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Village of Cold Spring

PROPOSED Local Law No. 1 Of the Year 2023

A local law to replace in its entirety Chapter 134 of the Code of the Village of Cold Spring, adopted by the Board of Trustees of the Village of Cold Spring on March 7, 1967 as Local Law No. 1-1967.

Be it enacted by the Village Board of the Village of Cold Spring as follows:

SECTION 1. AMENDMENTS TO THE VILLAGE CODE

Chapter 134 shall be repealed in its entirety and replaced with a new Chapter 134 as follows:

Chapter 134 Zoning Law

- Article I. Purposes
- Article II. Definitions
- Article III. Establishment of Districts
- Article IV. District Regulations
- Article V. Special Uses, Site Plans, and Supplementary Regulations
- Article VI. Enforcement
- Article VII. Zoning Board of Appeals
- Article VIII. Planning Board
- Article IX. Penalties; Amendments; Interpretation
- Appendix A. Zoning Districts Map
- Appendix B. Zoning Map Amendments
- Appendix C. Butterfield Site Concept Plan

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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

Brush, Grass, Weeds, Trees - See Chapter 36
Building Construction - See Chapter 40.
Dumpsters - See Chapter 48.
Fences and Walls - See Chapter 42.
Floodplain Management - See Chapter 52
Historic District - See Chapter 64.
Littering - See Chapter 59
Noise - See Chapter 76
Opting Out of Licensing On-Site Cannabis Consumption Establishments - See Chapter 73
Outdoor Furnaces - See Chapter 51
Outdoor Lighting Standards - See Chapter 81
Planning Board - See Chapter 21.
Reimbursement of Professional Consultants' Expenses - See Chapter 57.
Residential Parking Program - See Chapter 127
Sewers - See Chapter 97
Short-Term Rentals - See Chapter 100.
Signs and Placards - See Chapter 104
Steep Slope Protection - See Chapter 106.
Streets and Sidewalks - See Chapter 108
Subdivision of Land - See Chapter 111.
Swimming Pools, Spas and Hot Tubs - See Chapter 114.
Trees - See Chapter 122
Unsafe Buildings - See Chapter 124.
Vehicles and Traffic - See Chapter 126
Water - See Chapter 130
Waterfront Consistency Review - See Chapter 132

ARTICLE I.
Purposes

134-1. Enumeration of purposes.

This chapter is enacted pursuant to the authority granted by Municipal Home Rule Law of the State of New York, § 7-704 of the New York State Village Law, and in accordance with the land use policies, principles and guidance provided by the Village of Cold Spring Comprehensive Plan, to protect and promote public health, safety, general welfare, aesthetics, economy, natural and cultural resources, and for the following purposes:

- A. To provide a flexible system of land use regulation that enables the Village to continue to develop, while preserving its unique character and most important historic, natural and cultural features.
- B. To recognize that the remaining vacant lands within the Village , if improperly developed, could drastically alter the character of the community to the detriment of all residents.
- C. To recognize that the capacity of the sewer and water systems is limited and that uncontrolled building would impose an intolerable burden upon public facilities.
- D. 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.
- F. To recognize existing building forms and streetscapes in keeping with the community's vision and goals as expressed in the Comprehensive Plan. Streetscapes should encourage social interaction and balance the needs of all users while providing access to lots and civic spaces. Pedestrian comfort will be a primary consideration of Village Streets with design conflicts between vehicular and pedestrian movement decided in favor of the pedestrian.
- G. To recognize that the Village is situated in a location of unique natural 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.
- H. To recognize that while the Village of Cold Spring is primarily a residential community, provisions also must be made for business, parks, recreation and mixed-uses.

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 as defined in dictionaries in common use. Words used in the present tense include the future, and the plural includes the singular. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual. The word "lot" includes the word "plot" or "parcel"; the word "structure" includes the word "building"; the word "shall" is mandatory and not merely directory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."
- 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 (1) Family for living purposes. **The Lot on which an Accessory Apartment is located must be the principal domicile of the Lot's record owner of title. An Accessory Apartment is incidental and subordinate to a One-Family Dwelling located on the same Lot and may be located in the principal Building on the Lot or in an Accessory Building.**

ACCESSORY BUILDING - A supplemental Building whose Use is incidental and subordinate to that of a principal Building located on the same Lot.

ACCESSORY STRUCTURE - A supplemental Structure five (5) feet high or higher or, if lower than five (5) feet, one whose length, width and height combined total sixteen (16) feet or more. The Use of an Accessory Structure is incidental and subordinate to that of a principal Structure located on the same Lot.

ACCESSORY USE - A Use that is incidental and subordinate to the principal Use or Building and is allowed and located on the same lot as such principal Use or Building. In Buildings restricted to residential Use, Home Professional Offices, Home Occupations and workshops shall be deemed Accessory Uses.

AREA, BUILDING - The total area, taken horizontally at the Grade Plane, of the principal Building and all Accessory Buildings, exclusive of uncovered Structures such as porches, terraces and steps without roofs, whether attached to a Building or separate.

BAR - An establishment where the primary business is selling alcoholic drinks.

BASEMENT - A Story having at least one-half (½) of its Clear Height below the Grade

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Plane. A Basement shall not be considered in determining the permissible number of Stories.

BED & BREAKFAST - An Owner-Occupied Dwelling that provides paid accommodations for transients. A Bed & Breakfast has no more than three (3) guest rooms and no separate cooking facilities for guests. The maximum stay at a Bed & Breakfast is thirty (30) consecutive days.

BUILDING - Any Structure or part thereof with a roof and intended for the shelter, housing or enclosure of persons, animals or personal property. A single Structure may contain parts that are a Building and parts that are not (such as an uncovered deck attached to a house).

BUILDING, ALL-ELECTRIC - A building with no on-site combustion equipment that uses or has the capacity to use oil, natural gas, coal, or other fossil fuel for space heating, water heating, cooking, or clothes drying. Fireplaces and outdoor grills are exempt.

BUILDING, FRONT LINE OF - The line of that face of a Building nearest the front line of the Lot on which said Building is located.

BUILDING, HEIGHT OF - The vertical distance measured from the Grade Plane to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT - A permit issued by the Code Enforcement Officer – see § 134-21.

BUILDING, PRINCIPAL OR MAIN - A Building in which is conducted the main or principal Use of the Lot on which said Building is located.

BUSINESS OFFICE - Establishments providing direct services to consumers, such as insurance agencies, title insurance companies, and real estate offices.

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 that includes living quarters.

CHANGE OF USE - A “change of use” shall include changes from one use group to another under the Table of Uses Permitted by District as well as any change within such land use groups, changes to any other use within the same group such as in the “Commercial” use group, and a change from a “retail” business such as a drug store to a grocery store is a change of use.

CLEAR HEIGHT - Vertical distance from the surface of a floor to the ceiling above or, if the ceiling is unfinished, to the bottom of the joists or rafters above.

CLUB, MEMBERSHIP - A not-for-profit organization catering exclusively to members and their guests, or premises and Buildings for recreational or athletic purposes, provided

there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership of such club.

CODE ENFORCEMENT OFFICER — The Village Official appointed pursuant to Chapter 40-3.B of the Village Code

COFFEE SHOP - A small, informal Restaurant.

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

COMMERCIAL USE - Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

CONSERVATION LANDS - Conservation lands include properties where full development is limited by a conservation organization or government entity. Examples of conservation lands include state and municipal parks and parkland, land trust properties, private lands under conservation easement, and other protected government lands.

CONVENIENCE STORE- - 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.

COTTAGE - A detached, one-family Dwelling no more than one and a half (1½) stories high.

COTTAGE COURT - A group of four to eight cottages clustered around a small shared court that is usually perpendicular to the street, as shown in the illustration. The land underneath the structures may or may not be divided into separate lots. A cottage court may contain a detached Private Garage, a community building, a garden shed and other facilities for shared use of the residents.



Illustration Source: Opticos Design

COVERAGE, LOT - That percentage of the Lot covered by the Building Area.

CULTURAL CENTER - A building or use owned and/or operated by a public or private not-for-profit organization providing services to the public and dedicated to the arts and culture.

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

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an Engineer retained by the Village, that a Structure poses an imminent threat to the health or safety of the community.

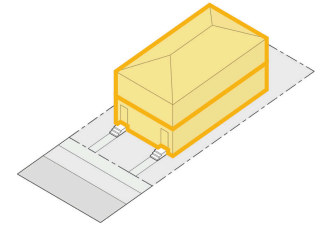


Illustration Source:
Opticos Design

DENSITY - The ratio of land area per development unit on a lot.

DEVELOPMENT - Any activity other than conservation or forestry, which materially affects the existing condition of land or improvements, including but not limited to:

Removal of trees or other natural vegetative cover;

Substantial excavation or deposit of earth or other fill, including alteration of the banks of any stream or body of water;

Construction, reconstruction, alteration or demolition of any building, structure or other improvement;

Dumping or parking of any object or material, whether mobile, liquid or solid;

Commencement of any use of the land and improvements thereto and any change in the type or intensity of such use.

DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW - 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 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.

DRIVEWAY - An area reserved on a lot, plot, site or parcel of land for the purpose of providing vehicular access connecting off-street parking or a parking lot with a public or private street and finished and maintained with a stabilized, all-weather surface material, such as concrete, permeable pavement, paving stone, crushed stone or gravel.

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.

DUPLEX - A two and a half (2½) Story Building containing two (2) Dwelling Units, each of which has direct access to the outside. The width, depth and height of a Duplex are the same as those of a typical one-family Dwelling. The two units in a Duplex may be stacked, with one on the ground floor and the other on top of it, or side by side, with each unit facing the street and having its own stoop or porch (see illustration).

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

DWELLING, MULTI-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.

DWELLING, ONE-FAMILY - A detached Building designed or used as the living quarters for one (1) Family.

DWELLING, TWO-FAMILY - A Building designed for or used as the living quarters for 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.

EDGEYARD - A type of building placement in which a Dwelling occupies the center of its Lot, with Yards on all sides.

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

FAÇADE - The exterior wall of a building.

FAMILY - One (1) or more persons occupying a Dwelling and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a club or Hotel.

FAMILY DAY CARE HOME - A program caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children, as defined in the New York State Child Day Care Regulations, NYCRR Part 413.

FARMERS' MARKET - An establishment for the retail sale of local farm produce and other agricultural products which may be conducted as either a principal or an Accessory Use and may or may not involve the installation and use of permanent Structures. A Farmers' Market may include multiple vendors.

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.

FILLING STATION - Any Lot or portion thereof used partly or entirely for storing or

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dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles.

FLOOR AREA, GROSS - The horizontal areas of the floors of a Building or portion thereof within the inside perimeter of the Building's exterior walls, exclusive of vent shafts and courts and 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.

FLOOR AREA, NET - The occupied horizontal areas of the floors of a Building or portion thereof, not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

FORMULA RESTAURANT - Any 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 having or required to have two or more of the following: (1) the same name, trade name or trademark; (2) distinctive and/or standardized 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 - Any Retail Business, whether a principal or Accessory Use, having or 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) standardized merchandise. Grocery Stores are excluded from this definition and shall not be considered Formula Retail Businesses.

FOURPLEX - A two and a half (2½) Story Building containing four Dwelling Units, each of which is designed to be occupied as a separate permanent residence for one (1) Family and each of which has direct access to the outside (see illustration). A fourplex is also known as a quadplex.

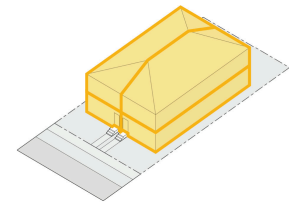


Illustration Source:
Opticos Design

FRONT PLANE - The **F**acade of a building nearest the front property line which is parallel to or at an angle of 45° or less to a public street or public right-of-way excluding porches, decks or patios.

GARAGE, PRIVATE - A Building or part thereof used for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein unless permitted under Article IV. No space for more than one (1) vehicle may be leased to any person not living on the same Lot as such Private Garage.

GARAGE, PUBLIC - Any garage other than a Private Garage available to the public, operated for gain and used for sales (by franchised dealers only), parking, storage, repair, rental, greasing, washing, servicing, fueling, adjusting or equipping of motor vehicles.

GRADE PLANE - A reference plane representing the average finished ground level adjoining a Building at its exterior walls. To determine the Grade Plane, take finish grade elevation heights along the perimeter of the building at all outside and inside corners of the foundation and at intervals of no less than ten (10) feet and no more than twenty (20) feet in straight runs. Add the elevation heights and divide the result by the number of heights.

GREEN STREET PRINCIPLES - Measures developed by the [National Association of City Transportation Officials](#) for optimizing street design to promote community health and equity. The measures aim to manage stormwater productively; improve air quality and safety; encourage walking, bicycling and access to transit; and increase species habitats.

GROCERY STORE - A retail store whose primary function is the retail sale of food, beverages and household items, not for onsite consumption. Convenience Stores are excluded from this definition and shall not be considered Grocery Stores.

GROUP HOME - A community residence providing 24-hour on-site supervision designed for the care and housing of persons who are unable to live and work independently at a particular time, which provides for such person's specific needs, and where compensation and/or reimbursement of costs is paid to an operator pursuant to state or federal standards, licensing requirements or programs funding residential care services in accordance with New York State Social Services Law.

HEALTH AND FITNESS ESTABLISHMENT - Any establishment equipped and arranged to provide instruction, services or activities which improve or otherwise affect a person's physical condition by physical exercise.

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

HOME OCCUPATION - Any Use of a Dwelling Unit conducted for gain, profit or financial support by a person living in said Dwelling Unit, **which is clearly limited in extent, incidental and secondary to the use of the Dwelling Unit for living purposes, does not change the residential character of the property or neighborhood, or have any exterior evidence of such secondary use other than a small nameplate.**

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 New York State.

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HOUSE OF WORSHIP - A building, together with accessory buildings such as a rectory, where persons regularly assemble for religious purposes by a congregation, excluding buildings used for residential, educational, recreational or other uses not normally associated with worship. Includes churches, chapels, cathedrals, temples, and similar designations.

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 Dwelling Unit containing bath facilities, including, at a minimum, a sink or washbasin, a flush toilet and a bathtub or stall shower; food preparation facilities, including, at a minimum, a sink, a refrigerator, an oven and a stove; 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 establishment equipped with individual 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.

LAYER - A Layer defines a range of depth of a Lot within which certain elements are permitted in the R District.

LINE, STREET - The dividing line between the Street and an adjoining Lot.

LIVE/WORK UNIT - A Mixed Use Dwelling Unit divided into two parts, neither of which is incidental or subordinate to the other: one part for living and the other part for commercial or office functions performed by the person who lives in said Live/Work Unit.

LOT - A parcel of land occupied or capable of being occupied by at least one (1) Building, including such Open Spaces as are required by this chapter.

LOT, CORNER - A Lot at the junction of two (2) or more intersecting Streets.

LOT DEPTH - The horizontal distance between the Front and Rear Lot Lines. Where these lines are not parallel, the Lot Depth shall be the length of a line joining the midpoints of the Front and Rear Lot Lines.

LOT LINE - Any line dividing one Lot from another or dividing a Lot from a Street.

LOT LINE, FRONT - A line separating a Lot from a Street. A Corner Lot may have more than one Front Lot Line.

LOT LINE, REAR - A line that is opposite from a Front Lot Line. In the case of a Lot with more than one Front Lot Line, the Code Enforcement Officer shall determine which opposing line is the Rear Lot Line.

LOT LINE, SIDE - Any Lot Line not a Front or Rear Lot Line.

LOT WIDTH - The average of the lengths of the Front and Rear Lot Lines.

MARINA - A use of land to store, maintain, and launch boats. A marina may include accessory facilities incidental to the operation of boats, such as showers, toilets and service of food and drink.

MIXED USE - More than one Use occurring in the same Unit or Building, on the same Lot or in a group of adjacent Lots.

MUNICIPAL STRUCTURE - A Structure predominantly serving a Municipal Use.

MUNICIPAL USE - A Use on behalf of the public good conducted by a government agency or by a not-for-profit organization dedicated to the arts, culture, education, recreation, government or transit.

MOBILE HOME - See "House Trailer."

NONCONFORMING BUILDING - A Building lawfully existing at the effective date of this chapter or of 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 other Structure, a Lot or land or part thereof lawfully existing at the effective date of this chapter or of any amendment thereto affecting such Use which does not conform to the Use regulations of this chapter for the district in which it is located.

NURSING HOME AND HEALTH-RELATED FACILITY - 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

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easement. Protected Open Space includes privately owned lands protected by conservation easement or municipal parkland.

OWNER-OCCUPIED - Occupied as the primary residence for no fewer than two hundred sixty (260) nights per calendar year by the property owner of record.

PARKING SPACE, MOTOR VEHICLE - An off-street space available for the parking of one (1) motor vehicle and having an area of not more than one hundred sixty-two (162) square feet exclusive of passageways and driveways and providing access to a public street or alley and maneuvering room.

PARKING SPACE, BICYCLE - A single space provided for locking a single bicycle to a rack or in a storage facility.

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

PLANNED UNIT DEVELOPMENT - A form of development enabled by § 7-703-a of New York State Village Law, encouraged by the New York State Legislative Commission on Rural Resources and characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire residential and non-residential development rather than on an individual lot basis.

PROFESSIONAL OFFICE - A location in a Building where a Professional Service is performed.

PROFESSIONAL SERVICES - An occupation requiring training in the arts or sciences. Some professional services, such as those of architects, accountants, engineers, doctors and lawyers, require licenses.

PUBLIC UTILITY - An agency or agencies for public service, and who or which is or are subject to the jurisdiction, supervision and regulations prescribed by the New York State Department of Public Service.

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.

RECOGNIZED PROFESSIONAL - A member of a profession involving services that require specialized skills or knowledge including persons licensed, certified, or possessing other documentary evidence as indicative of the duties actually performed in their profession.

RESIDENTIAL USES - Land uses within Zoning districts used predominantly for housing.

RESTAURANT - An establishment where the primary business is selling prepared food for

consumption on the premises or as take-out, even if the food sold is of a limited type. In addition to establishments where the primary business is selling full meals, the term “Restaurant” includes ice cream shops, donut shops, delicatessens, coffee houses and the like but does not include pushcarts, street vendors and Bars.

RETAIL BUSINESS - 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.

SCHOOL - A civic use whose primary purpose is to convey knowledge, skills, values, beliefs and habits to groups of people through organized instruction. A school can function as a public, for-profit or not-for-profit entity and must comply with all applicable New York State Education laws.

SENIOR CITIZEN HOUSING - Housing facilities restricted to persons at least 55 years of age 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)).

SETBACK – The shortest distance between a Building and an adjacent boundary line of the Lot on which said Building is located.

SETBACK, MINIMUM - The depth of the space next to a Lot Line that must be kept open to the sky and free of any Structures.

SETBACK AREA, MINIMUM - The space between a Lot Line and a line parallel to it defined by the Minimum Setback distance.

SETBACK, MAXIMUM - The greatest Setback permitted in a district for a specific side of a Structure.

SHORT-TERM RENTAL– Rental of any Dwelling or space therein to visitors in exchange for a fee or other 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 & Breakfasts, tourist homes, boardinghouses, rooming homes or Hotels. A Short-Term Rental must be Owner-Occupied. See Chapter 100 (Short-Term Rentals).

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

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

SITE PLAN REVIEW, EXPEDITED - A Site Plan review and approval process limited to building elevation and design, parking, lighting and signage. In an Expedited Site Plan review and approval, the Planning Board may waive other submission and design requirements unless specific concerns regarding public health, safety or general welfare are identified and such concerns are set forth in the minutes of the Planning Board meeting. Public hearings may be waived for Expedited Site Plan Reviews except for new construction.

SPECIAL USE PERMIT - The authorization by the Planning Board of a particular land use that is permitted in the Zoning Law and subject to specific requirements that are imposed to assure that the proposed use is in harmony with the immediate neighborhood and will not adversely affect surrounding properties.

STORY - That portion of a Building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the portion between the surface of any floor and the ceiling next above it.

STORY, HALF - An uppermost Story in which the potential Net Floor Area with a Clear 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.

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 or 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.

VARIANCE, AREA - The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the Village Zoning Law.

VARIANCE, USE - The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the Village Zoning Law.

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

YARD - The space on a Lot between a Lot Line and the adjacent side of the Principal Building located on the same Lot as said Yard, not including the space occupied by said Principal Building.

YARD, FRONT - The space on a Lot between the Front Lot Line and the line described by the front face of the Principal Building located on said Lot. The Front Yard extends the full width of the Lot.

