

ZONING

**Chapter 134**

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

**GENERAL REFERENCES**

**Planning Board - See Ch. 21.**

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### ARTICLE I

#### Purposes

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

There is hereby established a comprehensive zoning plan for the Village of Cold Spring, which plan is set forth in the text and map that constitutes this chapter. Said plan is adopted for the purposes set forth in § 7-704 of Article 7<sup>1</sup> of the Village Law and in the interest of the protection and promotion of the public health, safety and welfare. Said plan shall be deemed also to specifically include the following purposes, among others:

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

### ARTICLE II

#### Definitions

#### § 134-2. Word usage and definitions.

- A. Word usage. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "lot" includes the word "plot" or "parcel"; the word "building"

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<sup>1</sup> Editor's note: Article 6-A of the former Village Law is currently Article 7, and former Article 177 is now 7-704.

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includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied"; the word "person" includes a "corporation."

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

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

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

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

**BED & BREAKFAST** [**Added 3-27-01 by L.L. 2001-5**] – See "Tourist Home"

**BOATEL** [**Added 3-2-70 by L.L. No. 1-1970**] - A hotel for boat tourists.

**BUILDING** - Any structure having a roof supported by columns or by wood and intended for the shelter, housing or enclosure of persons, animals or chattel.

**BUILDING, ACCESSORY** - Supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

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

**BUILDING, HEIGHT OF** - The vertical distance measured from the average elevation of the proposed finished grade around the perimeter of the building with not less than one measurement on each side of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. [**Amended 3-27-01 by L.L. 2001-5**]

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

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**CELLAR** - A story partly underground and having more than one-half (½) of its clear height below the average level of the adjoining ground. A "cellar" shall not be considered in determining the permissible number of stories.

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

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

**COVERAGE** - That percentage of the plot or lot area covered by the building area.

**DOG KENNEL** - A structure used for the harboring of more than three (3) dogs.

**DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW [Added 2-18-14 by L.L. 14-01]** - A component of an establishment wherein the sale of goods, services, food or drink is provided directly to patrons while seated in automobiles which are located on the premises or where the service such as ordering, delivering or payment is performed by a carhop, waiter or waitress located outside the confines of the building to patrons seated in a stationary automobile parked on the premises and where such consumption is allowed, encouraged or permitted on the premises, or a component of an establishment where food or drink is served from an enclosed building to patrons seated in automobiles located outside the confines of the building for immediate consumption, and where all or part of the consumption occurs outside the confines of the building or off the premises.

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

**DWELLING** - A building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "one-family dwelling," "two-family dwelling" and "dwelling group" shall not be deemed to include automobile court, rooming house or tourist home.

**DWELLING, MULTIPLE** - 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,

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including apartment houses, cooperative apartments, condominium apartments, cooperative dwellings, condominium dwellings, cluster-type dwellings, dwellings which adjoin one another and dwellings built on one (1) parcel of land without delineation of plot lines. **[Amended 9-14-71 by L.L. No. 5-1971]**

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

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

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

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

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

**FLOOR AREA OF A BUILDING** - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, and also excluding the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

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

**FORMULA RETAIL BUSINESS** **[Added 2-18-14 by L.L. 2014-01]** - Any retail business, whether a principal or accessory use, that has or is required by contractual, franchise or other legal arrangements to have, along with ten or more other retail businesses located in the United States, two or more of the following: (1) the same name, trade name, or trademark; (2) distinctive and/or standardized architecture and/or exterior or interior signage; (3) the same or standardized uniforms; or (4) merchandise or an array of standardized merchandise. Provided,



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however, a grocery store is specifically excluded from this definition and shall not be considered a formula retail store.

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

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

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

**HOME OCCUPATION** - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate and in connection therewith there is not involved the keeping of a stock-in-trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time, who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be "home occupations"; and the occupations of dressmaker, milliner and seamstress, each with not more than one (1) paid assistant, shall be deemed to be "home occupations." Dancing instruction, band instrument instruction in groups, tearooms, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishments and stores, trades or business of similar kind shall not be deemed to be "home occupations".

**HOSPITAL** - Unless otherwise specified, includes sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, medical center and any other place for the diagnosis, treatment or other care of ailments, and is limited to places for the diagnosis, treatment or other care of human ailments, other than for specified treatment of mental patients, contagious or infectious diseases or liquor or drug addicts. **[Amended 10-12-76 by L.L. No. 1-1976]**

**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

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dining room are or may be provided within the building or in an accessory building. A boardinghouse, lodging house, rooming house, tourist home and motel shall be deemed a "hotel." A boatel shall also be deemed a "hotel." [**Amended 3-2-70 by L.L. No. 1-1970**]

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

**JUNKYARD** - A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**LAUNDERETTE** - A business premises 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.

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

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

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

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

**LOT LINES** - Any line dividing one lot from another.

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

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

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

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

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which it is located. **[Amended 11-15-2011 by L.L. 2011-04]**

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

**OPEN SPACE -** An unoccupied space only to the sky on the same lot as the building.

**OWNER-OCCUPIED –** Occupied by property owner of record as primary residence and where owner resides for no fewer than two hundred and sixty (260) nights of a calendar year.

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

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

**RESTAURANT [Added 2-18-14 by L.L. 2014-01] -** An establishment where prepared food is sold for consumption on the premises or as take-out. The term “restaurant” shall include establishments such as a bar or pub and other establishments that sell limited type of food for consumption on the premises or as take-out such as ice cream shops, donut shops, delicatessens, coffee houses and similar establishments, but shall not include push carts and street vendors.

**RETAIL BUSINESS [Added 2-18-14 by L.L. 2014-01] -** An establishment selling goods to the general public for personal and household consumption. The term ‘retail business’ shall include stores, appliance stores, bedding stores, furniture stores, automotive supply stores, bakeries, drug stores, florists, hardware stores, liquor stores, newsstands, shoe stores, stationery stores, convenience stores and variety stores, but not shall include financial institutions such as banks and savings and loan associations.

**SANATORIUM -** A private hospital, whether or not such facility is operated for profit.

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

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

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

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

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

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

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

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

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

**TOURIST HOME** - A dwelling in which overnight accommodations, consisting of not more than three (3) rooms for such purpose, are provided or offered for transient guests for compensation.

**TRAILER** - See "house trailer."

**TRAILER CAMP** - A land or floor area occupied or designed for occupancy by two (2) or more house trailers or camp cars for living purposes

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

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

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

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

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

### ARTICLE III Establishment of Districts

#### § 134-3. Listing of districts.

For the purpose of promoting the public health, safety, morals and general welfare of the Village of Cold Spring, said village is hereby divided into the following types of districts<sup>2</sup>:

R-1 One-Family Residence District

R-3 Multifamily Residence District

B-1 General Business District

B-2 Designated Shopping Center District

B-3 Designated Retail-Financial-Professional District

B-4A Designated Medical and Health Care Mixed Use District

1-1 Office and Light Industry District

1-2 Heavy Industry District

Designated Hotel-Historic-Recreation District

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<sup>2</sup> Editor's Note: Additional districts have been added to this chapter by amendment. A B-3 Designated Retail-Financial-Professional District was added March 27, 1973, by L.L. No. 2-1973; a Designated Hotel-Historic-Recreational District was added May 18, 1973, by L.L. No. 4-1973; a B-4 Designated Medical and Health Care Facility District was added October 12, 1976, by L.L. No. 2-1976; a B-4A Designated Medical and Health Care Facility Mixed Use District was added May 13, 2014 by L.L. 2014-02.

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**§ 134-4. Zoning Map.**

Said districts are bounded as shown on a map entitled "Zoning District Map, Village of Cold Spring, Town of Philipstown, Putnam County, State of New York" dated September 10, 2008, which, with all explanatory matter thereon, is hereby made a part of this chapter and accompanies same.<sup>3</sup> **[Amended 12-9-08 by L.L. 2008-3]; [Amended 5-13-14 by L.L. 2014-02] SEE APPENDIX A and B**

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<sup>3</sup> Editor's Note: The Zoning Map is on file in the office of the Village Clerk.

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

- (a) there shall be no increase in the number of buildings shown on the concept plan;
- (b) the size of the buildings shown on the concept plan may be decreased, but shall not be increased, except for the three proposed single family homes which may be of any size conforming to applicable zoning;
- (c) the locations of the buildings shall not be altered by more than 15 feet in any direction unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations, under such specific circumstances a building may be moved no more than 25 feet in any direction;
- (d) the orientation of the individual buildings depicted on the concept plan shall not vary more than 10 degrees, unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations, under such specific circumstances the orientation of individual buildings may vary no more than 15 degrees. Building orientation restrictions shall not apply to the three proposed single family homes;
- (e) the "Gateway Park Area" depicted on the concept plan shall not be decreased by more than 10%; the "Gateway Park Area" shall not be included in any calculation of resident community space;
- (f) the uses on the property shall not deviate from those listed in § 134-15A (B) of the B4-A zoning district.

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### **§ 134-5. Interpretation of district boundaries.**

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

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

## ARTICLE IV District Regulations

### **§ 134-6. Adherence to regulations; interpretation.**

Except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless authorized by and in conformity with the regulations herein specified for the district in which it is located.<sup>4</sup>

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<sup>4</sup> Editor's note: A Table of Dimensional Requirements is included as an appendix to this chapter.

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- B. No building shall hereafter be erected or altered:
- (1) To exceed the height;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area; or
  - (4) To have a narrower or smaller rear yard, front yard or side yards, than is specified herein for the district in which such building is located.
- C. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
- D. The listing of any use in the regulations either as being permitted in or as being excluded from any particular district shall be deemed to be an exclusion of such use from any other district unless such use is permitted in such other district under the language set forth in the schedule as applying thereto.

