CHAPTER 154

ZONING

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ARTICLE I

Authority and Purpose; Applicability; Interpretation; Definitions

§ 154-1. Authority and purpose.

There is hereby established a comprehensive zoning plan known as the "Zoning Code of the Town of Patterson," which plan is set forth in the text, map and schedule that constitute this Chapter. Said plan is adopted pursuant to, and for the purposes set forth in Article 2, Section 10 of Municipal Home Rule Law, and Article 16 of the Town Law of the State of New York, and more particularly for the protection and promotion of the public health, safety, morals and general welfare of the community in the following manner:

A. Guiding the future development of the town in accordance with a comprehensive plan of land use which represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the town, having regard to their suitability for co-existence with each other without reducing the quality of life or character of the community.

B. To conserve the natural resources and rural character of the town by encouraging development in appropriate locations and by limiting building in areas where it would conflict with the town's predominantly rural pattern and scale of settlement;

C. To provide for adequate light, air and privacy; to promote safety from fires, floods and other dangers, and to prevent overcrowding of the land and undue congestion of the population.

D. To protect the character and the social and economic stability of all parts of the town and encouraging the orderly and beneficial development of the town.

E. To protect and conserve the value of land throughout the town and the value of buildings appropriate to the various districts established by this chapter.

F. Bringing about the gradual conformity of the uses of land and buildings throughout the town to the comprehensive zoning plan set forth in this chapter, and minimizing conflicts among the various uses, land and buildings.

G. To aid and encourage the wise use and sound management of the groundwater systems, drainage basins, streams, lakes and ponds and all other natural resources throughout the town in order to preserve the environmental quality, and beauty of the community.

H. To aid in bringing about the most beneficial relation between the uses of land and buildings and the movement of traffic through and the circulation of traffic within the town, having particular regard to the avoidance of congestion on the highways, streets and roads within the town and the provision of safe and convenient traffic access appropriate

to the various uses of land and buildings throughout the town.

I. To aid in providing a guide for public policy and action in the adequate provision of transportation, water, sewerage, schools, parks and other public facilities and services, and for private enterprise in building development, investment and other economic activity relating to the uses of land and buildings.

J. In recognition of the economic value of Patterson's natural beauty and environmental amenities, to protect the integrity of scenic views, ridge lines, agricultural land, existing and potential recreation areas, waterways, ground and surface water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation, and to maintain environmentally significant open space in its predominantly natural state, in order to preserve the open and rural character of the town;

K. To promote attractive well-designed development that is built to foster attractive streetscapes, pedestrian-friendly environments and maintain architecturally the rural, and historic character of the Town.

L. To protect the ecological integrity and benefits provided by the wetland system identified as the Great Swamp, which includes water filtration, groundwater recharge, flood control, habitat for plants, animals and rare species, recreation and scenic views.

§ 154-2. Applicability.

A. No land, building or part thereof shall hereafter be used, and no building or part thereof shall be constructed, reconstructed, extended, enlarged, moved, arranged or altered, except in conformity with this chapter; and no lot shall be less in area or width nor have smaller yards, nor shall any building or buildings or part thereof occupy in the aggregate a greater percentage of the lot, nor shall any building be greater in height, than as prescribed in the applicable paragraph hereof, except as otherwise specifically provided in this chapter. No lot shall be diminished in area nor shall any yard or other open space be reduced except in conformity with the requirements of this chapter.

B. No board, agency, officer or employee of the town shall issue, grant or approve a permit, license or certificate or other authorization, including special permits and variances by the Board of Appeals, for any construction, reconstruction, alteration, enlargement or moving of any buildings or for any use of any land or building that would not be in full compliance with the provisions of this chapter.

C. Any such permit, license, certificate or other authorization determined to be issued, granted or approved in violation of the provisions of this chapter shall be null, void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or any other authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the town purporting to

validate any such violation.

D. This Chapter shall not apply to lands, or any buildings or structures thereon, that are owned by the Town of Patterson and used for the public benefit.

E. Where a lot has been included in the Putnam County Agricultural District, any agricultural activity as defined herein, or any activity directly related to a commercial horse boarding operation conducted on said lot, shall not be required to comply with the requirements of this Chapter unless said activity will affect the health or safety of the residents of the Town, except for the requirements of §154-18 Wetlands and Watercourses which shall remain applicable to said lot. **[Added 11-15-06 by L.L. No. 10]**

§ 154-3. Interpretation.

A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare, and more particularly for the purposes set forth in §154-1. It is not intended by this Chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, when this Chapter imposes a greater restriction on the use of buildings or land or on the height of buildings, or requires larger open spaces or makes any other greater requirements than are imposed or required by any other ordinance, rule, regulation or by easements, covenants or agreements, the provisions of this Chapter shall control. Where the requirements of this Chapter differ from the requirements of another statute, law, ordinance, rule or regulation, the more restrictive shall govern.

B. The requirements of this Chapter provide the uses and dimensional requirements that have been determined to be the minimum requirements necessary to provide for the orderly development of the Town, in a manner consistent with the intentions of the residents thereof. Any use of land or property that is not specifically permitted by this Chapter is prohibited.

§ 154-4. Definitions.

A. Usage.

(1) All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise.

(2) The word "person" includes individuals, corporation(s) and all other legal entities. The word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; and the words "shall" and "must" are always

mandatory and not directory. The word "occupied" or "used" shall be construed as though followed by the words "or intended, arranged or designed to be used or occupied," unless the natural construction of the wording indicates otherwise.

(3) Unless otherwise specified, all distances shall be measured horizontally.

(4) The word "town" means the Town of Patterson, in the County of Putnam, State of New York; the term "Town Board" means the Town Board of said town; the term "Planning Board" means the Planning Board of said town; the term "Board of Appeals" means the Zoning Board of Appeals of said town; the term "Code Enforcement Officer" means the Building Inspector or Codes Enforcement Officer of said town; the term "Town Plan" means the plan adopted by the Town Board pursuant to § 272-a of the Town Law.

(5) The definitions contained herein shall apply to the terms used in this Chapter. Where terms are not defined in this chapter or within another chapter of this Code, they shall be defined using their ordinarily accepted meanings within the context in which they are used. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be the source consulted for the ordinarily accepted meaning.**[Added 11-15-06 by L.L. 10]**

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

ACCESSORY APARTMENT - An apartment located in a single family dwelling that contains not more than one bedroom, has a floor area greater than 400 square feet and not more than 600 square feet and which does not exceed 35% of the aggregate floor area of the single family dwelling. The accessory dwelling shall clearly be subordinate to the single family dwelling.

ACCESSORY BUILDING - A building or structure that is located on the same lot as the principal building and is incidental to and subordinate in area, extent and purpose to the principal building.

ACCESSORY USE - A use that is located on the same lot as the principal use and is incidental to and subordinate in area, extent and purpose to the principal use.

ADULT ENTERTAINMENT BUSINESS - an establishment of business that is characterized by an emphasis on nudity or acts of a sexual nature and shall include topless bars, adult bookstores and adult cabarets, however shall exclude stores that rent video cassettes, DVD's or other photographic reproductions where such material comprises less than 15% of the floor area and is maintained separate from the other portions of the building.

AGRICULTURE -

(1) The use of the land for the production for sale of crops, livestock and livestock products, where the same is carried on as a business or gainful operation, and shall include:

(a) the cultivation of the soil for food products or other useful or valuable growths of the field or garden,

(b) tillage or husbandry,

(c) dairying, raising of livestock, fowl or birds,

(d) a nursery farm as defined herein.

(2) Agriculture shall not include equestrian centers or the raising of trees for wood products. The term "Farm Operation"shall also have the same meaning as Agriculture.

ALLEY - A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

ALTER - (AS APPLIED TO A WETLAND, WATERCOURSE OR WATERBODY) Any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate or any form of dumping, filling or depositing of any kind, either directly or indirectly; erecting any structure or roads; the driving, piling or placing of any other obstructions, whether or not changing unrestricted movement of water; any form of pollution; and any other activity which impairs any of the several functions served by freshwater wetlands and watercourses or the benefits derived therefrom.

ALTER - (AS APPLIED TO A BUILDING OR STRUCTURE) A change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. The term "alter" in its various modes and tenses and its participial form refers to the making of an "alteration".

APARTMENT - A room or suite of two (2) or more rooms designed, used or intended for use as a separate residential unit within in a building.

AREA, BUILDING - The total sum of the maximum cross-sectional or horizontal areas as measured by the vertical projection to the ground of their greatest outside dimension of the principal building, exclusive of any cornice, balcony, gutters, awning, open entrance hood, or overhanging roof which projects less than three (3) feet from the face of a building, open terraces and steps. All dimensions shall be measured between the exterior faces of walls.

AREA, LAND - When referring to the required area per dwelling unit, means the area within the property lines or property boundaries of a lot, exclusive of streets and other public open space.

AUTOMOTIVE DEALERSHIP - A commercial business primarily housed in a structure that sells or leases new or used motorcycles, automobiles, vans or trucks and may include as an accessory use the repair and maintenance of vehicles that are similar in nature to those for sale or lease at the site.

BASEMENT - That space of a building that is partly, or wholly below grade, i.e., which has more than half of its height, measured from floor to ceiling, below the average established street curb level or finished grade of the ground adjoining the building. When used in connection with a building, the term “cellar” shall have the same meaning as 'basement'.”

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and shall include any decks, porches, patios or other structure attached thereto, excepting that structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaft ways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings. A building shall not include walkways or sidewalks of less than eight inches above grade or driveways.

