annual certification for renewal to be provided by the Village, attesting that the principal One-Family Dwelling is maintained as the owner's domicile, and payment of a renewal fee in such amount as established by resolution of the Village Board, provided the Code Inspection Officer, after an inspection, if necessary, determines such use has been maintained in accordance with all requirements herein and any applicable conditions of approval.
- (c) If the Code Enforcement Officer determines at any time prior to renewal that the use has not been maintained in accordance with the requirements herein or any applicable conditions of approval, the Code Enforcement Officer shall give notice of such determination to the record owner and the Planning Board shall approve, disapprove, or approve with conditions the Accessory Apartment permit subject to renewal. The Planning Board shall consider the Code Enforcement Officer's findings in evaluating whether to renew the Accessory Apartment permit, and if it determines that it intends to deny such renewal or to impose additional conditions on such renewal, the Planning Board shall give written notice of its intent to the record owner at the most recent address shown on the tax roll of the Village and provide an opportunity for the record owner to be heard on the matter, and shall consider any

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evidence submitted by the record owner in support of the renewal of the Accessory Apartment permit. The Planning Board shall thereafter approve, approve with conditions or deny the Accessory Apartment permit, stating the reasons for its decision.

- (d) Transfer of title. Within sixty (60) days after the record owner transfers title to premises for which an Accessory Apartment permit has been granted for an Accessory Apartment, the new record owner shall provide such evidence to the Code Enforcement Officer as may be necessary to demonstrate that the principal residential structure is occupied by the new record owner in accordance with § 134-17 G (5) of this section. In the event that the new owner fails to do so, the Code Enforcement Officer shall serve written notice upon the owner or occupant to do so by a date certain. In the event that the record owner fails to do so, the Code Enforcement Officer shall give notice of such noncompliance to the record owner and the Planning Board, and the Planning Board shall consider the Code Enforcement Officer's finding in considering whether to renew the Accessory Apartment permit; and if it determines that it intends to deny such renewal or to impose additional conditions on such renewal, the Planning Board shall give written notice of its intention to the record owner at the most recent address shown on the tax roll of the Village and provide an opportunity for the record owner to be heard on the matter, and shall consider any evidence submitted by the record owner in support of the renewal of the Accessory Apartment permit. The failure of the Planning Board to take any action required by this section shall not constitute a waiver of such requirement. The Planning Board shall thereafter approve, approve with conditions or deny the Accessory Apartment permit, stating the reasons for its decision.
 - (e) Effect of denial of renewal. The Planning Board shall direct that the Accessory Apartment pursuant to this section be vacated, its use as an Accessory Apartment created pursuant to this section be discontinued, and that all improvements installed to allow its use as an Accessory Apartment be removed.
- (14) Inspections. The applicant shall agree and acknowledge, in writing to the Village the understanding that, should the parcel be sold, the Code Enforcement Officer is authorized to conduct a site visit to verify that the Accessory Apartment is in compliance with the conditions of the Accessory Apartment permit issued for the property. The Code Enforcement Officer, or a duly authorized designee of the Code Enforcement Officer, may perform a fire, safety and property maintenance inspection of the Accessory Apartment upon the request of the owner of the property to be inspected or an authorized agent of such owner, or the occupant. In the event that the Code Enforcement Officer has a reasonable basis to believe that the Accessory Apartment or principal

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structure do not comply with applicable provisions of the Accessory Apartment permit, § 134-17, or the Uniform Fire Prevention and Building Code, and the owner or an authorized agent or occupant does not consent to such inspection, the Code Enforcement Officer may apply for a warrant to permit such inspection. Nothing in this subsection shall permit such inspection in such circumstances unless such warrant has been obtained.

(15) Fees. An application fee shall be paid in an amount set forth in the Master Fee Schedule established by resolution of the Board of Trustees.

H. Supplementary Sign regulations – see §104 – Signs and Placards.

I. Outdoor Lighting – see Chapter 81 Outdoor Lighting Standards

J. Municipal and governmental uses by the Village.

All municipal and governmental uses by the Village of Cold Spring of land and/or Buildings are hereby permitted as of right in each and every district and not subject to Zoning Board of Appeals, Planning Board, or Historic District Review Board approvals.

K. Off-street parking and loading, etc.

(1) Permitted accessory parking.

(a) Off-street Parking Spaces, open or enclosed, are permitted accessory to any use, subject to the provisions of this Article.

(b) Trailers, other than House Trailers.

[1] One (1) trailer, other than a House Trailer, may be stored out-of-doors, for a period of not more than one (1) week, on any Lot in any district, but same may not be used for any purpose.

[2] One (1) boat or one (1) boat on a boat trailer, or one (1) Camper or one (1) Camping Trailer may be stored in the open on a Lot occupied in conformity with this Chapter in any district, for not more than nine (9) months in any twelve (12) month period, but same may not be occupied or used for any purpose. If so stored, the minimum Yard area for the district must exist and the storage must conform to the required setbacks for Accessory Buildings and Accessory Structures, in addition to the area so occupied for such storage.

(2) **[Added 5-9-95 by L.L. 95-7]** Storage of unregistered vehicles is prohibited in any district. Except:

(a) Where displayed by licensed auto dealerships for sale or lease.

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- (b) Where in the process of being repaired at licensed repair shops.
- L. Driveways. No driveway shall provide access to a Lot located in another district, which Lot is used for any use prohibited in the district in which such driveway is located.
- M. Required off-street parking.
 - (1) Schedule of requirements. Accessory off-street Parking Spaces, open or enclosed, shall be provided for any Lot as specified in Article IV, District Regulations and as specified below for each use in any district. Any land which is developed and owned as a unit shall be considered a single Lot for the purposes of these regulations. Sufficient ADA (Americans with Disability Act) Parking Spaces and type must be provided in conformance with the ADA regulations. Fractional required spaces shall be rounded up to the next whole number.