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

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

- A. Permitted uses.
- (1) One-family dwelling, not to include house trailer.
  - (2) Churches and similar places of worship; parish house.
  - (3) Public parks and playgrounds; other municipal recreation uses.
  - (4) Schools meeting State Department of Education requirements; public libraries and municipal buildings.
  - (5) Customary home occupation and accessory uses as defined in Article II, § 134-2.
  - (6) Short-Term Rentals - see Chapter 100.
- B. Uses under special permit according to § 134-16.
- (1) Conversion of a structure existing on the date of passage of this chapter from a one-family or two-family dwelling to a two-family or three-family dwelling.
  - (2) Existing setback. If two (2) or more existing dwellings are located within two hundred (200) feet on each side of a proposed dwelling [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed dwelling] on the same



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side of the street and within the same block and same district, said proposed dwelling may have a front yard not greater than the average setback of all existing dwellings so located, subject to a special permit under § 134-16.

(3) Hospital, medical center, sanatoriums, nursing and convalescent homes, philanthropic and eleemosynary institutions and similar uses. No such use, however, shall not be established or permitted on a parcel of land less than two (2) acres in area, nor shall any part or portion of such use be permitted within fifty (50) feet of any street or lot line.

(4) **[Added 3-2-70 by L.L. No. 1-1970]** Marinas for the docking, storage, repair, sales and service of pleasure boats and for the provision of supplies and accessories incidental thereto, together with motel or boatel accommodations and restaurant facilities to be used in connection with the marina. All such uses shall have toilet facilities connected to the municipal sewer system. No such use, however, shall be established or permitted on a parcel of land less than one hundred sixty thousand (160,000) square feet in area, with a minimum frontage on the Hudson River of two hundred (200) feet.

(5) **[Added 3-27-01 by L.L. 2001-5]** Bed & Breakfast and Tourist Homes

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

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

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

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

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

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

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

(7) Livable floor area per dwelling unit: six hundred (600) square feet.

(8) Off-street parking space per dwelling unit (see § 134-18E): two (2). **[Amended 3-27-01 by L.L. 2001-5]**

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

D. Maximum permitted.

(1) Building height.

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- (a) Stories: two and one-half (2½ ).
- (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty percent (30%).
- E. Supplementary regulations as may be required by §§ 134-17 and 134-18.
- F. **[Added 8-14-01 L.L. 2001-11]** Any new proposed building other than a single-family dwelling and associated garage must come before the Planning Board for a complete Use and Site Plan Review as in §§134-10A and 134-11A.

**§ 134-8. Regulations for R-3 Multifamily Residence District.**

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

- A. Permitted uses.
  - (1) All uses permitted in R-1 Districts, with the exception of Short-Term Rentals. Short-Term Rentals are not permitted in the R-3 District.
  - (2) Two-family and multiple dwellings.
  - (3) Tourist homes.
  - (4) Membership clubs and lodges, excepting such the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge, a dining room may be operated, provided it is incidental to the activities of said club or lodge and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

B. Uses under special permit according to § 134-16.

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- (1) Same as under R-1 One-Family District (see § 134-7B).

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

- (1) Lot area: twenty-seven thousand (27,000) square feet.
- (2) Lot area per dwelling unit.
  - (a) Studio and one-bedroom dwelling unit: four thousand (4,000) square feet.
  - (b) Two-bedroom dwelling unit: six thousand five hundred (6,500) square feet.

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- (c) Three or more bedroom dwelling unit: eight thousand five hundred (8,500) square feet.
- (3) Lot width: one hundred (100) feet.
- (4) Lot depth: two hundred (200) feet.
- (5) Front yard: twenty-five (25) feet.
- (6) One (1) side yard: twelve (12) feet.
- (7) Total both side yards: thirty (30) feet.
- (8) Rear yard: thirty (30) feet.
- (9) Livable floor area per dwelling unit: six hundred (600) square feet.
- (10) Off-street parking per dwelling unit (see § 134-18E): two spaces per unit.  
**[Amended 3-27-01 by L.L. 2001-05]**

- (a) Four-or-more bedroom dwelling (see § 134-18E): four hundred (400) square feet.  
**[Amended 3-27-01 by L.L. 2001-05]**

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

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

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- (2) Maximum length of building: one hundred eighty (180) feet.
- (3) Building percentage of lot coverage: twenty-five percent (25%).

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

- (1) Distance between buildings. The following minimum distances between buildings shall be observed:
  - (a) Between a principal building, other than a one-family dwelling, and a one-story accessory building: twenty (20) feet.
  - (b) Between two (2) multi-family residences: a distance equal to at least twice the

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number of building height in feet.

- (2) Applicable requirements of §§134-17 and 134-18.
- (3) Site plan review and approval by the Planning Board shall be required for the construction, alteration, conversion or use of a multiple dwelling which will contain a total of two (2) or more dwelling units after and as a result of such construction, alteration, conversion or use. **[Amended 3-27-01 by L.L. 2001-5]**

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

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

A. **[Added 3-27-01 by L.L. 2001-5]** The B-1 district is defined as those tax map parcels fronting on the north and south sides of Main Street and the parcels on the west side of the railroad which are south of Main Street fronting on New Street and those fronting on Market Street. The B-1 district on the north side of Main Street shall begin at West Street and continue eastward to the eastern boundary of tax map parcel 48.08-5-11 and parcel 48.08-5-35. The B-1 district on the south side of Main Street shall begin at West Street and continue eastward along Main Street to the eastern boundary of tax map parcel 48.08-6-16 and parcel 48.08-6-1 and south along the west side of the railroad tracks to Foundry Cove and west to the Hudson River. The property lines of these parcels shall determine the boundaries of the central B-1 district. All other B-1 district designations remain in place. **See APPENDIX D at end of chapter for listing of property parcels. [Amended 12-17-02 by L.L.2002-02, Amended 4-20-04 by L.L. 2004-02]**

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B. **[Added 3-27-01 by L.L. 2001-5]** Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

C. Uses permitted.

- (1) All uses permitted in any residential district.
- (2) Retail businesses. **[Amended 2-18-14 by L.L. 2014-01]**
- (3) Personal service shops.

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- (4) Newspaper and job printing.
  - (5) Banks, theaters, offices, restaurants and similar community services.
  - (6) Wholesale sales and incidental storage, provided all goods shall be stored in fully enclosed structures.
  - (7) Car sales (franchised dealers only).
  - (8) Hotels, motels, boardinghouses, rooming houses and tourist homes.
  - (9) Short-Term Rentals - see Chapter 100.
  - (10) Signs subject to regulations hereafter set forth in Subsection G and § 134-18A.
- D. Uses under special permit according to § 134-16.
- (1) Public garages and filling stations provided:
    - (a) No repair work is performed out of doors.

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(b) Pumps and lubricating devices are located at least twenty (20) feet from any street line or highway right-of-way.

(c) All fuel, oil or similar substances are stored at least thirty-five (35) feet distant from any street or lot line.

(d) All automobile parts, dismantled vehicles and similar articles are stored within a building.

(2) Other uses which, in the opinion of the Board of Appeals, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

(3) Same as uses under special permit in any residence district (R-1 and R-3) (see §§ 134-7B and 134-8B).

(4) Existing setback. If two (2) or more existing buildings are located within two hundred (200) feet on each side of a proposed building [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed building] on the same side of the street and within the same block and same district, said proposed building may have a front yard not greater than the average setback of all existing buildings so located, subject to a special permit under § 134-16.

E. Minimum required.

(1) Lot area: ten thousand (10,000) square feet.

(2) Lot width: fifty (50) feet.

(3) Lot depth: one hundred fifty (150) feet.

(4) Front yard: forty (40) feet.

(5) One (1) side yard: five (5) feet.

(6) Total both side yards: ten (10) feet.

(7) Rear yard: ten (10) feet.

(8) Off-street parking: see supplemental parking regulations, § 134-18E.

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(9) **[Added 3-27-01 by L.L. 2001-5]** Each lot shall be of such shape that a rectangle thirty by forty feet (30x 40) will fit in fifty percent (50%) of the lot.

F. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2 ½).

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

(2) Building percentage of lot coverage: thirty-five percent (35%).

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

(1) Signs are permitted accessory to an establishment located on the same lot, provided such signs shall be limited as set forth in § 134-18A and as follows:

(a) Where the building is set back from the front lot line less than twenty-five (25) feet, not more than one (1) such sign shall be permitted for each tenant on the premises on each wall fronting on a street or public parking lot.

(b) The aggregate area in square feet of all signs on any wall shall be not greater than thirty-two (32) sq. ft. **[Amended 3-27-01 by L.L. 2001-5]**

(c) Such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than twelve (12") inches beyond the face of the wall to which applied, nor project any distance beyond or above the building in any other direction.

(d) In addition, where the building is set back from the front lot line a distance of twenty-five (25) feet or more, not more than one (1) freestanding sign, with a total area of all faces of not more than forty (40) square feet, may be erected not nearer than six (6) feet to any building. No such freestanding signs shall encroach on any required yard, except in a motor vehicle service station, where one (1) standard sign may be erected in a required front yard for purposes of identification, and a freestanding sign may be erected on the side yard facing the cross street of a corner property.

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(2) Any permitted nonresidential use located on a lot, any lot line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such lot line and floodlighting shall be so arranged that there will be no glare of lights toward such district boundary. 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

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(5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district. No public hearing shall be required before the Planning Board on the question of fencing or hedging.

(3) Applicable requirements of §§ 134-17 and 134-18.

(4) **[Added 9-14-71 by L.L. No. 5-1971]** All uses requiring or utilizing a lot area in excess of five thousand (5,000) square feet in a General Business District shall require site plan review and approval by the Planning Board. **[Amended 3-27-01 by L.L. 2001-5]**

H. Prohibited.

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

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

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

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.



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### B. Permitted uses.

- (1) Retail businesses. **[Amended 2-18-14 by L.L. 2014-1]**
- (2) Business and professional offices.
- (3) Restaurants.
- (4) Signs accessory to an establishment located on the same lot, provided such signs are limited as set forth in §§134-9E(l) and 134-18A.
- (5) Bowling alleys, theaters and other commercial amusements in fully enclosed structures.
- (6) Public garages and filling stations, subject to the requirements set forth in § 134-9D(l)(a), (b), (c) and (d).
- (7) Manufacture, assembly or treatment which is clearly incidental to a retail business or service conducted on the premises.

