

TOWN OF PATTERSON

AMENDMENT TO
CHAPTER 154 OF THE PATTERSON TOWN CODE

BE IT ENACTED by the Town Board of the Town of Patterson, Putnam County,
New York, as follows:

Section 1, Chapter entitled " Zoning - Clubs", is hereby amended to read as follows:

Chapter 154 ZONING

THIS AMENDMENT SHALL REPLACE FORMER § 154-95 IN ITS ENTIRETY

§ 154-95. Clubs.

A special use permit may be granted, after public hearing by the Board of Appeals, in any district for the establishment of a club ~~and/or operation of a bona fide nonprofit club or organization~~, provided that:

~~G.A.~~ The ~~term "club"~~ special use permit for a club shall be limited to a nonprofit corporation or a governmental or quasi-governmental organization.

B. The nonprofit corporation shall be organized and existing under the Not-For-Profit Corporation Law or the Benevolent Orders Law of the State of New York, or such other statute of the State of New York as may authorize its incorporation as a bona fide nonprofit corporation, formed to promote general civic or social activities, and shall meet one of the principal purposes of organization described below. Examples of such organizations include, but are not limited to, Lions Club, Elks, Rotary, Veterans of Foreign Wars, Westchester Radio Aero Modelers, Clearpool, Patterson Sportsmens Club and such similar groups which benefit the community as a whole, or specific segments of the community with a special interest.

- (1) The principal purpose of the nonprofit corporation shall be to serve philanthropic activities; or
- (2) The principal purpose of the nonprofit corporation shall be to own and operate a non-discriminatory membership facility.
- (3) The principal purpose of the nonprofit corporation shall be cooperative or community-supported farming.
- (4). The principal purpose of the nonprofit corporation shall be to own and operate a

recreational facility, subject to the limitations contained herein.

C. For the purpose of this chapter, a club shall not include not for profit organizations whose principal purpose includes the fostering, promoting, encouraging or conducting of religious, exercise or athletic, rockets, hot-air balloons, go-cart, all-terrain vehicle, motorcycle or automotive racing activities.

D. Clubs shall not be conducted primarily for gain, or for vending stands, or for the purpose of merchandising, or other commercial activities. Clubs shall not be conducted, or otherwise operate except as required for the membership and express purposes for which such club was organized. The club shall be operated solely for recreational, social, patriotic, or benevolent purposes and not for pecuniary gain, excepting that this requirement shall not be construed to prevent the utilization or rental of such club or parts thereof for benefits or performances for a recognized charity or for meetings of other civic organizations.

E. No officer, member or employee of the club shall receive or may be lawfully entitled to receive, directly or indirectly, any pecuniary profit from the operation thereof, except reasonable compensation for services in effecting one (1) or more of the purposes of said club as stated in said certificate of incorporation.

F. The club shall consist of a principal building used for the organization, meetings and operation of the principal purpose of the club.

~~F. In no event shall any permit be issued unless such property is owned either by the club or by a stock corporation organized and existing under the laws of the State of New York, all of the stock of which is owned by the club.~~

~~A.G.~~ The lot frontage shall conform to the requirement of the district in which it is located, but shall be no less than one hundred (100) feet.

~~B.H~~ Said frontage and access for the lot shall be on a state, or county or town road.

~~C.I~~ No building, structure or enclosure used for recreation or the gathering of groups of people exceeding twenty-five persons shall be closer than sixty-five (65) feet ~~one hundred (100) feet~~ to any road or property line.

~~D.J.~~ The maximum coverage of all buildings and structures shall be two percent (2%).

K. The maximum building coverage of the principal building, deemed to be the clubhouse shall be 15,000 square feet.

L. No accessory building shall be larger in building coverage than seventy-five percent of the principal building.

H.M. The architectural design of the building exterior shall be similar to and compliment the

surrounding residential neighborhood.

N. No club shall be operated so as to create a nuisance to surrounding properties, and no special use permit for a club shall be issued to an organization for a use of the property which would be considered deleterious to the health, or safety, or peace and harmony of any adjacent residential property.

O. No club shall be permitted to have an outdoor public-address systems.

P. Accessory uses which may be permitted for a club are those activities which are clearly subordinate and incidental to the principal use, and shall be limited to the following activities:

(1) Active indoor recreational sports.

(2) Outdoor recreational activities limited to bowling, baseball, soccer, golf and golf ranges, fishing, horseback riding, bicycling, archery, skiing, all forms of tennis, roller skating, ice skating, swimming, tobogganing, bobsledding, squash, badminton, volleyball, track and field sports, model airplanes and hunting.

(a) Excluded from outdoor recreational sports accessory uses shall be rifle ranges, pistol ranges, skeet and trap shooting.