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USE	Required Number of Parking Spaces (located on same Lot, unless otherwise specified)
Places of worship, assembly hall, libraries, theaters, annual Membership Clubs and other public Buildings	1 for each 200 square feet of Gross Floor Area, but not less than 1 space for each 5 seats where provided
Schools	1 for each 5 students
Hospitals, Sanatoriums	1 for each 3 beds
Eating and drinking places	1 for each 75 square feet of Gross Floor Area
Funeral Homes	1 for each 2 employees, plus 10 for 1 chapel and 5 spaces for each additional chapel
Hotels and Bed & Breakfasts	1 for each guest room
Commercial Amusement venues	1 per 5 seats
Home Occupation or Home Professional Office	1 per 150 square feet of Net Floor Area used by Home Occupation or Home Professional Office

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USE	Required Number of Parking Spaces (located on same Lot, unless otherwise specified)
Business and professional offices, financial institutions	1 for each 150 square feet of Gross Floor Area
Retail stores	1 for each 250 square feet of ground Gross Floor Area of the Building and 1 for each 300 square feet of upper floor Gross Floor Area
One-Family Dwelling	2 spaces
Other uses not specifically listed	Sufficient parking shall be provided for any use not listed herein, based upon documentation of parking experience elsewhere, through surveys of demand at existing uses that may be applicable and/or a study of patterns of local vehicle use to preserve the purpose and intent of this section as determined by the Planning Board.
Two and Multiple-Family Dwelling	1 space for each Dwelling Unit less than 1,000 square feet Gross Floor Area; 1.5 spaces for each Dwelling Unit between 1,000 and 1,500 square feet Gross Floor Area; 2 spaces for each Dwelling Unit larger than 1,500 square feet Gross Floor Area.
Accessory Apartment	1 space
B-4 District under special use permit as senior citizen housing	200 square feet per Dwelling unit

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- (2) Areas computed as Parking Spaces. Areas which may be computed as open or enclosed off-street Parking Spaces include any private Garage, carport or other area available for parking, other than a Street or a driveway. However, a driveway within a required Yard for a One-Family or two-Family residence may count as one (1) Parking Space, other than as restricted on a Corner Lot as provided in § 134-17B.
- (3) Size of spaces. One hundred sixty-two (162) square feet, with a minimum length of eighteen (18) feet and minimum width of nine (9) feet, shall be considered the minimum for one (1) Parking Space, exclusive of areas required for access and maneuvering. One (1) loading or unloading space shall have a minimum length of thirty (30) feet, a minimum width of twelve (12) feet and a minimum vertical clearance of fifteen (15) feet. **[Amended 3-27-01 by L.L. 2001-05]**
- (4) Access. Unobstructed access to and from a Street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with less than twenty (20) spaces and at least two (2) ten (10) foot lanes for parking areas with twenty (20) spaces or more.
- (5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas of over ten (10) spaces shall be provided with a dustless surface, except for Parking Spaces accessory to a One-Family or Two-Family Dwelling.
- (6) Joint facilities. Required Parking Spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more establishments whether or not located on the same Lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.
- (7) **[Added 7-13-2010 by L.L. 2010-01]** Parking Impact Fee for off-street parking.
 - (a) For properties located in B-1 zoning districts, upon request of the property owner and after review and report by the Planning Board, the Village Board of Trustees may accept the payment of a fee or periodic fees in substitution for providing some or all of the off-street Parking Spaces for business and commercial uses as required by this Section.
 - (b) Such a Parking Impact Fee shall be set by resolution of the Village Board on a “per space” basis and in establishing the amount of such fee the Village Board shall consider the present and anticipated future needs for parking facilities in the Village and the impacts thereon of waivers of required off-street parking.
 - (c) Approval of payment of Parking Impact Fees shall constitute a waiver of off-street parking requirements only for the use for which the property owner requested Village Board approval of a payment of Parking Impact Fees. Upon any change of use, waivers granted under this section shall terminate and the

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property owner must comply with the parking requirements of this section or obtain new waivers.

- (d) Parking Impact Fees collected used by the Village to offset expenses related to parking control.

N. Dumpsters. See Chapter 48, Dumpsters.

O. Public utilities. Public utility Buildings or Structures shall be permitted in any district, subject to the procurement of a special use permit for same in accordance with the requirements and procedures for special use permits under this Chapter, and further subject to final approval of same by resolution of the Village Board.

P. **[Added 5-10-05 by L.L. 2005-01]** Unless otherwise expressly stated in this Ordinance, the dimensional requirements and limitations made applicable to a Zoning District shall apply to all uses within such district, whether or not such use is permitted in another district or districts having other or different dimensional requirements or limitations.

Q. **[Added 2-18-14 by L.L. 2014-01]** The following uses are expressly prohibited in all districts:

- (1) A Formula Retail Business as defined in Article II, §134-2(B).
- (2) A formula Restaurant as defined in Article II, §134-2(B).
- (3) A Drive-In, Drive-Thru or Drive-In Window as defined in Article II, §134-2(B).

R. Landscaping within and around parking Lots

Parking Lots and portions of Multiple-Family and non-residential properties shall be landscaped and permanently maintained in such manner as to minimize erosion and stormwater runoff and harmoniously blend such uses with the character of the Village as a whole. For such spaces, the Village requires:

- (1) One (1) tree per every seven (7) spaces in parking Lots of between seven (7) and fifteen (15) Parking Spaces. Up to one hundred (100) percent of trees can be located within buffer perimeter.
- (2) One (1) tree per every five (5) spaces in parking Lots of more than fifteen spaces. Up to thirty-five (35) percent of trees can be located within the perimeter. For parking Lots of more than fifteen (15) spaces, a landscaped island must be provided dividing at least every fifteen (15) spaces, either in between every fifteen (15) spaces in a continuous aisle or running between facing aisles.
- (3) A two (2) foot wide buffer perimeter of three (3) feet minimum height that shall

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be landscaped and permanently maintained (allowing for visibility) with salt-tolerant ground cover, shrubs and trees; and a swale or similar green infrastructure method, adequate to manage storm water pollution prevention.