BUILDING, ACCESSORY - Any building, including any appurtenances which are attached or directly abutting thereto, excepting for sidewalks or walkways, which is subordinate to and whose use is incidental to the use of the principal building on the same lot.

BUILDING COVERAGE - The total area of all principal and accessory buildings on a lot.

BUILDING, PRINCIPAL - A building in which is conducted the principal or main use of the lot on which it is situated, including any appurtenances which are attached or directly abutting thereto, excepting for sidewalks or walkways.

CABIN - A permanent or semi-permanent structure used exclusively as temporary shelter for not more that twenty-six weekends per year or for more than twenty-one consecutive days and not exceeding six hundred fifty (650) square feet in size, nor more than sixteen (16) feet in height.

CAMP - Any area of land or water on which are located two (2) or more cabins, shelters, tents, houseboats or other accommodations of a design or character that is normally intended or suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied

seasonally or otherwise. A camp shall not include a hospital, place of detention or school offering courses of general instruction.

CHURCHES AND OTHER PLACE OF PUBLIC WORSHIP - A parcel or lot, including the buildings and structures thereon, or portion thereof, where persons regularly assemble for religious worship and/or related instructional, social, cultural and fund-raising activities incidental thereto and where the design and construction of the building, accessory buildings or improvements to the lot are primarily intended for religious services. A Place of Public Worship may also include any social and administrative rooms incidental and accessory thereto.

CLEAR CUTTING - The removal of ten (10) or more trees over 12" in diameter at breast height (DBH) within an areas of 20,000 sq.ft. within a six month period.

COMMERCIAL TRADE OPERATION - A service related business conducted by a skilled artesian, where the service provided is conducted off-site and is representative of and shall include general contractors, painting contractors, carpenters, plumbers, electricians and landscapers.

COMPOSTING, COMMERCIAL – Any non-residential facility or portion thereof that stores organic material in a container or compact pile for the purpose of natural transformation into compost or combines or mixes two or more of the following materials for the purpose of manufacturing a product that can be sold or re-used; yard trimmings, wood chips, vegetable wastes or other organic matter, soil, sewage, sludge or septage.

CONFERENCE CENTER - A parcel including the buildings thereon used for general conferences and seminars, which is non-sectarian, is not involved in the promotion of any specific purpose, agenda or goal and is open to the public.

CONTAINER - A portable unit, generally used for the temporary storage and/or transportation of materials.

CONTRACTOR'S YARD - A lot, or portion thereof used for the storage of equipment or materials, either of which are not offered for retail or wholesale sales at the site, but which are principally used for a construction related activity at a location other than the lot on which the Contractor's Yard is located. A contractor's yard shall also include any buildings located on the lot and any accessory office spaced used by the contractor whose business is located on the lot.

CONTROLLED AREA - Includes all wetlands greater than one-half acre, watercourses and the area surrounding the same for a horizontal distance of one hundred (100) feet from the boundary of the wetlands and all watercourses and all adjacent surfaces within one hundred (100) feet measured horizontally from the ordinary high water line of a watercourse.

CULTURAL CENTER - A parcel including the buildings thereon which shall be open to the general public for the enjoyment of activities including or similar to performing arts, theaters, and museums.

CURB SERVICE ESTABLISHMENTS - See "drive-in establishments."

DAY CAMP - Any land, including the buildings thereon, used for any assembly of persons for recreational or educational purposes.

DAY-CARE CENTER - A place, person, association, corporation, institution or agency which provides day care for three (3) or more children away from their primary residence and in which parents, guardians or others responsible for the child place the child. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child. The term "day care of children" includes services provided with or without compensation or payment. The name, description or form of the entity which operates a day-care center does not affect its status as a day-care center pursuant to Chapter 154 herein.

DAY-CARE, HOME - An occupied residence providing or designed to provide day care for not more than eight (8) children, including resident children less than fourteen (14) years of age.

DISTRIBUTION TERMINAL - A facility where goods are received and temporarily stored for short periods with the specific intent of redistributing those goods.

DOG KENNEL - Any building, structure or premises in or on which there are kept more than three (3) dogs that are more than six (6) months old.

DRIVE-IN ESTABLISHMENTS - Shops, stores, buildings or outdoor counter service which make available any facility for, or which encourages or permits or which has as a significant component of its business, the consumption of food or beverages on the premises outside the building in parked cars.

DWELLING, GROUP - A group of two (2) or more one-family, two-family or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY - A building or portion thereof containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families, individuals or group of individuals living independently of each other.

DWELLING, SINGLE-FAMILY - A building containing one (1) principal dwelling unit and designed or used for occupancy by one (1) family, and which may also contain a legally permitted accessory apartment.

DWELLING, TWO-FAMILY- A building designed for and occupied exclusively as a

home or residence for two (2) families.

DWELLING UNIT - One or more rooms connected together, constituting a separate, independent housekeeping unit for one (1) individual person or one (1) family containing independent sanitary, cooking and sleeping facilities, physically separated from any other dwellings that may be in the same building, and having either separate access, or an access shared in common, to the outside.

E.C.I. - The Environmental Conservation Inspector of the Town of Patterson.

E.C.I., DEPUTY - The person designated by the Town of Patterson to perform the duties of the E.C.I. in his absence.

EPHEMERAL POND - (or vernal pool) A basin or depression which fills with water typically in the Spring and may dry up during summer months, and which supports "obligate" vernal pool species of wildlife, including Fairy shrimp, wood frogs and mole salamanders.

EQUESTRIAN CENTERS - Any building, group of buildings, structures or land where horses are kept for riding, driving, boarding or otherwise stabled for compensation or as an incidental use to the operation of any club, association, ranch or similar establishment. Land or buildings in which horses, owned solely by the property owner, are stabled for the enjoyment of the property owner, and which is clearly incidental to the residential use of the property shall not be considered an Equestrian Center. Farms, where the principal use is breeding of horses shall also not be considered an equestrian center but shall be considered an agricultural activity.

EXCAVATION - Any removal of sand, gravel, soil or other natural materials to a depth of twelve (12) inches or more below the natural contour of the land, or the present contour of the land if the natural contour has been disturbed prior to the effective date of this law, whether or not any overburden and/or natural material is intended for any use off of the site, except that "excavation" shall not include said removal for the purpose of bona fide agricultural activities, routine landscaping or improvement of drainage on occupied property, or land development of the site pursuant to, but not prior to, issuance of a building permit or issuance of subdivision or site plan approval.

FAMILY - Any number of individuals related by blood, marriage or adoption [or not more than three (3) individuals who are not so related], living together as a single housekeeping unit, using rooms and housekeeping facilities in common, having such meals as they may eat at home prepared and eaten together, and is permanent and stable. Three (3) or more individuals not so related shall not be considered as a family unless they can sufficiently demonstrate to the administrative officer charged with enforcement of this code that they:

1. share the entire dwelling unit

2. live and cook together as a single housekeeping unit
3. shares expenses for food, rent, utilities or other household expenses, and
4. is permanent and stable

FARM, HOBBY - A parcel or lot, containing at least five (5) acres on which activities, typically associated with agriculture or farm operations including the raising of farm animals, are conducted for the enjoyment of the property owner and/or where no profit can be shown in any three out of five successive years. It excludes the raising of swine, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels.

FARM, LARGE - Any parcel of land containing at least ten (10) acres which is used for gain in agriculture, including the growing of nursery or garden products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of more than two (2) adult swine and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels.

FARM, SMALL - Any parcel of land containing at least five (5) acres which is used for gain in agriculture as defined in this chapter. It includes farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of more than two (2) adult swine and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels.

FARM ANIMAL, LARGE - Any animal exceeding one hundred and twenty-five (125) pounds, or any fowl exceeding two (2) pounds, which is typically raised outdoors or in a barn or other structure not typically used for residential purposes.

FARMLAND, USABLE - Lands with characteristics of soils and topography that are generally suitable for the growing of crops or the raising of animals. Regulated wetlands, lakes or ponds, and slopes exceeding 50% in grade shall not be considered Useable Farm Land.

FAST-FOOD ESTABLISHMENTS - Shops, stores or buildings with indoor or outdoor counter service, providing for the consumption of food or beverages not at the counter, whether within or outside the building. A business primarily engaged in the sale of pre-processed or quickly prepared food and beverages in disposable containers or wrappers, selected by patrons from a limited line of specialized items such as hamburgers, chicken, pizza, tacos, hot dogs, ice cream or yogurt, for consumption either on or off the premises, in a facility in which a major portion of the sales to patrons is at a drive-in window or stand-up type counter.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, or the slope of the finished grade extending ten (10) feet

perpendicular from the building or structure has a grade of greater than 20%, in computing the height of a building or other structure, the finished grade for each individual side of the building shall be the average elevation of all finished grade elevations adjacent to and at a distance ten (10) feet from the periphery of that side of the building. **[Amended 9-24-2003 by L.L. No. 6-2003]**

FLOOR AREA, LIVABLE - When applied to dwellings, shall include all floor area used for human occupancy within the exterior walls of the building suitable for habitation including closets, hallways, cellars or basements with a finished floor and a vertical height greater than seven feet, and any portion of attic space with a floor, or where a floor could be installed and that is greater than five feet in height, but shall not include open porches or breeze ways, unfinished cellars, garages or uninhabitable or unfinished attic space.**[Added 11-9-05 by L.L. No. 12 of 2005]**

FOOTCANDLE - A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Footcandle shall also mean the ratio of the quantity of light, measured in lumens to the surface area in square feet on which the lumens are falling. One foot-candle shall equal one lumen per square foot. Foot-candle light densities are measurable with an illuminance meter. **[Added 11-9-05 by L.L. No. 12 of 2005]**

FOUNDATION - The masonry portion of a structure which is below the finished grade of the ground adjoining the structure, or in the case of a basement or cellar, that portion of masonry of which the cellar or basement is comprised.