YARD, REAR - The space on a Lot between the Rear Lot Line and the line described by the rear face of the Principal Building located on said Lot. The Rear Yard extends the full width of the Lot.

YARD, SIDE - The space on a Lot between a Side Lot Line and the Principal Building located on said Lot. A Side Yard extends from the Front Yard to the Rear Yard.

ARTICLE III
Establishment of Districts

§ 134-3. Establishment of districts.

A. Land Use Districts. For the purposes established for this Chapter, the Village of Cold Spring is divided into the following districts:

Residential (R) District

Older Residential Neighborhoods (R-O) Subdistrict

Newer Residential Neighborhoods (R-N) Subdistrict

Large Residential Lots (R-L) Subdistrict

Multifamily Housing (MF) District

Business 1 (B-1) District

Business 2 (B-2) District

Civic Uses (C) District

Planned Mixed Use (PMU) District

Parks & Recreation (PR) District

Medical & Health Care Facility & Senior Citizen Housing (B-3) District

Medical & Health Care Facility & Mixed Use (B-4) District

Educational, Religious, & Cultural (ERC) District

Transportation (T) District

B. Overlay Districts. Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically stated in this Chapter. Overlay districts are not intended to prohibit development, but to assure that the siting and design of development is sensitive to historic and environmental resources.

Scenic Viewshed Overlay (SV-O) District

§ 134-4. Zoning Map.

The boundaries of the land use and overlay districts are hereby established on the map entitled "Village of Cold Spring Zoning Map" adopted by the Village Board of Trustees and certified by the Village Clerk, which accompanies and is hereby declared to be a part of this Chapter. The official Zoning Map is on file in the office of the Village Clerk. An unofficial reduction of this map is appended to this Chapter for reference purposes only.

§ 134-5. Interpretation of district boundaries.

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

- A. Along centerline of roads. Boundaries indicated as approximately following the centerlines of Streets or highways or rights-of-way, shall follow such centerlines.
- B. Along Lot Lines. Boundaries indicated as approximately following lot lines shall follow such lot lines.
- C. Parallel to centerlines or right-of-way lines. Boundaries indicated as approximately parallel to the centerlines of streets or highways or rights-of-way shall be parallel to and at such distance as indicated on the Zoning Map as determined by the use of the scale shown on the Official Zoning Map on file with the Village Clerk.
- 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. Boundaries indicated as following the shoreline of a river, stream, lake or other body of water shall be construed to follow such shorelines and in the event of a change in the shoreline, shall be construed as moving with the actual shoreline.
- F. Lots in two districts. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided that the lot has frontage on the street in the less restricted district. For the purposes of this section, the more restricted district shall be deemed that district subject to regulations which:
 - (1) Prohibit the use intended to be made of said lot; or
 - (2) Require higher standards with respect to setbacks, coverage, yards, screening, landscaping and similar requirements.

ARTICLE IV
District Regulations

§ 134-6. Adherence to regulations; interpretation; application of provisions.

Except as specified elsewhere in this Chapter:

- A. No building or land shall be used or occupied and no building or part of a building shall be erected, moved or altered unless authorized by and in conformity with the regulations specified for the district in which it is located.
- B. No Building shall hereafter be erected or altered to be higher, to accommodate a greater number of Families, to result in more Lot Coverage, or to have a smaller Rear Setback, Front Setback or Side setback than is specified for the district in which the 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 permitted or 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 designations set forth in Table 6A: Table of Uses Permitted by District.
- E. It is a purpose of this Chapter to allow land uses in conformance with the dimensional, use and other criteria contained herein. In reviewing applications for **Special Use Permits** and **Site Plan** approval, it is the responsibility of the Planning Board and, if necessary, the Board of Appeals to attach such conditions as may be necessary to ensure that a proposed use will be compatible with its surroundings and consistent with the purposes of this Chapter as enumerated in § 134-1. Such Boards shall deny any proposed use which they find will not or cannot be operated in a manner that satisfies the criteria in this Chapter. No structure or land shall be used except as provided in Table 6A: Table of Uses Permitted By District. See § 134-2 for definitions of the use categories. Any use which is not listed in Table 6A is prohibited.
- F. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare. Except where specifically provided to the contrary, it is not intended by this Chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelters or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided,

however, that where this chapter imposes a greater restriction upon the use of buildings or premises or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit, or by any easement or agreement, the provisions of this chapter shall control. In the event of any conflict between any provisions of this chapter, the more restrictive provisions shall control.

- G. Referral to Putnam County. Should any proposed zoning amendment, **Site Plan**, Special Use Permit or zoning variance application consist of or include any of the thresholds specified in §§ 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, or any agreement between Putnam County and the Village of Cold Spring, the appropriate agency (Planning Board, Village Board or Zoning Board of Appeals) shall, prior to final action by such agency, refer the proposal to the Putnam County Planning Department.
- H. Zoning schedules. The general requirements affecting the use and density of buildings, structures and land for each of the zoning districts established by § 134-3 are hereby established and set forth in Table 6A, Uses Permitted by District and Table 6B, Table of Dimensional Requirements, which together compose the zoning schedules further described in Subsections I and J respectively and found at the end of this Chapter in fold-out sheets.
- I. Uses Permitted by District. Table 6A: Table of Uses Permitted by District that follows indicates allowable uses in the districts shown. Table 6A is found at the end of this Chapter. The meaning of the symbols in Table 6A is as follows:
 - P Designates a use permitted by right.
 - SP Designates a use subject to **Site Plan** review and approval granted by the Planning Board, unless otherwise indicated.
 - SU Designates a use which is permitted, subject to the conditions specified in this Chapter for **Special Use Permits** to assure that the use is in harmony with the Zoning law and will not adversely affect the neighborhood if such requirements are met. **Special Use Permits** are granted by the Planning Board unless otherwise indicated.
 - Designates a use deemed prohibited in the District.
- J. Table 6B: Table of Dimensional Requirements. The general requirements relating to the arrangement of buildings, structures and uses occupying a lot for the zoning districts established in § 134-3 are hereby established. The accompanying Table 6B entitled "Table of Dimensional Requirements," shall be part of this Chapter and shall set forth the minimum and maximum requirements relating to density and lot layout requirements of this chapter. Table 6B: Table of Dimensional Requirements is found at the end of this Chapter.

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- (1) Notwithstanding the setback provisions established in the Table of Dimensional Requirements, the Planning Board may permit structures in the Residential District to be built anywhere within the front setback, as measured from the street, of the two adjacent structures on the same side of the street. Corner lots may use the setback of the adjacent lot on each side as the average.
- (2) The diagrams and illustrations that accompany the District and Subdistrict regulations in § 134-7.C(5) are standards to be applied to the greatest extent practicable. Where in conflict, numerical standards shall take precedence over graphic illustrations.

§ 134-7. Residential (R) District.

The following regulations shall apply in the R District and are designed to be consistent with the Village Comprehensive Plan:

- A. Purpose. The Residential (R) Zoning District is composed of a diversity of neighborhoods occupying a compact area. Each neighborhood ranges in character, function, and intensity depending upon the time it was developed in the Village's history. The form, dimensional standards, and density requirements of each are addressed by subdistrict principles unique to each so that the scale and character of the Village's neighborhoods can be maintained and enhanced.
- B. Intent. The intent of the R District is to:
 - (1) Maintain and enhance the quality of the Village's built environment and promote site layout and architectural designs that are compatible with the historic character of the community including the national prominence of the National Register Historic District and the local importance of the Village Architectural and Historic District.
 - (2) Provide for the safety and comfort of people who live in the District and ensure that pedestrians have available at all times an interconnected network of sidewalks so that work, shopping, schools, and recreation will be within walking distance of each other, allowing independence to those who do not drive.
 - (3) Promote new development that respects the community character of the Village while allowing for innovation in architectural designs within a traditional context.
 - (4) Incorporate green infrastructure practices for stormwater management into the development review and approval processes.
 - (5) Maintain building heights and setbacks to encourage pedestrian-friendly streets so they will continue to function as the primary public spaces in the community.

- (6) Encourage healthy living and protect and enhance the Village’s natural and built environments, which are essential to human health.
 - (7) Facilitate the preservation, renovation, and adaptive reuse of historic buildings in accordance with Village Historic District and National Historic District standards and guidelines.
 - (8) Provide for a range of visually and physically accessible civic spaces within the District including parks, playgrounds, and greenways for the enjoyment of residents and for the creation of comfortable and sociable spaces for each neighborhood.
 - (9) Create a safe and comfortable place for people to live. While a degree of privacy is expected, especially in the house and the rear yard, the front yard and the front porch should provide a transition to the public realm of the street.
- C. Residential Neighborhood Character. The Residential District includes three neighborhood subdistricts, with specific uses and densities permitted in the subdistricts as indicated in Table 6A: Table of Uses Permitted by District and Table 6A: Table of Dimensional Requirements. The Residential District General Requirements and Standards found in §§ 134-6.D, 134-6.E, and 134-6.F apply to all three subdistricts. Each subdistrict has unique attributes as follows:
- (1) Older Neighborhoods (R-O) Subdistrict. The R-O Subdistrict is a medium-density neighborhood consisting of a mix of residences including mostly small single-family and two-family dwellings constructed primarily in the 19th and early 20th centuries. This is a desirable character that the R-O Subdistrict seeks to retain.
 - (2) Newer Neighborhoods (R-N) Subdistrict. The R-N Subdistrict is a low to medium density neighborhood where a number of post-modern subdivisions were developed. Nearly all homes are one-family and there are a number of vacant lots remaining.
 - (3) Large Lots (R-L) Subdistrict. The R-L Subdistrict is composed of a variety of larger “estate” lots that were developed in the 19th and early 20th centuries. The setting of the homes found in this Subdistrict is a feature that provides Cold Spring with a link to its past and an important component of its community character. Nearly all homes are one-family. These are desirable characteristics that the R-L Subdistrict seeks to retain.
 - (4) The R District is intended to have the following characteristics:
 - (a) Streets will be designed to safely integrate pedestrians, bicycles and cars.

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- (b) Setbacks will vary from street to street but will generally be uniform for most houses.
- (c) Usable and attractive public spaces are complemented by smaller private spaces in back yards.
- (d) Ample sidewalks and street trees are provided, with building frontages whose windows and doors are oriented toward the sidewalk, forming a consistent street wall that is hospitable and inviting.
- (e) Neighborhood amenities such as pocket parks, lighting, benches, landscaping and planters will enhance the overall appearance of the streetscape.
- (f) Architectural designs for new additions will not detract from the original design nor overpower, obscure, damage, or destroy the character defining attributes of the house and its context. Use of sustainable energy conserving building materials will be included in such designs to the greatest extent practicable.
- (g) Exterior renovation, reconstruction, alteration, or restoration of existing dwellings will promote a high-quality pedestrian-oriented public realm, consistent with the historic character of the Village while providing for innovation and use of sustainable energy conserving building materials.

D. Residential District General Requirements.

- (1) Table 6A: Table of Uses Permitted by District sets forth those uses that are permitted, require approval of a Special Use Permit and/or **Site Plan** approval from the Planning Board, or are prohibited in the Residential (R) District.
- (2) Table 6B: Table of Dimensional Requirements sets forth the minimum and maximum requirements relating to density and lot layout requirements of this Chapter. Section 134-7.E presents graphic standards further defining building placement on lots.
- (3) Off-street Parking Space per Dwelling Unit shall be in accordance with § 134-17.M
- (4) Each Lot shall be of such shape that a square fifty by fifty feet (50 x 50) will fit in at least fifty (50) percent of the Lot.
- (5) In computing the front yard setback, the presence of entries and porticoes may be ignored (see § 134-17.D(2)).
- (6) Accessory Buildings and Structures.
 - (a) Garages, playhouses, greenhouses, toolsheds, garden sheds, and other similar buildings shall be set back no less than the minimum required by Table 6B: Table of Dimensional Requirements and shall not be permitted forward of the

front plane of the principal structure.

- (b) The combined footprint of all accessory buildings and structures shall not exceed 75% of the principal building. No more than two accessory buildings, including no more than one (1) garage, shall be permitted on a lot in the Residential District.

(7) Accessory Apartments and Two-family Dwellings.

- (a) In the Residential District, accessory apartments shall be allowed after Expedited **Site Plan Review** and approval by the Planning Board in accordance with § 134-17.G and the following:

1. The intensification of activity will be compatible with the neighborhood, and such use will ensure the peace, privacy, quiet and character of the neighborhood and avoid excessive noise, traffic, nuisance, fire hazard and other adverse effects of increasing residential density.
2. Accessory apartments shall only be permitted where the new dwelling unit and the existing dwelling unit meet all dimensional, use and other standards of this Chapter.
3. Accessory apartments shall provide off-street parking in accordance with § 134-17.M.

- (b) Two-family dwellings shall be allowed after **Site Plan** review and approval by the Planning Board in accordance with § 134-16.1, when the applicant can, to the Planning Board's satisfaction, show that the new use will meet the following conditions:

1. Two-family dwellings shall provide off-street parking in accordance with § 134-17.M.
2. Except in a driveway, parking is not allowed in the front yard or any portion thereof forward of the front plane of the principal structure, nor shall this area be used to provide any parking space required by this Chapter.

- (c) One-family dwellings converted to two-family dwellings shall be allowed by Special Use Permit, provided that the new use will meet all of the following conditions:

1. The intensification of activity will be compatible with the neighborhood, and such use will ensure the peace, privacy, quiet and character of the neighborhood and avoid excessive noise, traffic, nuisance, fire hazard and other adverse effects of increasing residential density.

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2. No exterior changes are made which are inconsistent with the original dwelling or do not conform to the character of the neighborhood.
 3. The conversion is consistent in scale and architectural type with existing houses on the street.
 4. Off-street parking is provided in accordance with § 134-17M.
 5. Except in a driveway, parking is not allowed in the front yard or any portion thereof forward of the front plane of the principal structure, nor shall this area be used to provide any parking space required by this Chapter.
- (8) Residential District Nonconforming Lots and Structures. This section applies to the Residential (R) District. In the event of a conflict with § 134-19, the more stringent requirements shall apply.
- (a) Nonconforming Lots. A nonconforming lot is an existing lot of record that does not comply with the Table of Dimensional Requirements of this Zoning Law, created either prior to the effective date of this Law or, as of the effective date of this Law and any subsequent amendment, is made nonconforming.
1. Alteration. No nonconforming lot may be subdivided to increase the nonconformity.
 2. Permitted Development. A nonconforming lot may be developed pursuant to § 134-19.K.
- (b) Nonconforming Buildings and Structures. A nonconforming building or other structure is a structure that was lawfully erected prior to the effective date of this Law or subsequent amendment of this Zoning Law, but which has been made nonconforming.
1. Alteration. A nonconforming structure may be altered in the following circumstances:
 - a. The alteration or replacement is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
 - b. The alteration constitutes routine repair or maintenance, or is designed to eliminate a nonconformity.
 - c. The alteration does not expand the existing or create a new nonconformity.

2. Relocation. A nonconforming building or other structure may not be moved in whole or part to another location unless the building or structure conforms to the standards of the Zoning District to which the building or structure is moved.

E. Residential Neighborhood Standards.

- (1) Existing buildings in the R District that do not conform to the Dimensional Requirements of Table 6B may be continued, repaired, structurally altered, reconstructed or enlarged in accordance with § 134-19.G.
- (2) The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to that existing.
- (3) Parking Standards.
 1. Except in a driveway, parking is not allowed in the front yard or any portion thereof forward of the front plane of the principal structure, nor shall this area be utilized to provide any parking space required by this chapter.
 2. One curb cut shall be permitted per Lot.
 3. Driveways shall be no wider than 10 feet, excepting a 12-foot apron no more than three feet deep.

F. Supplementary regulations as may be required by § 134-14 and § 134-17.

G. Site plan review and approval. Uses requiring Site Plan review and approval by the Planning Board in accordance with § 134-16.1 are indicated on Table 6A: Table of Uses Permitted by District. A change of Use for any use that requires Site Plan approval as indicated on Table 6A: Table of Uses Permitted by District, other than for One-Family Dwellings and Short-Term Rentals, requires Site Plan review and approval by the Planning Board in accordance with § 134-16.1.

- (1) Uses that require approval of a Special Use Permit shall additionally be subject to § 134-16.

§ 134-8. Regulations for the Multifamily Housing (MF) District.

The following regulations shall apply in the MF District:

- A. Permitted Uses are shown on Table 6A: Table of Uses Permitted by District.
- B. Uses requiring Site Plan review and approval by the Planning Board in accordance with § 134-16.1 are indicated on Table 6A: Table of Uses Permitted by District. For uses that require Site Plan approval, a Change of Use requires Site Plan review and approval in accordance with § 134-16.1.

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C. Uses requiring approval of a Special Use Permit from the Planning Board, in accordance with § 134-16, are shown on Table 6A: Table of Uses Permitted by District.

D. Dimensional Requirements.

(1) Except as provided herein, permitted and Special Permit uses shall be subject to Table 6B: Table of Dimensional Requirements that sets forth the minimum and maximum requirements relating to density and lot layout requirements of this Chapter.

(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) Net Floor Area per Dwelling Unit: a minimum of six hundred (600) square feet.

(4) Off-street parking per Dwelling Unit in accordance with § 134-17.M.

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

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

E. Maximum permitted.

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

F. Supplementary regulations applying to Multifamily Dwellings.

(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) Multifamily Dwelling Buildings: a distance equal to at least twice the number of Building Height for the highest Building in feet.

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

§ 134-9. Regulations for Business 1 (B-1) District.

The following regulations shall apply in the B-1 District:

- A. Permitted uses. Table 6A: Table of Uses Permitted by District sets forth those uses that are permitted, require approval of a Special Use Permit and/or **Site Plan** approval from the Planning Board or prohibited in the District.
- B. Uses requiring **Site Plan** review and approval by the Planning Board in accordance with § 134-27.B are indicated on Table 6A: Table of Uses Permitted by District. For uses that require **Site Plan** approval, a Change of Use requires **Site Plan** review and approval in accordance with § 134-27.B.
 - (1) Multiple-Family Dwellings, apartments shall meet the requirements in § 134-8.
 - (2) 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 retail or other Commercial Use.
- C. Uses requiring approval of a Special Use Permit from the Planning Board, in accordance with § 134-16, are shown on Table 6A: Table of Uses Permitted by District.
- D. Other requirements.
 - (1) Off-street parking shall be provided in accordance with § 134-17 M.
 - (2) Each Lot shall be of such shape that a rectangle thirty by forty feet (30 x 40) will fit in fifty (50) percent of the Lot to avoid narrow and deep lot configurations.
- E. Supplementary regulations applying to the Business (B-1) District.
 - (1) Any permitted nonresidential Use located on a Lot within twenty-five (25) feet of an R District boundary, shall be screened from that District along the adjoining Lot Lines. Outdoor Lighting, if provided, shall be provided in accordance 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 to screen all operations on the Lot from the view of properties in the adjoining R district.
 - (2) Applicable requirements of § 134-14 and § 134-17.

§ 134-10. Regulations for the Business 2 (B-2) District.

The following regulations shall apply in the B-2 District:

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- A. Permitted uses. Permitted Uses are shown on Table 6A: Table of Uses Permitted by District.
- B. Site plan review and approval. Uses requiring **Site Plan** review and approval by the Planning Board in accordance with § 134-27.B are indicated on Table 6A: Table of Uses Permitted by District. A Change of Use requires **Site Plan** review and approval in accordance with § 134-27.B.
- C. Special Permit Uses. Uses requiring approval of a Special Use Permit from the Planning Board, in accordance with § 134-16, are shown on Table 6A: Table of Uses Permitted by District.
- D. Dimensional Requirements. Except as provided herein, permitted and **Special Permit** uses shall be subject to Table 6B: Table of Dimensional Requirements.
- (1) Off-street parking shall be provided in accordance with : see supplemental regulations in § 134-10. F and § 134-17 M.
- E. Supplementary regulations applying to the B-2 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 within twenty-five (25) feet of an R District boundary, shall be screened along any such Lot Line from that District. Lighting, if provided, shall be in accordance with Chapter 81, Outdoor Lighting Standards. Screening shall consist of a fence 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 to screen all operations on the Lot from the view of properties in the adjoining R District.
 - (5) Supplementary Sign regulations. Subject to the regulations set forth in Chapter 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 or change of use.
 - (7) Requirements of § 134-14 and § 134-17 are applicable to this district.

(8) Off-street parking shall be provided in accordance with : see supplemental regulations in § 134-10. F and § 134-17 M.