S. Fees.

Any and all fees called for, required or hereafter required under this Chapter or for the administration hereof may be established or amended from time to time by resolution of the Village Board. The Master Fee Schedule contains the fees.

§ 134-18. Not Used.

§ 134-19. Nonconforming Uses, Nonconforming Buildings, Nonconforming Lots. [Amended 11-15-2011 by L.L. 4-2011]

- A. Construction approved prior to adoption of or amendment to this Chapter. Nothing herein contained shall require any change in plans, construction or designated use of a Building for which a Building permit has heretofore been issued and the construction of which has been diligently prosecuted within three (3) months of the date of such permit, and the ground-Story framework of which, including the second tier of beams, shall have been completed within one (1) year of the date of the permit, and which entire Building shall be completed according to such plans as filed within two (2) years from the date of this Chapter.
- B. Nonconforming Uses. Except as herein provided, any preexisting Nonconforming Use may be continued.
- C. Discontinuance. Whenever a Nonconforming Use has been discontinued or ceases for any reason, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Chapter.

“Discontinuance” is defined as:

- (1) Vacancy of a Building originally designed or arranged or used for the Nonconforming Use for a continuous period of twelve (12) months;
 - (2) Vacancy of land for a period of six (6) months; or
 - (3) Use in conformity with the regulations of this Chapter shall be deemed to be abandonment of a former Nonconforming Use.
- D. Enlargement. No Nonconforming Use shall be enlarged or extended and no Building or other Structure housing or serving a Nonconforming Use shall be enlarged, extended or structurally altered except for a Permitted Use or when the result of such changes is to reduce or eliminate the nonconformity.

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- E. Changes. Once changed to a conforming use, no Building or land shall be permitted to revert to a Nonconforming Use.
- F. Parking Space.
- (1) Any use already existing shall conform to the standards of parking required under this Chapter to the extent that it does conform at the time of the adoption of this Chapter.
 - (2) Any use of land, Building or other Structures existing at the time of adopting this Chapter, which does not conform to the requirements for parking or loading space, may be continued but shall not be changed to a use requiring additional off-street parking or loading space unless compliance with the requirements of this Chapter is provided.
- G. Nonconforming Buildings. Nonconforming Buildings may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the vertical height of the nonconforming Building, or the degree of or create any new nonconformity to district bulk regulations. The extension of a lawful use to any portion of a nonconforming Building which existed prior to the enactment of this Chapter shall not be deemed the extension of such Nonconforming Building.
- H. Alteration of Nonconforming Buildings. A Nonconforming Building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost of fifty (50) percent of the fair value of the land and Building as determined by dividing the assessed value of the land and Building by the equalization rate, unless said Building is changed to a conforming use.
- I. Restoration. A Nonconforming Building damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its replacement value shall not be repaired or rebuilt except in conformity with the use and area regulations of this Chapter.
- J. Unsafe Structures. See Chapter 124 - Unsafe Buildings.
- K. Existing nonconforming Lots. A Lot in any district that was under separate ownership from all adjoining Lots on the effective date of this Chapter, and which has a total Lot area, Lot Width or Lot Depth less than otherwise required herein may be used and developed in conformity with all other applicable regulations in its district, subject to grant of site plan approval.

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ARTICLE VI Enforcement

§ 134-20. Code Enforcement Officer.

- A. This Chapter shall be enforced by the Code Enforcement Officer, who shall be appointed by the Village Board. No Building Permit or Certificate of Occupancy shall be issued by him/her except where all the provisions of this Chapter have been observed.
- B. The Code Enforcement Officer does not possess discretionary authority, except where specifically set forth. It is his/her duty to enforce provisions of the Zoning Law literally. He/she has no power to make special exceptions or grant any variance.
- C. [Added 7-30-96 by L.L. 1-1996] The Code Enforcement Officer has the authority to determine whether a Structure is unsafe. See Chapter 124 - Unsafe Buildings.

§ 134-21. Building Permits.

- A. No Building or Structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Code Enforcement Officer. No land use subject to regulation by this Chapter, nor work on land in connection with a use subject to regulation by this Chapter, shall be commenced until a permit therefore has been issued by the Code Enforcement Officer. Except upon a written order of the Zoning Board of Appeals or the Planning Board in accordance with the provisions of this Chapter, no such Building Permit or Certificate of Occupancy shall be issued for any Building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Chapter.
- B. There shall be submitted with all applications for Building Permits two (2) copies of a layout or Plot plan drawn to scale, showing the actual dimensions of the Lot to be built upon, the exact size and location on the Lot of the Building and Accessory Buildings and Accessory Structures to be erected and such other information as may be necessary to determine and provide for the enforcement of this Chapter, together with such fee as may be established from time to time by the Village Board. When deemed advisable or necessary by the Code Enforcement Officer, he/she shall require a survey of the premises with the layout or Plot plan required, prepared by a land surveyor or professional engineer licensed by the State of New York, who will sign and seal the same. The form of application for a Building Permit can be obtained from the Village Clerk and may be amended from time to time by resolution of the Village Board.
- C. Additional information required for a Building Permit can be found in Chapter 40 - Building Construction.
- D. One (1) copy of such layout or Plot plan shall be returned when approved by the Code

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Enforcement Officer, together with such building permit, to the applicant.

§ 134-22. Certificate of Occupancy.