FRONTAGE - All that portion of a lot or parcel which abuts continuously on one (1) side of a street or intersecting streets as defined herein and from which access to the principal building is derived, or where no building has been constructed, from which access to the lot is derived.

GARAGE, PRIVATE- A portion of a principal building or, an accessory building with a building area of greater than two hundred and fifty (250) square feet but which does not exceed in size a bulk area ratio of fifty percent (50%) of the principal dwelling on the lot as measured from the above-ground exterior walls of each structure, and does not exceed in height the height of the principal structure, and which is used principally for the storage of motor vehicles as an accessory use, and used exclusively by the occupants of the lot upon which the building is erected.**[Amended 9-24-2003 by L.L. No. 6-2003; Amended 11-9-05 by L.L. No. 12 of 2005]**

GARAGE, PUBLIC - A building or part thereof, other than a private garage, used for the storage, care, repair or painting of motor vehicles for remuneration or for the sale of motor vehicles or accessories or where any such vehicles are kept for hire.

GASOLINE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances,

including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, excluding automotive body repair work and painting thereof by any means.

GLARE - Intense light that results in discomfort and/or a reduction of visual performance and visibility. **[Added 11-9-05 by L.L. No. 12 of 2005]**

GREENHOUSE - Any building or structure constructed mainly of glass, plastic or other clear or translucent materials and used as a conservatory for the growing and protection of flowers and plants and for the propagation and culture thereof.

HAMLET OF PATTERSON - The lands contained within the following boundaries:

(1) Northerly boundary: Dutchess County line.

(2) Easterly boundary: New York State Electric and Gas right-of-way, including but not limited to Lots #7, 32, 33, 44 and 50 in Block 1, Map 4 of the Town Tax Maps of December 31, 2001. **[Amended 11-15-06 by L.L. 10 of 2006]**

(3) Southerly boundary: As taken from the Town Tax Maps of December 31, 2001, the southerly boundary of Lot 9, in Block 1 of Map 4; the southerly boundary of Lot 40, in Block 1 of Map 14; the southerly boundary of Lot 98, in Block 2 of Map 13.8 the southerly boundary of Lots 88 in Block 1 on Map 13.8; southerly boundary of Lot 60, in Block 1 of Map 13.7; and thence along Route 311 to the intersection of Cross Road.

(4) Westerly boundary: from the Dutchess County line southerly along Harmony Road to the intersection of Route 292; thence easterly to the intersection of Meadowbrook Road; thence southerly along Meadowbrook Road and Sonnet Lane, including all the residential lots along those roads and Pan Road until the intersection of Route 311.

HEALTH OR FITNESS CLUB - A building, or portion thereof where members or non-members use equipment or space for the purpose of exercise or physical training. **[Added 11-15-06 by L.L. 10 of 2006]**

HEIGHT OF BUILDING - The vertical distance as measured between 1) the level of the highest point of the roof surface, exclusive of any chimneys, antennas of less that ten (10) feet in height, or other purely architectural protrusions less than six feet in height, and 2) the average level of the finished ground surface across the exterior wall of the building which results in the greatest vertical distance.**[Amended 11-9-05 by L.L. No. 12 of 2005]**

HOME OCCUPATION - An accessory use of a service character customarily conducted

entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such incidental and secondary use other than a small nameplate, and in connection therewith there is not involved the keeping of a stock-in-trade. Said accessory use shall not occupy more than thirty-five (35)% of the floor area of the building. The professional office of a lawyer, accountant, engineer, architect or other professional person, including violin, piano, other individual musical instrument or voice instructor 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 occupation of dressmaker, milliner or seamstress, each with not more than one (1) paid assistant, shall also be deemed to be "home occupations." Dancing instruction, band instrument instruction in groups, tearooms, tourist homes, beauty parlors, barbershops, real estate or insurance offices, hospitals, mortuary establishments, and stores, trades or businesses of any kind herein excepted shall not be deemed to be "home occupations."

HOSPITAL - Includes sanatorium, , clinic, rest home, nursing home, convalescent home and any other place for temporary occupation by the sick or injured for the purpose of diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL - Any building or portion thereof where single rooms or suites of rooms are rented or hired out to be occupied or which are occupied by transient guests who are lodged, with or without meals, for sleeping purposes for compensation, whether the compensation be paid directly or indirectly.

IMPERVIOUS SURFACE - Those surfaces in the urban landscape which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall including, but not limited to building rooftops, pavement, sidewalks, driveways and roads with a surface of dirt, gravel, asphalt or concrete, decks and swimming pools.

LIGHTING, TEMPORARY - Lighting that is intended to be used for a special event held for seven (7) days or less, which is held by a government agency or not- for profit organization, and which lighting shall be limited to the hours of 7:00 a.m. to 11:00 p.m.**[Added 11-9-05 by L.L. No. 12 of 2005]**

LIMITED IMMUNITY USE - Any use or activity which by act of State-imposed restrictions on the Town's authority to imposed zoning restrictions, or by judicial determination is not subject to conforming with the requirements of this Chapter including, but not limited to, farm operations participating in an agricultural district.

LOT - A contiguous area of land, under single ownership throughout, occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with its open spaces.

LOT AREA - The total horizontal area included within lot lines.

LOT, CORNER - A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five degrees (135).

LOT COVERAGE - COVERAGE - The aggregate percentage of a plot or lot area covered by the buildings or structures as measured by the vertical projection to the ground of their greatest outside dimension. Any cornice, balcony, awning, gutters, open entrance hood, or overhanging roof which projects less than three (3) feet from the face of a building shall not be considered as part of the structural coverage. Conversely, any cornice, balcony, awning, open entrance hood, or overhanging roof which projects three (3) or more feet shall be included in entirety as lot coverage. Structures with minimal horizontal areas such as arbors, trellises, fences, and poles shall not be considered as part of lot coverage. Likewise appurtenances, such as open porches, terraces, or open decks, with heights above grade less than three (3) feet shall not be considered as lot coverage. Swimming pools with water levels or with decks three (3) feet or more above grade shall, however, be considered as part of structural coverage. Structures entirely located more than two (2) feet below the ground, including oil tanks and subsurface sewage treatment systems shall not be included in lot coverage.

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

LOT, FLAG - A lot who’s configuration is such that access is provided through a narrow corridor and the bulk of the lot’s area is located behind the rear property line of one or more adjacent lots.

LOT LINE, FRONT - The edge of the lot which abuts the frontage except that in the case of a “flag” lot the front lot line shall also include the nearest property line which is parallel to the property line which abuts the property frontage.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE, REAR - The lot line which is generally opposite the front lot line. If the "rear lot line" is less than ten (10) feet in length or if the lot comes to a point at the rear, the "rear lot line" shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

LOT WIDTH, AVERAGE - The quotient arrived at by dividing the area of the lot in square feet by the depth of the lot in feet.

LUMEN: A quantitative unit measuring the amount of light emitted from a light source.(see footcandle)**[Added 11-9-05 by L.L. No. 12 of 2005]**

LUMINAIRE- A complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.**[Added 11-9-05 by L.L. No. 12 of 2005]**

LUMINAIRE, DIRECTIONALLY SHIELDED: A luminaire which emits a light distribution where some light is emitted at or above a horizontal plane drawn through the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.

LUMINAIRE, FULL CUT-OFF OR FULL SHIELDED - A luminaire or light fixture that; by design of the housing, light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The lamp is not visible from outside the fixture with a shielded light fixture, and no light is emitted above the horizontal plane drawn through the base of the fixture.

RECESSED FIXTURE - When the source of light is built into a structure or portion of a structure such that the light source is fully contained within the structure and no part of the light source extends or protrudes beyond the underside of a structure or portion of a structure

MANUFACTURING, LIGHT - The assembly, fabrication, treatment and packaging of component parts into a finished product, or the processing of raw materials into a finished component or product. Light Manufacturing shall not include operations which are offensive, obnoxious or detrimental to the environment by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes. Light Manufacturing shall also not include operations that require large volumes of raw materials that must be delivered and stored in bulk, or where the manufacturing process would require any highly flammable, toxic or explosive materials. Light Manufacturing shall also not include any outdoor operations. **[Added 11-15-06 by L.L. 10 of 2006]**

MINERAL PROCESSING FACILITY - Any operation which receives, prepares, washes, cleans, crushes, stockpiles, distributes or engages in any other such processing of natural materials removed from the earth.

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as auto courts, tourist courts, motor inns, motor lodges and buildings known by similar appellations.

NONCONFORMING - A building, structure, land or substantial use of any of same lawfully existing at the time of the enactment of this chapter which does not conform to

the regulations for the district or districts in which it is situated.

NURSERY, FARM - Any lot used for the growing of trees, shrubs or other live plant material intended for sale, excluding the growing of trees for wood products or personal use or enjoyment and lots or portions thereof used principally for the storage of nursery products.