§ 134-11. Civic Uses (C) District

The Civic Uses District includes lands that are devoted to municipal functions, such as offices, parking lots, water and sewer facilities, highway garages, and similar functions conducted for the public good either by a government agency or by a not-for-profit organization dedicated to the arts, culture, education, recreation, transit **or similar civic functions.**

The Village of Cold Spring is exempt from Table 6A: Table of Uses Permitted by District and Table 6B: Table of Dimensional Requirements, but may seek consultation with the Planning Board and Zoning Board of Appeals to conform with such Tables to the greatest extent practicable. Similarly, all other public agency uses shall consider the Village of Cold Spring Comprehensive Plan and the Local Waterfront Revitalization Program if applicable, and should consider the Table of Uses Permitted by District in planning their capital projects within the Village.

§ 134-12. Planned Mixed Use (PMU) District.

- A. Purpose of District. The purpose of the Planned Mixed Use Zoning District is to provide an opportunity for appropriately scaled and context-sensitive redevelopment of the former Marathon Battery Factory site through authorization of a Planned Unit Development (PUD). A PUD enables development of the site with a mixed-use environment including residential, recreation, and limited non-residential land uses. A PUD will allow Cold Spring to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Village and are beneficial to the health, safety, and welfare of its residents. Therefore, the PUD will enable economies of scale and creative architectural and planning concepts to be achieved in furtherance of the Village Comprehensive Plan, Zoning Law and existing community character.
- B. Intent of District.
 - (1) The PMU district is intended to comply with § 7-703-a of New York State Village Law for Planned Unit Developments and to be consistent with the Village of Cold Spring's Comprehensive Plan. **The PUD provisions contained herein present an opportunity for a unified and planned approach to development for all lots in existence within the Planned Mixed Use District, to take advantage of the PUD's flexibility and economies of scale offered to the landowners.**
 - (2) The former Marathon Battery Factory site comprises one of the last remaining potential large-scale development areas in the Village. The entire PMU District site presents a special

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case for planned development due to its open and undeveloped character, and its close proximity to the Village center and Metro-North rail line. This results in an opportunity to provide for a creative layout of the site that includes a greater diversity of housing options and uses than would normally be permitted under the Village's standard Zoning districts, **assuring compatibility** with the Village's character and consistent with its historic development patterns.

- (3) The PUD planning and approval process is intended to promote an exceptional community development in return for greater flexibility in site design requirements **and** variety of uses allowed that can address the housing needs of Cold Spring's diverse population groups, thereby **providing** for a beneficial and convenient relationship of uses, structures, and public space, with development conceived as a cohesive, unified project.
- (4) The PMU district is intended to protect the historic character and surroundings of the local Village Historic District, the National Register Historic District, and other traditional Village neighborhoods, which contribute essential features to Cold Spring's community character. The PMU District is intended to be well-integrated into the **Village's** historic character.
- (5) The PMU District is located **wholly or partially** within a New York State designated Scenic Area of Statewide Significance, Significant Coastal Fish and Wildlife Habitats, Significant Biodiversity Areas, Known Important Areas for Rare Plants and Rare Animals, and State Regulated Freshwater Wetlands. The PMU District is intended to ensure that future development of the former Marathon Battery Factory site furthers protection of **the** natural features found within the District.
- (6) The development of the PUD will be planned and undertaken so that the capacity of nearby streets is, at a minimum, maintained or improved, having particular regard to avoidance of congestion through a variety of transportation choices available to residents of the development, with priority given to pedestrians and bicyclists in the design of the concept plan.
- (7) The concept plan will be designed to discourage the use and ownership of cars by future residents of the PUD and to provide abundant opportunities for walking, bicycling, and direct connections to public transit, ensuring daily activities occur within walking distance of most dwellings, reducing greenhouse gas emissions, and encouraging healthy lifestyles through physical activities woven into the concept plan.
- (8) The planning process for review and approval of a PUD, as outlined herein, will foster robust community and stakeholder collaboration in a long-term development decision affecting the Village as a whole.
- (9) The concept plan will incorporate an overall design that decreases per capita carbon emissions, reduces water use, ensures that energy consumption meets the New York State Climate Leadership and Community Protection Act of 2019, and minimizes impervious surfaces compared to a conventional development of the site, so that the Comprehensive Plan's goal to "Protect the natural environment and conserve energy" can be realized.

- (10) The PUD planning and approval process is intended to be carried out in a manner that ensures proposed uses and densities are compatible with the capacities of existing public services and facilities.
- (11) The planning and approval of the PUD will proceed in accordance with all applicable determinations, approvals, certificates, and permits of the US Environmental Protection Agency and the New York State Department of Environmental Conservation, as well as any other applicable federal, state or regional determinations that redevelopment of the site remains protective of public health, safety, welfare as well as the environment.
- C. Uses and Density Authorized. All uses authorized shall comply with the standards of § 134-12, in addition to all other requirements of the Village Code, including the Zoning Law, Subdivision of Land law, and Historic District Law. In each instance in which a provision of this Section contradicts or is inconsistent with a provision of the Village of Cold Spring Code, the provisions contained in this Section shall govern and prevail.
- (1) Permitted and specially permitted residential uses in the PMU District are shown on Table 6A: Table of Uses Permitted by District.
- (2) Permitted and specially permitted non-residential uses in the PMU District are shown on Table 6A: Table of Uses Permitted by District.
- (3) Any use not permitted by this Section or Table 6A: Table of Uses Permitted by District shall be deemed prohibited in the PMU District.
- (4) Density. Permitted uses and uses allowed after issuance of a Special Use Permit shall comply with the Village of Cold Spring Table 6B: Table of Dimensional Requirements for the R-O District for residential uses and the B-1 District for non-residential uses for lot layout purposes, with the exception of cottage courts, which are controlled by § 134-12.E and multi-family buildings, which are controlled by §§ 134-12.C(4)(d)1 to 134-12.C(4)(d)4. Sections 134-12.C(4)(a) and 134-12.C(4)(e) below shall govern the overall density of residential and non-residential uses permitted in the PUD.
- (a) Residential Dwellings. The number of dwelling units in the PUD shall not exceed seven (7) per net acre, as defined herein.
- (b) Residential dwelling unit types permitted in the PMU District are listed in Table 6A.
- (c) The overall mix of dwelling unit types shall include single-family, two-family, multi-family and cottage courts. Each of the four dwelling unit types shall make up not less than twenty percent (20%) of all dwelling units.
- (d) Residential Requirements. To ensure compatibility with the Village's historic development patterns, the concept plan will be designed to achieve a balanced mix of one-family, two-family, and multi-family dwelling units including cottage courts within the overall maximum density permitted. One-family and two-family dwellings will be assigned to the required lot area and other dimensional requirements for the Older

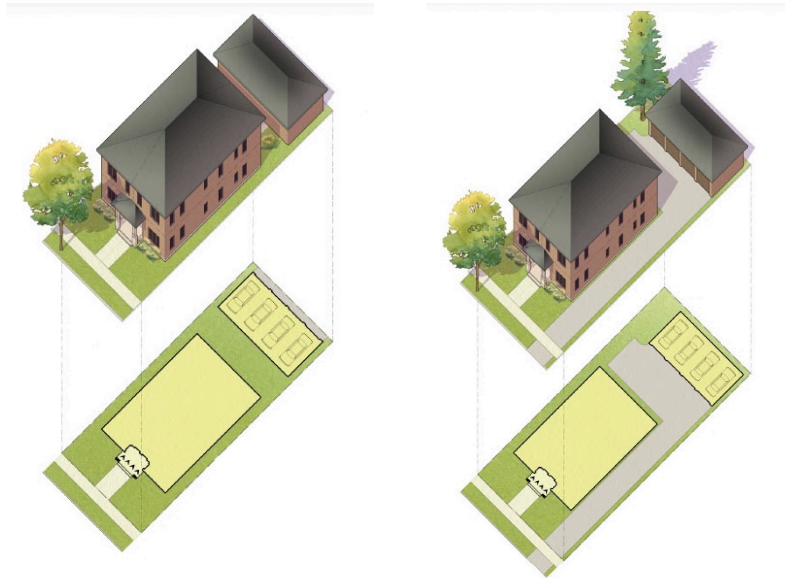
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Residential Neighborhoods (R-O) specified in Table of Dimensional Requirements. Cottage court bulk requirements are defined in § 134-12.E. Multi-family buildings will be subject to the standards defined herein in § 134-12.C(4)(d)1 through 134-12.C(4)(d)4 below. The concept plan residential development will be consistent with §§ 134-7.C, §§ 134-7.D, and §§ 134-7.E.

1. Multi-family buildings shall be consistent with the orientation, fenestration, materials, rooflines, height and other elements of the Village’s historic architectural character, as determined through the **Village Architectural and Historic District Review Board’s (HDRB)** Certificate of Appropriateness review and approval.
2. Multi-family buildings shall not adjoin other multi-family buildings, shall be separated from other residential buildings by a minimum distance of 15 feet and shall be dispersed throughout the PUD. Each multi-family building shall be sited on an individual lot in accordance with the bulk standards shown in Table 12-1 below:

Minimum Maximum lot width	60 feet
Minimum Maximum lot depth	75 80 feet
Minimum Maximum lot area	7,500 square feet
Maximum number of dwelling units	4
Maximum gross dwelling unit size	1,200 square feet
Maximum parking spaces	1.0 space per unit
Maximum front setback	15 feet
Maximum side yard	10 feet one side yard, 15 feet both side yards
Maximum height	2 ½ stories or 35 feet

3. Buildings and parking shall be provided as shown on the illustrations below:



Potential Fourplex Lot Configurations

Source: Daniel Parolek, *Missing Middle Housing* by Island Press

4. Parking areas shall be in fully enclosed structures with off-street parking from an alley, if provided, or from a driveway as shown on the above illustrations.
- (e) Non-residential Uses. The concept plan will incorporate a minimum of five percent (5%) and a maximum of ten percent (10%) non-residential mix of land uses including office, personal services, and retail. The required range of such mixed commercial uses (see Table 6A) will be made in accordance with the overall concept plan density limitation of seven dwelling units per net acre of land in the PUD as required by § 134-12.C(4)(a), where each 2,500 square foot of occupied commercial floor space is equivalent to one dwelling unit. The non-residential mix of uses does not reduce the maximum number of permitted residential dwelling units.
- (f) Non-residential Bulk Requirements. The concept plan layout for each of the non-residential uses will be assigned to the minimum required lot area and other dimensional requirements for the General Business (B-1) Zoning District listed in Table 12A, provided that no single use occupies more than 2,500 square feet of floor area per unit.
- (g) Buildings in the PMU District shall define the public realm of the street through the use of consistent setbacks along the build-to line that shall establish the front yard setback for each block. The function of the build-to line is to spatially define the street as an outdoor room and to define the border between the public space of the street and the private realm of the individual lot. The build-to line shall be generally continued across

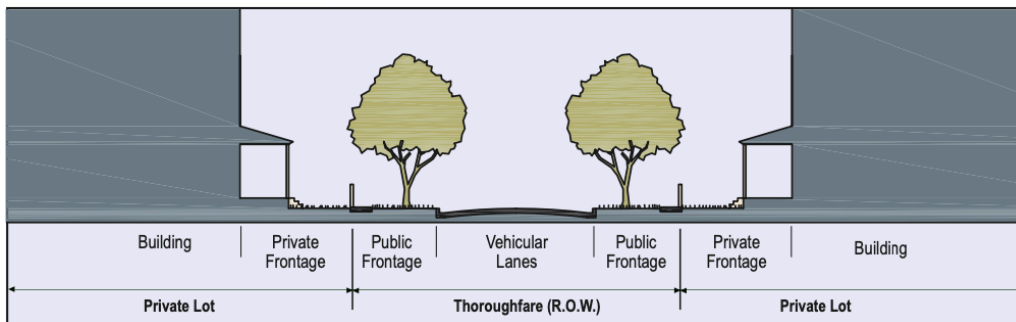
Zoning

side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees. Lots fronting on more than one street shall have a build-to line along each of the streets on which the lot fronts.

- (h) **Civic Uses.** A minimum of thirty percent (30%) of the gross acreage will be assigned to permanently dedicated open space such as a park, playground, trails, and/or a village green, contributing to national and state efforts to conserve at least thirty percent of United States and New York State's lands by 2030. Such open space may include the open space areas required by § 111-19.A. and B. of the Cold Spring Subdivision of Land Law and § 134-27.B(9) of the Village Zoning Law. Consideration for other civic uses, as defined herein, may be explored during the planning process outlined in 134-12.D.(2)(a) for the concept plan Special Use Permit. Provisions shall be made so that the open space areas, established pursuant to § 111-19.A. and B. of the Cold Spring Subdivision of Land Law and § 134-16.1.D(3)(b)10 of the Village Zoning Law, are readily accessible to at least the owners and occupants of the dwelling units in the Planned Unit Development. Ownership of the open space shall be by a membership corporation, trust or association whose members are all the owners and occupants of the dwelling units, ownership by the Village, or as otherwise approved by the Planning Board.

(i) **Streetscape Requirements.**

1. Streets shall be designed as complete streets with public spaces that encourage social interaction and that balance the needs of all users, including pedestrians, bicyclists and vehicular traffic, while providing access to lots and civic spaces. Streets shall consist of vehicular lanes and public frontage, as illustrated in the figure below. The vehicular lanes provide the traffic and parking capacity. The public frontage is the area between the lot line and the edge of the vehicular lanes. It includes sidewalks, tree lawns, street trees, streetlights and curbing.

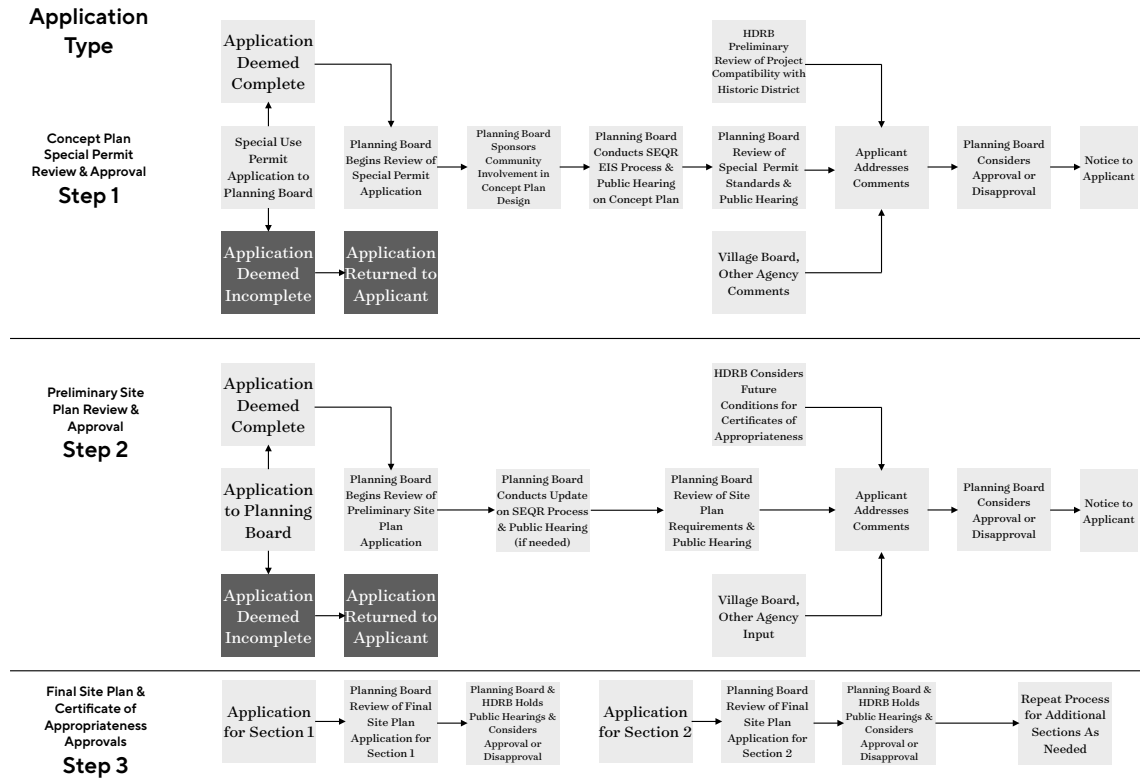


PMU District Streetscape

2. Pedestrian comfort shall be a primary consideration of the street. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.

3. Sidewalks shall be located on both sides of the street, shall be a minimum of four feet wide, and shall be ADA compliant.
 4. The elements of the streetscape shall include sidewalks, tree lawns, street trees and street lighting.
- D. Procedures for Approval. A planned unit development in the PMU District shall require the following review and approval procedures.
- (1) Approvals.
 - (a) **Special Use Permit** approval of a concept plan by the Planning Board in accordance with the standards and procedures enumerated in § 134-12 and the additional procedures required by 134-16.
 - (b) Preliminary **Site Plan** review and approval by the Planning Board in accordance with the standards and procedures enumerated in § 134-12.D(2)(a) and the additional procedures required by § 134-16.1. Preliminary **Site Plan** approval may be coordinated with and run concurrent to the concept plan Special Use Permit review and approval in accordance with §§ 134-16.B(10) and 134-16.1.M.
 - (c) Final **Site Plan** review and approval by the Planning Board in accordance with the standards enumerated in § 134-12.D and the procedures required by 134-16.1.
 - (2) Procedure. The procedures for obtaining approval of a PUD within the PMU District are illustrated in the chart below and outlined in §§ 134-12.D(1) and (2) herein:
 - (a) Special Use Permit Approval. The applicant shall submit to the Planning Board an application, permit application fees, and in accordance with Chapter 57 of the Village Code, escrow deposits for reimbursement of the professional review expenses of planning, engineering, legal, and specialized consultants for review and approval of a concept plan Special Use Permit that includes all of the following components:

PMU Review & Approval Process



1. A written narrative that describes how the proposal serves the purposes and intent of the PMU District as enumerated in §§ 134-12.A and B and as outlined in the Cold Spring Comprehensive Plan. This narrative shall include an explanation of how the proposal complies with the standards and requirements for issuance of the Special Use Permit set forth in § 134-12.D(2)(a)4, a detailed description of the housing mix and other proposed uses, the land uses and areas covered by each in acres, the number of dwelling units by housing type including the calculations of density, the non-residential uses proposed including the bulk standards used in calculating their extent, estimates of school age population and the possible allocation to existing schools, project phasing, and evidence of the applicant’s experience with carrying out similar developments to a PUD.
2. A separate site analysis plan prepared of the site and within 500 feet of the site showing environmental features, sensitive areas, and limitations that would affect development of the site including the off-site areas affected by the proposed development plan.
3. A concept plan prepared as an illustrative sketch plan of the site showing, at an appropriate level of detail and scaled to fit onto one sheet, all proposed buildings

and other structures and the way they are organized; pedestrian, bicycle, and vehicle circulation systems including any off-site sidewalks, streets, and intersections affected by the plan; vehicle parking areas including Electric Vehicle Supply Equipment; natural areas that will remain undeveloped or subject to development restrictions; recreational areas; conceptual landscaping and stormwater accommodations; and other required items proposed on the site. A scaled three dimensional (3D) model of the concept plan, either fully rendered for electronic dissemination or prepared as an architectural model of the proposed concept plan shall be required. The Concept Plan shall be prepared to serve as a template for the application of the design principles specified in this Section in order to achieve a desired form and appearance of development. It allows the Planning Board to approve the major elements of the proposed project's Special Use Permit, consistent with the standards identified herein, with the detailed plan preparation for site development approved in the later [Site Plan](#) review and approval phases. The information provided shall include the following:

- a. **Planned Improvements.** All improvements planned in conjunction with the proposed uses including general locations, layout, and dimensions of structures, square footage of building floor area, number of residential units, parking areas that include electric vehicle charging infrastructure, streets, sidewalks and trails, bicycle paths, underground utilities including lighting, recreation areas, conservation areas, stormwater management areas, water and sewer accommodations, locations for solar energy systems including roof mounted and building-integrated systems, and other information necessary to demonstrate compliance with this Section.
- b. **Future Uses.** Conceptual plans for possible future uses, if any portion of the PMU District is not included in the concept plan Special Use Permit application.
- c. **Phasing.** Project phasing shall be required as a means to provide transportation, water supply, wastewater, emergency, school and other accommodations sufficient time to meet, in a reasonable and achievable manner, the needs of proposed residential and non-residential uses and compatibility with existing demand. The phasing plan shall include the proposed sequence of phasing of the construction of infrastructure and buildings and the ratio of residential and non-residential floor space to be built in each phase, estimated dates, and interim uses of property awaiting development. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the PMU District and the residents of the surrounding area. This includes a plan for providing a soil vapor intrusion evaluation prior to new construction on the site to assess the potential for exposure to site-related contaminants. Project phasing should also address any proposed temporary uses or locations of uses during construction periods.
- d. **Fiscal Impact Analysis.** A standard fiscal impact analysis model, such as the one described in Rutgers University's Center for Urban Policy Research publication

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entitled The Fiscal Impact Handbook, will be used to describe the fiscal effects of the proposed concept plan on utilities, transportation, fire safety, and schools, as well as property tax revenues including the proposed ownership structure of the development and its impact on municipal revenues and costs.