- A. No land occupancy or use subject to regulation by this Chapter or the Building Code as adopted by the Village of Cold Spring⁶ shall be occupied or used, and no Building hereafter erected, altered or extended shall be used or changed in use, until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer, stating that the Building or proposed use thereof complies with the provisions of this Chapter as well as the provisions of the Building Code. The form of Certificate of Occupancy can be obtained from the Village Clerk and may be amended from time to time by resolution of the Village Board.
- B. All Certificates of Occupancy shall be applied for upon completion of the work approved under a Building Permit, except in the case of Nonconforming Use. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Chapter. The form of application for a Certificate of Occupancy can be obtained from the Village Clerk and may be amended from time to time by resolution of the Village Board.
- C. The Code Enforcement Officer shall maintain a record of all permits and certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the Building or premises affected upon payment of such fee as may be established by resolution of the Village Board.

ARTICLE VII

Zoning Board of Appeals

§ 134-23. Creation.

A Zoning Board of Appeals consisting of five (5) members is hereby created in accordance with the provisions and subject to the terms of Section 7-712 of the Village Law. The Mayor shall nominate said members and shall designate its Chairperson subject to the approval of the Board of Trustees. The Zoning Board of Appeals shall elect an Acting Chairperson from its membership, who shall act in the absence of the Chairperson, and shall appoint a Secretary and prescribe rules for the conduct of its affairs. [Amended 3-27-01 by L.L. 2001-05]

§ 134-24. Powers and duties. [Amended 3-27-01 by L.L. 2001-05]

The Zoning Board of Appeals shall have all the power and duties prescribed by law, particularly Section 7-712 of the New York State Village Law, and by this Chapter, including the following:

⁶Editor's Note: Consult the NYS Uniform Fire Prevention and Building Code.

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- A. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Chapter, Chapter 42 (Fences and Walls), or Chapter 114 (Swimming Pools, Spas and Hot Tubs).
- B. Variances. To issue variances for any of the requirements of this Chapter, Chapter 42 (Fences and Walls), or Chapter 114 (Swimming Pools, Spas and Hot Tubs) requires the obtaining of such variances from the Zoning Board of Appeals.
 - 1. To vary or adapt the strict application of any of the requirements of this Chapter, Chapter 42, or Chapter 114, in the case of exceptionally irregular, narrow, shallow or steep Lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or Building involved, but in no other case. No variance in the strict application of any provision of this Chapter, Chapter 42, or Chapter 114 shall be granted by the Zoning Board of Appeals unless it finds:
 - a. That there are special circumstances or conditions, fully described in the findings of the Zoning Board of Appeals, applying to such land or Buildings and not applying generally to land or Buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Chapter, Chapter 42 or Chapter 114 would deprive the applicant of the reasonable use of such land or Buildings and result in practical difficulty or unnecessary hardships.
 - b. That, for reasons fully set forth in the findings of the Zoning Board of Appeals, the granting of the variance is necessary for the reasonable use of the land or Building; and that the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose.
 - c. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter, Chapter 42 or Chapter 114 and will not be injurious to the neighborhood or otherwise to the public welfare.
 - 2. Cases which involve a variance from the bulk or dimensional requirements within the subject zoning district or from any general dimensional requirement will be reviewed pursuant to the area variance standards in New York State Village Law Section 7-712-B.3. In cases which involve a variance from the permitted use for the zoning district, instead of any area type variance, the standards for a use variance set forth in New York State Village Law Section 7-712-B.2 shall be applied. In granting either an area or use variance, the Zoning Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

§ 134-25. Procedure.

- A. The Zoning Board of Appeals shall act in strict accordance with the procedure

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specified by state law and by this Chapter. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

The form to be used in applying for a variance can be obtained from the Village Clerk and may be amended from time to time by the Village Board.⁷

- B. All applications for variances or interpretations shall be accompanied by funds pursuant to Chapter 57, Reimbursement of Professional Consultants' Expenses. **[Amended 10-22-19 by L.L. 2019-08]**
- C. The Zoning Board of Appeals may refer applications for variances and for interpretation to the Village's planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for variances, and for interpretation. **[Amended 10-22-2019 by L.L. 2019-08]** All such referrals or engagements by other consultants and/or professionals will be at the applicant's expense.
- D. The Zoning Board of Appeals shall schedule the public hearing which is required for every appeal or application for a variance or interpretation within sixty (60) days of receipt of completed application, and shall give public notice by the publication in the official paper for the Village of a notice of such public hearing at least five (5) days before such hearing, unless additional time is required by statute. Copies of such notice shall also be mailed to such parties as may be required under the Village Law, the General Municipal Law or other statutes, at least ten (10) days before such hearing, unless additional time is required by statute. A public hearing notice Sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) Signs are provided for Corner Lots. The applicant will obtain the public hearing Sign and the detailed instructions from the Village Office during regular business hours. The Sign will be marked with all boards having scheduled hearings. The applicant will post the Sign at the property under review at least ten (10) days before the hearing, and the Sign shall remain on display until all hearings are formally closed. **[Amended 3-27-01 by L.L. 2001-05; 9-30-2013 by L.L. 2013-03; 1-8-19 by L.L. 2019-03]**
- E. At least ten (10) days before the date of the hearing required by law on an application or appeal for a variance to the Zoning Board of Appeals, the Secretary of said Board shall transmit to the Planning Board and the Village Clerk a copy of said application

⁷ Editor's Note: Consult the Zoning Board of Appeals for the form referred to.

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or appeal, together with a copy of the notice of the aforesaid hearing, and shall request that the Planning Board submit to the Zoning Board of Appeals its opinion on said application or appeal, and the Planning Board may submit a report of such advisory opinion prior to the date of said hearing. Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case, and a copy thereof shall be filed with the Village Clerk and the Planning Board. The Zoning Board of Appeals shall keep thorough records of all proceedings and decisions.