NURSERY, RETAIL - A lot or portion of a lot, and the buildings and structures thereon who's use or intended use is the sales of trees, shrubs, flowers or other live plant material. A retail nursery shall also include the retail sales of items accessory or incidental to the sales of plant material and any greenhouses used to raise and store the plant material that will be sold on the lot. A green house shall not be considered a retail nursery where the greenhouse is not open to, nor accessible to the general public and the wholesale or retail sale of plants is not conducted on the lot or an adjacent lot under the same ownership.

NURSERY SCHOOL - A place where children of preschool age regularly meet for daytime care, training and/or supervised play.

OFFICE, BUSINESS - A building or any portion of a building, or any use thereof, conducted for administrative, executive management or clerical activities, but where such services are not offered to consumers or walk-ins, nor include client-based social services offices. Business Offices shall mean those types of businesses which include corporate offices, district and regional offices, holding companies, administrative or business management services, dictation services, telephone answering services, telemarketing services or computer software design. **[Added 11-15-06 by L.L. 10 of 2006]**

OFFICE, PROFESSIONAL - A building or any portion of a building, or any use thereof, conducted for the business of offering services to the public, which are typically occupied by individuals of a recognized profession and maintained for the conduct of such profession. Professional Offices shall mean those types of businesses which include those of law, architecture, planning, engineering, appraisals, real estate, insurance, accounting, art instruction, music instruction, investment counseling, and other professions which require a similar degree of training and experience. Professional Office shall also include computer services offered to others, except for computer training, computer repair or computer sales. **[Added 11-15-06 by L.L. 10 of 2006]**

PARKING AISLE - An access way, other than a street or road, located on private property that provides a means of egress and ingress to vehicle traffic.

PARKING SPACE - A permanently improved off-street space dedicated exclusively for the parking of one (1) motor vehicle on a transient basis, and having an area of not less than two hundred (200) square feet, or as otherwise may be established by the Planning Board, and having access to a parking aisle, street or alley.

PERSONAL SERVICES - A building or any portion of a building, or any use thereof,

conducted for the benefit of consumers for compensation, which provide appearance enhancement, personal improvement, personal instruction services, or other services listed herein, including barber shops, beauty shops, shoe repair shops, nail salon, tanning salon, laundromats, tailors, florist, printing, publishing or photocopying; photographer's studio, dance or music studios; driving schools; diet centers, reducing salons, mail service and safe deposit boxes, a travel bureau, a custom printing for apparel, photocopying center, dry cleaner, day spa and other uses of a similar nature. Personal services shall not include establishments at which exercise or physical training is provided. **[Amended 11-15-06 by L.L. 10 of 2006]**

POLLUTION - The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, plants, animals or property.

RESTAURANT - A building or portion thereof where food and beverages, whether or not alcoholic, are sold for consumption to customers seated within the building. A building, or portion thereof, where a major portion of the food and beverages are sold to patrons at a drive-in window or stand-up type counter, shall not be considered a restaurant.

RETAIL - A building or any portion of a building, or any use thereof, conducted for the benefit of consumers at which the sale or rental of dry goods, groceries, commodities, or merchandise is available to consumers including, but not limited to, drug stores, super markets, delicatessens, department stores, home furnishing stores, clothing stores, pet supply shops, video rental stores, automotive parts and accessories (excluding vehicle service and installation) computers and electronics. **[Added 11-15-06 by L.L. 10 of 2006]**

SIDEWALK - An improved surface, absent of vegetation, which is less than five feet wide, is less than eight inches in height from the adjacent grade, and whose principal function is to convey pedestrian traffic. A sidewalk may also include a series of steps which follow the general contour of the land and are at grade, but shall not include stairs which create a transition between two distinct elevations of the land.

SIGN - Any exterior movable or fixed device or any combination of devices or parts thereof containing letters, pictures, insignia or illustrations for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, and shall also include that portion of awnings, in-door and window signs which display an advertisement, announcement, notice or name. The following shall not be deemed a sign within the meaning of this definition;

(1) Directional and traffic signs erected by any duly constituted public authority of the state, county, town or school district;

(2) A sign, which may be illuminated, not exceeding six by eighteen (6 x 18) inches,

erected or maintained upon a lot to identity the occupant thereof in the case of one-family dwellings, or

(3) Numbers required pursuant to a unified numbering system established by Chapter 112 of the Patterson Town Code or the Putnam County E-911 system.

SIGN AREA - That area which results by multiplying the outside dimensions of a sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where the sign consists of individual letters or symbols attached to or painted on a building, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

SIGN, BUSINESS OR PROFESSIONAL - A sign which advertises, directs or attracts attention to or announces a business establishment or profession conducted upon the same lot, including a place where services, entertainment, commodities, merchandise or products are offered, conducted or sold at retail upon said lot.

SIGN, FARM PRODUCE - A sign which directs attention to the sale at retail upon the same premises of farm produce, dairy products, poultry or other food products lawfully grown, raised or produced upon said premises in connection with the operation of a roadside stand.

SIGN, FLASHING - An illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, FREESTANDING - A sign permanently anchored to the ground, or attached to a support permanently anchored to the ground and is not located on nor attached to a building.

SIGN, ILLUMINATED - Any sign designed to give forth or reflect any artificial light.

SIGN, PORTABLE - A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign including menu and sandwich board signs; balloons used as signs; umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business and the sign is advertising the name of the company or business.

SIGN, RESIDENCE BUSINESS - A sign indicating the name and profession or occupation of a resident of the same lot, provided the profession or occupation so indicated is one of those specified in Article I, §154-4 (home occupation), of this chapter, and shall include a bona fide "for sale" or "to let" sign referring to the property upon which such sign is erected.

SIGN, TEMPORARY - One not permanently attached to any structure nor set on any foundation in earth

STABLE - Any accessory building or portion of a principal building in which animals are kept, whether for private use, for hire, remuneration or sale.

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 the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than five (5) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or a watchman.

STORY, HALF - A story with at least two (2) opposite sides meeting a sloping roof not more than two (2) feet above the floor of such story.

STREET - An improved public or private thoroughfare however designated, used by vehicles to travel between two points and which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

STRUCTURE - Anything constructed or erected which has, or would normally be expected to have a permanent or semi-permanent location on or in the ground or attachment to something having a permanent or semi-permanent location on or in the ground, including patios, decks, stairs and other improved areas intended as a central location for recreation or leisure activities. Fences and/or walls, with a height of six (6) feet or less shall also be considered a structure.

TENTING AREA - An area occupied by two (2) or more tents used for temporary residence for recreational purposes only.

TRAILER - Any portable or mobile unit used or designated to be used for living purposes, with or without rigid supports and with or without its wheels, rollers or skids in place.

TRAILER PARK - A land or floor area occupied or designated for occupancy by two (2) or more trailers or camp cars in use for living purposes.

USE, ACCESSORY - A use that is located on the same lot as the principal use and is incidental to and subordinate in area, extent and purpose to the principal use. **[Amended 11-15-06 by L.L. 10 of 2006]**

USED CAR LOT - Any outdoor place where two (2) or more motor vehicles in operating condition are offered for sale or are displayed.

USE, PERMITTED - Includes only those uses which are specified in this chapter and shall not be deemed to include any nonconforming use.

USE, PRINCIPAL - The main purpose for which land is used or a building is designed or used or for which the building may be occupied or maintained.

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

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

WAREHOUSE - A building or any portion of a building greater than 40 square feet, used for the storage of material, merchandise, furniture or other commodities, excepting materials which are hazardous, explosive or radioactive. **[Added 11-15-06 by L.L. 10 of 2006]**

WATERCOURSES - Any of the following:

(1) Rivers, streams, brooks and waterways which are delineated on the most recent edition of the United States Geological Survey topographic maps of the town.

(2) Any other streams, brooks and waterways containing running water for a total of three (3) months a year.

(3) Lakes, ponds, marshes, swamps, bogs, natural springs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland or watercourse.

(4) Ephemeral or vernal pools.

WETLAND, BOUNDARY - The outer limit of vegetation, and soils specified herein in the definition of freshwater wetlands.

WETLANDS, FRESHWATER - Lands within the Town of Patterson, one-half (½) acre or more in size, which meet one (1) or more of the descriptions set forth herein below under (1), (2), (3), (4) and/or the description set forth in (5), and also any wetland, regardless of size that is found to contain any rare, endangered or threatened species of plant, tree or wildlife as determined by the N.Y.S.D.E.C. or U.S. Fish and Wildlife

Service shall be regulated by the Town of Patterson, regardless of wetland size.

(1) Lands and submerged lands, commonly called marshes, sloughs, wetlands, swamps, bogs and flats, supporting aquatic or semiaquatic vegetation, but not limited to the following types:

(a) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees, including, among others, red maple (Acer rubrum), willows (Salix spp.), black spruce (Picea mariana), swamp white oak (Quercus bicolor), red ash (Fraxinus pennsylvanica), American elm (Ulmus americans), larch (Larix laricina), river birch (Betula nigra), white cedar (Thuja occidentalis), black gum (Nyssa sylvatica) and American sycamore (Platanus occidentalis).

(b) Wetland shrubs which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including, among others, alder (Alnus spp.), buttonbush (Cephalanthus occidentalis), bog rosemary (Andromeda glaueophylla), leatherleaf (Chamaedaphne calyculata), spicebush (Linders benzoin), highbush blueberry (Vaccinium corymbosum), redosier dogwood (Cornus stolonifera) and serviceberry (Amclanchier canadensis).