- e. Solar Feasibility Study. A solar feasibility study, which includes an analysis of potential locations for solar panels, such as rooftops and other locations throughout the site, identification of preliminary solar components, and basic electricity production estimates.
- f. Transportation Studies. Transportation studies of the proposed concept plan development will be prepared for the applicant by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field. The transportation studies shall be subject to peer review by a qualified professional traffic consultant retained by the Planning Board in accordance with Chapter 57 of the Village Code. The transportation studies shall include two interrelated components as follows:
 - 1. Transportation Impact. A transportation impact analysis will be prepared using context-sensitive designs and solutions (CSS), as described in the National Cooperative Highway Research Program of the National Academies publication entitled A Guide to Best Practices for Achieving Context Sensitive Solutions. In the case of the PMU District, with its size, relationship to the Village as a whole and limited available ingress and egress, interdisciplinary collaboration is essential and required among technical professionals, local community interest groups, facility users, the general public, and other stakeholders who will live and work near or use the Village streets affected by the project. The transportation impact study process will be designed to gain an understanding and appreciation of community values and will incorporate or address these in the design of the project. The study will include the expected number of vehicle trips (both peak and daily), an analysis of the impact of those trips on the adjacent street system and neighborhoods, the adequacy of ingress and egress to and from the PMU District area, and proposed mitigation measures to limit any projected adverse impacts. The transportation impact analysis will include a discussion of improvements to the street system, use of complete streets design principles for on-site vehicle circulation in accordance with the New York State Department of Transportation's Complete Streets Checklist, a sidewalk system, or specific programs to reduce traffic impacts such as reduced parking accommodations, encouraging the use of public transit, carpools, generous pedestrian and bicycle facilities as well as proposed connections to existing or planned pedestrian and bicycle facilities, and other alternatives to single occupancy vehicles.
 - 2. Transportation Demand Management. A transportation demand management (TDM) plan will be prepared, consistent with the

transportation impact analysis. The TDM plan will include the anticipated travel demand for the overall project and how the anticipated travel demand for the project will be met on-site or off-site, including:

- i. Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.
 - ii. Number of short-term and long-term bicycle parking spaces.
 - iii. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
 - iv. The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles travelled by site users, and promote transportation alternatives such as walking, cycling, ride-sharing, and transit.
 - v. The Planning Board may reduce the required number of parking spaces specified in § 134-17M of the Zoning Law to be consistent with the recommendations of the TDM plan.
- g. **Public Engagement.** The Planning Board shall include a plan for involvement by relevant stakeholders in the concept plan development as well as through ongoing feedback and plan development through the Site Plan review stage. The Planning Board will facilitate their involvement and collaboration by seeking comments and recommendations on the proposed concept plan early in the review process. The Planning Board shall invite the Board of Trustees and the Architectural and Historic District Review Board to submit any concerns they may have on the concept plan and to participate in any public meetings scheduled by the Planning Board on the concept plan development. The Architectural and Historic District Review Board's comments and recommendations shall rely on the Village's Historic District Design Standards and on the regulatory authority and review responsibilities conferred on the Architectural and Historic District Review Board by Chapter 64 of the Village Code. The Planning Board shall at a regular meeting discuss with the applicant all comments and recommendations received from the Board of Trustees and the Architectural and Historic District Review Board and shall determine in a written statement whether to adopt, adopt with modifications, or reject each of those comments and recommendations, with the supporting reasons in such statement. If the Board of Trustees or the Architectural and Historic District Review Board fails to respond within sixty (60) days of receiving the invitation to comment, it shall be deemed to have no comments on the proposed concept plan.

Additional outreach to stakeholders by the Planning Board shall include encouraging participation by neighbors including adjoining residential property owners and the owners of the West Point Foundry Preserve, Haldane Central

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School District, emergency service providers like fire and police, water and sewer services, other agencies responsible for issuing approvals for the proposed development, and others identified through collaboration with the applicant. The developers of the concept plan are strongly encouraged to seek community and agency involvement in the project design and planning at the earliest stages of the project review process.

- h. SEQR. The PUD concept plan Special Use Permit shall be classified as a SEQR Type I action, in accordance with 6 NYCRR 617.4(a)(2) and 617.14(e) and shall be subject to the SEQR requirements for such actions. If there is a dispute over which agency shall act as SEQR lead agency for the project, the determination of the Commissioner of the Department of Environmental Conservation shall prevail in accordance with 6 NYCRR 617.6(b)(5).
4. Standards for Special Use Permit Approval. The Planning Board shall approve the concept plan Special Use Permit only if it makes a written finding that the proposed PMU District concept plan satisfies all of the following standards, in addition to the general standards for issuance of a Special Use Permit found in § 134-16.C:
 - a. The concept plan is consistent with the Village Comprehensive Plan and Zoning Law, meets all the requirements of this § 134-12, and is designed at a scale and variety of building types, and styles consistent with Cold Spring's village character; and
 - b. The concept plan is an effective and unified treatment of the development possibilities on the project site by offering a variety of housing opportunities including a diverse mix in the number of bedrooms available, the price or rental rates of the dwelling units and the overall goal of meeting the housing needs of the community in a compact and walkable new Village neighborhood; and
 - c. The concept plan provides appropriately designed facilities for pedestrians, bicycles, and public transit, with automobile parking location restricted by § 134-7.D(6)(a) and provided predominantly within enclosed structures unless more restrictive parking requirements apply; and
 - d. The on-site transportation facilities have been planned and designed to provide safe and efficient accommodations for pedestrians, bicyclists, and other non-motorized travelers by incorporating guidelines adopted by the [Federal Highway Administration](#) of the United States Department of Transportation, the [New York State Department of Transportation's complete streets design principles and practices](#), and the American Association of State Highway and Transportation Officials. Proposed new streets will be offered for dedication to the Village in accordance with § 108-15 of the Village Code. If the Village Highway Department determines that the Village Street Specifications conflict with the complete streets design principles and practices guidelines, the Village Engineer is authorized to approve a waiver of such Street Specifications in favor

of the complete streets design principles and practices in accordance with § 108-16 of the Village Code; and

- e. The concept plan **is** based on traditional forms of development in terms of placement, design, **mass, scale, streetscapes**, and quality of materials as described in the **Village of Cold Spring Historic District Design Standards**, so that they share a common identity and express their common heritage with the larger Village of Cold Spring Historic District. **The standards recognize the need to respect and reinforce the Village's historic heritage and such standards** require Planning Board consideration of the proposed concept plans and recommendations made thereon by the Architectural and Historic District Review Board (HDRB) in accordance with § 64-4.G(4) of the Village Code, including a written report of their findings; and
- f. The concept plan will harmonize with any existing or proposed developments in the area surrounding the project site; and
- g. The concept plan includes pocket parks, playgrounds, and natural site features that provide usable open space for the neighborhood and details how such usable open space and the proposed concept plan elements will harmonize with and provide connections to other protected open space areas adjoining and near the PMU District; and
- h. The concept plan incorporates well-configured public amenities, generously landscaped streets, use of **green streets** principles and greenspaces woven into the pattern of the neighborhood. Such measures include but are not limited to:
 - 1. Use of innovative, low-impact techniques such as disconnected downspouts, permeable paving, swales, retention basins, rain gardens, green roofs, and rain barrels to convey, capture, infiltrate, and /or reuse stormwater;
 - 2. Minimizing impervious surfaces, including roofs, driveways, sidewalks, and streets, or that use porous materials for such areas. Water-permeable materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and compacted gravel;
 - 3. Use of United States Environmental Protection Agency Storm Water Management Model (SWMM) or the Green Infrastructure Flexible Model (GIFMod) to help inform enhanced storm water management; and
- i. The proposed development of the PMU District will be compatible with Cold Spring's character as determined by the proposed buildings and other improvements so that their arrangement, scale, bulk, form, character, and landscaping provide for a livable, harmonious, and diverse environment; and
- j. The proposed development of the PMU District will be served by adequate public services and facilities including streets, water and sewer services with

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reduced water use through WaterSense certified fixtures in all buildings, and solid waste/recycling removal. Proposed accommodations for some or all public services provided for the site shall be considered for dedication to the Village, without cost to the Village, as determined through a review of the proposed concept plan, the accompanying documentation required herein, including whether the applicant has offered to upgrade or otherwise provide adequate facilities to support the proposed intensity of development, if specific public facilities are found to be inadequate to support the proposed development; and

- k. The proposed development is properly phased so that the density of any phase, when combined with previously constructed phases, does not exceed the approved overall project density and achieves growth at a scale manageable to the services provided by the Village; and
- l. Utilities including electric, telephone, cable, and others shall be provided underground; and
- m. The conceptual lighting plan has been prepared in accordance with the Illuminating Engineering Society (IES) Recommended Practice for Design and Maintenance of Roadway and Parking Facility Lighting, ANSI/IES RP-8-21 including fixtures meeting the International Dark Sky Association [Fixture Seal of Approval](#) standards; and
- n. The proposed development will contribute to meeting New York State's goal of generating 50% of all electrical energy needs from renewable sources by 2030 in order to reduce statewide greenhouse gas emissions by 40% by 2030 while providing property owners, business owners/operators, and renters with flexibility in satisfying their energy needs and to decrease the costs of energy to such owners, operators, and renters; and
- o. The proposed buildings and concept plan layout shall exceed all requirements of the New York State Energy Conservation Code requirements and by incorporating low impact development for stormwater designs, energy efficiency and clean energy use, energy efficient building designs, minimization of impervious surface areas, minimizing greenhouse gas emissions, and other use of green building, energy efficiency and sustainability measures. The applicant is encouraged to make full use of state and federal funding to support the PUD's energy efficiency, clean energy, and sustainability design elements, including the NYSERDA Carbon Neutral Community Economic Development Program and the programs associated with the Inflation Reduction Act of 2022.
- p. All Buildings shall be All-Electric Buildings. The prohibition on fossil fuel combustion equipment shall be in perpetuity.
- q. Buildings shall comply with the requirements in the following table:

Building Type	Energy Efficiency Standard	Other Requirements	Where Feasible
Buildings Other Than Passive Houses	RESNET Home Energy Rating System (HERS) index score no greater than 45 (before on-site renewable generation of electricity)	All Electric	On-roof Solar
Passive Houses	Certification by Passive House International (PHI) or Passive House Institute US (PHIUS)	All Electric	On-roof Solar

- r. **Energy Efficiency Standard Compliance for Buildings Other Than Passive Houses.** The Energy Rating Index (ERI) shall be the Residential Energy Services Network (RESNET) certified HERS index determined in accordance with ANSI/RESNET/ICC 301 Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index. Compliance based on an ERI analysis requires that the rated proposed design and confirmed built Dwelling be shown to have a HERS index rating less than or equal to the appropriate value indicated in the table above when compared to the HERS index reference design for each Dwelling Unit prior to credit for onsite renewable electric generation. Post-construction or rough-in testing and verification shall be done by a HERS Rater, HERS Rating Field Inspector, or an applicable Building Performance Institute (BPI) Certified Professional selected by the Planning Board. Prior to the issuance of a certificate of occupancy, a written report of the results of the test shall be signed by the party conducting the test and provided to the CEO.

- s. **Energy Efficiency Standard Compliance for Passive Houses.** Projects must provide documentation using either PHIUS certification or PHI certification, as specified below:
 - i. **When using PHIUS-approved software:**
 - a) Prior to the issuance of a building permit, the applicant must submit to the CEO a Design Certification Letter from PHIUS.
 - b) Prior to the issuance of a certificate of occupancy, the applicant must submit to the CEO a Project Certificate demonstrating final certification awarded by PHIUS.
 - ii. **When using Passive House International (PHI) software:**
 - a) Prior to issuance of a Building Permit, the applicant must submit to the CEO a Design Certification Letter from a Certified Passive House Certifier.
 - b) Prior to the issuance of a certificate of occupancy, the applicant must submit to the CEO a Final Certification Letter from a Certified Passive House Certifier.

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5. **Public Hearing and Meetings.** Prior to approving a concept plan Special Use Permit, the Planning Board shall hold a public hearing in accordance with the hearing procedures found in § 134-16.B. of the Zoning Law. The public hearing shall be coordinated with any hearings scheduled during the Planning Board's SEQR review process. The Planning Board may hold such additional public meetings as is necessary to engage the community in the concept plan development.
 6. **Planning Board Action.** The Planning Board shall refer the application to the Putnam County Department of Planning, under § 239-m of General Municipal Law, prior to taking action on the Special Use Permit application. Following completion of the public hearing and the SEQR review process, the Planning Board may act to approve, approve with modifications or conditions, or disapprove the concept plan Special Use Permit application in the exercise of its sole legal discretion as described in § 134-16.B of the Zoning Law. Approval of the Special Use Permit shall expire if an application for **Site Plan** approval is not made to the Planning Board within two years of the date of the Special Use Permit approval, except that the Planning Board may grant two extensions of six months each if requested by the applicant and if deemed in the public interest by the Planning Board.
- (b) **Site Plan Review and Approval.** After the issuance of a concept plan Special Use Permit for the PMU District, the applicant shall submit to the Planning Board preliminary and/or final site development plans in accordance with § 134-16.1 of the Zoning Law. The Planning Board shall approve, approve conditionally or disapprove such plans, in accordance with Article V of the the Zoning Law and such regulations as the Village has adopted or may be adopted in the future under such article. In acting upon the preliminary **Site Plan** submission, the Planning Board shall be bound by the terms of the Special Use Permit including the phasing requirements as follows:
1. **Preliminary Site Plan Review.** Prior to filing an application for final approval of a **Site Plan**, the applicant shall file an application for consideration of a preliminary **Site Plan** in the form described herein. The preliminary **Site Plan** application shall, in all respects, comply with the concept plan Special Use Permit issued by the Planning Board for the PMU District. All preliminary **Site Plan** applications are made to the Code Enforcement Officer (CEO) in writing, on forms, and in accordance with the review procedures prescribed by this Section of the Zoning Law. In the event that the CEO determines that the application meets all of the requirements of the Zoning Law, the application shall be forwarded by the CEO to the Planning Board for further review in accordance with the provisions of this Zoning Law and as applicable, Subdivision of Land Law. In the event the CEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the application shall be denied by the CEO, with leave to appeal the CEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article VII of this Zoning Law. In order to be considered complete, a preliminary **Site Plan** application shall be accompanied by the following, in addition to any other submission requirement of § 134-16.D of the Zoning Law:
 - a. A preliminary **Site Plan** which demonstrates the overall site layout and building locations, pedestrian and bicycle accommodations, parking areas including

Electric Vehicle Supply Equipment (EVSE) installed spaces sufficient to meet expected demand in 2030, access and egress locations, setbacks and buffer areas, lighting, landscaping, stormwater management, signage, natural and cultural resource information as required herein, and the location and extent of existing development on adjacent parcels.

- b. Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors.
- c. Payment of the applicable fees in accordance with the Village's fee schedule, established and annually reviewed by the Village Board, and with the escrow fee requirements found in Chapter 57-3 of the Village Code to defray the costs of the Village's consultants, including but not limited to, engineering, planning and legal, with respect to the review of the **Site Plan** application.
- d. A Full Environmental Assessment Form (EAF), as required by SEQR, or a Supplemental Environmental Impact Statement, as determined during the Special Use Permit review for the PMU concept plan.
- e. A phasing plan that includes the proposed sequence of phasing of the construction of infrastructure and buildings and the ratio of residential and non-residential floor space to be built in each phase, estimated dates, and interim uses of property awaiting development.
- f. Certification by the applicant, in writing and on forms provided by the Village of Cold Spring, that the information provided is "true and accurate to the best of my knowledge."
- g. As applicable, a subdivision plat application in accordance with Articles III and IV of the Subdivision of Land Law. In the event of a conflict with such Law, the PMU District requirements shall apply.
- h. The applicant will provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the Village Attorney for the completion of the development according to the preliminary development plans and any other documents of record, and for the maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at public expense, and shall place covenants on the property to bind any successors in title to any commitments made under this Section.
- i. The HDRB review of the preliminary development plans and the need to obtain a Certificate of Appropriateness (CoA) shall be included before the Planning Board considers preliminary **Site Plan** approval. The form and scope of the CoA to be issued before final **Site Plan** approvals are issued shall be determined at the preliminary **Site Plan** review stage.
- j. Any other information deemed necessary by the Planning Board to explain the proposed **Site Plans**, potential environmental impacts under SEQR, and consistency with the standards established by the concept plan Special Use Permit.

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2. To encourage flexibility in the design, form, and type intended by this Section, if the PMU project plans occur over a period of years, the development plan may authorize a departure from the density or intensity of use established for the entire project for each phase to be developed. The development plan may allow for a greater concentration of density or intensity of land use within a phase of development, whether it is earlier or later in the development than the other phases, but shall provide that a greater concentration of density or intensity of land use for any phase to be developed must be offset as follows:

- a. By a smaller concentration in any completed prior phase, or
- b. By an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the Village, but the reservation must, as far as practicable, defer the precise location of the common open space until an application for final site plan approval is filed so that flexibility of development, which is a principal objective of this Section, can be maintained.

Should the density or intensity of use increase during a construction phase at such a rate that continued increase at the same rate would result in a density or intensity of use that exceeds the approved overall maximum, the development plan shall reduce the density or intensity of one or more subsequent phases so that the finished project does not exceed the concept plan Special Use Permit's approved overall density or intensity of use.

3. Preliminary Site Plan Approval. The procedures and submission requirements for preliminary Site Plan approval found in § 134-16.1 of the Zoning Law shall apply, except that such approval shall not authorize the issuance of Building Permits by the Village Code Enforcement Officer until final Site Plan approval is granted for each phase of development in accordance with § 134-12.D(2)(b)5. On the basis of the general design of the PMU site and its public improvements, the Planning Board will approve or disapprove the preliminary Site Plan prior to the time that the final Site Plan, including the design and detailing of the public improvements and utilities, is completed. If disapproval of the preliminary Site Plan occurs, the applicant may reapply for preliminary Site Plan approval without prejudice. Approval of the preliminary Site Plan does not constitute an approval of the final Site Plan, nor should it be considered a valid basis for the construction of site improvements or for other commitments which depend upon preliminary design characteristics. The preliminary Site Plan layout shall serve as a key map to phases of the development subsequently laid out in sections on the final Site Plans.
4. Amendment of preliminary Site Plan approval. Any application for amendment of an approved preliminary site development plan shall be processed by the Planning Board and Historic District Review Board in the same manner as an original site development plan application, except to the extent that the required information is contained in the approved site development plan.
5. Final Site Plan Review. Each phase of development identified in the concept plan Special Use Permit and as approved in the preliminary Site Plan application, shall be subject to final Site Plan review and approval by the Planning Board. The

applicant shall submit a final plan of development for each phase in accordance with the submission requirements of § 137-16.1 of the Zoning Law and as follows:

- a. Phasing. This Section will relate the timing of development in the PMU District to the Village's ability to accommodate the growth in population generated by the concept plan Special Use Permit.
 - b. The proposed sequence of phasing of the construction of infrastructure and buildings and the ratio of residential and nonresidential floor space to be built in each phase, estimated dates, and interim uses of property awaiting development shall be identified.
 - c. Once a development schedule is approved as part of final **Site Plan** approval, building permits shall be issued in conformity with that schedule.
 - d. In determining phasing, the Planning Board shall be guided by the findings of the SEQR review of the PMU development which shall include the environmental assessment of traffic impacts, fiscal impacts, and other appropriate studies as determined necessary by the Planning Board. The Planning Board shall also be guided by the following criteria:
 - (i) Ability of the Village to adequately serve the proposed development with streets, utilities, drainage, and protective services. The applicant shall remain responsible for ensuring that the water and sewer service needs of the development are adequate and shall construct needed facilities or shall make a financial contribution to the construction of such facilities.
 - (ii) Site design that responds to, incorporates and protects natural features such as vegetation, topography, and views, or which is designed to respond to the character of the neighborhood.
 - (iii) The design of improvements proposed in each phase shall be subject to issuance of Certificates of Appropriateness by the HDRB prior to Final **Site Plan** approvals.
6. Final Site Plan Approval. The Planning Board shall follow the procedures for **Site Plan** review and approval found in § 134-16.1 of the Zoning Law for each final phase of development.
 7. Lapse of approval of final **Site Plan**. If no construction has begun or no use has been established in the PMU District within one year from the date of the Planning Board's approval of the final **Site Plan** and the Historic District Review Board's approval of the Certificate of Appropriateness, said approvals shall lapse and be of no further effect. If construction has begun or use has been established within one year from the date of the Planning Board's approval but the development has not been completed within three years of said approval, then said approval shall, except as provided in § 134-12.D(2)(b)5 of the Zoning Law relating to phasing of development, lapse and be of no further effect in relation to the uncompleted part of the development. Upon such lapse, any conditionally permitted use, regulation and condition made in connection with the designation of the development uses shall also lapse and shall be subject to re-approval.