(3) Children's amusement area not exceeding in area 12,000 square feet in area which may include swings, sliding ponds, monkey bars, wading pools, merry-go-round, boat rides, touring trains and other such mechanical facilities normally associated with children's amusement areas.

(4) Passive activities or use of the land where there is no change to the topography or vegetative cover, such as hunting, hiking or fishing.

E:Q. At all reasonable times, the Code Enforcement Officer may visit and inspect the club property, the membership list, register of guests and all other relevant books, records and accounts of the club for the purpose of determining whether the club is being operated in compliance with this chapter and as a bona fide nonprofit organization for the purposes stated in its certificate of incorporation as approved by the Board of Appeals.

Section 2. This local law shall take effect immediately.

Dated: January 14, 2010

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF PATTERSON

ANTOINETTE KOPECK, TOWN CLERK

TOWN OF PATTERSON

AMENDMENT TO
CHAPTER 154 OF THE PATTERSON TOWN CODE

BE IT ENACTED by the Town Board of the Town of Patterson, Putnam County,
New York, as follows:

Section 1. Chapter entitled “ Zoning - Permitted Principal Uses in the C-1 and I
Zoning Districts”, is hereby amended to read as follows:

Chapter 154 ZONING

THIS AMENDMENT SHALL REPLACE FORMER § 154-34.B. AND § 154-38.C.

§ 154-34.B. Research or biotech laboratories and facilities, where any research or development is conducted within the principal building located on the lot.

§ 154-38.C. Research or biotech laboratories and facilities, where any research or development is conducted within the principal building located on the lot.

Section 2. This local law shall take effect immediately.

Dated: January 14, 2010

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF PATTERSON

ANTOINETTE KOPECK, TOWN CLERK

TOWN OF PATTERSON

AMENDMENT TO
CHAPTER 154 OF THE PATTERSON TOWN CODE

BE IT ENACTED by the Town Board of the Town of Patterson, Putnam County,
New York, as follows:

Section 1. Chapter entitled “ Zoning -Fences”, is hereby amended to read as follows:

Chapter 154 ZONING

THIS AMENDMENT SHALL REPLACE FORMER § 154-15. IN ITS ENTIRETY

§ 154-15. Fences, Stone Walls and Masonry Walls.

A. Except as otherwise provided herein, fences, stone walls or masonry walls or a combination thereof shall not be more than six (6) feet in height measured from ground level to the highest point of any portion of the fence, except along the lot frontage on a Town or private road where a fence or wall in total shall not exceed four (4) feet, except as provided for below:

(1) A trellis, or similar architectural element not exceeding seven (7) feet in height may be permitted at not more than two gateways through the fence or wall.

(2) On fences of four (4) feet or less in height, on each side of a gateway through, or at each terminus of said fence, the height of the fence may be increased to provide an end section. The height of the end section shall not exceed five foot, six inches in height nor eighteen inches in length or width and shall consist of the same material as the wall or fence.

(3) At the intersection between a fence or a wall with a height of four feet, and a fence with a height of six feet, a gradual increase in the height of the lowest fence may be allowed to meld the height of the two fences, the length of which along the lowest fence shall not exceed two times the difference in height of the fences or walls.

(4) The limitation on the height of a wall or fence shall not apply to any lighting which may be placed thereon, however any such lighting shall comply with § 154-22.1 Lighting Standards.

B. Fences shall be installed with the finished side facing out or away from the interior of the lot on which the fence is placed.

C. Front yard, side yard and rear yard setback requirements established by this Chapter shall not apply to fences, stonewalls or masonry walls. In addition, masonry walls constructed as part of a site plan approved by the Planning Board and used to retain an earthen embankment shall be exempt

from the height requirements of this section.

D. Fences placed immediately around the perimeter of a tennis court, used to control balls in play, shall be limited to a maximum height of ten (10) feet.

E. A building permit or certificate of occupancy shall not be required for the erection or construction of any fence or wall that does not exceed the height requirements of subsection A and D above.

F. Fences used as a dumpster enclosure located in a GB General Business, C-1 Commercial or I Industrial zoning district shall be limited to a maximum height to eight (8) feet.

Section 2. This local law shall take effect immediately.

Dated: January 14, 2010

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF PATTERSON

ANTOINETTE KOPECK, TOWN CLERK

TOWN OF PATTERSON
AMENDMENT TO
CHAPTER 154 OF THE PATTERSON TOWN CODE

BE IT ENACTED by the Town Board of the Town of Patterson, Putnam County,
New York, as follows:

Section 1. Chapter *entitled “ Zoning - Apartments”, is hereby amended to read as follows:

Chapter 154 ZONING

THIS AMENDMENT SHALL CREATE A NEW SECTION 154-115.1 - APARTMENTS

§154-115.1. Apartments

A special permit may be granted by the Zoning Board of Appeals to allow up to 45% of a principal building located in the GB zoning district to be used for one or more apartments, subject to the following standards and conditions.