(c) Emergent vegetation, including, among others, cattails (Typha spp.), pickerelweed (Pontederia cordata), bulrushes (Sciurpus spp.), arow arum (Peltandra virginica), arrowheads (Saggitaria spp.), reed (Phragmites communis), wildrice (Zizania aquatica), bur reeds (Sparaganium spp.), purple loosestrife (Lythrum saliearia), swamp loosestrife (Decodon verticillatus), water plantain (Alisma plantagoaquatica), skunk cabbage (Symplocarpus foetidas) and false hellebore (Veratrum viride).

(d) Rooted, floating, leaved vegetation, including, among others, water lily (Nymphaea odorata), water shield (Brasenia schreberi) and spatterdock (Nuphar spp.).

(e) Free-floating vegetation, including, among others, duckweed (Umna spp.), big duckweed (Spirodela polyrhiza) and watermeal (Wolffia spp.).

(f) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other open land vegetation, including, among others, sedges (Carex spp.), rushes (Juncus spp.), cattails (Typha spp.), rice cut-grass (Leersia oryzoides), reed canary grass (Phalaris arundinancea), swamp loosestrife (Decodon verticillatus), spikerush (Eleocharis spp.) and

skunk cabbage (Sympiocarpus foetidus).

(g) Bog mat vegetation, including, among others, spaghnum mosses (Sphagnum spp.), bog rosemary (Andromeda glaucophylla), leatherleaf (Chamaedaphne calyculata), pitcher plant (Sarrancenia purpurea) and cranberries (Vaccinium macrocarpon and Vaceinium oxycoccous).

(h) Submergent vegetation, including, among others, pondweeds (Potamogeton spp.), naiads (Najas spp.), bladderworts (Ultricularia spp.), wild celery (Vallisneria americans), coontail (Ceratophyllum demersum), water milfoils (Myriophyllum spp.), muskgrass (Chara spp.), stonewart (Nitella spp.), water weeds (Elodea spp.) and water smartweed (Polygonum amphibium).

(2) Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six (6) feet, and provided that such conditions can be expected to persist indefinitely, barring human intervention.

(3) Lands and waters encompassing aquatic or semiaquatic vegetation as set forth herein (1) above or dead vegetation as set forth in (2) above, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.

(4) The waters overlying the areas set forth in (1) and (2), and the lands underlying (3).

(5) Soil types that are poorly drained, very poorly drained, alluvial or floodplain soils, as defined by the United States Department of Agriculture Soil Conservation Service and the Putnam County Soil and Water Conservation District, which exhibit characteristics typical of a wetland soil such as gleying, redox depletion or mottling, including but not limited to the following classifications **[Amended 11-15-06 by L.L. 10 of 2006]** :

(a) Carlisle muck (Ce).

(b) Fluvaquents (FL).

(c) Ipswich muck (Ip).

(d) Palms muck (Pa).

(e) Palms and Carlisle soils, ponded (Pc).

(f) Paxton (Pn)

(g) Ridgeberry loam with zero-to-three-percent slopes (RdA).

(h) Ridgeberry loam 3-8% slopes (RdB)

(I) Ridgeberry loam 2-8% slopes, very stony (RgB)

(j) Raynham silt loam (Ra)

(k) Fredon silt loam (Fr.)

(l) Sun series.

(m) Udorthents, wet substratum (Uc).

(n) Leicester.

YARD - An open space of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except for the certain features specified in this chapter. In measuring a "yard" as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the principal building or, if more than one principal building exist on the site then the point of a group of the principal buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building to the nearest line. In measuring a yard for the purpose of determining the width of a front yard, a side yard or a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

YARD, FRONT - A yard extending across the full width of a lot and lying between the front lot line and the nearest point of the principal building.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear lot line and the nearest point of the building.

YARD, SIDE - A yard between the side lot line and the nearest point of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as the case may be.

ARTICLE II
Districts, Map and Schedule

§ 154-5. Zoning districts designated.

The Town of Patterson is hereby divided into the following zoning districts:

1. Putnam Lake Residence RPL-10 District
2. Residence R-1 District
3. Residence R-2 District
4. Residence R-4 District
5. General Business GB District
6. Commercial C-1 District
7. Industrial I District
8. Commercial Recreation CR District
9. Open Space Overlay District
10. Multifamily Overlay District

§ 154-6. Zoning Map.

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, Town of Patterson, New York," dated, May 1, 2003, and as amended by the Town Board is hereby adopted and made a part of this chapter. Said Zoning Map may be amended in the same manner as any other part of this chapter. The map is on file in the office of the Town Clerk, and such map and amendments thereto are hereby declared to be a part of this chapter.**[Amended 11-9-05 by L.L. No. 12 of 2005]**

§ 154-7. Schedule of regulations. [Amended 9-24-2003 by L.L. No. 6-2003, Amended 11-15-06 by L.L. No.10]

To facilitate public understanding of this chapter and for the better administration thereof, the regulations limiting minimum size of yards and the location, arrangement, bulk and minimum size of buildings and structures are set forth in the annexed schedule for each of the districts established by § 154-5 of this chapter. Such schedule, hereinafter referred to as the "schedule," is hereby adopted and declared to be part of this chapter and may be amended in the same manner as any other part of this chapter.

§ 154-8. Use of schedule.

All limitations for any district as to percentage of lot area that may be used for buildings, permissible height of buildings, required yards and minimum size thereof, minimum size of dwellings and all other requirements shall be those set forth in the schedule, which in the case of each district established shall be read across the schedule from left to right.

ARTICLE III
Interpretation and Special Regulations

§ 154-9. Interpretation of dimensional standards.

A. Unless otherwise indicated on the Zoning Map, the zoning district boundary lines are intended to follow property boundaries or the centerline of streets.

B. All setback requirements shall be from that portion of the building or structure that is closest to the property line and shall include any porch, deck, balcony or any other portion that projects horizontally and is attached thereto, directly abuts, or would otherwise be considered an integral part thereof.

§ 154-10. Separate lot for each building.

Every building hereafter erected shall be located on a lot as herein defined, and, except as herein provided, there shall be not more than one (1) main building and its accessory buildings on one (1) lot, except for nonresidential buildings, small farms and large farms in districts where such uses are permitted.

§ 154-11. Yard and open space for each building.

No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.

§ 154-12. Corner Lots and Through Lots

Wherever a property boundary is adjacent to a street, the front yard dimensional requirements of this Chapter shall apply to such property boundary, and such property boundary shall not be considered a side or rear yard. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard.

§ 154-13. Visual obstructions at intersections.

No fence, wall, hedge, shrubbery or other obstruction to vision in excess of three (3) feet in height, as measured above the adjacent street grade, shall be placed or allowed to grow at street intersections within the triangular area formed by the intersecting street lines and a straight line joining such street lines at points which are seventy-five (75) feet distant from the point of intersection, measured along such street lines, excepting that said distance may be reduced by the Planning Board upon an affirmative recommendation by the Town Engineer.

§ 154-14. Height limitations.

The height limitations of this chapter shall not apply to church spires and cupolas nor to chimneys, skylights and silos that are part of a farm operation used to store farm-related materials such as feed or grain.

§ 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 where a fence or wall in total shall not exceed four (4) feet.

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 place 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.

§ 154-16. Temporary permits for carnivals.

Nothing in these regulations shall prevent a church, school, or volunteer fire department from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven (7) days, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. The Town Clerk may issue a permit to any of the above group organizations located within the Town of Patterson to hold an event as described and limited above.

§ 154-17. Construction Trailers

Construction trailers may be placed temporarily (without permanent footings) on construction sites for a period not to exceed the lesser of the construction period or

eighteen (18) months, however that where the period a construction trailer will remain on a site exceeds eighteen (18) months it shall do so only upon site plan approval issued by the Planning Board. Such trailers may be used for office, storage, or workshop space and shall not be used for residential purposes.

§ 154-18. Wetlands and watercourses

A. Legislative intent

(1) The Town Board of the Town of Patterson has determined that freshwater wetlands are invaluable resources for flood protection; erosion control; wildlife habitat; forests; pollution treatment; open space; water, including groundwater recharge; recreation; and other benefits associated therewith which, if preserved and maintained in an undisturbed natural condition, constitute important assets to present and future residents of the town.

(2) The Town Board of the Town of Patterson has determined that growth and development has placed increasing demands upon natural resources that may result, and in certain instances has resulted, in the encroachment, despoiling, polluting and/or eliminating of wetlands and watercourses.

(3) Recurrent flooding in areas of the town, aggravated or caused by the loss of wetlands or alteration of watercourses, has serious effects upon natural ecosystems and presents serious hazards to the environment and the health, safety, welfare and property of the people of the town.

(4) Since acts on wetlands and watercourses in one location affect persons and property in other locations, wetland and water conservation are matters of concern to the entire town. The establishment of preservation, protection and conservation practices is essential to the public health, safety and welfare of the residents of the town.

B. Regulated activities.

(1) It shall be unlawful for any person, without a written permit therefore issued by the town, to alter any freshwater wetland, watercourse or controlled area protected by this section, except as herein provided.