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E. Cottage Courts.

- (1) Intent. This section authorizes cottage courts, as defined herein, as a permitted use in the PMU District and such other Zoning districts as may be authorized by the Village Board. Cottage courts provide a type of housing appropriately sized for small households. This housing type encourages efficient use of land, affordability, and energy conservation. Cottage courts allow for a higher density development than is normally allowed in exchange for common open space, affordability, downsizing of space, and a sustainable living option for Village residents. This is made possible by smaller home sizes no larger than 1,000 square feet, clustering of home sites, and specific parking and design standards unique to this dwelling unit type to ensure compatibility with the surrounding neighborhood.



Cottage Court in Shoreline WA. Photo Source: Ross Chapin Architects

- (2) Density. A cottage court is composed of clusters of cottages as follows:
- (a) Minimum number of dwelling units per cottage court cluster: Four (4)
 - (b) Maximum number of dwelling units per cottage court cluster: Eight (8)
 - (c) Maximum number of cottage court clusters per PUD: Two (2)
- (3) Setbacks, separation, and subdivision.
- (a) Cottage dwelling units abutting a Street shall maintain a minimum setback of ten feet from any public right-of-way.
 - (b) All cottage dwelling units shall have a minimum ten foot (10') separation from other structures within the cluster (including cottages, parking structures and community buildings), except as allowed in paragraph (c) below.
 - (c) Projections may extend into the required minimum separation as follows:
 - 1. Eaves may extend up to twenty-four inches.
 - 2. Architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen inches in depth or six feet in width.
 - 3. Minor appurtenances such as pipes, electrical meters, HVAC equipment, alarm systems, air vents, and downspouts.
 - (d) All cottage housing units shall maintain a minimum setback of ten feet (10') from the common open space. Patios or porches may extend up to six feet within this

setback. Fences thirty-six inches in height or less may be located within this setback.

- (e) When cottage courts involve subdivision of land, the application shall also be processed in accordance with the procedures of the Village Subdivision of Land Law. Frontage on a public street is not required for all individual lots created in a cottage court. **In accordance with § 7-738 of New York State Village Law, the Planning Board may approve lots within a cottage court in accordance with the dimensional requirements specified herein.**

(4) Fences.

- (a) All fences on the interior of the development shall be no more than thirty-six inches (36”) in height.
- (b) Fences along the exterior property lines are subject to the fence requirements of Chapter 42 of the Village Code.
- (c) Fence design shall complement and coordinate with the style and character of the primary structures within the cottage court and/or the surrounding streetscape.
- (d) Chain link fencing is not allowed.

(5) Cottage Design.

(a) Size.

1. The gross floor area of each cottage shall not exceed 1,000 square feet.
2. At least 50% of the cottages in each cluster shall have a gross floor area less than 1,000 square feet.
3. Cottage areas that do not count toward the gross floor area or footprint calculations are:
 - a. Interior spaces with a ceiling height of six feet (6’) or less, such as in a second floor area under the slope of the roof;
 - b. Architectural projections such as bay windows, fireplaces or utility closets no greater than twenty-four (24) inches in depth and six (6) feet in width;
 - c. Attached unenclosed porches.
4. The footprint of each cottage shall not exceed eight hundred-fifty (850) square feet.

- (b) Height. The maximum height of a cottage dwelling unit shall be twenty-five (25) feet.

(c) Orientation.



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1. Each cottage dwelling unit shall be clustered around a common open space. Each unit shall have a primary entry and covered porch oriented to the common open space.
 2. Each unit abutting a public street (not including alleys, if provided) shall avoid a blank façade and shall have a secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.
- (d) Porches.
1. Cottage dwelling units shall have covered front porches. The front porch shall be oriented toward the common open space.
 2. Covered porches shall have at least sixty (60) square feet in usable area.
- (6) Parking.
- (a) A maximum of one (1) off-street parking space shall be provided for each cottage dwelling unit.
 - (b) Parking shall be hidden as much as possible and shall be separated from the common area, adjoining residential areas, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen.
 - (c) Parking areas shall be accessed only by a private driveway or a public alley.
 - (d) Parking areas shall be in fully enclosed structures. The design of parking structures, including roof lines, shall be similar to and compatible with that of the dwelling units within the cottage cluster.
 - (e) Parking structures shall be limited to no more than five (5) contiguous spaces.
 - (f) Parking areas shall be located to the side or rear of cottage clusters and not between a public street and cottage housing structures. Parking may be located between structures and an alley if provided.
 - (g) Subsurface parking shall not be allowed.
- (7) Landscaping. Generous landscaping shall be provided in common areas and shall be designed by a Landscape Architect registered in the State of New York. Landscaping shall include the following:
- (a) Trees shall be of single or multiple species native to the Hudson Valley.
 - (b) The Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with a minimum of two trees planted for each 30 feet of the Frontage.
 - (c) Proposed street tree height and type shall be appropriate for the Frontage conditions, with canopy branching height following the clearance requirements

of § 134-7.E(4)(h)1. Measurements shall be taken at the bottom of the main canopy.

- (d) Trees with existing or potential canopy covering sidewalks, driveways, paths, streets, or parking spaces shall be of a type that, at maturity or with minor pruning at installation, provide a clear height of eight (8) feet for sidewalks and paths, and twelve (12) feet for driveways, parking spaces and streets. Evergreen trees shall be eighteen to twenty-four (18" – 24") inch minimum clear of any sidewalk or pavement edge at the Lot line.
 - (e) Proposed Trees shall be a minimum height of ten (10) feet and/or three (3) inches in caliper.
 - (f) Proposed Shrubs shall be of a five (5) gallon container minimum. Shrubs shall be eighteen to twenty-four inch (18" – 24") minimum clear from any sidewalk or pavement edge at the Lot line.
 - (g) A minimum of one (1) tree or ten (10) Shrubs shall be planted within the first Layer for every 500 square feet of first layer Landscape Area.
 - (h) Bare and exposed ground on the site and/or in landscaped areas shall be covered with live plant materials and/or mulch, except for rock outcroppings or similar landscape features typically lacking in vegetation.
 - (i) Artificial plants or artificial turf are prohibited.
 - (j) Buffers and screening elements shall be used to screen parking areas from public view, to screen service yards and other places that are unsightly.
 - (k) The minimum required landscape area shall be thirty (30) percent of the first Layer of the Principal Frontage and the Secondary Frontage. Preservation of on-site existing trees and vegetation is encouraged and may be used to fulfill the landscape requirements.
 - (l) Priority shall be given to preserving and protecting significant trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat. The applicant shall replace mature trees that are removed on the site with trees of the same or similar species whose combined caliper dimensions equal that of the tree removed.
- (8) Community Features.
- (a) Common open space. Each cluster of cottages shall have common open space to provide a sense of openness and community for residents. At least three-hundred fifty (350) square feet per cottage of common open space is required for each cluster. Each area of common open space shall be in one contiguous and useable area. To be considered as part of the minimum open space requirement, an area of common open space must have a minimum dimension of 20 feet on all

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sides. Parking areas, yard setbacks, private open space and driveways do not qualify as common open space.

- (b) Private open space of two hundred (200) square feet shall be provided for each cottage housing unit, which may include porches or balconies. Open space with any dimension of less than 10 feet shall not be included in the calculated private open space. The private open space shall be contiguous to each unit, for the exclusive use of that unit's resident(s).
- (c) The common open space shall be at least 3,000 square feet in area, regardless of the number of units in the cluster.
- (d) The common open space shall have cottages on at least two (2) sides.
- (e) A system of interior walkways at least four feet in width shall connect each cottage to each other, to the parking area, and to the sidewalks abutting public street(s) bordering the cottage court. In addition, direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, and bicycle storage facilities, where feasible.

(9) Community Building.

- (a) Community buildings are permitted in cottage court clusters but shall not contain a dwelling unit.
- (b) Community buildings shall be clearly incidental in use and size to the cottage dwelling units.
- (c) Building height for any community building provided shall be no more than one story.

(10) Ownership.

- (a) Community buildings, parking areas and common open space shall be owned and maintained commonly by the cottage court residents, through a common use and maintenance agreement or similar mechanism approved by the Planning Board in consultation with the Village Attorney, and shall not be dedicated to the Village of Cold Spring.

§ 134-13. Parks and Recreation (PR) 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 and two adjoining underwater or partially underwater lots owned by Putnam County (tax lots 48.8-1-25 and 48.8-1-26; Ronald McConville/Tot Park; The West Point Foundry

Preserve, Foundry Dock Park; and the entrance to the Nelsonville Woods (tax lot 38.17-3-2).

The following regulations shall apply in the PR District:

- A. Site plan review and approval. Uses requiring review and approval of a **Site Plan** are shown on Table 6A: Table of Uses Permitted by District.
- B. Permitted Uses are shown on Table 6A: Table of Uses Permitted by District.
- C. Uses requiring approval of a Special Use Permit by the Planning Board are shown on Table 6A: Table of Uses Permitted by District.
- D. Dimensional requirements:
 - (1) Maximum permitted:
 - (a) The maximum permitted Building Height in the PR District is one (1) Story or **fifteen (15)** feet.
 - (b) The maximum permitted **Building** Lot Coverage in the PR District is **twenty-five (25)** percent.
- E. Supplementary regulations applying to PR District:
 - (1) Any applicable requirements of § 134-14 and § 134-17 shall be applicable in this district.
 - (2) Commercial facilities incidental to the operation of public recreational Uses, such as refreshment stands, offices and museums, and subject to a Special Use Permit, shall take into consideration factors such as traffic, property size and location.

§ 134-14. Scenic Viewshed Overlay (SV-O) District.

A. Findings and purpose.

- (1) Pursuant to New York State’s designated Hudson River Valley [Scenic Areas of Statewide Significance](#) (“SASS”), special protection of the designated features of the Cold Spring Subunit of the Hudson Highlands SASS, as identified in the Inventory below, is necessary to preserve the attractive scenic qualities 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;

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- (b) To protect public views from public viewing locations (as used hereafter in this section, “views”), consistent with the New York Department of Environmental Conservation’s current [Program Policy on Assessing and Mitigating Visual Impacts](#);
- (c) To protect views of certain properties within the Village as identified in the Inventory; and
- (d) To protect views from within the Village of designated Scenic Areas outside the Village.

B. Applicability.

- (1) The Scenic Viewshed Overlay (“SV-O”) District is overlaid onto the Village’s underlying zoning districts, as shown on the Zoning Map. All provisions of the underlying districts shall be applied except where provisions of the SV-O 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 SV-O 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 SV-O District, the Planning Board must find that the Use or alteration is in compliance with the regulations of this Section and all other applicable requirements of this Zoning 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:

- (1) Dockside Park.
- (2) The riverfront park and bandstand.
- (3) Historic waterfront Structures 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.
- (10) 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.
- (11) The United States Military Academy at West Point.
- (12) Mayor's Park.
- (13) McConville Park.

D. Procedures.

- (1) The following actions (hereafter, "proposed action") shall require review by the Planning Board under these SV-O 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.

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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.

E. Site Development Standards.

To the extent possible, all Structures to be built within the SV-O 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 they do not interfere with, impair or obstruct views in order 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 and where supplemented, 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 by using International Dark Sky Association [Fixture Seal of Approval](#) standards, consistent with Chapter 81-1Outdoor Lighting Standards.
- (3) **Streets and Driveways:** Streets 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 during [Site Plan](#) review and approval if the applicant can demonstrate that site conditions make undergrounding infeasible 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 SV-O district.

§ 134-15. Medical and Health Care Facility & Senior Citizen Housing (B-3) District.

The following regulations shall apply in the B-3 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.**

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(1) Any Use permitted in an R District with the exception of both Accessory Apartments and Short-Term Rentals, neither of which are permitted in a B-3 District.

(2) Hospital or Sanatorium,

(3) Nursing Home and Health-Related Facility.

C. Uses under Special Use Permit.

(1) Senior Citizen Housing.

D. Minimum requirements.

(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 (2½).

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

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

F. Supplementary regulations applying to B-3 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-3 when permitted under Special Use Permit for Senior Citizen Housing.

- (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.
- (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

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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 Energy Conservation Construction Code (the Energy Code), the New York State Building Construction Code, the Code of the Village of Cold Spring,¹ 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

¹ Editor's Note: See **Chapter 40**, Building Construction.

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.

- (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) Net Floor Area: See 134-15 G (5).
- (j) Off-street parking area per dwelling unit: see § 134-17 M.
- (k) Distance between Buildings: twice the Height of Building.

(15)Maximum Permitted.

- (a) Building Height.
 - 1. Stories: two and one-half (2½).

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2. Feet: thirty-five (35').

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

(c) Building percentage of Lot Coverage: twenty-five (25) percent.

(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.

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

§ 134-15A. Medical and Health Care Facility & Mixed Use (B-4) 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 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 § 134-16.1 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 Appendix C. 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 District, however neither Accessory Apartments nor Short-Term Rentals are permitted in a B-4 District.

(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-4 Zoning District shall be a condition of **Site Plan** approval; (4) the community space for the use of residents shall be ten (10)% 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 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-4 District, in addition to any other Uses prohibited by the Village Code, whether expressly or through omission of such

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Use from the list of Permitted Uses.

(2) Accessory Apartments.

D. Minimum requirements.

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

(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 (2½); 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 Medical and Health Care Facility & Mixed Use

(B-4) 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 access (other than emergency access) shall be provided from a Village Street to any Use other than a One-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-4 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.

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- (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 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,² 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

² Editor's Note: See [Chapter 40](#), Building Construction.

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

§ 134-15B. Transportation (T) District.

The Transportation District is composed of all parcels of New York State Property Class 843, Non-ceiling railroad. Permitted uses are limited to railroad operations.

§ 134-15C. Educational, Religious, & Cultural (ERC) District.

The Educational, Religious, & Cultural (ERC) District encompasses parcels within the Village occupied by houses of worship, schools, Julia L. Butterfield Memorial Library, and other cultural, historic or religious institutions not operated for profit. This District is created to define areas of communal gathering for the purpose of learning, exchanging of ideas, and sharing cultural or religious experiences. Permitted uses are shown on Table 6A: Table of Uses Permitted by District.

ARTICLE V

Special Use Permits, Site Plans and Supplementary Regulations

§ 134-16. Special Use Permits.

A. General provisions.

- (1) The Uses cited in Table 6A: Table of Uses Permitted by District for which issuance of a Special Use Permit by the Planning Board is required shall conform to the general standards in § 134-16.C, any applicable additional standards in § 134-16.D, and the requirements and procedures set forth herein, in addition to all other requirements of this Chapter. All such Special Permit Uses are hereby declared to possess characteristics of such unique and special forms that each Special Use shall be considered as an individual case. The Planning Board shall issue a Special Use Permit only after an evaluation is made of the compatibility of the proposed use with surrounding uses, the suitability of the use to the site, and whether it is in harmony with the Zoning Law, Comprehensive Plan, and if applicable, Local Waterfront Revitalization Program.
- (2) In all cases where this Zoning Law requires Special Use Permit review and approval by the Planning Board, no Building Permit or Certificate of Occupancy shall be issued by the Code Enforcement Officer except upon authorization of and in full conformity with plans approved and requirements or modifications imposed by the Planning Board. In accordance with Table 6A: Table of Uses Permitted by District, uses requiring the issuance of a Special Use Permit are additionally subject to **Site Plan** review and approval, as described in § 134-16.1 of this Zoning Law.
- (3) Accessory uses or structures used in connection with a Special Use Permit shall be subject to the same approval requirements as the principal structure or use.
- (4) In authorizing any Special Permit Use, the Planning Board shall take into consideration the public health, safety, and general welfare, and the comfort and convenience of the public in general.
- (5) The intent of the regulations is to ensure that the development and use of individual parcels is in harmony with the Zoning Law and will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community. Such regulations seek to:
 - (a) Protect the community from traffic congestion and conflicts, flooding, and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution;

- (b) Protect the community from inappropriate design and other matters of scenic and aesthetic significance;
 - (c) Ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed;
 - (d) Mitigate its harmful effects by allowing the imposition of reasonable conditions;
 - (e) Ensure that new development conforms with the Village's planning goals and objectives as expressed in the Comprehensive Plan.
- (6) The Planning Board may require modifications to development proposals, submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a condition of its approval of a Special Use Permit.
- B. Procedures. The Planning Board shall review and act on all Special Use Permit applications in accordance with the procedures specified herein:
- (1) Application and Fee. All Special Use Permit applications are made to the Code Enforcement Officer (CEO) in writing, on forms, and in accordance with the review procedures prescribed by this Section of the Zoning Law. In the event that the Code Enforcement Officer determines that the application meets all of the submission requirements of the Zoning Law, the application shall be forwarded by the CEO to the Planning Board for further review in accordance with the provisions of the Zoning Law. In the event the CEO finds that the application does not comply in one or more respects with the submission requirements of the Zoning Law, the applicant will be advised in writing by the CEO of the deficiencies. In order to be considered complete, a Special Use Permit application shall be submitted at least twenty-one (21) days before a regularly scheduled Planning Board meeting and shall be accompanied by the following:
 - (a) A preliminary **Site Plan** which demonstrates the overall site layout and building locations, parking areas, access and egress locations, setbacks and buffer areas, lighting, landscaping, stormwater management, signage, natural and cultural resource information as required herein, and the location and extent of existing development on adjacent parcels.
 - (b) Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors.
 - (c) An application for Special Use Permit approval shall not be considered complete until accompanied by the applicable fees, an executed escrow agreement available from the Village Clerk and the documentation required herein. Such

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- fees and escrow agreement shall be submitted in accordance with the fee schedule established and regularly reviewed by the Village Board and with the escrow fee requirements found in Chapter 57-3 of the Village Code to defray the costs of the Village's consultants, including but not limited to, engineering, planning and legal, with respect to the review of the application.
- (d) Either a Short or Full Environmental Assessment Form (EAF), as required by SEQRA, Article 8 of the New York State Environmental Conservation Law and Title 6 Part 617 NYCRR. Compliance with SEQRA is required by the Planning Board prior to any action as defined in 6 NYCRR 617.2(b).
 - (e) Certification by the applicant, in writing and on forms provided by the Village of Cold Spring, that the information provided is "true and accurate to the best of my knowledge."
 - (f) Any other information deemed necessary by the Planning Board to explain the nature of the proposed use, its potential environmental impacts under SEQRA, and its consistency with the standards established by this Zoning Law for Special Permit Uses.
- (2) Public Notice and Hearing. The Planning Board shall, within sixty-two (62) calendar days of the receipt of a complete application, for a Special Use Permit, conduct a public hearing on such application. The Planning Board, by resolution at a stated meeting, shall fix the place, date, and time of the public hearing. The Planning Board shall provide a copy of this notice of said hearing to the applicant, and at which hearing, he or she shall appear in person or by agent. The Board shall additionally provide notification as follows. All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using ordinary mail, and, at the discretion of the Planning Board, the Secretary of the Planning Board or the applicant, shall furnish proof of compliance with the notification procedure that compliance has timely occurred. Such notices and mailings shall be as follows:
- (a) By publishing at least ten (10) calendar days prior to the date thereof a legal notice in the official newspaper, or paper of general circulation in the Village.
 - (b) Posting. Notice shall be posted at least ten (10) days prior to the date of the hearing as follows:
 1. On the bulletin board of the Village Hall;
 2. On the Village of Cold Spring website; and
 3. On a conspicuous sign posted along the street frontage of the parcel subject to the Special Use Permit proceeding, in a manner as specified by the

Planning Board.