- F. **[Added 3-27-01 by L.L. 2001-5]** All variances shall be considered null and void if the applicant does not obtain a Building Permit within two (2) calendar years of date of decision of the Zoning Board of Appeals. **[Amended 12-02-2014 by L.L. 2014-04]**
- G. **[Added 4-8-08 by L.L. 2008-02]** It shall be a condition of approval of all variances that all expenses, costs and consultants' fees imposed under this Chapter have been paid to the Village.
- H. **[Added 10-22-2019 by L.L. 2019-08]** Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.

ARTICLE VIII

Planning Board

[Added 9-14-71 by L.L. No. 5-1971]

§ 134-26. Prior creation.

The Planning Board of the Village of Cold Spring was created prior to the adoption of this Article pursuant to the authority of Village Law and is an existing operating Planning Board.⁸

§ 134-27. Additional duties.

In addition to other existing or hereafter assigned duties of the Planning Board of the Village of Cold Spring, the following duties are also assigned to said Planning Board:

- A. **Special Use Permit.** Approval for any of the special uses defined in this Chapter or Chapter 106 (Steep Slope Protection) requires the obtaining of a special use permit from the Planning Board.

⁸ Editor's Note: For the creation of the Planning Board, see Ch. 21, Planning Board.

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The form to be used in applying for a special use permit can be obtained from the Village Clerk and may be amended from time to time by the Village Board.

- (1) The Planning Board shall act in strict accordance with the procedure specified by state law and by this Chapter. All appeals and applications made to the Planning Board shall be in writing, on forms prescribed. Every appeal or application shall refer to the specific provision of this Chapter or other Chapter involved, and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought and the grounds on which it is claimed that the special use permit should be granted, as the case may be.
- (2) The Planning Board may refer applications for special use permits, and for interpretation applications to the Village's planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for special use permits, and for interpretation applications. All such referrals or engagements by other consultants and/or professionals will be at the applicant's expense.
- (3) The Planning Board shall schedule the public hearing which is required for interpretation or special use permit within sixty (60) days of receipt of completed application, and shall give public notice by the publication in the official paper for the Village of a notice of such public hearing at least five (5) days before such hearing, unless additional time is required by statute. Copies of such notice shall also be mailed to such parties as may be required under the Village Law, the General Municipal Law or other statutes, at least ten (10) days before such hearing, unless additional time is required by statute. A public hearing notice Sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) Signs are provided for Corner Lots. The applicant will obtain the public hearing Sign and the detailed instructions from the Village Office during regular business hours. The Sign will be marked with all boards having scheduled hearings. The applicant will post the Sign at the property under review at least ten (10) days before the hearing, and the Sign shall remain on display until all hearings are formally closed. **[Amended 3-27-01 by L.L. 2001-05; 9-30-2013 by L.L. 2013-03; 1-8-19 BY L.L. 2019-03]**
- (4) At least ten (10) days before the date of the hearing required by law on an application to the Planning Board for a special use permit the Secretary of said Board shall transmit to the Zoning Board of Appeals and the Village Clerk a copy of said application, together with a copy of the notice of the aforesaid hearing, and shall request that the Zoning Board of Appeals submit to the Planning Board its opinion on said application or appeal, and the Zoning Board of Appeals may submit a report of such advisory opinion prior to the date of said hearing. Every decision of the Planning Board shall be by resolution, each of

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which shall contain a full record of the findings of the Board in the particular case, and a copy thereof shall be filed with the Village Clerk and the Planning Board. The Planning Board shall keep thorough records of all proceedings and decisions.

- (5) All special use permits shall be considered null and void if the applicant does not obtain a Building Permit within two (2) calendar years of date of decision of the Planning Board.
- (6) Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.

B. Site plan review. The Planning Board shall review the plans submitted for approval, or any amendment to said plans, in the same manner as is prescribed by state law for the review of site plans. In considering and approving the site plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this Chapter, and particularly with regard to achieving maximum safety of traffic, access and egress; a site layout which would have no adverse effect upon any properties in the area, including adjoining residence districts, by impairing the established character or potential use of such property in such area or districts; reasonable screening at all seasons of the year of playgrounds, parking and service areas from the view of adjacent residential properties and Streets; consideration of the location of any outdoor lighting in conformance with Chapter 81 Outdoor Lighting Standards; conformance of the proposed site plan with such portions of the Comprehensive Plan or Master Plan of the Village of Cold Spring; adequate drainage; and the application of any portion of the requirements set forth in land subdivision regulations⁹ which may have been adopted by the Planning Board to the extent same may be advisable and pertinent for the suitable development and use of the property on the site plan being reviewed. The site plan being submitted shall contain at least the following information:

- (1) Site layout drawn to scale, showing the dimensions of the property, any existing Structures and any proposed Structures.
- (2) Where appropriate, the location of any and all playgrounds, parking and service areas, screening, planting and the like.
- (3) Where appropriate or where required by the Planning Board, the contours of the property and any significant natural or topographical features to be considered in approval of the site plan including, where considered appropriate by the Planning

⁹ Editor's Note: See Ch. 111, Subdivision of Land.

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Board, a 3D model showing Lot build out.

- (4) The location of access and egress to and from the site.
- (5) The location of water supply, sewage disposal, nearest fire hydrants.
- (6) Proposed roadways, sidewalks, curbs.
- (7) A suitable drainage system with location of catch basins, culverts and plan for final disposition of any water drained from the site.
- (8) Where appropriate, a New York State Department of Transportation traffic survey to determine vehicular and pedestrian safety to and from the site.