(2) Activities subject to regulation under this section shall include the following:

(a) Any form of dredging or excavation and any grading or removal or disturbance of soil, mud, sand, gravel, silt or any other earth material from any controlled area, either directly or indirectly;

(b) Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind in any controlled area, either directly or indirectly;

(c) Erecting any building or other structure; construction of any road, driveway or motor vehicle parking facility; paving; installation of sewage disposal systems or sewer outfall or swimming pools; discharge of sewage treatment effluent or other liquid wastes; drilling and digging of wells; installation of any pipe or other conduit; or the placing of any other obstructions within a controlled area, whether or not the same affect the ebb and flow of water;

(d) The use of any chemicals, dyes, fertilizers, herbicides, pesticides or similar materials in any controlled area, such that the same may cause pollution of or effect the controlled area;

(e) Creating an increase or decrease in the flow, velocity or volume of water in any watercourse, excluding customary seasonal raising and/or lowering of said watercourse;

(f) Creating a diversion of water flow on any watercourse, including but not limited to constructing dams, docks or bridges;

(g) Introducing any influents of high thermal content, such that the same are capable of causing deleterious ecological effect;

(h) Any logging operation, including clear-cutting, within one hundred (100) feet of a wetland or watercourse. These actions shall be reviewed by the E.C.I., so as to determine if such acts affect the prevailing surface water runoff conditions, directly or indirectly; or

(I) Any other activity which substantially impairs any of the functions of the wetlands and watercourses or the benefits derived therefrom as set forth in Subsection A of this section.

(j) Any substantial removal of surface vegetation that may affect the function of a wetland or watercourse.

(k) Any accumulations of sediment resulting from uncontrolled stormwater runoff or soil erosion.

(3) Exclusions. Activities excluded from regulation under this section shall include the following:

(a) The removal of the natural products of freshwater wetland and

adjacent areas by recreational or commercial fishing, shellfishing, aquiculture, hunting or trapping where otherwise legally permitted and required.

(b) Public health activities under order and regulations of the New York State Department of Health and/or the Putnam County Department of Health or orders and regulations of any duly authorized agency, provided that copies of such orders and regulations have been filed with the Town Clerk of the Town of Patterson and that the E.C.I. may request modifications of such orders if they deem it necessary to implement the policy of this section.

(c) Any actual and ongoing emergency activity which is immediately necessary for protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include, but are not limited to: search and rescue operations; preventative or remedial activities related to large scale contamination of streams or other bodies of water; response to floods, hurricanes and other storms; fire fighting and public health concerns. Within five (5) days of the end of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this section, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the E.C.I. setting forth the pertinent facts regarding such emergency, including an explanation of life, property or resource values such activity was designed to protect or preserve.

(d) Ordinary maintenance and repair of existing structures or improved areas which do not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, railroad beds, bulkheads, docks, piers, pilings or paved streets.

(e) Trimming, pruning and bracing of trees. Decorative landscaping, including the addition of native trees and plants, and incidental removal of trees and brush.

(f) Repairs to existing subsurface sewage disposal systems located within an area regulated pursuant to this Section excepting that reasonable notice shall be provided by the property owner to the Patterson Environmental Conservation Inspector prior to any disturbance. Notice shall include a description and plan of any work proposed. The Patterson Environmental Conservation Inspector may impose such reasonable requirements and restrictions as are necessary to give effect to the intent and purpose of this Section pertaining to wetlands, streams and water bodies.

(g) The routine maintenance of ponds or wetlands and other facilities designed, constructed and intended specifically for the management and treatment of stormwater runoff. **[Added 11-15-06 by L.L. 10 of 2006]**

C. E.C.I.

(1) Appointment. The Environmental Conservation Inspector shall be appointed by the Town Board.

(2) Qualifications. Qualifications for the position of E.C.I. shall include a baccalaureate degree in a natural science discipline or an associate's degree in the natural sciences and two (2) years full-time experience in work closely associated with wetlands protection or related environmental areas, and any other training and experience which assures a technical knowledge of wetlands and their functions and benefits to perform the tasks identified in Subsection C(3) of this section.

(3) Duties. The E.C.I. will review all wetlands permit applications, periodically inspect town wetlands and permitted projects for unregulated activities and make recommendations to the regulatory agencies or Departments of the town which also regulate such activity or project, including the Planning Board, and shall prepare such investigations, recommendations and reports on environmental issues as may be requested by the Town Board.

(4) The E.C.I. shall have the authority to issue stop work orders and appearance tickets for violations of the zoning code pertaining to wetlands and watercourses.

(5) The E.C.I. may issue an Act of Remediation to allow immediate corrective action to alleviate any potential or occurring impairment to a wetland or watercourse, or any action which has caused a violation of the regulations pertaining to wetlands or watercourses.

(6) Concurrent with the initial appointment of the E.C.I., the Town Board shall appoint a Deputy E.C.I. to carry out the duties of the E.C.I. in his/her absence, i.e., vacation, illness, etc.

D. Permit applications.

(1) Any person proposing to conduct or causing to be conducted a regulated activity requiring a permit under this section upon any controlled area shall file an application for a permit with the Patterson Planning Board, together with a filing fee established by the Town Board. The Planning Board shall immediately inform the Environmental Conservation Commission, the E.C.I. and the Code Enforcement Officer. Projects for which an environmental assessment form

(EAF) has not been required by any other agency shall file an EAF under this permit application. All wetlands and watercourse boundaries will be flagged with easily identifiable material and numbered in sequence by a qualified ecologist, botanist, soil scientist or wetland specialist. The E.C.I. will certify the flagging as accurately reflecting the boundaries the wetland or watercourse. Once so certified the boundaries will be accurately located on any plans submitted to the Town.

(a) All permit applications must include the following information unless waived by the Planning Board upon recommendation of the E.C.I.:

[1] Name/address. The name, address and telephone number of the applicant, and, if the applicant is not the owner, the written consent of the owner must be attached.

[2] Tax Map designation. The street address and tax map designation of the property involved.

[3] List of property owners. An application shall include a list of adjacent and nearby property owners whose rights or interests may or will be affected by the proposed action. Notification of adjacent property owners contained on the list shall be by certified mail by the Applicant at least ten (10) days prior to the date of the public hearing and shall include the notice of public hearing as advertised in the local paper. Proof of mailing shall be provided to the Planning Department. The list of property owners shall include all those property owners as follows:

[a] Where the total area disturbed will not exceed 2,500 square feet, all property owners whose property lies within two hundred (200) feet of the proposed area of disturbance; or

[b] Where the total area disturbed exceeds 2,500 square feet, all property owners whose property lies within two hundred (200) feet of the proposed area of disturbance and those property owners within five hundred (500) feet of the area of disturbance where any portion of their property is within the wetland, watercourse or controlled area thereto.

[4] Plans/specifications. Detailed plans and specifications for the proposed wetlands activity, drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, showing the following:

[a] Location of disturbed area. The location of the construction area proposed to be disturbed and its relation

to property lines, buildings, roads, controlled areas and watercourses within five hundred (500) feet.

[b] Quantity of material. The estimated quantities of material to be deposited or removed.

[c] Location of wells/septics. The locations of any wells, and depth thereof, and of any waste disposal systems within two hundred fifty (250) feet of the proposed operation or project.

[d] Drainage system details. The details of any drainage system proposed, both for the construction process of the system and the final development and maintenance of the system.

[e] Construction details/deposition of spoil. Where creation or enlargement of a lake or pond is proposed, details the construction of any dams, embankments, outlets or other water control devices and of the deposition of the spoil material.

[f] List of affected functions. A list of all beneficial functions of the wetland which will be affected by the application.

[g] Details of protection procedure. A diagram showing what erosion controls will be installed, and a schedule for their installation and maintenance.

[h] Topographic details. Existing and adjusted contours shall be shown at an interval of two (2) feet in the area of the proposed operation or project and to a distance of fifty (50) feet beyond said operation or project.

(b) Application fee. Each application shall be accompanied by an application fee, as set by the Town Board. No application shall be considered complete by the E.C.I. until the application fee has been received by the town.

(c) Impacts upstream and downstream. Applications affecting the water-retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland shall include a statement and numerical calculations of the impact of the project on upstream and downstream areas, giving appropriate consideration to other

than normal levels of watercourses and amounts of rainfall, specifically the one-hundred-year storm.

(d) Miscellaneous information. Applications should also contain such other design specifications, engineering studies, hydrogeologic studies or impact considerations as the Planning Board and the E.C.C. may deem necessary.

(e) Burden of proof. To meet the applicant's burden of proof, the applicant may submit any information necessary to demonstrate that the proposed activity is not adverse to the general health, safety or economic and general welfare of the residents of the Town of Patterson.

(f) Submission of fourteen (14) copies of application. Fourteen (14) completed copies of the application, together with fourteen (14) copies of the specified supporting plans and documentation, including an environmental assessment form, shall be filed with the Town Clerk. Applications under this section involving subdivision, site development plan or special permit approval by the Planning Board or Town Board shall be submitted concurrently with the application for such preliminary subdivision approval, site development plan approval or special permit approval.

(g) Professional preparation/certification of applications. Plans and specifications for all wetlands permit applications requiring Planning Board approval shall be prepared and certified by an engineer licensed by the State of New York, unless this requirement is waived by the Planning Board If the requirement for certified plans is waived, the plans submitted shall be neat, complete, fully definitive of all details of the proposed operation or project and capable of reproduction.

(h) Should the Planning Board determine, after review of said application and recommendation of the E.C.I., that an action proposed for a regulated area is insignificant, a permit and/or public hearing waiver shall be issued and the permitting process suspended for that action. The fee may be returned, in whole or in part, at the discretion of the Town Board, upon recommendation of the Planning Board. In determining whether the fee should be refunded in partially or wholly refunded the Town Board will consider the extent of the review completed by the Planning Board and the E.C.I.