A. The apartment or apartments shall be limited in their entirety to the second floor of the building, except that one or more apartments on the second floor may be permitted to extend into, and use a portion of the first floor, not greater than 50% of the total area of the first floor, where the Zoning Board of Appeals finds that:

- (1) a special condition exists that is unique to the property or building,
- (2) use of the first floor area for apartments shall not alter or affect the commercial character of either the neighborhood or streetscape,
- (3) no suitable commercial use exists for the first floor area,
- (4) use of the first floor for an apartment, shall not result in an overall increase in the number of apartments that would otherwise be permitted within the structure.

B. The architecture of the building shall compliment the architecture of the surrounding buildings.

- (1) In making its determination on the special permit, the Zoning Board of Appeals shall give consideration to the character of the existing exterior appearance of buildings in the immediate vicinity of the site for which a special permit is being considered. Appropriate consideration shall also be given to any future buildings, any reports discussing architectural

elements in the Patterson Hamlet, or any architectural standards adopted by the Town.

(2) Entrance to the apartments shall not be overt, and shall blend with the overall architecture of the building.

(3) Stairways providing principal access to any floor or story above the first floor shall be located within the walls of the building. Where no other feasible alternative exists, emergency stairways and fire escapes may be located on the rear wall, excepting that in no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.

(4) Where a special permit is requested for an existing building, the Zoning Board of Appeals may include in their approval of any special permit pursuant to this section, recommendations on architectural changes or enhancements for the building to the Planning Board, which shall consider said recommendations during consideration of an application for site plan approval. Where the recommendations of the Zoning Board of Appeals for architectural changes or enhancements for the building are incorporated into the approved site plan, said recommendations shall become a condition of any special permit issued by the Zoning Board of Appeals.

(5) Except for directional signs less than two (2) square feet in size identifying the entrance to the apartments, or E-911 addressing, no building-mounted or free-standing signs shall be permitted advertising the apartments, or that apartments may be for lease or rent.

C. Any design, construction and use of any residential units pursuant to this section shall create a safe and harmonious environment for the future tenants.

(1) The apartments shall have a safe and proper means of entrance.

(2) The applicant shall demonstrate that the water supply is potable and of adequate flow to accommodate the entire use of the building. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.

(3) The applicant shall demonstrate the ability to provide for the wastewater demand for the entire building, and site.

(4) The apartments shall comply with all Putnam County Health Department requirements. The Zoning Board of Appeals may require such proof as may be reasonably necessary to demonstrate such compliance has been met. Failure to correct promptly any problems shall result in the revocation of the special use permit.

(5) The applicant shall demonstrate that adequate parking has been provided on the parcel on which the apartment or apartments are located, or that sufficient parking otherwise exists within the immediate neighborhood and is available for use by the future tenants. All parking shall be in accordance with Article XIV of this Chapter, unless otherwise decided by the Planning Board.

(6) In making its determination on the special use permit, the Zoning Board of Appeals shall also give consideration to the amount of traffic that may be generated by the apartments, and its effect on the general neighborhood.

(7) Smoke Detectors. All apartments shall be equipped with a functioning smoke detector device, in accordance with the New York State Uniform Fire Prevention and Building Code.

(8) No apartment shall consist of a single room, unless the single room can provide a minimum clear floor area of not less than two hundred (200) square feet.

(9) Each apartment shall contain at least one bathroom area containing a shower, toilet and sink, and shall provide independent kitchen facilities, all of which shall be contained within the apartment.

(10) A bedroom shall be considered any room used routinely for persons sleeping for periods of more than one hour. The maximum occupancy for a bedroom in any dwelling unit shall be limited to three persons unless the Owner thereof can demonstrate to the Zoning Board of Appeals that an increase in the number of persons per bedroom for a particular dwelling unit is reasonable, and will not result in an unsafe or unsanitary condition. A bedroom shall be at least eighty-one (81) square feet for one person, and at least seventy-five square feet for each additional person thereafter.

D. In making its determination on the special use permit, the Zoning Board of Appeals may establish the size, location and number of apartments that may be allowed within the building.

E. Continued compliance with all of these standards and conditions is required. Failure to do so will result in a suspension of the special use permit, or such other remedies as may be provided by this Chapter. Where it has been demonstrated that a property owner or landlord is in chronic violation of the conditions of this special permit, the Zoning Board of Appeals, after a public hearing may by resolution revoke this special permit.

F. A site plan, approved by the Planning Board pursuant to Article XV, shall be required for any lot for which a special permit has been granted pursuant to this section.

G. All apartments shall comply with Chapter 129 of the Patterson Town Code.

Section 2. This local law shall take effect immediately.

Dated: January 14, 2010

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF PATTERSON

ANTOINETTE KOPECK, TOWN CLERK