C. Bond.

- (1) The Planning Board shall require the owner or developer to give a bond as hereinafter provided. Said bond may be in cash, letter of credit, or a surety company bond in an amount subject to the approval of the Village Planning Board, and if a surety company bond or letter of credit, shall be further subject to the approval of the Village Planning Board as to form and manner of execution. Such surety bond or letter of credit shall be in an amount of not less than one hundred (100) percent of the estimated cost or, if a cash bond, fifty (50) percent of the estimated cost, of proposed screening, landscaping, including planting and maintenance thereof, stormwater drainage system, Streets, water system, sanitary sewer system, outdoor lighting, off-street parking areas, loading areas, means of vehicular access and egress to and from the site onto public Streets, playgrounds, garbage collection stations, fire alarm system, water system extensions, fire hydrants and the like, to the extent applicable. Where the Planning Board deems it advisable, it can appoint an engineer, or the Village Engineer if there be one, to review said site plan, to assist in review of the technical specifications thereon and to assist in the estimated cost of the items to be provided for which a bond is required. Said Engineer will be requested to advise the amount of his fee for such services, and the applicant submitting the site plan for approval shall make a deposit in the amount of said fee to be paid to said Engineer, and the entire cost thereof shall be borne by the applicant. The aforesaid bond shall be conditioned upon the property owner's, or developer's or applicant's completing the said work enumerated herein and set forth on the site plan as finally approved by the Planning Board in a manner satisfactory to the Code Enforcement Officer of the Village of Cold Spring in accordance with the requirements determined in the approval. If the property owner or developer or applicant is found to be in default thereof the said surety bond, letter of credit, or deposit shall be forfeited and the Village shall be entitled to the full amount thereof and shall use same to complete the said work not done or completed and to recover the costs thereof from the bond provided. Accompanying said bond shall also be written

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permission from the owner of the property shown on the site plan authorizing the Village to complete or have completed the work on said property in the event of such default. If any amount of money remains after the Village has completed the said work in the event of such default, such excess money shall be returned to the surety or the person putting up the required deposit. Such surety bond, letter of credit, or cash deposit may be reduced by resolution of the Planning Board upon certification of the Code Enforcement Officer to Planning Board that a particular item or items in the requirements of said Planning Board have been satisfactorily completed. Such reduction, if a fifty (50) percent cash bond has been posted, shall be in the ratio that the completed item or items bear to the total estimated cost of the required improvements.

- (2) The Planning Board shall also have the right to reduce any of the requirements set forth in Subsections A, B, and C of this section where it deems that such requirements are not appropriate. Conversely, the Planning Board may also require submission of any additional information or provide for additional conditions and requirements where deemed appropriate and reasonable for the development of the property as shown on the site plan.

D. Site plan review: submission; requirements for site plan approval.

- (1) In all cases where this Chapter requires approval of site plans by the Planning Board, such plans shall be prepared and submitted by the applicant to the Village Code Enforcement Officer for review. The Code Enforcement Officer shall inspect the site plan, or amendment to each plan, with respect to the basic requirements of this Chapter and to the NYS Uniform Fire Prevention and Building Code and shall then refer the site plan to the Planning Board with such comments as he/she deems appropriate. The Code Enforcement Officer may also waive initial review of the site plan and refer same directly to the Planning Board for its basic review. Regardless of which procedure is followed, the basic requirements of this Chapter and the NYS Uniform Fire Prevention and Building Code must be followed.
- (2) **[Added 4-8-08 by L.L. 2008-02]** The Planning Board may refer applications for site plan approval to the Village's planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval.
- (3) No Building Permit may be issued for any Building or Structure within the purview of this Article until a site plan or amendment of any such previously approved plan has been finally approved by the Planning Board in accordance with the provisions of this Article. No Certificate of Occupancy may be issued for any Building or Structure or use of land within the purview of this Article

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unless the Building or Structure or conversion or alteration or use is in conformity with the approved site plan or any amendment of such plan. It shall be a condition of approval of all site plan approvals that all consultants' fees imposed under this Chapter have been paid to the Village. **[Amended 4-8-08 by L.L. 2008-02]**

- (4) Presubmission. Prior to the submission of a formal site plan, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to the site development, and also to discuss the waiver of any of the requirements outlined herein which may not be required or necessary for the particular site plan under consideration, including waiving the need for a public hearing.
- (5) Required submissions. The information enumerated below shall be submitted to the Planning Board through the Code Enforcement Officer, in triplicate, along with a letter of application. All maps or site plans submitted must be at a scale of forty (40) feet to the inch.
 - (a) The information to be submitted and which in total constitutes the site plan application follows:
 - [1] The basic site plan map with the information shown thereon as outlined above.
 - [2] The names of all owners of record with the Tax Map section, block and Lot numbers for subject property; all adjacent properties, and the owners of properties on the opposite side of any public Street on which subject property has frontage. It is suggested that this information be shown on a copy of the appropriate County Tax Map and be submitted in this form with the site plan map.
 - [3] A statement as to the existing school, zoning and special district boundaries.
 - [4] A copy of the deed or deeds into the owner of the subject premises, together with a copy of any and all covenants, restrictions, reservations and easements which affect such premises.
 - [5] Any other information deemed appropriate or helpful to the Planning Board.
 - (b) The applicant shall consider the following checklist as information usually helpful to the Planning Board:

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- [1] Map should contain title; date; North point; scale; name and address of owner, Professional Engineer (P.E.) or Registered Architect licensed in New York State including license number and seal; Landscape Architect, architect or planner may also be included; and Tax Map section, block and Lot numbers. **[Amended 3-27-01 by L.L. 2001-5]**
- [2] Existing zoning, property boundaries, Building and setback lines, existing Streets, Lots, easements.
- [3] Existing Buildings, water mains, culverts and drains, with pipe sizes, grades and direction of flow.
- [4] Existing contours above two (2) feet, watercourses, marshes, rock outcrops, wooded areas, trees of eight (8") inches in diameter or more.
- [5] Proposed water hydrants, water lines, sewer lines and exterior illumination.
- [6] Location of parking areas, driveways, access roads, type of pavement, curbs and drainage.
- [7] Location of Buildings, community areas, sidewalks, screening and landscaping.
- [8] The application shall be signed by the applicant and by the owner of record if the owner is not the applicant.