- (c) By requiring notice of the public hearing and data regarding the substance and location of the Special Use Permit application to the owners of all property abutting that held by the applicant and all other owners within one hundred (100) feet of the exterior boundaries of the land involved in such application or such additional distance as the Planning Board may deem advisable, or as otherwise required by State law. Notice shall be mailed at least ten (10) calendar days prior to the hearing, with compliance with the notification procedure certified to by the Secretary.
 - (d) If applicable, by providing notice of the public hearing and data regarding the substance and location of the Special Use Permit application to all Involved Agencies under SEQR at least ten (10) calendar days prior to the hearing.
 - (e) If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also mail at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.
 - (f) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Village.
 - (g) Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a Special Permit application.
- (3) Agency and Consultant Review. In its review, the Planning Board may consult with the Village Code Enforcement Officer, the Highway Department, the Historic District Review Board, other local and county officials and its designated private planning and engineering consultants, in addition to representatives of County, State and Federal agencies as needed.
- (4) Required Referral. A full statement of the Special Use Permit application, including all applicable SEQR documentation, that meets the referral requirements of Sections 239(l) and 239(m) of the General Municipal Law shall be referred prior to the public hearing to the Putnam County Department of Planning, Development & Public Transportation for its review. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Department or thirty (30) calendar days have elapsed since the Department received such full statement. In the event that the Putnam County Department of Planning, Development & Public Transportation recommends

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disapproval of the proposed application or recommends modification thereof within such time period or at a later date prior to final action by the Planning Board, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the Putnam County Department of Planning, Development & Public Transportation.

- (5) Decisions. Every decision of the Planning Board with respect to a Special Use Permit application shall be made by resolution within sixty-two (62) calendar days of the close of the public hearing, which resolution shall clearly state the decision, including findings, and any modifications attached thereto. The time within which the Planning Board shall render its decision may be extended by mutual consent of the applicant and the Board. Each such decision shall be filed in the Office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof shall also be mailed to the applicant. No time periods for final decision-making in this Section shall begin to run until the Lead Agency has either accepted a Draft Environmental Impact Statement as complete or adopted a Negative Declaration under SEQR.
- (6) Effect of Special Use Permit Approval.
 - (a) In addition to compliance with all other applicable Sections of this Zoning Law, and all other local, County and State laws, rules and regulations, no Building Permit shall be issued for any structure regulated by this Section until such Special Use Permit has received Planning Board approval and a copy of a resolution to that effect has been presented to the Code Enforcement Officer.
 - (b) No certificate of Occupancy shall be issued for any structure or use of land covered by this Section until the structure is completed or the land developed in strict accordance with the Planning Board resolution of Special Permit approval and other applicable requirements of this Zoning Law.
 - (c) Any use for which a Special Use Permit may be granted shall be deemed a conforming use in the district in which it is located provided that such Permit shall be deemed to affect only the lot or portion thereof for which such Permit has been granted.
 - (d) The Planning Board may require in its resolution of approval that a Special Use Permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original Permit have not been, or are no longer being, complied with. If the Code

Enforcement Officer finds a violation of the Special Use Permit, he or she may refer the application to the Planning Board for further proceedings as well as seek other remedies under the law. In referring to the Planning Board, a period of sixty (60) calendar days shall be granted to gain full compliance by the applicant prior to revocation of the Special Use Permit.

- (e) A Special Use Permit shall expire if the use or uses cease for more than one (1) year for any reason, if the applicant fails to obtain the necessary Building Permits, fails to comply with the conditions of the Special Use Permit, or if the time limit imposed on certain Special Uses expires without renewal.
- (7) Expiration of Special Use Permit. A Special Use Permit shall be deemed to authorize only the particular use or uses expressly specified in the Permit and shall expire if the Special Use Permit activity is not commenced and diligently pursued within six (6) calendar months of the date of issuance of the Special Use Permit. Upon prior written request to the Planning Board, the time period for initiation of the Special Permit Use may be extended for a maximum period of one (1) calendar year from its otherwise specified termination date. The Planning Board may hold a public hearing prior to granting any extensions.
- (8) Revocation of Special Use Permit. In all instances, including those cited in § 134-16.B(6) above, a Special Use Permit may be revoked by the Planning Board, after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by said Permit.
- (9) Amendments to Special Use Permits. The terms and conditions of any Special Use Permit may be amended in the same manner as required for issuance of a Special Permit, following the criteria and procedures of this Section.
- (10) Integration of Procedures. The Planning Board shall integrate, to the extent practicable and consistent with applicable law, Special Use Permit review, as required by this Section, with the **Site Plan** review and approval process. Such integration of procedures may require, upon mutual written consent of the Planning Board and applicant reasonable modification of the time schedules otherwise stated in this Section or in § 134-16, as related to **Site Plan** review and approval.
- (11) Relief from Decisions. Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a Special Use Permit application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York.
- (12) Documented Existing violations. No permit shall be issued for a Special Use for a property where there is an existing violation of this chapter documented by the

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CEO. ("Existing violation" shall not mean legally existing Nonconforming Use.)

C. General Standards applicable to all Special Uses. The Planning Board shall carefully review the specific requirements set forth in this Article for the Special Permit Use, the applicable supplementary regulations enumerated in this Zoning Law, and the following general standards for any use requiring approval of a Special Use Permit by the Planning Board:

- (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.
- (2) The location, nature and Height of Buildings, walls and Fences will not discourage the appropriate development and Use of adjacent land and Buildings nor impair the value thereof.
- (3) All proposed traffic access ways shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility, be sufficiently separated from street intersections and places of public assembly, and shall meet similar safety considerations.
- (4) Adequate provision for safe and accessible off-street parking spaces shall be provided to avoid parking in public streets of vehicles or persons connected with or visiting the use except where on-street parking is encouraged. With the exception of single family detached dwellings, shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the most recent edition of the Urban Land Institute's Shared Parking report, shall be employed to demonstrate shared parking effects.
- (5) All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent practicable.
- (6) All proposed buildings, structures, equipment and/or material shall be readily accessible for fire, emergency services and police protection.
- (7) The use shall be consistent with the Village's Comprehensive Plan, **Village of Cold Spring Historic District** Design Standards **if applicable**, Local Waterfront Revitalization Plan if applicable, and other official planning documents adopted by the Village.

- (8) The use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas, such recommendations to be made by the Village's Historic District Review Board and Tree Advisory Board.
- (9) The character and appearance of the proposed use, buildings, structures, lighting, and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood. These shall not be more objectionable to nearby properties by reason of noise, dust, odor, fumes, vibration or flashing lights than would be the operation of any Permitted Use. In addition, they shall not adversely affect the general welfare of the inhabitants of the Village of Cold Spring, such determination to be made by the Planning Board.
- (10) In its review of Special Permit Uses, the Planning Board shall take into consideration the statement of policies and principles of the Hudson River Valley Greenway.
- (11) The special Use shall be commensurate with requirements for the health, safety and welfare of the public; 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.
- (12) The Planning Board shall impose additional conditions or safeguards to the Special Use as specified in this Chapter and required by other laws, ordinances and codes of the Village of Cold Spring as are directly related to and incidental to the proposed Special Use Permit and which may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.

D. Additional standards. In addition to the general standards stated above and the [Site Plan](#) review considerations stated in § 134-16.1 of this Zoning Law, the following specific requirements shall be complied with for the particular Special Permit Uses cited below:

- (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 of Gross Floor Area for each additional Dwelling Unit created.

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(b) The Lot on which such Structure is located shall contain fifteen thousand (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 (1½) 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 as authorized within the CIVIC USES (C) District.

(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 134-16.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).

- 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)%.
- 3. Maximum outside storage, including storage of boats, shall not exceed twenty (20)% 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.
- (3) Reserved.
- (4) Live/Work Units.
 - (a) A Live/Work space may be established 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 the Street side space shall be large enough, in the opinion of the Planning Board, 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 a Live/Work space or components thereof by multiple tenants shall not be permitted. Access to Live/Work spaces may be provided from common areas, halls or corridors.
 - (c) Each Live/Work space shall be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
 - (d) Each Live/Work space shall be individually equipped with a kitchen consisting of a sink, non-portable stove, oven and refrigerator.
 - (e) Each Live/Work space shall contain a Gross Floor Area of no less than eight

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- 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 shall be provided.
 - (h) 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 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 (1) 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 the Live/Work space and may be offered with other like items.
 - (l) Signage for Live/Work Units shall conform to Chapter 104 of the Village Code.
 - (m) Residential space and work space shall not be rented separately or used by persons other than those 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 non complying elements and shall apply for reinspection with the Code Enforcement Officer, subject to an additional fee. If all such non complying 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.D.(4)(f).
- (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 the subject Live/Work space 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.D.(6)(p). Proof of recording of the deed shall be provided to the Code Enforcement Officer within 60 days after the conveyance.

§ 134-16.1 Site Plan Review and Approval

- A. Purpose and Intent. The purpose of this Section is to provide regulations governing the applicability, submission requirements, standards for review and design of uses required to obtain **Site Plan** approval from the Village Planning Board. The intent is to ensure that the development and use of land does not have an adverse effect on adjacent lands or on the character of the community. Such regulations are designed to protect Cold Spring from traffic congestion and conflicts, noise, lighting, odor and other forms of pollution, inappropriate design, flooding, wasteful energy use, and excessive soil erosion, to ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed, and that its impacts can be mitigated by compliance with reasonable conditions. The regulations are also designed to ensure that new and existing development conforms with the Village's planning goals and objectives, as expressed in its Comprehensive Plan and as applicable Local Waterfront Revitalization Program, thereby protecting the natural, cultural, historic landscapes and aesthetic qualities of the Village.

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- B. **Site Plan Approval Required.** Table 6A: Table of Uses Permitted by District and §§ 134-16.1.C(1) through 134-16.1.C(3) herein, require **Site Plan** review and approval for specific uses, prior to the issuance of a Building Permit or Certificate of Occupancy.
- C. **Uses Subject to Site Plan Approval.** In addition to the uses identified on Table 6A: Table of Uses Permitted by District as requiring **Site Plan** approval, the following require **Site Plan** review and approval:
- (1) All Special Permit Uses cited in Table 6A: Table of Uses Permitted by District and accessory uses to Special Permit Uses, or as identified herein, shall be subject to **Site Plan** review and approval.
 - (2) All Uses cited in Table 6A: Table of Uses Permitted by District that require **Site Plan** review and approval.
 - (3) Any amendment to a previously approved **Site Plan**.
- D. **Application for Site Plan Review and Approval.**
- (1) All **Site Plan** applications are made to the Code Enforcement Officer (CEO) in writing, on forms, and in accordance with the review procedures prescribed by this Section of the Zoning Law. In the event that the Code Enforcement Officer determines that the application meets all of the submission requirements of the Zoning Law, the application shall be forwarded by the CEO to the Planning Board for further review in accordance with the provisions of the Zoning Law and/or Subdivision of **Land Law**. In the event the CEO finds that the application does not comply in one or more respects with the submission requirements of the Zoning Law, the the applicant will be advised in writing by the CEO of the deficiencies. The CEO shall refer the applicant to the Planning Board for **Site Plan** review and approval in accordance with Section 7-725-A of New York State Village Law and the more specific design standards and review procedures set forth in this Section.
 - (2) Where a proposed **Site Plan** contains one or more features which do not comply with the **Site Plan** regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article VII of the Zoning Law, without the necessity of a decision or determination of the Code Enforcement Officer.
 - (3) Applications shall be accompanied by not less than six (6) paper prints (or as many additional prints as may be required for circulation purposes under SEQR) of the proposed **Site Plan** drawings, site assessment data, related technical reports and environmental impact assessment documents and one electronic file of the proposed **Site Plan** drawings, site assessment data, related technical reports and environmental impact assessment documents, in a form usable by the Village Engineer and Village Planner and for posting on the Village of Cold Spring website. The Planning Board may reduce the number of paper copies of such documents upon

satisfaction of the electronic filing. Such plans and other documents shall be submitted at least twenty-one (21) days prior to a scheduled regular meeting of the Planning Board and shall include information drawn from the following checklist of items, as determined necessary by the Planning Board at the time of the a pre-application conference, if held, and which is provided on a drawing certified by a licensed civil engineer, registered landscape architect, registered architect or other licensed design professionals, as may be necessary to comply with the professional licensing regulations administered by the New York State Education Department:

(a) Site Plan Drawings. A **Site Plan** showing the following information:

1. Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing;
2. North arrow, scale and date;
3. An area map keyed to the real property tax maps, showing the parcel under consideration for **Site Plan** review, and all properties, subdivisions, streets, power lines, and easements within one hundred (100) feet of the boundaries thereof;
4. Accurate boundaries of the property plotted to scale, including reference to specific data sources;
5. Location and boundaries of all existing natural land and water features on the property including: rock outcrops; trees six (6) inches or more in diameter at breast height (dbh); stone walls; scenic vistas; steep slopes in excess of 15 percent illustrated by shading; and water features. Water features include ponds, lakes, perennial and intermittent streams, wetlands and watercourses, aquifers, aquifer recharge areas, floodplains; and swales, retention/detention areas, and other stormwater management practices. Locally significant trees include, but are not limited to, rare or unusual species, trees associated with historic events or persons, or trees that contribute to an identified scenic viewshed;
6. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the pre-application conference, if held, and such other information as required by the Planning Board;
7. Location of all existing buildings, structures, and signs;
8. Conservation lands if any on adjacent property within one hundred (100) feet of the subject lot lines;
9. Location, proposed use, height, and setback measurements of all existing and

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proposed buildings, structures and signs on the applicant's property, including floor plans and plans for exterior elevations at a scale of one-quarter inch equals one foot ($\frac{1}{4}'' = 1'$), showing the structure's mass and architectural features, and indicating the type and color of materials to be used. A table indicating square footage of all building areas to be used for a particular use, such as retail operation, office use, or other commercial activity; maximum number of employees; maximum seating capacity, where applicable; and number of parking spaces existing and required for the intended use. Where considered appropriate by the Planning Board, a 3D model showing Lot build out.

10. Location, design and construction materials of all parking and if provided, truck-loading areas, including the number of parking spaces required and to be provided, their access and egress drives and clear indication of all traffic patterns on site, curb cuts on the site and within one hundred (100) feet of the site, and all streets which are either proposed, mapped or built. For all lots that access or are proposed to be served by access onto a street, a Driveway Permit is required from the Village Highway Crew Chief. The Village may require some parking areas use alternative paving materials, such as paving blocks where the interstices are filled with sod, or through parking reserve areas which may not be constructed until and unless demand is evident as outlined herein;
11. Provision for pedestrian and bicycle access including the location, design and construction materials of all present and proposed sidewalks, walkways, bicycle paths and racks, benches, ramps, outdoor storage or display areas, retaining and/or landscaping walls and fences in connection with such access;
12. Location of storage for equipment and materials, if any;
13. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
14. Description of the method and location of all existing and proposed sewage disposal and water supply systems including the design and construction materials of such facilities if changes to such systems is proposed;
15. Location of fire and other emergency zones, including the location of fire hydrants;
16. Location, design and construction materials of all energy facilities, including electrical, gas, wind, geothermal, or solar energy systems;
17. Location, size and design and construction materials of all proposed signage,

including associated lighting, if any. See Chapter 81 for the requirements of the Village Outdoor Lighting rules and Chapter 104 for the requirements of the Village Sign and Placard rules;

18. The location, type, and screening details for solid waste disposal facilities and containers;
19. Estimates of noise generation and compliance demonstrated as set forth in Chapter 76 of the Village Code;
20. Detailed landscaping plan and planting schedule, including the number, size, type and location of all canopy trees or understory trees, shrubs and groundcovers to be planted. Required landscaping shall be maintained in a healthy, growing condition at all times. A three-year maintenance bond shall be provided to ensure successful planting;
21. Pedestrian, bicycle and vehicle connections to adjoining properties if feasible and deemed necessary to reduce traffic impacts, as determined by the Planning Board;
22. Where appropriate, a Traffic Impact Study in accordance with New York State Department of Transportation methodology or methodology in common use to determine vehicular and pedestrian safety to and from the site;
23. Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable;
24. Other elements integral to the proposed development as considered necessary by the Planning Board, including the identification of any State or County permits required for the project's execution;
25. Adjoining zoning districts, if different from the district that the site is within, overlay zoning districts, and any special features identified in the Village of Cold Spring Comprehensive Plan within two hundred fifty (250) feet of the site's perimeter. The acreage of each distinct existing and proposed land use on the applicant's property, and the proposed density of each, if residential uses are proposed, shall be provided;
26. Plans for the disposal of construction and demolition waste, whether on-site or at a New York State approved solid waste management facility;
27. If the **Site Plan** contains any residential development, a park or parks suitably located for playground or other recreational purposes, or if a park or parks of adequate size cannot be properly located on such **Site Plan**, then a payment in lieu thereof of a recreation fee is required as provided by the fee

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schedule established and regularly reviewed by the Village Board. Land for park, playground or other recreational purposes or the payment in lieu thereof, may not be authorized until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located or if such parks cannot be suitably located, the payment of a recreation fee. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village, based on projected population growth to which the proposed **Site Plan** will contribute.

(b) **Required Fees and Supporting Materials.** An application for **Site Plan** review and approval shall not be considered complete until accompanied by the applicable fees, an executed escrow agreement available from the Village Clerk and the supporting materials described below in § 134-16.1.D(3)(a). Such fees and escrow agreement shall be submitted in accordance with the fee schedule established and regularly reviewed by the Village Board and with the escrow fee requirements found in Chapter 57-3 of the Village Code to defray the costs of the Village's consultants, including but not limited to, engineering, planning and legal, with respect to the review of the **Site Plan** application. The supporting materials are as follows:

1. A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale.
2. A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the lot.
3. Written offers of easement to the Village of Cold Spring or other public agencies for purposes of stormwater drainage, utility rights-of-way, and so on.
4. Identification of all necessary permits from federal, state, county or local agencies, approvals required from such agencies for the project's execution, and proof of Special Permit and/or variance approvals if applicable.
5. As applicable, soil logs from on-site borings or test pits and stormwater runoff calculations.
6. As applicable, plans to prevent:
 - a. Pollution of surface or groundwater;
 - b. Erosion of soil both during and after construction;
 - c. Excessive runoff;
 - d. Excessive raising or lowering of the water table; and

- e. Flooding of other properties.
7. Environmental Assessment Form. A complete application for **Site Plan** review and approval shall be accompanied by a Short or Full Environmental Assessment Form (EAF) as required by SEQR. Compliance with SEQR is required by the Planning Board prior to any action as defined in 6 NYCRR 617.2(b).
 8. Additional SEQR supporting materials. If the Planning Board is designated as Lead Agency for the SEQR review of a **Site Plan** application, there may be additional information required to be submitted by the applicant, before the Planning Board can consider the application complete. Under SEQR, an application cannot be considered complete until the Planning Board, if acting as Lead Agency, has determined the significance of the project and adopted a Negative Declaration or deemed a Draft Environmental Impact Statement is complete. In making its determination of significance, the Planning Board, if acting as Lead Agency, will consider the impact categories on the Part 2 EAF and the following additional SEQR supporting materials if required, depending on the size and potential degree of impact on the Village:
 9. A cultural resource assessment, funded by the applicant, if the land lies within or contiguous to the Village of Cold Spring National Historic Register District, the Village of Cold Spring Architectural and Historic District, any building, structure or site listed individually on the State or National Register of Historic Places or identified by the Village of Cold Spring as an historic building, structure or site, **or** is in an area identified as an archaeologically sensitive area by the State of New York **or the Village HDRB**. The Planning Board may require more detailed on-site investigations when it is deemed necessary to assess potential adverse impacts on cultural resources.
 10. If the **Site Plan** contains any residential development, a park or parks suitably located for playground or other recreational purposes, or if a park or parks of adequate size cannot be properly located on such **Site Plan**, then a payment in lieu thereof of a recreation fee is required as provided by the fee schedule established and annually reviewed by the Village Board. Land for park, playground or other recreational purposes or the payment in lieu thereof, may not be authorized until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located or if such parks cannot be suitably located, the payment of a recreation fee. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village, based on projected population growth to which the proposed **Site Plan** will contribute.