(I) Withdrawal/refund conditions for applications. Any applicant may withdraw his/her application at any time Any application fee paid by the applicant, as outlined in Subsection E(l)(b) of this section, shall not be refunded to any applicant who so withdraws his/her application, except

that the fee may be returned, in whole or in part, at the discretion of the Town Board, upon recommendation of the Planning Board. In determining whether the fee should be refunded in partially or wholly refunded the Town Board will consider the extent of the review completed by the Planning Board and the E.C.I.

(2) As determined by the Planning Board, the town shall publish notice of the filing of the application in the official newspaper of the town, which notice shall be in a form approved by the Town Clerk.

(3) This section does not remove the necessity of any applicant to obtain the approval or permit required by any other town law or other applicable federal, state or local permits or authorization, including wetlands permits under Article 24 of the New York State Environmental Conservation law.

(4) Where a regulated wetland lies within two (2) or more jurisdictions:

(a) The Planning Board must provide copies of the application to the other sharing jurisdiction; and

(b) The processing of the application by the E.C.I. will include consultation with the other entities in order to achieve a mutually satisfactory determination.

E. Administration of permit application.

(1) After the application is deemed complete by the Planning Board in compliance with Subsection D, the E.C.I. shall render a decision to the Planning Board within sixty (60) days recommending approval, denial or approval with conditions of applications for a wetlands permit. Pursuant to the approval of an application by the Planning Board, a permit will be issued by the Chairman of the Planning Board.

(2) Unless waived, with such reasons as may justify a waiver set forth in the minutes of the meeting, a public hearing shall be held by the Planning Board regarding all applications for a wetlands permit.

(3) Standards for permit decisions.

(a) In his or her its recommendation to approve, deny or condition any permit, the E.C.I. shall consider the effect of the proposed activity with reference to public health and welfare; fishing, flood, hurricane and storm dangers; and protection or enhancement of the several functions of freshwater wetlands and the benefits therefrom, which are as set forth in Subsection A of this section. Due consideration will also be given to the

benefit the applicant and/or the public may derive from the completion of the proposed activity. The E.C.I. may consider the freshwater wetlands permit requirements promulgated by the rules and regulations of the State of New York.

(b) No recommendation for approval of a permit shall be rendered by the E.C.I. unless:

[1] The proposed regulated activity is consistent with the policy of this section to preserve and protect and also conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the developments of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and the beneficial economic and social development of the Town of Patterson.

[2] The proposed regulated activity is compatible with the public health and welfare.

[3] The proposed regulated activity is reasonable and necessary.

[4] There is no practicable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area.

[5] The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this subsection.

(c) Duly filed written notice that the state or any agency or political subdivision of the state is in the process of acquiring any freshwater wetlands by negotiation or condemnation authorizes, but does not require denial of any permit, but only if both the affected landowner and local government have been so notified.

(4) Extension of time. The applicant and the Planning Board may mutually consent, in writing, to extend the time for a determination on the application. Any such extension of time must be in writing or recorded in the minutes of the Planning Board meeting at which the project was reviewed.

(5) Conditions for a permit

(a) Every permit issued pursuant to this section shall contain the

following general conditions:

[1] The E.C.I., Deputy E.C.I or Code Enforcement Officer shall have the right to inspect the project from time to time.

[2] The permit holder shall notify the E.C.I., in writing, of the date on which project construction is to begin, at least five (5) business days in advance of such date.

[3] The permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.

[4] The boundaries of the project shall be clearly staked or marked. In addition, boundaries of any wetlands contained within boundaries of the project shall also be staked or marked with markers approved by the Town of Patterson.

[5] All permits shall expire on completion of the acts specified and, unless otherwise indicated, shall be valid for a period of one (1) year.

(b) Any permit issued pursuant to this section may be issued with special conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this section.

(6) Findings. Decisions on permit applications, shall be supported by written findings and reasons.

(7) Permit renewal. Upon request of the applicant and upon approval by the Planning Board, a permit may be renewed for a period of no more than one (1) year. The fee for a permit renewal will be set by the Town Board.

(8) Bonding requirements. The Planning Board may require posting of a performance bond or other surety as a condition of approval. The amount of the performance bond or surety shall be determined by the Town Board, upon recommendation of the Planning Board. The form and surety will be subject to acceptance by the Town Attorney.

(9) Suspension or revocation of permits.

(a) The E.C.I. shall suspend, pending Planning Board review, a permit issued pursuant to this section where he/she finds that the permittee has not complied with any term of such permit, has exceeded the authority granted in the permit or has failed to undertake or complete the project in

the manner set forth in the application.

(b) The E.C.I. shall set forth, in writing to the Planning Board, his/her findings and reasons for suspending a permit pursuant to this section. Upon review of these findings, the Planning Board shall determine whether to lift the suspension of the revocation of the permit, modify the permit or permanently terminate the permit.

F. Penalties and corrective action.

(1) Administrative sanctions.

(a) Any person found violating any provision of this section or the conditions imposed by the Planning Board upon an approved permit shall be served with a stop-work order and/or notice of violation by the E.C.I., stating the nature of the violation and providing a reasonable and specified time within which corrective action shall be completed by the violator to restore or correct, insofar as possible, the affected wetland to its condition prior to the violation. The E.C.I. shall supervise any restoration.

(b) Any person who violates, disobeys or disregards any provisions of this section, in addition to a criminal sanction, shall be liable to the people of the town for a civil penalty consistent with the costs of the corrective action.

(c) In the event that a violation of this section results in imminent peril to persons or property, the Town may enter and perform any corrective work that needs to undertaken to eliminated the peril. All costs of corrective work shall be at the expense of the property owner.

(d) Any fines, civil penalty or corrective work shall be paid to the Town within sixty (60) days notice to the property owner, and thereafter shall be a lien imposed upon the property.

(2) Criminal sanctions.

(a) Any person violating Subsection 154-18 or any order of the town issued pursuant to Subsection E(l) above shall, for the first offense, be guilty of a violation punishable by a fine of not more than ten thousand dollars ($10,000.).

(b) Where the affected area has not been restored to a condition existing prior to the unpermitted activity, each day's continued violation shall constitute a separate additional violation.

(c) For a second and each subsequent offense by any person within a three-year period, the aforesaid shall be guilty of a Class A misdemeanor, punishable by a fine of not less than one thousand dollars ($1,000.) nor more than twenty thousand dollars ($20,000.) or a term of imprisonment of not less than fifteen (15) days or not more than six (6) months, or both.

(d) The town shall prosecute any persons alleged to have violated the provisions of this section and may seek equitable relief to restrain any violation or threatened violation of its provisions.

(e) Where a stop-work order has been issued by the E.C.I. or Codes Enforcement Officer, because of violation of the provisions of this section, or any permissions or extensions thereof issued hereunder, each day such violation shall continue after such service shall constitute a separate offense punishable by a like fine or penalty as herein set forth.

(f) The E.C.I. and the Codes Enforcement Officer shall have the power to issue an appearance ticket or summons to any person(s) that violate the town's wetlands and watercourses legislation.

(3) Notwithstanding any of the penalties or fines herein above provided, the Town of Patterson may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the noncompliance of any provision of this section or permit issued hereunder.

G. In the case of a dispute over wetland delineation, the most current release of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" and the "National List of Plant Species that occur in Wetlands may be used to settle the dispute as it pertains to wetland soils or vegetation.

H. Appeals. Any person aggrieved by an order or decision regarding protected wetlands and watercourses which are regulated by this section may seek review by the Patterson Town Board and then may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam. Such appeals shall be filed within thirty (30) days after the date of the filing of the particular order or decision with the Patterson Town Clerk.

§ 154-19. Soil test pits.

For the protection of the public health, safety and welfare, open test pits in the ground, such as are made with construction machinery and as are required by the Putnam County Department of Health, shall either be safely covered and weighted or, if they contain any water, be completely filled in with soil, all within a period of twenty-four (24) hours from the time they were dug.

§ 154-20. Required street frontage.

No building permit shall be issued for any building or structure unless the lot upon which that building or structure is to be built has the required frontage on a street or highway, as defined herein, which street frontage provides the actual access to such building or structure and which street or highway shall have been suitably improved to town road standards, or where the appropriate relief has been granted as provided in §280-a of the Town Law.

§ 154-21. Notification by Sign [Amended 9-24-2003 by L.L. No. 6-2003]

A. In addition, to other notification requirements, each applicant requesting approval of a site plan, a subdivision of lands, a special use permit, a use variance or a change in the zoning code or map shall post a sign on the property referenced in such application on or before the seventh day following the reviewing Board's determination of the receipt of a complete application, however in no case shall the sign be posted less than twenty-one days prior to a public hearing on the application. Such sign shall be a minimum of inches twenty (20) by thirty (30) inches in size however, shall in no case exceed a total area of forty (40) square feet for an individual sign or in aggregate where more that one sign is erected. The sign shall consist of sturdy, weather-resistant and serviceable material and containing a white background with black letters, and shall be placed in a location plainly visible and easily readable from the most commonly traveled street or highway upon which the property fronts.

B. Such sign shall be at least six feet above the ground and in legible lettering at least two inches high and shall read as follows:

ON THIS SITE A [describe action set forth in application or petition, e.g. an application for a site plan to permit an automobile service station.] IS PENDING. INFORMATION CONCERNING THIS APPLICATION MAY BE OBTAINED FROM THE TOWN OF PATTERSON PLANNING DEPARTMENT, P.O. BOX 470, 1142 ROUTE 311, PATTERSON, NEW YORK. Unauthorized access in not permitted.