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

- (1) None. All applications for building permits shall be referred to the Planning Board as set forth above.

### D. Minimum required.

- (1) Lot area: forty thousand (40,000) square feet.
- (2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L. 2001-5]**
- (3) Lot depth: two hundred (200) feet.
- (4) Front yard: sixty (60) feet.
- (5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.
- (6) Rear yard: thirty (30) feet.
- (7) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

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- E. Maximum permitted.
- (1) Building height.
    - (a) Stories: two and one-half (2 ½).
    - (b) Feet: thirty-five (35).
  - (2) Building percentage of lot coverage: thirty percent (30%). **[Amended 3-27-01 by L.L. 2001-5]**
- F. Supplementary regulations applying to B-2 Designated Shopping Center Districts.
- (1) Entrances and exit driveways shall be located with the approval of the Planning Board.
  - (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 according to the plan approved by the Planning Board.
  - (4) Any use located on a lot, any lot line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such lot line and lighting shall be arranged so there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.
  - (5) Supplementary sign regulations. Subject to the regulations set forth in § 134-18A, signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.
  - (6) Requirements of §§ 134-17 and 134-18 applicable to this district.
- G. The following uses are expressly prohibited:
- (1) Amusement parks and circuses.

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(2) Bulk storage of any kind including lumberyard, warehouses, oil and gas storage, junkyards or similar uses.

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

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

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

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

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

(2) Banks and similar community services.

(3) Business and professional offices.

(4) Signs accessory to an establishment located on the same lot, provided such signs are limited as set forth in §§134-9G(1) and 134-18A.

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

(1) Churches and similar places of worship; parish house.

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(2) Schools meeting State Department of Education requirements; public libraries and municipal buildings.

All applications for a special use permit shall comply with both the special use standards set forth in § 134-16 and the site plan review requirements of § 134-27.

D. Minimum required.

(1) Lot area: forty thousand (40,000) square feet. **[Amended 3-27-01 by L.L. 2001-5]**

(2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L. 2001-5]**

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

(4) Front yard: sixty (60) feet.

(5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.

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

(7) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2½).

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

(2) Building percentage of lot coverage: thirty-five percent (35%).

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

(1) Entrances and exit driveways shall be located with the approval of the Planning Board.

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(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 according to the plan approved by the Planning Board.

(4) Any use located on a lot, any lot line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such lot line and lighting shall be arranged so there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(5) Supplementary sign regulations. Subject to the regulations set forth in § 134-18A, signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.

(6) The requirements of §§ 134-17 and 134-18 shall be applicable to this district.

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

(1) Theaters, restaurants and similar service establishments.

(2) Amusement parks, circuses, bowling alleys and other commercial amusements.

(3) Public garages, filling stations, motor vehicle body and repair shops.

(4) Manufacturing, assembling, converting, altering, finishing or any other processing of products or materials.

(5) Motor vehicle and mobile home sales and dealerships.

(6) Wholesale sales.

(7) Bulk storage of any kind, including lumberyard, warehouses, oil and gas storage, junkyards or similar uses.

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

**§ 134-12. Regulations for I-1 Office-Light Industry District.**

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

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16 B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

(1) Any use permitted in R-1 One-Family Residence District, with the exception of Short-Term-Rentals. Short-Term Rentals are not permitted in an I-1 District.

(2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring. **[Amended 2-7-95 by L.L. 95-2]**

(3) Cemeteries and Mausoleums. **[Amended 2-7-95 by L.L. 95-2]**

(4) One-story buildings for display and sale of agricultural and nursery products

(5) One (1) dwelling unit only, on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot.

(6) Office buildings for editorial, business and professional offices, and research, design including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees. **[Amended 2-7-95 by L.L. 95-2]**

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(7) Manufacturing, assembling, which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area. **[Amended 2-7-95 by L.L. 95-2]**

(8) Lumber and building materials and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than six (6) feet. **[Amended 2-7-95 by L.L. 95-2]**

(9) One (1) sign facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Such sign shall not exceed ten (10) square feet and shall be placed in such a manner as not to be detrimental to safety of traffic. If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets. One (1) identification sign at each point of access to the lot, with an area of not more than three (3) square feet, and internal direction signs, each with an area of not more than two (2) square feet, shall also be permitted. **[Amended 2-7-95 by L.L. 95-2]**

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

(1) None. All applications for building permits shall be referred to the Planning Board as set forth above.

D. Minimum required.

(1) Lot area: forty thousand (40,000) square feet.

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

(3) Lot depth: one hundred fifty (150) feet.

(4) Front yard: fifty (50) feet.

(5) One (1) side yard: twenty-five (25) feet. **[Amended 2-7-95 by L.L. 95-2]**

(6) Total both side yards: fifty (50) feet. **[Amended 2-7-95 by L.L. 95-2]**

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

(8) Off-street parking: see supplementary regulations, § 134-18E.

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E. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2 ½).

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

(2) Building percentage of lot coverage: thirty-five percent (35%). **[Amended 2-7-95 by L.L. 95-2]**

F. Supplementary regulations applying to I-1 OLI District.

(1) Any permitted nonresidential use located on a lot, any lot line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such lot line and floodlighting shall be so arranged that there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(2) Applicable requirements of §§ 134-17 and 134-18 shall be applicable to this district. **[Amended 2-7-95 by L.L. 95-2]**

G. The following uses are expressly prohibited:

(1) Manufacturing uses involving primarily production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and animal size; linoleum and oilcloth, matches, paint, varnishes and turpentine; rubber (natural or synthetic), soaps, including fat rendering starch.



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(2) The following processes: nitrating of cotton or other materials; milling or processing of flour or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper-mill operations.

(3) Operations involving stockyards and slaughterhouses, grain elevators and slag piles.

(4) Storage of explosives; bulk or wholesale storage of gasoline above ground.

(5) Dumps, junkyards and landfills, except those owned and/or operated by the village. **[Amended 2-7-95 by L.L. 95-2]**

(6) Quarries, mining, stone crushers, screening plants, and storage of quarry screenings accessory to such uses. **[Amended 2-7-95 by L.L. 95-2]**

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

### **§ 134-13. Regulations for I-2 Heavy Industry District.**

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

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

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B. Permitted uses. [**Amended 2-7-95 by L.L. 95-2**]

(1) Any use permitted in R-1 One-Family Residence District, with the exception of Short-Term-Rentals. Short-Term Rentals are not permitted in the I-2 District.

(2) Any use permitted in the I-1 Office-Light Industry District.

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

(1) None. All applications shall be referred to Planning Board.

D. Minimum required.

(1) Lot area: forty thousand (40,000) square feet.

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

(3) Lot depth: one hundred fifty (150) feet.

(4) Front yard: fifty (50) feet.

(5) One (1) side yard: twenty-five (25) feet. [**Amended 2-7-95 by L.L. 95-2**]

(6) Total both side yards: fifty (50) feet. [**Amended 2-7-95 by L.L. 95-2**]

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

(8) Off-street parking: see supplementary regulations, § 134-18E.

E. Maximum permitted. [**Amended 2-7-95 by L.L. 95-2**]

(1) Building height.

(a) Stories: two and one-half (2 ½)

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

(2) Building percentage of lot coverage: thirty-five percent (35%).

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F. Supplementary regulations applying to I-2 Heavy Industry District.

(1) Any permitted nonresidential use located on a lot, any lot line of which lies within one hundred (100) feet of a residence district boundary, shall be screened along any such lot line and floodlighting shall be so arranged that there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(2) Applicable requirements of §§ 134-17 and 134-18.

G. The following uses are expressly prohibited:

(1) Manufacturing uses involving primarily production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and animal size; linoleum and oilcloth, matches, paint, varnishes and turpentine; rubber (natural or synthetic), soaps, including fat rendering starch.

(2) The following processes: nitrating of cotton or other materials; milling or processing of flour or grain; magnesium foundry, reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum, refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones, reduction and processing of wood pulp and fiber, including paper mill operations.

(3) Operations involving stockyards and slaughterhouses, grain elevators and slag piles.

(4) Storage of explosives; bulk or wholesale storage of gasoline aboveground.

(5) Dumps, junkyards and landfills except those owned and/or operated by the village.  
**[Amended 2-7-95 by L.L. 95-2]**

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(6) Quarries, stone crushers, screening plants, and storage of quarry screenings accessory to such uses.

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

**§ 134-14. [Added 5-18-73 by L.L. No. 4-1973] Regulations for Designated Hotel-Historic-Recreational District.**

The following regulations shall apply in the Designated Hotel-Historic-Recreational District:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building or use to the Planning Board for its review. The Planning Board shall determine that all the requirements of this chapter have been met, including the site plan review requirements of § 134-27 and the standards required for special use permits under § 134-16 B and E, and, after holding a public hearing on each case, following the procedure required for approval of each case, following the procedure required for approval of subdivisions 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 reason for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

- (1) Any use permitted in an R-1 District.
- (2) Hotel, motel or boatel.
- (3) Marina for the docking, storage, repair and service of pleasure boats.
- (4) Museums, souvenir and gift shops and related uses, and manufacture and production of goods, materials and artifacts to be sold or used in connection with such uses.
- (5) Historic building restoration and archaeological surveys.

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(6) Service, retail and recreational uses and facilities incidental or accessory to any permitted use, including restaurants, health and sauna facilities, shops for sales of sundries, swimming facilities, hairdressers, barbershops, riding stables, tennis courts and similar outdoor recreational facilities, administrative offices and any other use customarily incidental and accessory to a principal use permitted in this district.

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

(1) None. All applications for building permits shall be referred to the Planning Board as set forth above.

D. Minimum requirements.

(1) Lot area: twenty-five (25) acres.