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11. Such other supporting materials as deemed necessary by the Planning Board.
- E. Site Plan Design Criteria. The Planning Board in reviewing Site Plans, shall consider the design criteria set forth below, the Village of Cold Spring Design Standards if applicable, the Certificate of Appropriateness issued by the Historic District Review Board if applicable, and such other design standards and design guidelines as may be adopted by the Village Board. All design standards and design guidelines are available from the Office of the Village Clerk or are available on the Village of Cold Spring's website. The Planning Board may require submission of alternative design and layout proposals based on the standards in this section, the Design Standards, and other adopted design guidelines.
- (1) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian and bicycle movements, and adequate, but not excessive parking areas.
 - (2) Buildings in the plan should be in as compact a form as possible with due regard to on-site environmentally sensitive features, and all buildings should be integrated with each other and with adjacent buildings and provide convenient access to and from adjacent uses.
 - (3) Parking shall be located to the rear of buildings or hidden from public view to the greatest extent practicable.
 - (4) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing, or anticipated, adjoining buildings.
 - (5) Newly installed utility services, and service revisions which necessitate exterior alterations, shall be underground.
 - (6) Site Plans proposed for commercial uses adjacent to a R, MF, PMU, PR, C, or ERC Zoning district shall be reviewed with regard to the impact of the development on that district or use.
 - (7) Where feasible, natural or existing topographic patterns, which contribute to beauty and character of a development, shall be preserved.
 - (8) Landscaping should integrate the various elements of site design, preserving and enhancing the particular identity of the site, including architectural features, scenic vistas and visual corridors and should provide shade, except where it would interfere with solar energy systems or have the potential to interfere with future solar energy systems.
 - (9) In locations where plants will be susceptible to injury by pedestrians or traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

- (10) Screening of service areas, refuse containers, and other places that tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these, with all such enclosures being compatible in material, texture and color with the principal building or buildings on the site.
- (11) Outdoor lighting shall be in accordance with Chapter 81 of the Village Code and shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. The number of light standards and the intensity of lighting shall be the minimum necessary to illuminate the location for safety, without glare or light spillage to adjoining properties. Lighting standards shall be appropriate to the design of the structures and shall not exceed fifteen (15) feet in height.
- (12) Building design shall make appropriate recognition of compatible building forms indigenous to the community, and, in particular of the historic character of the Village.
- (13) Materials shall be selected for harmony with traditional building materials. Except when wholly impractical, natural materials shall be used.
- (14) Building components such as windows, roof lines, doors, eaves and parapets, shall have well-designed proportions and relationships to one another and be compatible with the historic character of the Village.
- (15) Mechanical equipment such as air conditioners and satellite dishes, or other utility hardware located on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, specified as to color so as to blend with their surroundings, or located so it is not visible from any public or private road, public lands, recreation area, or privately conserved lands.
- (16) Signs shall be consistent with the requirements set forth in Chapter 104 of the Village Code and as follows:
 - a. Signs shall be well proportioned in its design and in its visual relationship to buildings and surroundings;
 - b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - c. The colors, materials, and lighting of every sign shall be restrained and shall be harmonious with the building and site to which it principally relates.
 - d. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's message and shall be composed in proportion to the area of the sign face.

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(17) Pedestrian circulation shall be separated from motor vehicle circulation.

Appropriate walkways shall be provided on the site and its approaches as well as to adjoining properties if feasible. Potential trail opportunities identified in the Town Comprehensive Plan shall be considered.

(18) Landscaped, paved, and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.

(19) For any use to which the public is expected to visit, the plan shall make proper provision for buildings and site developments that are accessible to, and functional, for physically disabled persons, by provision of walks and ramps of suitable width and grade; identified wide parking spaces; and ground level building entrances as required in the New York State Uniform Fire Prevention and Building Code and other applicable state and federal laws.

F. Agency and Consultant Review. In its review, the Planning Board may consult with the Village Code Enforcement Officer, the **Highway Crew Chief**, the Historic District Review Board, other local and county officials, and its designated private planning and engineering consultants, in addition to representatives of State agencies including, but not limited to the State Department of Transportation, the State Health Department, Office of Parks, Recreation and Historic Preservation, and the Department of Environmental Conservation.

G. Public Notice and Hearing. The Planning Board shall, within sixty-two (62) calendar days of the receipt of a complete application, for **Site Plan** review and approval, conduct a public hearing on such application. The Planning Board, by resolution at a stated meeting, shall fix the place, date, and time of the public hearing. The Planning Board shall provide a copy of this notice of hearing to the applicant, and at which hearing, he or she shall appear in person or by agent. The Board shall additionally provide notification as follows. All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using ordinary mail, and, at the discretion of the Planning Board, the Secretary of the Planning Board or the applicant, shall furnish proof of compliance with the notification procedure that compliance has timely occurred. Such notices and mailings shall be as follows:

(1) By publishing at least ten (10) calendar days prior to the date thereof a legal notice in the official newspaper, or paper of general circulation in the Village.

(2) Posting. Notice shall be posted at least ten (10) days prior to the date of the hearing as follows:

(a) On the bulletin board of the Village Hall;

- (b) On the Village of Cold Spring website; and
 - (c) On a conspicuous sign posted along the street frontage of the parcel subject to the **Site Plan** proceeding, in a manner as specified by the Planning Board.
 - (d) By requiring notice of the public hearing and data regarding the substance and location of the **Site Plan** application to the owners of all property abutting that held by the applicant and all other owners within two hundred fifty (250) feet of the exterior boundaries of the land involved in such application or such additional distance as the Planning Board may deem advisable, or as otherwise required by State law. Notice shall be mailed at least ten (10) calendar days prior to the hearing, with compliance with the notification procedure certified to by the Planning Board Secretary.
 - (e) If applicable, by providing notice of the public hearing and data regarding the substance and location of the **Site Plan** application to all Involved Agencies under SEQR at least ten (10) calendar days prior to the hearing.
 - (f) If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also mail at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.
 - (g) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Village.
 - (h) Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a **Site Plan** application.
- H. Required Referral. A full statement of the **Site Plan** application, including all applicable SEQR documentation, that meets the referral requirements of Sections 239(l) and 239(m) of the General Municipal Law shall be referred prior to the public hearing to the Putnam County Department of Planning, Development & Public Transportation for its review. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Department or thirty (30) calendar days have elapsed since the Department received such full statement. In the event that the Putnam County Department of Planning, Development & Public Transportation recommends disapproval of the proposed application or recommends modification thereof within such time period or at a later date prior to final action by the Planning Board, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the

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members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the Putnam County Department of Planning, Development & Public Transportation.

- I. Waiver of Requirements. The Planning Board may waive any specific requirements set forth in this Section for the approval, approval with modifications or disapproval of a **Site Plan** submitted for approval, including the submission requirements for activities deemed by the Planning Board to be minor. The grant of any such waiver shall be accompanied by a written finding that compliance with the requirement is either not requisite in the interest of the public health, safety and general welfare or inappropriate to the particular **Site Plan**. The Planning Board may, in granting waivers, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived. No waiver or modification may be deemed approved or granted by implication. All waivers and modifications must be expressly set forth in the findings of the Planning Board.

The Planning Board is also authorized to expedite the review and approval of **Site Plan** applications for Accessory Apartments. The Planning Board may waive specific requirements set forth in this section except for building elevation and design, parking, lighting, and signage.

- J. Conditions on Approval. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed **Site Plan**.
- K. Planning Board Action on **Site Plan**. Within sixty-two (62) days of the close of a public hearing, the Planning Board shall act on the **Site Plan** application. The time within which the Planning Board must act on the application may be extended by mutual consent of the Planning Board and applicant.

- (1) Action by Resolution. The Planning Board shall act by resolution to either approve, approve with modifications, or disapprove the **Site Plan** application. A copy of the resolution shall be filed in the Village Clerk's Office and mailed to the applicant within five (5) business days of the Planning Board's actions. A resolution of either approval or approval with modifications shall include authorization to the Planning Board Chairman to stamp and sign the **Site Plan** upon the applicant's compliance with the submission requirements stated therein.

If the Planning Board's resolution includes a requirement that modifications be incorporated in the **Site Plan**, conformance with said modifications shall be considered a condition of approval. If the **Site Plan** is disapproved, the Planning Board's resolution shall state specific reasons for such decision. In such a case, the Planning Board may recommend further study of the **Site Plan** and resubmission to

the Planning Board after it has been revised or redesigned.

- (2) Submission Requirements for Stamping. After receiving **Site Plan** approval by written resolution, with or without modifications, from the Planning Board, the applicant shall within six (6) calendar months submit a minimum of six (6) prints, one (1) electronic file, and one (1) reproducible Mylar of the **Site Plan** to the Planning Board for stamping and signature by the Chair. The **Site Plan** submitted for stamping shall conform strictly to the **Site Plan** approved by the Planning Board except that it shall further incorporate any revisions or other modifications required by the Planning Board and shall be accompanied by the following additional information:
 - (a) Record of application for and approval status of all necessary permits from Federal, State and County officials.
 - (b) Detailed sizing and final material specification of all required improvements
 - (c) An estimated project construction schedule and if a performance guarantee is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate for review by the Village Engineer.
- (3) Effect of Stamping by Planning Board. The Planning Board Chair shall not stamp and/or sign any approved **Site Plan** until all fees required by this Chapter and Chapter 57 have been paid. Upon stamping and signature by the Chair, the Planning Board shall forward a copy of the approved **Site Plan** to the Code Enforcement Officer and the applicant. The Code Enforcement Officer may then issue a Building Permit or Certificate of Occupancy if the project conforms to all other applicable requirements. |

After approval or approval with modifications by the Planning Board, any changes, modifications or alterations from the **Site Plan** approved by the Planning Board can only be granted based upon an application for an amendment to the approved **Site Plan**.

- (4) Expiration of Approval. Planning Board approval of a **Site Plan** shall expire if either of the following circumstances occurs:
 - (a) The **Site Plan** is not submitted for stamping and signature by the Chair within six (6) months of the Planning Board's resolution of **Site Plan** approval, with or without modifications.
 - (b) A complete application for either a Building Permit or Certificate of Occupancy is not submitted to the Code Enforcement Officer within six (6) months of the stamping and signing of the **Site Plan** by the Chairman.
 - (c) Upon prior written request to the Planning Board, the time period for either

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- submission of the final **Site Plan** or submission of the complete application for a Building Permit or Certificate of Occupancy may be extended for a maximum period of six (6) calendar months from its otherwise specified termination date.
- L. **Reimbursable Costs for Site Plan Review.** Reasonable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with the review of a proposed **Site Plan** shall be charged to the applicant in accordance with Chapter 57.
- M. **Performance Guarantee.** No Certificate of Occupancy shall be issued until all required infrastructure and improvements shown on the **Site Plan** are installed or a sufficient performance guarantee has been posted to cover the full cost of all required infrastructures and improvements not yet completed. Such performance guarantee shall be posted in accordance with the procedures specified within §§ 7-725A-7 and 7-730-9 of the New York State Village Law. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village Attorney, the Village Engineer, other local officials, or the Planning Board's designated private consultants.
- N. **Inspection of Improvements.** The Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the designated Village Engineer and other local officials and agencies, as may be appropriate on projects subject to **Site Plan** approval. Reasonable expenses incurred by the Village for inspections by the designated Village Engineer or other appropriate professionals, shall in addition to costs associated with **Site Plan** review, be reimbursed to the Village by the applicant in accordance with Chapter 57 and the fee schedule established and regularly reviewed by the Village Board.
- O. **Integration of Procedures.** Whenever the particular circumstances of a proposed development require compliance with either another procedure in this Zoning Law, such as Special Permit review and approval, the requirements of the Village Subdivision of Land Law, or the requirements of the State Environmental Quality Review Act, the Planning Board may integrate, if it deems appropriate, and to the extent of its authority under law, **Site Plan** review as required by this Section with the procedural and/or submission requirements for such other compliance. Such integration of procedures may require, upon mutual written consent of the Planning Board and the applicant, reasonable modification of the time schedules otherwise stated in this Section or in the related regulations or requirements.
- P. **Relief from Decisions.** Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a **Site Plan** approval application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York.

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

A. Accessory Structures.

- (1) The erection of an Accessory Structure requires a Building Permit.
- (2) An Accessory Structure may be located in any Side or Rear Yard, provided:
 - (a) Accessory Structures shall be no closer to the Side and Rear Lot lines than the Minimum Setbacks specified for the zoning district in which it is located.
 - (b) All Accessory Structures in the aggregate shall not occupy more than thirty (30) percent of the Minimum Setback Areas.
- (3) No Accessory Structure shall project nearer to the Street on which the Principal Building fronts than such Principal Building. Should topographic conditions be such that this requirement would cause practical difficulties in the location of a Garage, the Zoning Board of Appeals may authorize, without a public hearing or variance, the erection of such a Garage 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) percent.
- (4) Storage of unlicensed and/or unregistered vehicles is prohibited in any District except in enclosed Structures which comply with the above regulations.
- (5) An Accessory Structure may not be used as an Accessory Apartment or other residence unless approved in accordance with § 134-17.G.
- (6) No more than two (2) Accessory Structures are permitted on any Lot, including enclosed play Structures.

B. Corner Lots.

- (1) At Street intersections in all districts except B-1, no obstructions to vision exceeding thirty (30) inches in height above the Street surface 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, the Yards on both Street frontages shall be deemed Front Yards, one Yard other than the Front Yards shall be deemed a Rear Yard and the other or others, shall be deemed Side Yards. The minimum Setback requirements in the District for each type of Yard shall be complied with.

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C. Reserved.

D. Exceptions to Minimum Setback requirements. The space between a Lot Line and a line parallel to it defined by the Minimum Setback distance shown in Table 6B: Table of Dimensional Requirements, is the Minimum Setback Area. This area shall be kept open to the sky and free of Structures, except for the following features:

- (1) **Unroofed Structures needed for access.** A Structure without walls and without a roof is permitted in a Minimum Setback Area if the Structure is needed for access to a Building or Lot and if the surface of the Structure, at its highest point, is no higher than eighteen (18) inches above the average surrounding grade. Examples of such a Structure include walkways, steps needed for passage up or down a slope, bridges needed for passage over gulleys, and driveways. Handrails on such a Structure are permitted. Other unroofed Structures, regardless of their height, shall comply with the same Setback requirements as Buildings.
- (2) **Building Projections.** Cornices or cantilevered roofs may project not more than three (3) feet into a Minimum Setback Area. Belt courses, windowsills and other ornamental features may project not more than six (6) inches into a Minimum Setback.
- (3) **Fences and walls.** See Chapter 42 (Fences and Walls). A fence or wall up to six (6) feet in height is permitted in a Front or Side Yard in the R, MF, B-3, B-4, PMU and PR Districts next to any portion of a Lot Line shared with a B-1, B-2, B-3, or B-4 Lot.
- (4) **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 Minimum Setback Area.
- (5) **Front setback of proposed Dwelling.** 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 shall have a front Setback not less than ninety (90) percent and not more than one hundred ten (110) percent of the average setback of all existing Dwellings so located, notwithstanding the minimum front Setback for the district given in Table 6B, Table of Dimensional Requirements. In computing the average front Setback, the presence of entries and porticoes (see § 134-17.D(4)) shall be ignored.

E. Reserved.

F. Existing nonconforming Lots in R and MF 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 or is currently in 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 (7½) feet, provided that the two (2) Side Yards shall total at least four (4") inches for each foot of Lot Width.

G. Accessory Apartments.

It is the intent of this section to allow the establishment of one (1) Accessory Apartment on a lot containing 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 the R district's neighborhood character; allow the more efficient use of the Village's housing stock with minimal impact on community character and resources; to be consistent with the policies established in the Comprehensive Plan; and to provide economic support for existing residents. Consistent with the intent of this section, any owner occupying a parcel containing a One-Family Dwelling may apply to the Planning Board for **Site Plan Review** approval for an Accessory Apartment permit to seek the establishment of one (1) Accessory Apartment. The Planning Board shall conduct an **Expedited Site Plan Review** and approval process, which is limited to access, parking, lighting, and exterior building modifications. A public hearing in accordance with § 134-16.1.E is required. An application for **Expedited Site Plan Review** and approval for an Accessory Apartment shall require submission of a sketch plan showing the proposed Accessory Apartment on the lot based upon a parcel survey. The Planning Board shall apply the following standards set forth below in § 134-17.G(1) to (13):

- (1) Accessory to a One-Family Dwelling. Subject to the review and approvals set forth herein, an Accessory Apartment is allowed in R and PMU zoning districts as a permitted Use subject to **Expedited Site Plan Review** and approval from 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 Table 6B: Table of Dimensional Requirements for the Zoning district or Zoning subdistrict in which it is located.
- (3) Dwelling location and size. The Accessory Apartment may be located within the one-family dwelling or in a detached accessory building, provided such building meets the habitability requirements stated in § 134-17.G(8). The minimum size of a studio Accessory Apartment shall 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 shall be at least four hundred ten (410) square feet of Gross Floor Area. The maximum size of an

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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 Dwelling, whichever is less. The applicant shall submit a floor plan to scale of the One-Family Dwelling and if applicable, the detached accessory building, that illustrates the interior space within which the Accessory Apartment will be created.

- (4) Existing One-Family Dwelling. The principal One-Family Dwelling shall have been lawfully constructed and used as a One-Family Dwelling for at least five (5) 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 Dwelling or other evidence of Use that the Planning Board finds adequate to establish that the One-Family Dwelling has been lawfully established and maintained for at least five (5) years. The Planning Board may waive this 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 person residing in the Accessory Apartment.
- (5) Owner occupancy required. At the time of application and at all times thereafter while the Accessory Apartment is established and maintained, **the Lot where the Accessory Apartment is to be located must be occupied** as the principal domicile of the Lot's record owner of title. Ownership of the Lot shall be evidenced by the last deed recorded in the office of the Clerk of the County of Putnam. Evidence that the **One-Family Dwelling or the Accessory Building** 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. Every Certificate of Occupancy issued for an Accessory Apartment **shall prominently state in bold print that occupancy of such Dwelling Unit is valid only if the Lot on which the Accessory Apartment is located is the principal domicile of the Lot's record owner of title.** In the event a Certificate of Occupancy is issued without such statement, **the omission** shall not prevent enforcement of the condition. Nothing herein shall permit the establishment of separate ownership of either Dwelling Unit.
- (6) Maximum number of Accessory Apartments. One (1) Accessory Apartment may be established per lot. 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.
- (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: one (1) Parking Space per unit. Parking Spaces shall be provided so that cars which park in the Parking Spaces are not required to back out into a state or county highway.
- (10) **Only one Home Occupation** shall be permitted **within an Accessory Apartment** unless a Special Use Permit **from the Planning Board** has been reviewed and approved in accordance with § 134-16 of the Zoning Law.
- (11) Each Dwelling Unit shall contain its own separate and independent bathroom and kitchen. The Accessory Apartment shall contain no more than one (1) bedroom and shall include no room, such as a den, that in the determination of the Planning Board could be used as a second bedroom.
- (12) 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.
- (13) Conditions of approval.
 - (a) In addition to the above standards, the Planning Board shall grant such **Expedited Site Plan Review** and approval only after determining that the issuance of such approval will not adversely affect adjoining properties and the general surrounding neighborhood where the Accessory Apartment is 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, fencing or other mitigation measures, where necessary, to avoid adverse effects.
 - (b) It shall be a condition of the Accessory Apartment approval, whether or not specifically incorporated therein, that 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.
 - (c) 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 approval issued for the property by the Planning Board. The Code Enforcement Officer, or a duly

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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 Structure do not comply with applicable provisions of the Accessory Apartment approval, § 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 an inspection in such circumstances unless a warrant has been obtained.

(d) Fees. An application fee shall be paid in an amount set forth in the 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. Home Occupations.

(1) Intent. The purpose of these provisions are to allow for Home Occupations which are compatible with the residential character of the property and neighborhoods in which they are allowed.

(2) Conditions. A Home Occupation shall be permitted subject to the following conditions:

(a) The establishment and conduct of a Home Occupation shall not change the principal character, visual appearance, façade or Use of the Structure or Dwelling Unit involved.

(b) The Use of a Home Occupation shall not require internal or external alteration or invoke construction features not customarily found in a Dwelling.

(c) The Use of a Home Occupation is clearly limited in extent and incidental and secondary to the Use of the premises.

(d) Home Occupations shall have no exterior storage or display of materials, goods, supplies or equipment related to the Home Occupation other than that which is normally associated with residential use.

(e) No on-premises sale of goods shall be permitted.

(f) Except for one paid assistant, no person other than a legal resident of the premises may be the service provider in the Home Occupation.

- (g) 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.
- (h) 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.
- (i) The Use shall not involve laboratory animals, livestock, viruses or the like. Boarding of pets, except for sick animals at a licensed veterinarian's office, shall be prohibited.
- (j) 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.

K. Off-street parking and loading

(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.
- 3. Storage of unregistered vehicles is prohibited in any district. Except:
 - a. Where displayed by licensed auto dealerships for sale or lease.
 - b. Where in the process of being repaired at licensed repair shops.
- 4. Yard storage is prohibited forward of the front plane of the principal structure. Within the setbacks of residential Dwelling Units, outdoor storage

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or parking of the following is prohibited: boat, trailer, motor home, commercial vehicle of more than one-ton capacity or any other similar recreational vehicle, within 10 feet of the side and rear property lines. Within the remaining yard of residential dwelling units, outdoor storage is limited to no more than two of any of the preceding list provided that no residence is taken therein or business conducted therewith.