§ 134-28. [Added 4-8-08 by L.L. 2008-02] Consultants' Fees

- A. Applicants for site plan approval or any approvals before the Planning Board shall reimburse the Village for all costs and expenses incurred for review of their applications including the cost of planning consultants, engineering consultants, legal consultants or other professional consultants, pursuant to Chapter 57 Reimbursement of Professional Consultants' Expenses. **[Amended 10-22-2019 by L.L. 2019-08]**

ARTICLE IX

Penalties; Amendments; Interpretation

§ 134-29. Penalties for offenses.

- A. Any person, firm or corporation committing an offense against any of the provisions of this Chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both. **[Amended 4-10-79 by L.L. No. 2-1979]**

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B. The Village Board of Trustees may also enforce this Chapter by injunction in New York State Supreme Court.

C. Each week of a continued violation shall constitute a separate, additional violation.

§ 134-30. Complaints of violations.

Whenever a violation of this Chapter occurs, any person, firm or corporation may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer. The procedures for the filing and investigation of complaints can be found in Chapter 40 (Building Construction).

§ 134-31. Stop Work Order, Order to Remedy.

The procedures for the issuance and enforcement of a Stop Work Order or an Order To Remedy can be found in Chapter 40 (Building Construction).

§ 134-32. Procedure for amendment.

The Village Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Chapter after public notice and hearing, subject to the requirements of the New York Municipal Home Rule Law, the New York Village Law and the requirements of New York General Municipal Law. Every such proposed amendment or change, whether initiated by the Village Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing required by law.

§ 134-33. Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare. Whenever the requirements of this Chapter are in conflict with one another or are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

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APPENDIX A-ZONING MAP

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APPENDIX B-ZONING MAP AMENDMENTS [Added 5-13-14 by L.L. 2014-02]

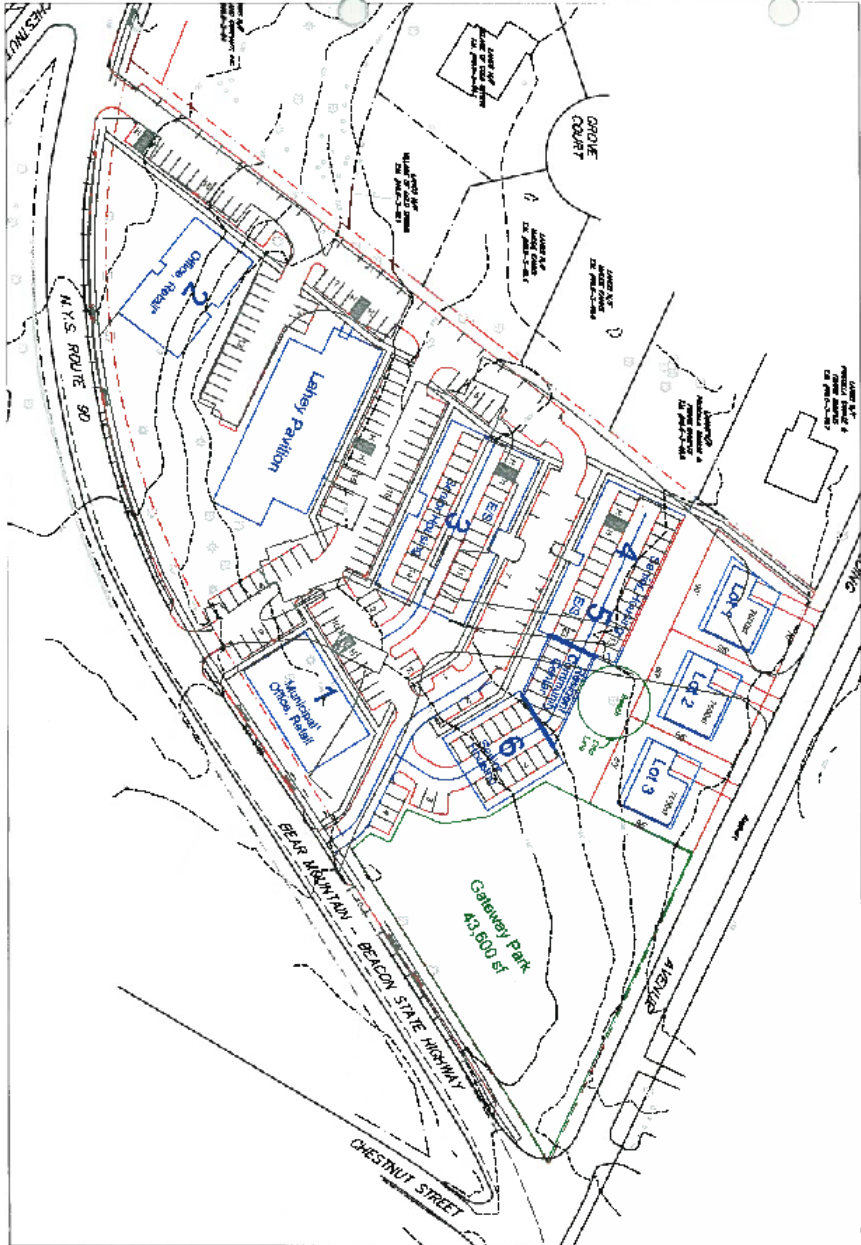
Village Code Section 134-4 “Zoning Map” is hereby amended to add to the Village’s Zoning District Map a new Zoning District known as the “B-4A Medical and Health Care Facility Mixed Use District” which shall be shown upon the Zoning Map as the area BEGINNING at the point on the southwesterly line of Paulding Avenue that is distant $S64^{\circ}50'46''E$ 240.25 feet measured southeasterly along the said southwesterly line of Paulding Avenue from another point thereon where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain “Final Subdivision Plat of ‘The Grove’” which was filed in the Putnam County Clerk’s Office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue $S64^{\circ}50'46''E$ 282.85 feet, to the point where it meets the northwesterly line of N.Y. State Route 9d; thence southwesterly along said northwesterly line of N.Y. State Route 9d, first $S57^{\circ}57'19''W$ 506.11 feet, then on a non-tangent curve to the right, the center of which bears $N32^{\circ}25'17''W$, the central angle of which is $47^{\circ}21'44''$, the radius of which is 608.00 feet for 502.59 feet to a point at the line of lands now or formerly of Sugarloaf Land Co., Inc.; thence along the said Sugarloaf Land Co., Inc. lands and continuing along the southeasterly line of lands shown on said Filed Map No. 2924 $N37^{\circ}47'38''E$ 617.75 feet to a point; thence through the lands of Butterfield Realty, LLC $S64^{\circ}50'46''E$ 261.55 feet, and $N25^{\circ}09'14''E$ 95.00 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property is not actually developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.