(2) Yards.

(a) Rear and side yards for any structure: fifty (50) feet.

(b) Yards adjacent to railroad right-of-way: twenty-five (25) feet.

(c) Yards adjacent to Hudson River may be reduced to less than fifty (50) feet by the Planning Board.

(d) Yards around buildings for incidental or accessory uses may be established by the Planning Board but may not in any event exceed the minimum set forth above.

(3) Docks, floats, moorings, ramps, lights and marina equipment shall not be considered violations of set-backs for yards adjacent to the Hudson River, but their designs, location and layout shall be subject to the approval of the Planning Board.

E. Maximum standards.

(1) Maximum height.

(a) Main buildings (measured from a line perpendicular to the underlying real property): thirty-five (35) feet.

(b) Accessory buildings: thirty (30) feet.

(2) Maximum building coverage for all buildings: fifteen percent (15%).

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(3) Maximum outside area for storage and display of boats in the marina shall not

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exceed twenty percent (20%) of the marina lot area and shall not occupy areas required for yard setbacks without the approval of the Planning Board.

F. Additional requirements.

(1) Parking.

(a) All parking shall be entirely located on the lot or on property contiguous to the lot sufficient to accommodate all parking resulting from operation of all of the permitted uses, together with observance of standards required by § 134-18C.

(2) Off-street loading.

(a) All truck parking and loading shall take place entirely on the lot and shall also comply with the requirements of § 134-18C.

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

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

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building or use to the Planning Board for its review. The Planning Board shall determine that all the requirements of this chapter have been met, including the site plan review requirements of § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

(1) Any use permitted in an R-1 District, with the exception of Short-Term-Rentals. Short-Term Rentals are not permitted in the B-4 District.

(2) Hospital and sanatorium.

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(3) Nursing home and health-related facility.

(4) Medical center.

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C. Uses under special permit according to § 134-16. [**Amended 2-28-78 by L.L. No. 1-1978**]

(1) Senior citizen housing [see § 134-16 G(3)].

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: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2 ½).

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

(2) Building percentage of lot coverage: twenty-five percent (25%).

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

(1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.

(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 according to the plan approved by the Planning Board.

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(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 §§ 134-17 and 134-18 shall be applicable to this district.

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

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

A. Site plan review and approval. In each case where a building use or mixed use development is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building(s) and use(s) to the planning board for its review under Article VIII of this chapter. The Planning Board shall be authorized to determine that all requirements of this chapter have been met, including any additional requirements referenced in §134-4 and standards required for special use permits under §134-16B and E, with the planning board having sole authority to apply appropriate standards and safeguards in accordance with 134-16E(4) and additional standards under §134-16G for Senior Citizen Housing in the B4-A zoning district. After holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, the planning board shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the planning board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

(1) Any use permitted in an R-1 District, with the exception of Short-Term-Rentals. Short-Term Rentals are not permitted in the B-4A District.

(2) Hospital and sanatorium.

(3) Nursing home and health-related facility.



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(4) Senior Citizen Housing of up to fifty-five units, which complies with the applicable requirements of 134-16G(3) (a) and (b), with the following exceptions: (1) every unit shall be occupied by at least one person who is at least fifty-five years of age and there shall be no residents under the age of 18; (2) up to two bedrooms may be provided per unit, with occupancy limited to no more than two persons; (3) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions; (4) the community space for the use of residents required by § 134-16(G) (3) (a) (11) need be only five percent of the total floor area of the residential buildings if outdoor community space equaling at least five percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents.

(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 13,000 square feet and that no single building in the district shall have more than 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 17,500 square feet and the total amount of square footage of business and professional office space in the district shall not exceed 32,500 square feet.

(9) Banks.

(10) Mixed uses, consisting of two 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 15 customers and not exceeding 750 square feet, only permitted if in connection with a mixed use development

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C. Prohibited Uses

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Restaurants shall be prohibited uses in the B-4A District, in addition to any other uses prohibited by the Village Code, whether expressly or through omission of such use from the list of permitted uses.

### D. Minimum requirements.

- (1) Lot area: 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 single family residence – 75 feet. For single family residence fronting on a Village street or State Highway – 25 feet or less as may be permitted by the planning board. For use (other than single family) fronting on a New York State Highway – 15 feet or less as may be permitted by the planning board.
- (5) Side Yard: 10 feet.
- (6) Combined side yard: 25 feet.
- (7) Rear Yard: 10 feet.
- (8) Open Space: 15 percent of total site area.
- (9) Off-street parking: see supplemental regulations in Subsection F and §134-18E.
- (10) Dwelling units may be the one-room efficiency type or one-bedroom units or two-bedroom units. The minimum floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. The minimum floor area for a one-bedroom dwelling unit shall be six hundred (600) square feet. The minimum floor area for a two-bedroom dwelling unit shall be nine hundred (900) square feet. No more than one (1) person shall be permitted to occupy an efficiency unit and no more than two (2) persons shall be permitted to occupy a one-or two-bedroom dwelling unit.

### E. Maximum permitted.

- (1) Building height. Stories: two and one-half (2.5); Feet: thirty-five (35).

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- (2) Building percentage of lot coverage: Twenty- five percent (25%).
- (3) Senior Citizen Housing: 55 units.

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

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- (1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.
- (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 according to the plan approved by the Planning Board.
- (4) No access (other than emergency access) shall be provided from a Village Street to any use other than a single family residential use.
- (5) The requirements of §134-17 and §134-18 shall be applicable to this district.
- (6) 134-15A(F)(6) Senior Citizen Housing shall be a permitted use in the district and comply with the applicable requirements of §134-16G(3) (a) and (b) with the following exceptions:
  - (a) every unit shall be occupied by at least one person who is at least fifty-five years of age and there shall be no residents under the age of 18;
  - (b) up to two bedrooms may be provided per unit, with occupancy limited to no more than two persons;
  - (c) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions;

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(d) the community space for the use of residents required by § 134-16(G) (3) (a) (11) need be only five percent of the total floor area of the residential buildings if outdoor community space equaling at least five percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents. The following shall not apply to the B-4A District: §§134-16G (3) (c), (d), (e), and (f).

(7) Parking: Parking requirements in the B-4A district shall be as set forth in §134-18E including the following provision:

The planning board may reduce the required parking space for any use up to 20 percent when shared parking amongst uses can be demonstrated.

Where parking is sufficient for existing uses as of the date of this amendment, no additional parking shall be required for said use, however such parking shall not be decreased.

(8) 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.

(9) 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.

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### ARTICLE V Special Uses and Supplementary Regulations

#### § 134-16. Permitted special uses.

A. General provisions. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

B. Required plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.

C. Expiration. A special permit shall be deemed to authorize only one (1) particular special use and shall expire one (1) calendar year from date of issuance of permit. **[Amended 3-27-01 by L.L. 2001-5]**

D. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter. ("Existing violation" shall not mean legally existing nonconforming use.)

E. Standards applicable to all special uses.

(1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, dust, odor, fumes, vibration or flashing lights than would be the operation of any permitted use.

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(3) The special use shall be commensurate with requirements for the health, interest and welfare of the public; it shall be located appropriately with respect to transportation facilities, water supply, fire and police protection, waste disposal, sewerage and similar facilities, and it shall not cause undue traffic congestion or create a traffic hazard.

(4) Appropriate conditions and safeguards may be fixed and determined by the Board of Appeals as, deemed necessary in each case.

(5) There shall be fulfillment of any other conditions or standards specified in this chapter and required by other ordinances and codes of the Village of Cold Spring.

### F. Procedure.

(1) All applications for special permits shall be made to the Board of Appeals in writing, on forms prescribed by this chapter; shall refer to the specific provision of the law involved; and shall set forth exactly the interpretation that is claimed and the use for which the special permit is sought, together with all informative details in connection therewith.

(2) A public hearing shall be held and a decision rendered in accordance with the procedures outlined for the issuance of a variance by the Board of Appeals under this chapter.

(3) **[Added 4-8-08 by L.L. 2008-02]** The Zoning Board of Appeals may refer applications for special permits to the Villages' planning, engineering or legal consultants for review and comment and may upon approval of the Village Board retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval.

(4) **[Amended 10-22-2019 by L.L. 2019-08]** All applications for special use permits shall be accompanied by funds to be held in an escrow account pursuant to Chapter 57 Reimbursement of Professional Consultants' expenses.

(5) **[Amended 10-22-2019 by L.L. 2019-08]** It shall be a condition of approval of all special permits that all expenses, costs and consultants' fees imposed under this Chapter and under Chapter 57 have been paid to the Village.

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(6) **[Added 10-22-2019 by L.L. 2019-08]** Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.

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

(1) Conversion of an existing structure from a one-family or two-family dwelling to a two-family or a three-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 livable floor area for the original dwelling unit plus seven hundred fifty (750) square feet for each additional dwelling unit created.

(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) Two (2) off-street parking spaces shall be provided on said lot for the use of each dwelling unit.

(2) **[Added 3-2-70 by L.L. No. 1-1970]** Marinas, etc., including motel, boatel and restaurant as authorized under R-1.

(a) The Zoning Board of Appeals shall find that 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.

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[3] Yards.

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

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

[c] Yards adjacent to Hudson River may be reduced to less than fifty (50) feet by Zoning Board of Appeals.

[d] Yards around buildings for accessory uses, including maintenance and sales, may be established by Zoning Board of Appeals, but in no event need exceed the minimum standards set forth above.

[e] 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 Zoning Board of Appeals.

(c) The following maximum standards shall be observed:

[1] Maximum height.

[a] Main buildings: thirty-five (35) feet.

[b] Accessory buildings: twenty (20) feet.

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

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

[3] Maximum outside storage, including storage and display of boats and marina merchandise, shall not exceed twenty percent (20%) of the lot area and shall not occupy areas required for yard setbacks without approval of the Board of Appeals.

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(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 § 134-18C.