- 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. The purpose of this section is to promote the efficient use of land, protect air and water quality, and provide for better pedestrian movements and foster modes of travel in harmony with the history and character of the Village. This Section recognizes that parking capacity is fundamentally limited by the small-scale of streets and lots in the Village of Cold Spring. Given these limitations, off-street parking regulations alone cannot address all parking and transportation challenges facing the Village and that the menu of strategies recommended in the Village Comprehensive Plan are needed to solve parking issues. The intent of the regulations is to meet resident requirements and support commerce, while discouraging excessive use of vehicles.
 - (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. 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. Parking requirement calculations shall be made in the amounts specified in Table 17-1: Table of Parking Requirements. The Parking requirement is per 1,000 square feet (sf) of Gross Floor Area (GFA) unless otherwise indicated. Shared parking allowed by Section 134-17M(6) uses the baseline parking requirements calculated as the shared factor for each use and is encouraged where feasible.

Table 17-1: Table of Parking Requirements		
Land Use	Maximum	Minimum
Places of worship,	1 space/3 seats	1 space/5 seats
Libraries	2 spaces/1,000 sf	1 space/1,000 sf
Theaters	0.5 spaces/seat	0.2 spaces/seat
Membership Clubs	4 spaces/1,000 sf	3 spaces/1,000 sf
Schools	1 space/3 seats in the classroom	1 space/5 seats in the classroom
Hospitals, Sanatoriums	8 spaces/1,000 sf	2 spaces/1,000 sf
Restaurants and Bars	10 spaces/1,000 sf	6 spaces/1,000 sf
Hotels, Bed & Breakfasts	1.2 spaces/room	1 space/ room
Commercial Amusement	1 space/5 seats	1 space/2 seats
Home Occupation or Home Professional Office	3 spaces/1,000 sf	2 spaces/1,000 sf
Business and Professional Offices	4 spaces/1,000 sf	2 spaces/1,000 sf
Banks	3 spaces/1,000 sf	2 spaces/1,000 sf
Retail store	3 spaces/1,000 sf	1 space/1,000 sf
Dwelling Units	1.2 spaces/unit	1 space/unit
Senior Citizen Housing	3 spaces/unit	2 spaces/unit

(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 Dwelling may count as one (1) Parking Space, other than as restricted on a Corner Lot as provided in § 134-17 B.

(3) Size of spaces. One hundred sixty-two (162) square feet, with a maximum length of eighteen (18) feet and maximum width of nine (9) feet, shall be required for one (1) Parking Space, exclusive of areas required for access and maneuvering. If provided, 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.

(4) Access. Unobstructed access to and from a Street shall be provided. Such access

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shall consist of at least one (1) ten-foot (10) lane for parking areas.

- (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) Shared parking. Parking available for two dissimilar uses may be shared. Shared parking is calculated by adding the total number of spaces required by each separate use and dividing the total by the appropriate Shared Parking Factor from Figure 17-. For example, if a residential use requires 10 parking spaces, and an office use requires 12 spaces, independently they would require 22 spaces. But when divided by the sharing factor of .4, they would require only 16 parking spaces. For the purpose of determining the shared parking factor, the retail function shall include all uses that are not listed separately in Figure 17-. Separate from, or in conjunction with the shared parking provisions, an applicant may use off-site parking to satisfy their parking requirements. As part of **Site Plan**

Function	with		Function
RESIDENTIAL			RESIDENTIAL
LODGING			LODGING
OFFICE		1	OFFICE
RETAIL	1.1	1.1	RETAIL
	1.4	1	
	1.7	1.7	
	1.2	1.3	
	1.3	1	
	1.2	1.2	
	1		

Review, the applicant shall provide the necessary information to comply with the following standards:

- (a) Off-site parking shall be within five hundred (500) feet of the property for which it is being requested.
- (b) Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.
- (c) The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to 100% of the minimum required on-site parking.
- (d) Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Planning Board during the **Site Plan** review and approval process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The applicant or property owner must then provide written notification of the change to the Code Enforcement Officer and, within 60 days of that notice, provide a remedy satisfactory to the CEO to provide adequate parking.

(7) 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 property owner must comply with the parking requirements of this section or obtain new waivers.
- (d) Parking Impact Fees collected may be 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. Unless otherwise expressly stated in this Zoning Law, 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. 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

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Parking Lots and portions of Multiple-Family Housing (MF) 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 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 that contains the fees is on file in the Village Clerk's office.

§ 134-18. Reserved.

§ 134-19. Nonconforming Uses, Nonconforming Buildings, Nonconforming Lots.

- 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.
- 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 degree of or create any new nonconformity to district bulk regulations or increase the height or width of any part of the building located in a required yard.
- 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

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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.

ARTICLE VI
Enforcement

§ 134-20. Code Enforcement Officer.

- A. This Chapter shall be enforced and interpreted 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. 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 -

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Building Construction.

- D. One (1) copy of such layout or Plot plan shall be returned when approved by the Code 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 Spring³ 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.

³ Editor's Note: Consult the NYS Uniform Fire Prevention and Building Code.

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 Chair subject to the approval of the Board of Trustees. The Zoning Board of Appeals shall elect an Acting Chair from its membership, who shall act in the absence of the Chair, and shall appoint a Secretary and prescribe rules for the conduct of its affairs.

§ 134-24. Powers and duties.

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:

- 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), the Zoning Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or decision appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made by the administrative official, i.e. the Code Enforcement Officer charged with the administration and enforcement of this Zoning Law, Chapter 42 and Chapter 114 and to that end shall have all the power of the administrative official from whose order, requirement or decision the appeal is taken.
- B. Use Variances. The Zoning Board of Appeals, upon appeal from the decision or determination of the Code Enforcement Officer shall have the power to grant use variances, authorizing a use of land which otherwise would not be allowed or would be prohibited by the terms of this Zoning Law. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that the applicable regulations and restrictions imposed by the Zoning Law have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the Zoning Law for the particular district where the property is located:
 - (1) That the applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence;

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- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) That the requested use variance, if granted, will not alter the essential character of the district or neighborhood; and
- (4) That the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of a use variance, shall grant the minimum variance that is deemed necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area Variances. The Zoning Board of Appeals, upon appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant area variances, authorizing a use of land in a manner which is not allowed by the dimensional or physical requirements of this Chapter. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider each of the following factors:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- (2) Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.
- (3) Whether the requested area variance is substantial.
- (4) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (6) The Zoning Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

§ 134-25. Procedure.

- A. In its quasi-judicial role, the Zoning Board of Appeals shall act in strict accordance with the procedures specified by New York State Village Law and 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 precisely 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.
- B. Application Form. 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.⁴ Each application shall also be accompanied by an Environmental Assessment Form, if applicable pursuant to SEQR.
- C. Application Fee. All applications for variances or interpretations shall be in writing, on forms prescribed by the Board, within 60 days of the filing of the decision, determination or order of the official appealed from, and shall be accompanied by the applicable fee in accordance with the fee schedule regularly reviewed and established by the Village Board and accompanied by funds pursuant to Chapter 57, Reimbursement of Professional Consultants' Expenses.
- D. Referral. 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. All such referrals or engagements by other consultants and/or professionals will be at the applicant's expense.
- E. Stays. An appeal shall stay all proceedings, in accordance with the provisions of New York State Village Law.
- F. Public Notice and Hearing. The Board of Appeals shall fix a reasonable time and place for a public hearing on any such appeal or application. The appellant shall be given notice of the hearing date and of the fact that at such hearing he or she shall appear in person or be represented by attorney or other agent. Any other interested party may appear at such public hearing in person or be represented by attorney or other agent, or submit comments in writing for receipt prior to, or at the time of, the public hearing. All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using ordinary mail, and, at the discretion of the Planning Board, the Secretary of the Planning Board or the applicant,

⁴ Editor's Note: Consult the Zoning Board of Appeals for the form referred to.

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shall furnish proof of compliance with the notification procedure that compliance has timely occurred. Such notices and mailings shall be as follows:

- (1) By publishing at least ten (10) calendar days prior to the date thereof a legal notice in the official newspaper, or paper of general circulation in, the Village.
 - (2) By requiring notice at least ten (10) calendar days prior to the date thereof of the substance of every appeal for a variance together with a notice of the hearing thereon by certified mail to the owners of all property abutting, or directly opposite, that of the applicant and to all other owners within two hundred fifty (250) feet or such additional distances as the Board of Appeals may deem advisable, of the application.
 - (3) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Village.
 - (4) Provided that there has been substantial compliance with this provision, failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Board of Appeals in either granting or denying a variance from a specific provision of this Zoning Law.
 - (5) If the land involved in the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
- G. Required Referrals. A full statement of any appeal that meets the specific referral requirements of Sections 239-l and 239-m of the General Municipal Law shall be referred prior to the public hearing to the Regional State Park Commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal and to the Putnam County Department of Planning, Development and Public Transit for its review. No action shall be taken by the Board of Appeals until an advisory recommendation has been received from said County Department or thirty (30) calendar days have elapsed since the Department received such full statement. In the event that the County Department recommends disapproval of the requested variance or the attachments of conditions thereto within such time period or at a later date prior to final action by the Zoning Board of Appeals, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after such final action, the Board of Appeals shall file a report of the final action it has taken with the County Planning Board. The application or appeal for a variance shall be referred prior to the public hearing to the Planning Board for its review and recommendations. No action

shall be taken by the Board of Appeals until an advisory recommendation has been received from the County Department or thirty (30) calendar days have elapsed since the Planning Board received such application or appeal for a variance.

- H. **Decisions.** Every decision of the Zoning Board of Appeals on an appeal or request shall be made within sixty-two (62) calendar days of the close of the hearing by the Board, shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and contain a full record of the findings on which the decision is based including record of compliance with the applicable provisions of SEQR, Article 8 ECL and Title 6 Part 617 NYCRR. Every decision shall be by written resolution of the Board, with such decision being filed in the Office of the Village Clerk within five (5) business days thereof and a copy mailed to the applicant.

The board shall notify the Code Enforcement Officer within five (5) business days of the decision, and shall additionally notify the Secretary of the Planning Board, and any affected municipality given notice of hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within seven (7) calendar days thereof with the Putnam County Department of Planning, Development and Public Transit. A copy of each decision should also be forwarded by the Village Clerk and to the Town Assessor's Office to be included in the file for the subject property, but failure to forward the decision to the Assessor shall not, in any event, affect the validity of the Zoning Board of Appeals' decision.

- I. **Attachment of Conditions.** The Zoning Board of Appeals shall, in the granting of both use and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of such time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- J. **Expiration of Approval.** Unless construction or use is diligently commenced within one (1) calendar year from the date of the granting of a variance, such variance shall become null and void without further hearing or action by the Zoning Board of Appeals.
- K. **Strict Construction.** All provisions of this Zoning Law pertaining to the Zoning Board of Appeals shall be strictly construed. The Board of Appeals shall act in full conformity with all provisions of law and of this Zoning Law and in strict compliance with all limitations contained therein, provided, however, that if the procedural requirements set forth in this Zoning Law have been substantially observed, no applicant or appellant shall be deemed deprived of the right of application or appeal.
- L. **Relief from Decisions.** Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court of the State of

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New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York.

- M. Rehearing. A motion for the Board of Appeals to hold a hearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote, provided that the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.
- N. Other Provisions of Village Law. All other provisions of Sections 7-712 and 7-712-a, 712-b, and 712-c of New York State Village Law with regard to Zoning Board of Appeals procedure, not set forth herein, are incorporated herein by reference and shall apply to the Zoning Board of Appeals.

ARTICLE VIII
Planning Board

§ 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.⁵

§ 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 in accordance with procedures and other requirements of § 134-16 of the Zoning Law.
- B. **Site plan review and approval.** Approval for any of the uses identified on Table 6A: Table of Uses Permitted by District in this Chapter or Chapter 106 (Steep Slope Protection) requires review and approval from the Planning Board in accordance with procedures and other requirements of § 134-16.1 of the Zoning Law.

§ 134-28. 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.

⁵ Editor's Note: For the creation of the Planning Board, see **Chapter 21**, Planning Board.

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.
- 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.

§ 134-34. Severability.

If any Article or specific part or provision or standard of this Zoning Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Zoning Law or the application thereof to other persons or circumstances and the Village Board hereby declares that it would have enacted this Zoning Law or the remainder thereof had the invalidity of such provision or application thereof been apparent. If any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

§ 134-35. Supersession of Inconsistent Laws, if any.

The Village Board hereby declares its legislative intent to supercede any provision of any local law, rule, or regulation or provision of the Village Law inconsistent with this Zoning Law. The Village Law provisions intended to be superceded include all of Article 7 of Village Law, §§ 7-700 to 7-742 inclusive and any other provision of law that the Village may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this Zoning Law and superceded such inconsistent provision had it been apparent.

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APPENDIX A-ZONING MAP

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

Village Code § 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”⁶ 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°50’46”E1240.25 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°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°57’19”W1506.11 feet, then on a non-tangent curve to the right, the center of which bears N32°25’17”W, the central angle of which is 47°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°47’38”E1617.75 feet to a point; thence through the lands of Butterfield Realty, LLC S64°50’46”E1261.55 feet, and N25°09’14”E195.00 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-4.⁷

Village Code § 134-4 “Zoning Map” is hereby amended to change upon the Village’s Zoning District Map the district designation from B-4⁷ (“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°50’46”E1240.25 feet to a point; thence through the lands of Butterfield Realty, LLC S25°09’14”W195.00 feet and N64°50’46”W1261.55 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°47’38”E197.36 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

⁶ Editor’s Note: The B-4A District was renamed the B-4 District by Local Law No. 1 of 2023.

⁷ Editor’s Note: The B-4 District was renamed the B-3 District by Local Law No. 1 of 2023.

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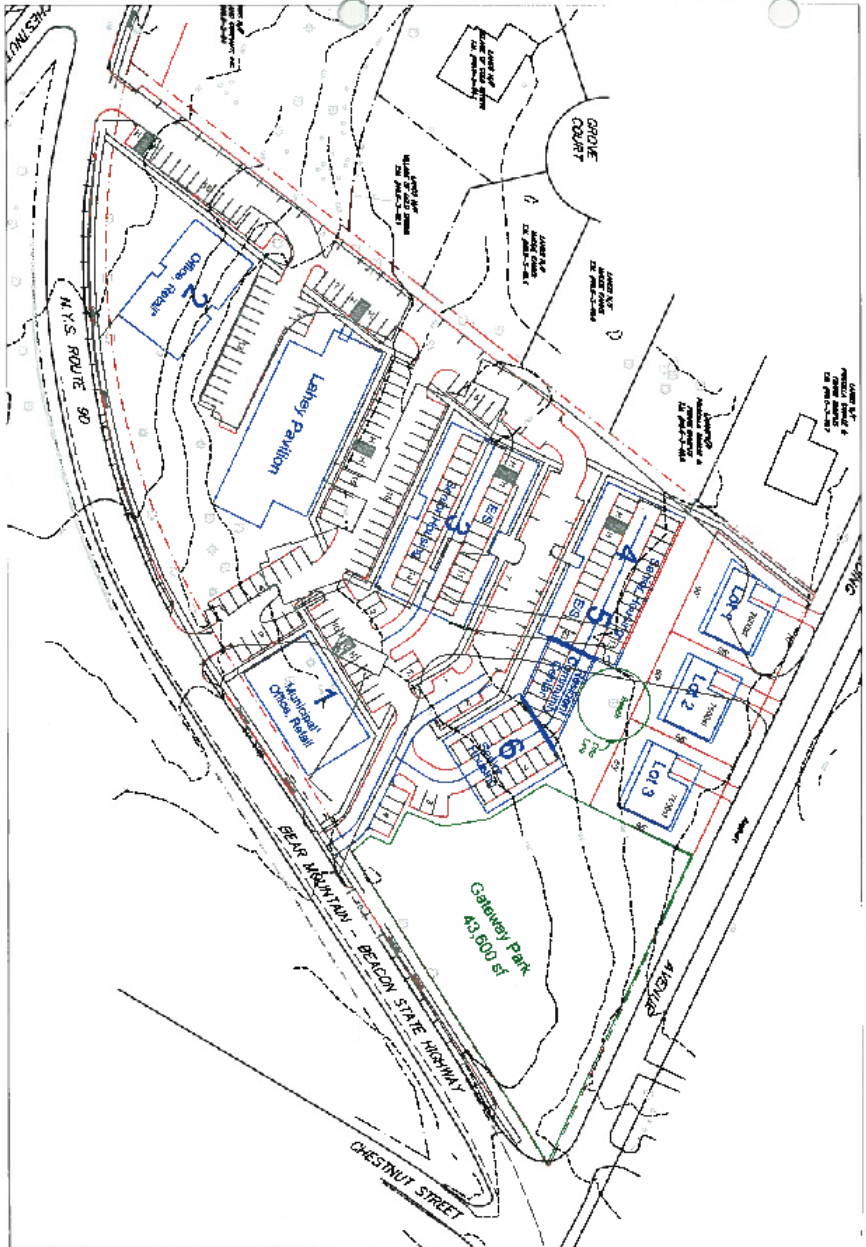
the above-listed property that is subject to the conditional zoning change to B-4A⁶ is not developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.⁷

Note:⁸ A footnote shall be added to Village Code § 134-4⁷ stating that the change in zoning of the property described in this Local Law from B-4⁷ to B-4A⁶ and B-4⁷ 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-4.⁷ 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 One-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 One-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-4A⁶ zoning district.

⁸ This Note applies to the Zoning Law as amended by Local Law No. 2 of 2014. Readers are to take notice that Local Law No. 1 of 2023 amended the Zoning District designations referenced in the original Note adopted by Local Law No. 2 of 2014. See also footnotes 6 and 7 herein.

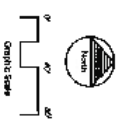
APPENDIX C-BUTTERFIELD SITE CONCEPT PLAN AS OF 05/06/2013



- Notes:
1. All floor levels by elevations. No representation of verticality is required as to accuracy of elevations.
 2. The Concept Site Plan is based on a plan by the City of Albany, dated 1-17-12. Please refer to the project site plan for further details.
 3. This drawing is for conceptual purposes.

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	7500 sf	7600 sf	7600sf
Lot Width	60 ft.	80 ft.	80 ft.
Lot Depth	75 ft.	85 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	225,434 +- sf
Lot Width	590 +- ft.
Lot Depth	385 +- ft.
Front Yard	0 ft.
Side Yard	10 ft. 2 Sides 26 ft.
Rear Yard	28 ft.
Open Space 15%	47%
Building Coverage 25%	23.4%

*For coverage on a NYS Highway

- NOTES TO BUTTERFIELD CONCEPTUAL SITE PLAN
1. Building No. 1 shall be approximately 15,000 sq. ft. with a maximum depth of approximately 60' x 100' ft. shall have a maximum of 15,000 sq. ft. of ground floor parking. The floor level shall be approximately 100' above the municipal street level. The floor level shall be approximately 100' above the municipal street level. The floor level shall be approximately 100' above the municipal street level.
 2. Building No. 2 shall be approximately 17,500 sq. ft. It shall have one or more of the following uses: the floor level shall be approximately 100' above the municipal street level. The floor level shall be approximately 100' above the municipal street level. The floor level shall be approximately 100' above the municipal street level.
 3. Building No. 3 shall be approximately 60' x 100' ft. It shall be a senior citizen housing building.
 4. Building No. 4 shall be approximately 70' x 100' ft. It shall be a senior citizen housing building.
 5. Building No. 5 shall be approximately 70' x 100' ft. It shall be a senior citizen housing building.
 6. The building design shall be a modern, multi-story building with a mix of uses.
 7. There shall be no more than three (3) single-family homes on the property, and they shall be located near the property line.
 8. The southeast corner of the property designated as 'Gateway Park' shall remain a grassed area, and a fountain shall be located near the property line.
 9. The fountain shall be located near the property line.
 10. On the parking and interior circulation, it is an architectural element on the proposed location of the building and is subject to change.
- *Rear yard space may include decks and covered terrace decks.

<p>Sheets/Level</p> <p>Architect</p> <p>Client</p> <p>Date</p>	<p>Tim Miller Associates, Inc.</p> <p>40 West Street, Catskills, NY 12015</p> <p>(518) 282-4100, Fax: (518) 282-4418</p> <p>Concept Site Plan</p> <p>©/Prepared by</p> <p>BUTTERFIELD SITE</p> <p>Catskills, New York, NY</p> <p>January 10, 2013, Rev. 04-13, 11-13, 02-14, 04-13</p>	<p>Draft</p> <p>Sheet</p> <p>SP-1</p>
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