Village Code Section 134-4 “Zoning Map” is hereby amended to change upon the Village’s Zoning District Map the district designation from B-4 (“Designated Medical and Health Care Facility District”) to R-1 (“One Family Residence District”) of all the property in the area BEGINNING at the point on the southwesterly line of Paulding Avenue where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain “Final Subdivision Plat of ‘The Grove’ . . .” which was filed in the Putnam County Clerk’s Office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue $S64^{\circ}50'46''E$ 240.25 feet to a point; thence through the lands of Butterfield Realty, LLC $S25^{\circ}09'14''W$ 95.00 feet and $N64^{\circ}50'46''W$ 261.55 feet to a point on the line of the said lands shown on Filed Map No. 2924; thence along the lands shown on Filed Map No. 2924 $N37^{\circ}47'38''E$ 97.36 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property as well as the above-listed property that is subject to the conditional zoning change to B-4A is not developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.

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APPENDIX C-BUTTERFIELD SITE CONCEPT PLAN AS OF 05/06/2013



- 1. All have been by the owner. No representation is made as to the accuracy of the information provided.
- 2. The excepted site plan is based on a 1/4" = 1' scale. The site plan is based on a 1/4" = 1' scale. The site plan is based on a 1/4" = 1' scale.
- 3. The site plan is based on a 1/4" = 1' scale. The site plan is based on a 1/4" = 1' scale. The site plan is based on a 1/4" = 1' scale.
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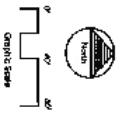
Project Summary

Building 1: Municipal Office Building: 6,000 sf footprint, 15,000 sf total (First Floor Retail not to exceed 6,000 sf)

Building 2: Retail/Office Building: 7,000 sf footprint, 17,500 sf total (First Floor Retail not to exceed 7,000 sf)

Buildings 3-6: Senior Condominiums: 55 Units

Lots 1, 2, 3: Three (3) Single Family Homes



Zoning Analysis

One Family Required	Lot 1	Lot 2	Lot 3
Lot Area	7600 sf	7600 sf	7600sf
Lot Width	75 ft.	80 ft.	80 ft.
Lot Depth	100 ft.	95 ft.	95 ft.
Front Yard	20 ft.	20+ ft.	20+ ft.
Side Yard	10 ft.	10+ ft.	10+ ft.
Rear Yard	20 ft.	20+ ft.	20+ ft.
Coverage	30%	26.6%	26.6%

Mixed Use	Required	Provided
Lot Area	120,000 sf	225,534 +/- sf
Lot Width	200 ft.	590 +/- ft.
Lot Depth	200 ft.	385 +/- ft.
Front Yard	0 ft.	0 ft.
Side Yard	10 ft.	10 ft. 2 sides 26 ft.
Rear Yard	10 ft.	28 ft.
Open Space	15%	47%
Building Coverage	25%	23.4%

*For frontages on a NYS Highway

- NOTES - BUTTERFIELD CONCEPTUAL SITE PLAN**
- Building No. 1 shall be approximately 15,000 sq. ft. with dimensions of approximately 600' x 100'. A retail space will be located at the following address: 4000 N.Y.S. ROUTE 90, BEAR MOUNTAIN, NY 14810. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft.
 - Building No. 2 shall be approximately 7,000 sq. ft. with dimensions of approximately 300' x 100'. The building shall be a two-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 7,000 sq. ft.
 - Building No. 3 shall be approximately 60' x 100'. It shall be a single-story structure with a total floor area of approximately 6,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 6,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 6,000 sq. ft.
 - Building No. 4 shall be approximately 70' x 100'. It shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft.
 - Building No. 5 shall be approximately 70' x 100'. It shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft.
 - Building No. 6 shall be approximately 70' x 100'. It shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 7,000 sq. ft.
 - The existing building designated "Lashley Pavilion" shall comply to local zoning regulations. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a two-story structure with a total floor area of approximately 15,000 sq. ft.
 - The southeast corner of the property designated as "Gateway Park" shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft.
 - On this plan, the proposed location of the "Gateway Park" shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft.
 - On this plan, the proposed location of the "Gateway Park" shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft. The building shall be a single-story structure with a total floor area of approximately 15,000 sq. ft.
- *Retail space may include banks and general service stores.

Developer/Owner	Jim Miller Associates, Inc. 40 Main Street, Catskill, NY 12416 (860) 285-4400, Fax: (860) 285-4413	Draft
Landscape Architect	Concept Site Plan Butterfield Site Catskill, NY 12416	Sheet SP-1
Architect	Old Spring, Putnam County, NY January 26, 2013, Rev. 4-13, 6-13, 8-13, 9-13, 10-13, 11-13, 12-13, 1-14	

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APPENDIX E-TABLE OF DIMENSIONAL REQUIREMENTS