(e) Off-street loading. All truck parking and loading shall take place entirely on the lot and also as per standards in § 134-18C.

(3) **[Added 2-28-78 by L.L. No. 1-1978]** Senior citizen housing as permitted in B-4 Zone.



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(a) The following are standards in addition to those listed in Subsection E of this section and § 134-15F:

[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 older persons.

[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 floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. A one-

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bedroom dwelling unit shall have a minimum 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 older persons for privacy and for participation in social and community activities. At the same time, provision should be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible.

[7] Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project.

[8] The Village Board shall have the right to require the applicant to dedicate to the public all new streets and recreational areas. The Village Board shall have the right to require that the applicant execute such agreements and covenants as may be required in the opinion of the Village Attorney in order to assure that the premises shall be used in

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accordance with the terms of the special 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.

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[9] Construction requirements. All buildings and dwelling units constructed under this subsection shall be constructed in accordance with the New York State Building Construction Code, the Code of the Village of Cold Spring,<sup>5</sup> and conform to any additional requirements of the state or federal programs providing for housing for the elderly 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 older persons. 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 older persons. Shower stalls shall include a built-in seat or bench or provide room enough for a bath stool.

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<sup>5</sup> Editor's Note: See Ch. 40, Building Construction.

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[11] Community space.

[a] In order to qualify under this subsection, the applicant or sponsor of housing for the elderly shall provide a community space of at least equal to ten (10%) of the total floor area of the buildings. Such community space may include lounges, workshops, game rooms, dining hall and other facilities designed for the elderly. Spaces for medical facilities or dispensaries shall not be considered community space. Community space shall not be in the basement unless there be ground-level ingress or egress into such space. The Village Board shall determine the apportioning of this community space between or among buildings and may modify the community space ratio to conform to the requirements of the state and/or federal agencies providing funds for the construction and/or acquisition of the senior citizen housing and/or site.

[b] Wherever practical, out-of-door facilities, including landscaped sitting areas and space for exercise and games, shall be provided.

[12] Where practicable, self-service laundry facilities for the common use of residents should be provided in a convenient location.

[13] The Zoning Board of Appeals, at the time of authorizing any special permit, may also grant such variances from these regulations as it deems necessary and proper to implement the purposes of this chapter.

(b) Permitted general accessory uses.

[1] Cafeterias or dining halls for use of residents and guests.

[2] A medical dispensary or doctor's office for use of residents.

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[3] Storage or tool sheds for on-site equipment and material.

(c) In addition to any other conditions the Zoning Board of Appeals 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.

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

(e) Minimum required.

[1] Lot area: three (3) acres.

[2] Lot area per dwelling unit: two thousand three hundred (2,300) square feet.

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- [3] Lot width: eighty (80) feet.
- [4] Lot depth: one hundred (100) feet.
- [5] Front yard: twenty-five (25) feet.
- [6] One (1) side yard: twelve (12) feet.
- [7] Total both side yards: thirty (30) feet.
- [8] Rear yard: thirty (30) feet.
- [9] Livable floor area per dwelling unit: six hundred (600) square feet.
- [10] Off-street parking area per dwelling unit: two hundred (200) square feet.
- [11] Distance between buildings: twice the height of building. (See § 134-17)

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- (f) Maximum permitted.
- [1] Building height.
  - [a] Stories: two and one-half (2 ½).
  - [b] Feet: thirty-five (35).
- [2] Maximum length of building: one hundred eighty (180) feet.
- [3] Building percentage of lot coverage: twenty-five percent (25%).
- (4) **[Added 3-27-01 by L.L. 2001-5]** Tourist Homes as permitted in R-1 District
  - (a) Parking as required by § 134-18E.
  - (b) Property shall have frontage along state highways

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

- A. Accessory buildings and garages.
  - (1) An accessory building or a garage may be located in any required side or rear yard, provided:
    - (a) Such building or garage shall not exceed one and one-half (1½) stories.
    - (b) Such building or garage shall be set back ten (10) feet from any lot line, and if separated from the principal building, shall not be located less than, ten (10) feet from it.
    - (c) All such buildings or garages in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard.
  - (2) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Board of Appeals may authorize, without a public hearing or variance, the erection of such garages within not less than ten (10) feet of the street line where the natural slope of the ground within twenty-five (25) feet of such line is between twelve percent (12%)

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and twenty percent (20%) 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 percent (20%).

- (3) Storage of unlicensed vehicles is prohibited in any residential district except in

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enclosed structures which comply with the above regulations.

### B. Corner lots.

(1) At all street intersections in all residence districts, no obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.

(2) On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each type yard shall be complied within.

### C. Exceptions to lot depth requirements.

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

### D. Exceptions to yard requirements.

(1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six (6) inches into a required yard. Fences or walls not over four (4) feet in height may be erected anywhere on the lot, except as set forth in Subsection B above. Fences or walls with a height in excess of four (4) feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within fifteen (15) feet of a street line or four (4) feet of a property line.

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(2) Entries and porticoes. A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight (8) feet wide and extending not more than six (6) feet out from the front wall of the building shall be permitted to encroach on a required front yard. In computing the average setback in § 134-7B (2), the presence of such entries and porticoes shall be ignored.

(3) **[Added 3-27-01 by L.L. 2001-5]** Existing setback. If two (2) or more existing dwellings are located within two hundred (200) feet on each side of a proposed dwelling [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed dwelling] on the same side of the street and within the same block and same district, said proposed dwelling may have a front yard not greater than the average setback of all existing dwellings so located, subject to a special permit under § 134-16.

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

**§ 134-18. Supplementary regulations applying to all districts.**

A. Supplementary sign regulations.

(1) No signs, billboard, advertising display, structure or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this chapter.

(2) The following types of signs or artificial lighting are prohibited:

(a) Billboards, i.e., any sign advertising a product or services not legally being sold or rendered on the premises where sign is located.

(b) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(c) Signs which project more than one (1) foot over a street or walk.

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(d) Signs which compete for attention with or may be mistaken for a traffic signal.

(e) The outlining by direct illumination of all or any part of a building, such as a gable, roof, side, wall or corner, except for holiday lighting.



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(f) Signs made of cardboard, paper, canvas or similar impermanent material, with the exception of automotive service stations, where seasonal point-of-sale material may be displayed at gasoline pump islands for a period no longer than thirty (30) days.

B. Municipal and governmental uses by the village.

(1) All municipal and governmental uses by the Village of Cold Spring of land and/or buildings are hereby permitted in each and every district.

C. Off-street parking and loading, etc.

(1) Permitted accessory parking.

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

(b) Trailers, other than house trailers.

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

[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 months in any year, but same may not be occupied or used for any purpose. If so stored, the minimum yard area for the district must exist, in addition to the area so occupied for such storage.

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[3] A "camper" or "camping trailer" as used herein, shall mean a vehicle, unit for attachment to a vehicle, or a trailer, other than a house trailer, designed to be portable and primarily intended for use as a temporary dwelling while camping or traveling away from one's permanent or usual residence.

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

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

(b) Where in the process of being repaired at licensed repair shops.

D. 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.

E. Required off-street parking.

(1) Schedule of requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article IV, District Regulations and as specified below for each use in any district. Any land which is developed and owned as a unit shall be considered a single lot for the purposes of these regulations.

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<p><b>USE (parking space per)</b></p>	<p><b>Required Number of Parking Spaces (located on same lot, unless otherwise specified)</b></p>
<p>Places of worship, assembly hall, libraries, theaters, annual membership clubs and other public buildings</p>	<p>1 for each 200 square feet of floor area, but not less than 1 space for each 5 seats where provided</p>
<p>Schools</p>	<p>1 for each 12 seats or students or 4 seats in the auditorium whichever is greater</p>
<p>Hospital, sanatoriums, philanthropic or eleemosynary institutions.</p>	<p>1 for each 3 beds</p>
<p>Rooming house or tourist homes</p>	<p>1 for each guest room</p>
<p>Eating and drinking places</p>	<p>1 for each 3 seats</p>
<p>Funeral Homes</p>	<p>1 for each 2 employees, plus 10 for 1 chapel and 5 spaces for each additional chapel</p>
<p>Hotels and motels</p>	<p>1 for each guest room</p>
<p>Bowling alleys</p>	<p>4 for each alley</p>
<p>Home occupation or accessory professional office, except physicians, dentists and attorneys</p>	<p>Minimum of 3 for each home occupation, and in no event less than 2 spaces for each 3 customers, patients or clients for whom waiting room seating facilities are provided. No parking in required minimum of setback areas <b>[Amended 3-27-01 by L.L. 2001-05]</b></p>

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<p><b>USE (parking space per)</b></p>	<p><b>Required Number of Parking Spaces (located on same lot, unless otherwise specified)</b></p>
<p>Professional office, including physicians, dentists and attorneys, in residential districts</p>	<p>5 for each office, and in no event less than 2 spaces for each 3 customers, patients or clients for whom waiting room seating facilities are provided. No parking in required setback areas [<b>Amended 3-27-01 by L.L. 2001-5</b>]</p>
<p>Retail stores, business and professional offices, financial institutions</p>	<p>1 for each 150 square feet of ground floor area of the building and each 300 square feet of upper floor area</p>
<p>Industrial establishments, warehouses wholesale businesses, research laboratories, contractors' businesses, establishments for manufacture, processing or assembly of goods</p>	<p>1 for each 1 ½ employees during largest daily work shift period</p>
<p>Other uses</p>	<p>Sufficient parking shall be provided for any use not listed herein, to preserve the purpose and intent of this section</p>
<p>Loading and unloading</p>	<p>No required parking space shall be used for turning, loading and unloading space required by the nature and operation of any use business, industry, institution or building, but shall be separately provided.</p>

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(2) Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or a driveway. However, a driveway within a required yard for a one-family or two-family residence may count as one (1) parking space, other than as restricted on a corner lot as provided in § 134-17B.

(3) Size of spaces. One hundred sixty-two (162) square feet, with a minimum length of eighteen (18) feet and minimum width of nine (9) feet, shall be considered the minimum for one (1) parking space, exclusive of areas required for access and maneuvering. One (1) loading or unloading space shall have a minimum length of thirty (30) feet, a minimum width of twelve (12) feet and a minimum vertical clearance of fifteen (15) feet. **[Amended 3-27-01 by L.L. 2001-05]**

(4) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with less than twenty (20) spaces and at least two (2) ten foot lanes for parking areas with twenty (20) spaces or more.

(5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas of over ten (10) spaces shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.

(6) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.

(7) **[Added 7-13-2010 by L.L. 2010-01]** Fee in lieu of off-street parking.

(a) For properties located in B-1 or B-2 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 required by this Section.

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(b) Such a fee in lieu of parking 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 fees in lieu of parking 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 in lieu of parking. 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) All fees collected under this provision shall be used exclusively for Village parking, street and roadway improvement and maintenance including, without limitation, acquisition of municipal parking facilities, maintenance and improvement of municipal parking facilities and expenditures for parking enforcement.

F. Fees. Any and all fees called for, required or hereafter required under this chapter or for the administration hereof may be established or amended by resolution of the Village Board.

G. 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.

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

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

- (1) A formula retail business as defined in Article II, §134-2(B).
- (2) A formula restaurant as defined in Article II, §134-2(B).
- (3) A drive-in, drive-thru or drive-in window as defined in Article II, §134-2(B).

**§ 134-19. Nonconforming uses. [Amended 11-15-2011 by L.L. 4-2011]**

A. Construction approved prior to adoption of or amendment to this Chapter. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has heretofore been issued and the construction of which has been diligently prosecuted within three (3) months of the date of such permit, and the ground-story framework of which, including the second tier of beams, shall have been completed within one (1) year of the date of the permit, and which entire building shall be completed according to such plans as filed within two (2) years from the date of this chapter.

B. Nonconforming uses. Except as herein provided, any preexisting nonconforming use may be continued.

C. Discontinuance. Whenever a nonconforming use has been discontinued, 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 two (2) years;
- (2) Vacancy of land for a period of six (6) months; or
- (3) Clear intent on the part of the owner to abandon the nonconforming use. Use in conformity with the regulations of this chapter shall be deemed to be abandonment of a former nonconforming use.

D. Enlargement. No nonconforming use shall be enlarged or extended and no building or other structure housing or serving a nonconforming use shall be enlarged, extended or structurally altered except for a permitted use or when the result of such changes is to reduce or eliminate the nonconformity.

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E. Changes. Once changed to a conforming use, no building or land shall be permitted

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to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification upon procuring a special permit according to §134-16, and such use thereafter shall not be changed to a lower classification.

### 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. Cessation of junkyards. Notwithstanding any other provisions of this chapter, any automobile wrecking yard or other junkyard in existence in any residential district at the date of enactment of this chapter shall, at the expiration of three (3) years from such date, become a prohibited and unlawful use and shall be discontinued.

H. 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. The extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming building.

I. 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 percent (50%) 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.

J. Restoration. A nonconforming building damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its replacement value shall not be repaired or rebuilt except in conformity with the use and area regulations of this chapter.



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K. Unsafe structures. Subject to the provisions of this Section, any nonconforming building or portion thereof declared unsafe by a proper authority may be restored to a safe condition. The Building Inspector is a proper authority to issue a permit for same.

L. 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. Building Inspector.

A. This chapter shall be enforced by the Building Inspector, who shall be appointed by the Village Board. No building permit or Certificate of Occupancy shall be issued by him except where all the provisions of this chapter have been observed.

B. The Building Inspector does not possess discretionary authority, except where specifically set forth. It is his duty to enforce provisions of the Zoning Law literally. He has no power to make special exceptions or grant any variance.

C. **[Added 7-30-96 by L.L. 1-1996]** The Building Inspector has the authority to determine whether a structure is unsafe under § 134-19B and may either issue a permit for its renovation to its last conforming pre-permit condition or to issue a notice to correct the unsafe conditions. The determination shall not be arbitrary but shall rely upon New York State Standards for structural integrity and fire hazard.

#### § 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 Building Inspector. 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 Building Inspector. Except upon a written order of the 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.

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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

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upon, the exact size and location on the lot of the building and accessory buildings 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 Building Inspector, he 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 is attached to this chapter and may be amended from time to time by resolution of the Village Board.<sup>6</sup>

C. One (1) copy of such layout or plot plan shall be returned when approved by the Building Inspector, together with such building permit, to the applicant. The form of building permit is attached to this chapter and may be amended from time to time by resolution of the Village Board.<sup>7</sup>

### **§ 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 Spring<sup>8</sup> 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 Building Inspector, 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 is attached to this chapter and may be amended from time to time by resolution of the Village Board.<sup>9</sup>

B. No nonconforming use shall be maintained, renewed, changed or extended without a Certificate of Occupancy (certificate of preexisting use therefore) having first been issued by the Building Inspector.

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<sup>6</sup>Editor's Note: Consult the Building Inspector for the form referred to.

<sup>7</sup>Editor's Note: Consult the Building Inspector for the form referred to.

<sup>8</sup>Editor's Note: See Ch. 40, Building Construction.

<sup>9</sup>Editor's Note: Consult the Building Inspector for the form referred to.

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C. 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, alteration or nonconforming use shall have been approved as complying with the provisions of this chapter. The form of application for a certificate of occupancy is attached to this chapter and may be amended from time to time by resolution of the Village Board.<sup>10</sup>

D. The Building Inspector shall maintain a record of all permits and certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises affected upon payment of such fee as may be established by resolution of the Village Board.

### ARTICLE VII Board of Appeals

#### § 134-23. Creation.

A 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 Village Board shall appoint said members and shall designate its Chairman. The Board of Appeals shall elect an Acting Chairman from its membership, who shall act in the absence of the Chairman, and shall appoint a Secretary and prescribe rules for the conduct of its affairs. **[Amended 3-27-01 by L.L. 2001-05]**

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

The Board of Appeals shall have all the power and duties prescribed by law, particularly Section 7-712 of the 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, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

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<sup>10</sup> Editor's note: Consult the Building Inspector for the form referred to.

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B. Special permits. To issue special permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Appeals.

(1) To vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this chapter shall be granted by the Board of Appeals unless it finds:

(a) That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings and result in practical difficulty or unnecessary hardships.

(b) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building; and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

(c) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise to the public welfare.

(2) In cases which involve a variance from the permitted use for the zoning district instead of an area-type variance, unnecessary hardship as interpreted by case law of the State of New York must be shown in addition to practical difficulty. The hardship cannot be self-imposed. **[Amended 3-27-01 by L.L. 2001-5]**

(3) In granting any variance, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

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### § 134-25. Procedure.

A. The Board of Appeals shall act in strict accordance with the procedure specified by state law and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed. Every appeal or application shall refer to the specific provision of this chapter involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

The form to be used in applying for a variance or special permit is attached to this chapter and may be amended from time to time by the Village Board.<sup>11</sup>

B. All applications for variances or interpretations shall be accompanied by funds pursuant to Chapter 57 Reimbursement of Professional Consultants Expenses. **[Amended 10-22-19 by L.L. 2019-08]**

C. The Zoning Board of Appeals may refer applications for special permits, applications for variances, and for interpretation applications to the Villages' planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for special permits, applications for variances, and for interpretation applications.. **[Amended 10-22-2019 by L.L. 2019-08]**

D. The Board of Appeals shall schedule the public hearing which is required for every appeal or application for a variance or special permit within sixty (60) days of receipt of completed application, and shall give public notice by the publication in the official paper for the Village of a notice of such public hearing at least five (5) days before such hearing, unless additional time is required by statute. Copies of such notice shall also be mailed to such parties as may be required under the Village Law, the General Municipal Law or other statutes, at least ten (10) days before such hearing, unless additional time is required by statute. **A public hearing notice sign along with a detailed instructions package will be furnished by the Village Clerk at no cost to the applicant. Two (2) signs are provided for corner lots. The applicant will obtain the public hearing sign and the detailed instructions from the Village Office during regular business hours. The sign will be marked with all boards having scheduled hearings. The**

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<sup>11</sup> Editor's Note: Consult the Board of Appeals for the form referred to.

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**applicant will post the sign at the property under review at least ten (10) days before the hearing, and the sign shall remain on display until all hearings are formally closed. [Amended 3-27-01 by L.L. 2001-05; 9-30-2013 by L.L. 2013-03; 1-8-19 BY L.L. 2019-03]**

E. At least ten (10) days before the date of the hearing required by law on an application or appeal for a variance or special permit to the Board of Appeals, the Secretary of said Board shall transmit to the Planning Board and the Village Clerk a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board may submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case, and a copy thereof shall be filed with the Village Clerk and the Planning Board. The Board of Appeals shall keep thorough records of all proceedings and decisions.

F. **[Added 3-27-01 by L.L. 2001-5]** All variances and special permits shall be considered null and void if the applicant does not obtain a building permit within two (2) calendar years of date of decision of the Zoning Board of Appeals. **[Amended 12-02-2014 by L.L. 2014-04]**

G. **[Added 4-8-08 by L.L. 2008-02]** It shall be a condition of approval of all variances that all expenses, costs and consultants' fees imposed under this Chapter have been paid to the Village.

H. **[Added 10-22-2019 by L.L. 2019-08]** Applicant shall also be responsible for paying all application fees as established in the Village's Master Fee Schedule which is adopted via resolution by the Village Board from time to time.

### ARTICLE VIII

#### Planning Board

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

#### **§ 134-26. Prior creation.**

The Planning Board of the Village of Cold Spring was created prior to the adoption of this Article pursuant to the authority of Village Law and is an existing operating Planning Board.<sup>12</sup>

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<sup>12</sup> Editor's Note: For the creation of the Planning Board, see Ch. 21, Planning Board.

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### § 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. Site plan review: general. The Planning Board shall review the plans submitted for approval, or any amendment to said plans, in the same manner as is prescribed by state law for the review of subdivision plats. In considering and approving the site plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, and particularly with regard to achieving maximum safety of traffic, access and egress; a site layout which would have no adverse effect upon any properties in the area, including adjoining residence districts, by impairing the established character or potential use of such property in such area or districts; reasonable screening at all seasons of the year of playgrounds, parking and service areas from the view of adjacent residential properties and streets; consideration of the location of any outdoor lighting; conformance of the proposed site plan which such portions of any master plan of the Village of Cold Spring as may be in existence from time to time; adequate drainage; and the application of any portion of the requirements set forth in land subdivision regulations<sup>13</sup> which may have been adopted by the Planning Board to the extent same may be advisable and pertinent for the suitable development and use of the property on the site plan being reviewed. The site plan being submitted shall contain at least the following information:

- (1) Site layout drawn to scale, showing the dimensions of the property, any existing structures and any proposed structures.
- (2) Where appropriate, the location of any and all playgrounds, parking and service areas, screening, planting and the like.
- (3) Where appropriate or where required by the Planning Board, the contours of the property and any significant natural or topographical features to be considered in approval of the site plan.
- (4) The location of access and egress to and from the site.
- (5) The location of water supply, sewage disposal, nearest fire hydrants.

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<sup>13</sup> Editor's Note: See Ch. 111, Subdivision of Land.

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- (6) Proposed roadways, sidewalks, curbs.
- (7) A suitable drainage system with location of catch basins, culverts and plan for final disposition of any water drained from the site.

B. Bond.

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

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be returned to the surety or the person putting up the required deposit. Such surety bond or cash deposit may be reduced by resolution of the Planning Board upon certification of the Building Inspector to Planning Board that a particular item or items in the requirements of said Planning Board have been satisfactorily completed. Such reduction, if a fifty percent cash bond has been posted, shall be in the ratio that the completed item or items bear to the total estimated cost of the required improvements.

- (2) The Planning Board shall also have the right to reduce any of the requirements set



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

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

(1) In all cases where this chapter requires approval of site plans by the Planning Board, such plans shall be prepared and submitted by the applicant to the Village Building Inspector for review. The Building Inspector shall inspect the site plan, or amendment to each plan, with respect to the basic requirements of this chapter and Building Code <sup>14</sup> and shall then refer the site plan to the Planning Board with such comments as he deems appropriate. The Building Inspector may also waive initial review of the site plan and refer same directly to the Planning Board for its basic review. Regardless of which procedure is followed, the basic requirements of this chapter and Building Construction Code must be followed.

(2) **[Added 4-8-08 by L.L. 2008-02]** The Planning Board may refer applications for site plan approval to the Villages' planning, engineering or legal consultants for review and comment and upon approval by the Village Board may retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval.

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<sup>14</sup> Editor's Note: See Ch. 40, Building Construction.

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(3) No building permit may be issued for any building or structure within the purview of this Article until a site plan or amendment of any such plan has been finally approved by the Planning Board in accordance with the provisions of this Article. No Certificate of Occupancy may be issued for any building or structure or use of land within the purview of this Article unless the building or structure or conversion or alteration or use is in conformity with the approved site plan or any amendment of such plan. It shall be a condition of approval of all site plan approvals that all consultants' fees imposed under this Chapter have been paid to the Village. **[Amended 4-8-08 by L.L. 2008-02]**

(4) Presubmission. Prior to the submission of a formal site plan, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to the site development, and also to discuss the waiver of any of the requirements outlined herein which may not be required or necessary for the particular site plan under consideration.

(5) Required submissions. The information enumerated below shall be submitted to the Planning Board through the Building Inspector, in triplicate, along with a letter of application. All maps or site plans submitted must be at a scale of forty (40) feet to the inch.

(a) The information to be submitted and which in total constitutes the site plan application follows:

[1] The basic site plan map with the information shown thereon as outlined above.

[2] The names of all owners of record with the Tax Map section, block and lot numbers for subject property; all adjacent properties, and the owners of properties on the opposite side of any public street on which subject property has frontage. It is suggested that this information be shown on a copy of the appropriate County Tax Map and be submitted in this form with the site plan map.

[3] A statement as to the existing school, zoning and special district boundaries.

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[4] A copy of the deed or deeds into the owner of the subject premises, together with a copy of any and all covenants, restrictions, reservations and easements which affect such premises.

[5] Any other information deemed appropriate or helpful to the Planning Board.

[6] **[Deleted xx-yy-19 by L.L. 2019-zz]**

(b) The applicant shall consider the following checklist as information usually helpful to the Planning Board:

[1] Map should contain title; date; North point; scale; name and address of owner, Professional Engineer (P.E.) or Registered Architect licensed in New York State including license number and seal; Landscape Architect, architect or planner may also be included; and Tax Map section, block and lot numbers. **[Amended 3-27-01 by L.L. 2001-5]**

[2] Existing zoning, property boundaries, building and setback lines, existing streets, lots, easements.

[3] Existing buildings, water mains, culverts and drains, with pipe sizes, grades and direction of flow.

[4] Existing contours above two (2) feet, watercourses, marshes, rock outcrops, wooded areas, trees of eight (8") inches in diameter or more.

[5] Proposed water hydrants, water lines, sewer lines and exterior illumination.

[6] Location of parking areas, driveways, access roads, type of pavement, curbs and drainage.

[7] Location of buildings, community areas, sidewalks, screening and landscaping.

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[8] The application shall be signed by the applicant and by the owner of record if the owner is not the applicant.

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

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

ARTICLE IX

**Penalties; Amendments; Interpretation**

**§ 134-29. Penalties for offenses.**

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

B. The Village Board of Trustees may also enforce this chapter by injunction.

C. Each week 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 Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Village Board of Trustees. He shall also take such action as he deems immediately necessary and advisable, a report of which shall also be made to the Village Board.

**§ 134-31. Notice to stop work or remedy violation.**

Whenever the Building Inspector has reason to believe that there exists a violation of this chapter or other applicable laws, ordinances or regulations, he shall post a notice on the premises and mail a copy thereof to the owner, lessee or applicant for a building permit (using the address of the premises or the address contained in village records for §134-31 §134-33

said owner, lessee or applicant), ordering a compliance with the law, ordinance or regulation involved, and whenever he deems it advisable or necessary, he may include in

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said notice an order for all work to be stopped pending compliance with the law, ordinance or regulation being violated. Failure to abide by said notices shall be deemed to be a separate violation of this chapter. The form of notice is attached and may be amended by resolution of the Village Board.<sup>15</sup>

### **§ 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 Municipal Home Rule Law, the Village Law and the requirements of the General Municipal Law. Every such proposed amendment or change, whether initiated by the Village Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing required by law.

### **§ 134-33. Interpretation.**

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

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<sup>15</sup> Editor's Note: The form of notice is on file in the office of the Building Inspector.

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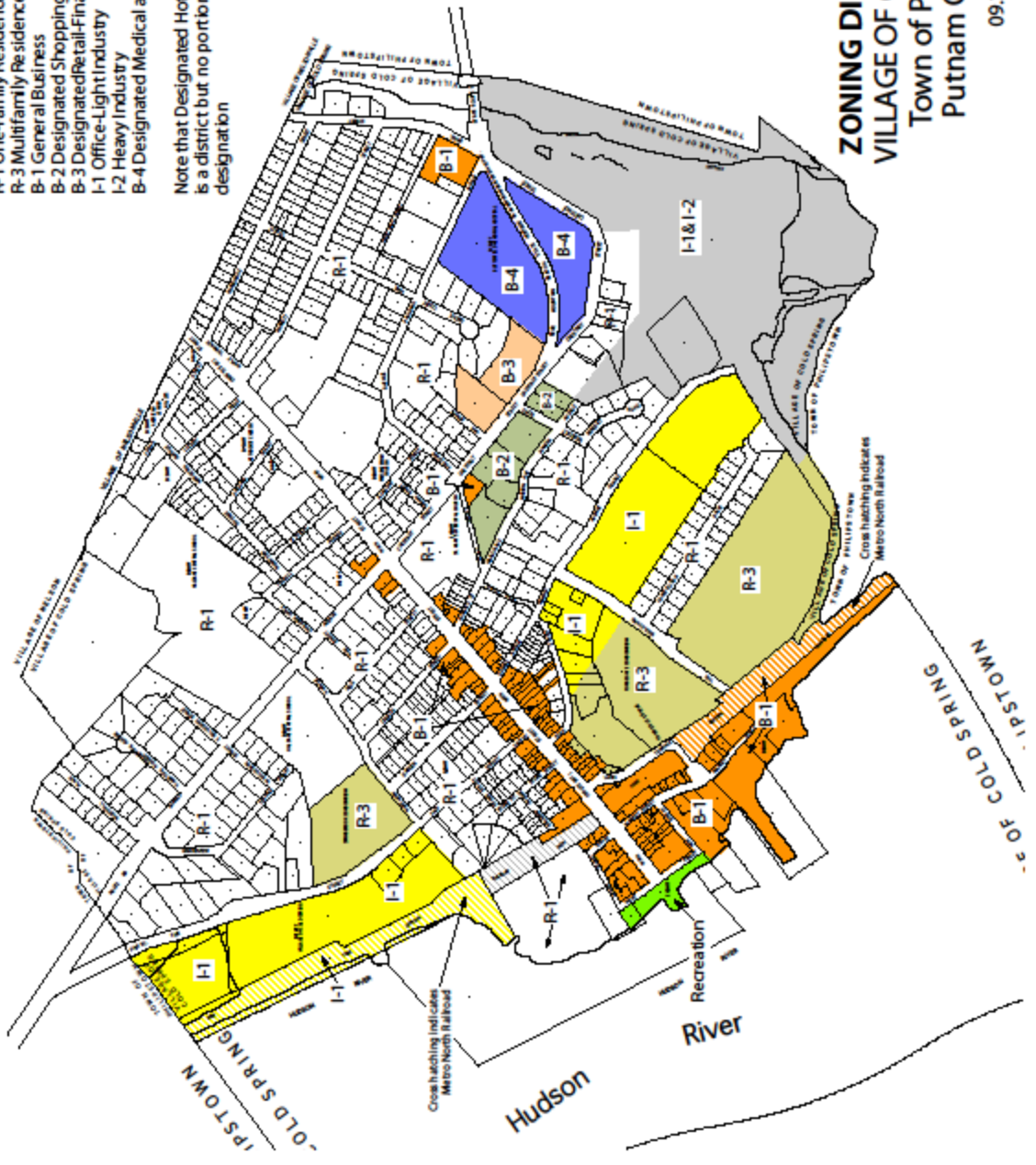
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APPENDIX A – ZONING MAP 09.10.08

- ZONING DISTRICTS:**
- R-1 One-Family Residence
  - R-3 Multifamily Residence
  - B-1 General Business
  - B-2 Designated Shopping Center District
  - B-3 Designated Retail-Financial-Professional
  - I-1 Office-Light Industry
  - I-2 Heavy Industry
  - B-4 Designated Medical and Health Care Facility
- Note that Designated Hotel-Historic -Recreational is a district but no portion of the village has this designation

**ZONING DISTRICT MAP**  
**VILLAGE OF COLD SPRING**  
 Town of Philipstown  
 Putnam County, NY

09.10.08





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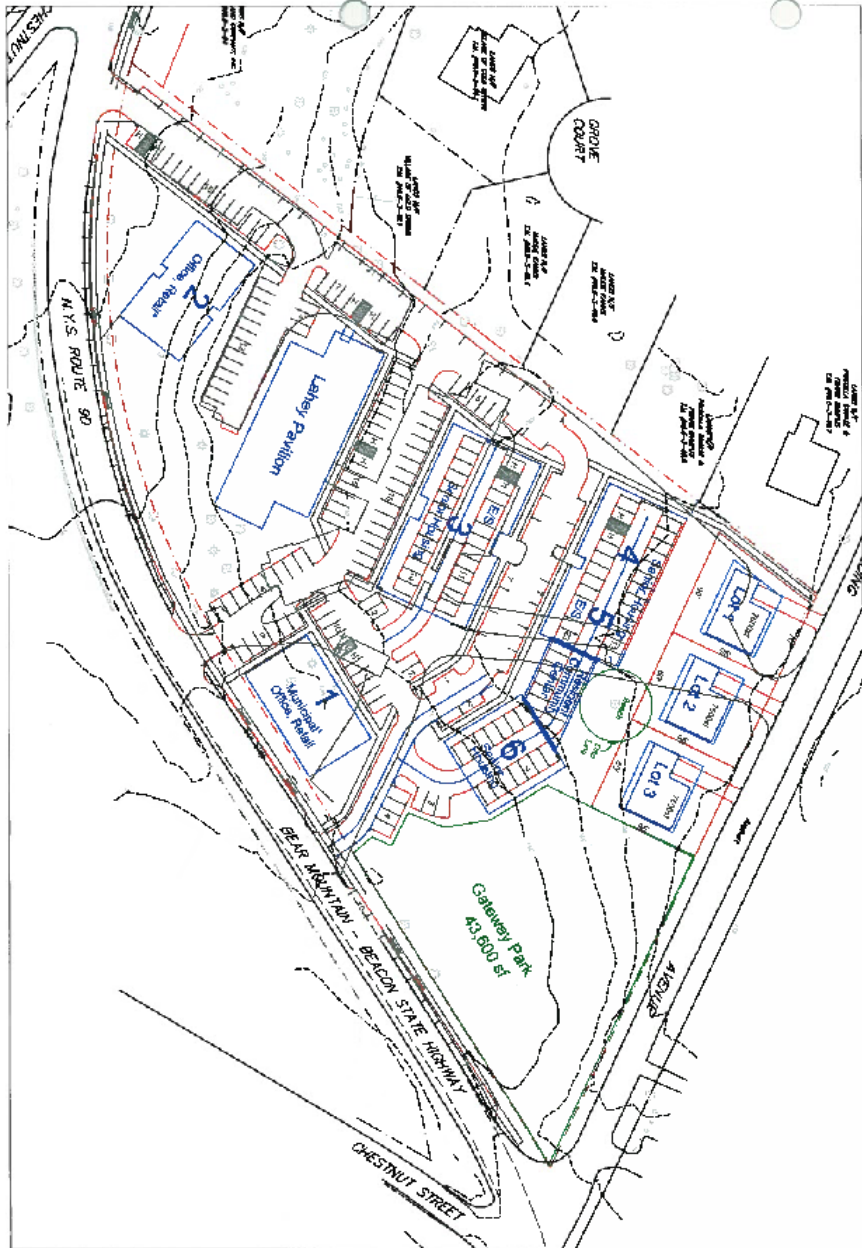
### **APPENDIX B – ZONING MAP AMENDMENTS [Added 5-13-14 by L.L. 2014-02]**

Village Code Section 134-4 “Zoning Map” is hereby amended to add to the Village’s Zoning District Map a new Zoning District known as the “B-4A Medical and Health Care Facility Mixed Use District” which shall be shown upon the Zoning Map as the area BEGINNING at the point on the southwesterly line of Paulding Avenue that is distant S64°50’46”E 240.25 feet measured southeasterly along the said southwesterly line of Paulding Avenue from another point thereon where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain “Final Subdivision Plat of ‘The Grove’” which was filed in the Putnam County Clerk’s Office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue S64°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”W 506.11 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”E 617.75 feet to a point; thence through the lands of Butterfield Realty, LLC S64°50’46”E 261.55 feet, and N25°09’14”E 95.00 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property is not actually developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.

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

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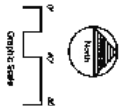
APPENDIX C – BUTTERFIELD SITE CONCEPT PLAN



- Notes:
1. All base data by owner. All correspondence should be signed or initialed by the architect.
  2. The Concept Site Plan of buildings are a layout by the owner dated 7/12/12. Please refer to the project and/or owner's drawings for all final site plan and/or landscape information.
  3. This drawing is a work in progress.

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	7800 sf	7600 sf	7600sf
Lot Width	75 ft	80 ft	80 ft
Lot Depth	75 ft	95 ft	95 ft
Front Yard	20 ft	20+ ft	20+ ft
Side Yard	10 ft	10+ ft	10+ ft
Rear Yard	20 ft	20+ ft	20+ ft
Coverage	30%	26.6%	26.6%

Mixed Use Required	Provided
Lot Area	130,000 sf
Lot Width	200 ft
Lot Depth	200 ft
Front Yard	0 ft
Side Yard	10 ft
Rear Yard	10 ft
Open Space	15%
Building Cover	25%
For frontage on a N.Y.S. Highway	23.5%

NOTES - BUTTERFIELD CONCEPTUAL SITE PLAN

1. Building No. 1 shall be approximately 15,000 sq. feet with approximately 6,000 sq. feet of first floor retail space. The first floor retail space shall be located on the east side of the building. The building shall be approximately 150 ft x 100 ft. The building shall be approximately 150 ft x 100 ft. The building shall be approximately 150 ft x 100 ft.
2. Building No. 2 shall be approximately 17,500 sq. feet with approximately 7,000 sq. feet of first floor retail space. The building shall be approximately 175 ft x 100 ft. The building shall be approximately 175 ft x 100 ft.
3. Buildings No. 3, 4, 5, and 6 shall be approximately 10 x 100 ft. The buildings shall be approximately 10 x 100 ft. The buildings shall be approximately 10 x 100 ft.
4. Building No. 4 shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft.
5. Building No. 5 shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft.
6. Building No. 6 shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft. The building shall be approximately 10 x 100 ft.
7. The site shall be no more than three streets (E-111) from the proposed site.
8. The southeast corner of the property, designated as "Gateway Park" shall remain a green space.
9. The large "Concept Base" area depicted near the proposed front angle shall remain a green space.
10. Other parking and/or other facilities shall be as determined based on the proposed location of the buildings and is subject to change.

\*Retail spaces may include banks and general service stores.

<p>Tim Miller Associates, Inc.                  10 Maple Street, Catskills, NY 12015                  (845) 285-4200 Fax: (845) 285-4419</p> <p>Concept Site Plan                  for development of                  Butterfield Site                  Catskills, Ulster County, NY                  January 22, 2013 Rev. 4/13/13 4/13/13 4/13/13</p>	<p>Lead Architect                  Christopher Avallone</p>	<p>Draft</p>
<p>Sheet                  SP-1</p>		

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**APPENDIX D – LISTING OF PROPERTY PARCELS [Added 3-27-01; by L.L. 2001-5]**

<b>Tax Map</b>	<b>Block</b>	<b>Parcel</b>
48.12	1	24, 26-30, 32-35
48.12	2	26-37
48.08	6	1-3, 16-18, 36-38, 40-44
48.12	2	1, 2, 4-6, 21-25
48.08	2	10-16, 46-53
48.08	5	11
48.08	5	34-35
48.08	6	1

**[Added 4-20-04 by L.L. 2004-02]**

Designation as B-1 of parcels defined generally as all those parcels of real property currently I-1 being located on the West of the railroad tracks, between such tracks and the shore of the Hudson River.

Parcels listed:

<b>Tax Map</b>	<b>Block</b>	<b>Parcel</b>
48.12	1	75
48.12	1	38
48.12	1	39
48.12	1	40
48.12	1	41

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48.12	1	42
48.12	1	43
<b>Tax Map</b>	<b>Block</b>	<b>Parcel</b>
48.12	1	44.1
48.12	1	45
48.12	1	46
48.12	1	47
48.12	1	48
48.12	1	49
48.12	1	50
48.12	1	51



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**APPENDIX E – TABLE OF DIMENSIONAL REQUIREMENTS**