C. In addition, the sign shall provide in legible letters, the applicant or applicant's agent by name and address.

D. Where two or more applications are made to the Town which must comply with the provisions of this Section, the Applicant shall have the option to erect one sign which identifies each one of the approvals, permits or variances required, or may erect a sign for each of the approvals, permits or variances required.

E. Prior to review of the application or petition, the applicant shall file with the appropriate Board an affidavit certifying to the fact and date of said posting.

F. Such sign shall remain erected and in good condition, except as noted below, until either all final resolutions approving the application, with or without conditions have been granted, or a final resolution denying the particular application has been issued, upon which the Applicant shall remove any sign erected pursuant to this subsection from the subject premises within 10 days. The period or duration that a sign must remain erect may be varied by the Board with jurisdiction over the application for which the sign must be erected.

§ 154-22. Bedroom Occupancy

For the purpose of this Section, 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 fifty (50) square feet for one person, and at least seventy-five square feet for each additional person thereafter. This Section shall not apply to bedrooms in a non-residential building or facility which has received a special use approval or site plan approval pursuant to this Chapter, where the approval specifically permits a greater bedroom occupancy. **[Amended 11-15-06 by L.L. 10 of 2006]**

§ 154-22.1 Lighting Standards

A. Purpose. The purpose of this Section shall be to establish standards for outdoor lighting facilities in order to reduce light pollution to the general community, to minimize the effects to the night sky, to prevent light trespass, nuisance, or glare to adjacent properties, and to employ lighting standards designed to protect the desired atmosphere of the community. It is intended that all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass (unwanted light cast beyond the property line), and glare across, the property lines, and, or disability glare at any location on or off the property.

B. Applicability. These outdoor lighting provisions apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures. Replacement of a lighting fixture is defined as a change of fixture type, or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, does not constitute replacement and is allowed provided such changes do not result in a higher light output.

C. Regulated Activities. No luminaires in any zoning district shall be erected, illuminated, or otherwise used except in compliance with this Section. Luminaires erected

on any parcel used by, and for a single family residence, or any accessory use thereto shall comply with the standards and restrictions of this Section, but shall not be subject to review by the Planning Board pursuant to Article XV. All other luminaires erected shall be subject to review by the Planning Board pursuant to Article XV.

D. Prohibited Lighting. The following types of lighting and luminaires are prohibited, except when used for those activities described in §154-22.1(E), below:

(1) Flashing lights – Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.

(2) Floodlights – Floodlights not in compliance with the regulations set forth above, or the Standards and Requirements contained herein, or other forms of outdoor light fixtures (including but not limited to stringer lights) not specifically used to illuminate the site, buildings or structures.

(3) Outdoor strings of lights, including but not limited to those outlining lot lines, outdoor display areas, rooflines, doors, windows, landscaping or edges of walls. This section shall not apply to lighting of less than three (3) feet in height along a walkway.

(4) No spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward.

E. Exemptions.

(1) The following shall be exempt from the provisions of this Section, provided that such luminaire, except for those set forth in Paragraphs (a) and (b) below, do not cause glare:

a. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state or county agencies, to include street lights within the public right-of-way.

b. Outdoor lighting required by utility companies, law enforcement, fire and rescue, the New York Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

c. Temporary lighting used for a special event held by, and on behalf of a municipal organization or agency, or a not-for profit organization. This exemption

shall not extend to individuals, organizations, corporations or promoters using lands or facilities owned by a municipality or not-for-profit organization.

d. Motion detector security lights which are normally off, and which when occasionally activated upon motion being detected are on for less than four (4) minutes.

e. Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps or output less than 100 lumens each) used for holiday decorations.

(2) Outdoor lighting used in connection with these categories shall only be illuminated while the activity takes place and during high traffic periods before and after the event.

F. Requirements and Standards

(1) The maximum illumination at the edge of the property line located adjacent to, or within residential-designated zones shall not exceed 0.2 footcandles measured at 30 inches above the ground at the property line.

(2) The maximum illumination at the edge of the property line located adjacent to, or within nonresidential-designated zones shall be 0.5 footcandle measured at 30 inches above the ground at the property line.

(3) The maximum height for any pole mounted luminaire located in a non-residential zoning district shall be 18 feet.

(4) The maximum height for any pole mounted luminaire located in a residential zoning district shall be 12 feet, except for street lights included in the Town lighting district. Schools, day care centers and churches shall be exempt from this section, but shall comply with subsection (3) above. **[Amended 11-15-06 by L.L. 10 of 2006]**

(5) The maximum wattage for luminaires in a residential zoning district is 400 watts.

(6) All exterior lighting shall have full shielding, with recessed bulbs and the light fixtures must be installed in a horizontal position.

(7) Externally lit signs, display, building and aesthetic lighting must be directionally shielded and appropriately screened to prevent the lamp from being visible, or to prevent direct glare off site.

(8) Vegetation screens shall not be employed to serve as the primary means

for controlling glare. Rather glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(9) The Planning Board may require street lights at the intersection of each new residential street or non-residential driveway.

G. Affect on Existing Lighting Fixtures

(1) Lighting fixtures existing at the time of the approval of this section may remain, and shall be considered nonconforming structures. Any modifications to, or replacement of existing lighting fixtures shall conform with the standards of this section. Any additional or new lighting fixtures to existing parking areas or expansion of existing parking areas shall conform with the standards of this section.

§ 154-22.2 Tents and Canopies. [Added 11-15-06 by L.L. 10 of 2006]

A. In any district, tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining written approval from the code enforcement official. Nothing in this section shall require or otherwise be interpreted to necessitate the issuance of a building permit or a certificate of occupancy for the erection or operation of a tent, membrane structure or canopy.

B. Tents, membrane structures or canopies regulated pursuant to this section shall not be erected, operated or otherwise maintained for a period of more than fourteen (14) consecutive days, nor for more than 100 days in aggregate within a 12-month period. The removal and replacement of a tent with a different tent shall be considered as one tent

C. On non-residential properties, review and approval of a site plan by the Planning Board shall not be required so long as the tent, membrane structure or canopy is erected, operated or maintained in an area of the property which will not affect one or more of the ancillary improvements constructed on the lot, including but not limited to parking spaces, access driveway or building access.

D. This section shall not apply to awnings attached to a principal or accessory structure.

E. No tent, membrane structure or canopy as heretofore described under Subsection A shall be erected or maintained on an unimproved or vacant parcel.

§ 154-22.3. Control of Animals. [Added 2-25-2009 by L.L. No. 5-2009]

No property owner, renter or leasee shall permit their animals, farm animals or livestock to run at large, to leave the property on which they are kept while unattended, or to otherwise be unconfined, whether intentional or unintentional. Property owners shall provide such fencing, restraint, confinement or supervision as may be necessary to ensure that any animal, farm animal or livestock kept, housed or otherwise intended to be maintained on a parcel, by the owner, any tenant, leasee, or renter shall not run at large or otherwise be permitted to freely cross to any property owned by another, unless there is a written agreement between the parties expressly for this purpose. Any fences installed or otherwise erected pursuant to this section shall be in conformance with all other requirements of this Chapter affecting fences and walls, and shall at all times be maintained in a good condition. This section shall be applicable to all property with in the Town of Patterson, including any property which may be designated as in an agricultural district.

ARTICLE IV
District Uses

§ 154-23. Compliance required.

In any district, no building, structure or premises, in whole or in part, shall be used, and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved, except for the following purposes or as herein elsewhere specifically provided for by the respective districts, together with the specified accessory uses. For special regulations, see Article III.

ARTICLE V
Uses in Residence Districts

§ 154-24. Minimum lot area.

The classification of residence districts and the minimum areas of the lots situated in said respective districts shall be as follows unless otherwise specified:

A. Putnam Lake Residence RPL-10 District: 19,500 square feet.

B. Residence R-1 District: one (1) acre.

C. Residence R-2 District two (2) acres.

D. Residence R-4 District four (4) acres.

§ 154-25. Open Space Overlay District Requirements

Lots lying in the Open Space Overlay Zone must also comply with Chapter 138, Part 2 which overlay zone shall identify those areas where additional restrictions and requirements, as set forth in Chapter 138, Part 2, shall be required in addition to those requirements established by this Chapter and the Schedule of Zoning Requirements for residence zoning districts. **[Amended 11-15-06 by L.L. 10 of 2006]**

§ 154-26. Permitted principal uses.

The following principal uses shall be permitted in residence districts:

A. A detached one-family dwelling and the raising of fruit and garden crops primarily for the use of the lawful occupants thereof. See Schedule of Regulations for minimum square footage requirements.

B. Special permit uses enumerated in Article XVII and Article XVIII , subject to permits issued by the Board of Appeals and site plan approval by the Planning Board as provided in this chapter.

C. A small farm as defined in this chapter for the casual sale of products raised on the premises, but excluding retail sales on the premises. Maximum coverage of all buildings and structures shall be five percent (5%). A small farm shall also comply with Article X, Farming, Additional Requirements.

D. A large farm as defined in this chapter for the casual sale of products raised on the premises, including greenhouses and cold storage plants incidental to the raising and storage of agricultural, nursery and garden products and buildings incidental to the storage and maintenance of equipment, implements, machinery and vehicles incidental to farming, but excluding retail sales on the premises except as may be herein provided. Maximum coverage of all buildings and structures shall be ten percent (10%). A large farm shall also comply with the Article X, Farming, Additional Requirements.

E. Multifamily dwellings shall be permitted only within the Multifamily Overlay Zone located along Fair Street and along Farm to Market Road, subject to the following conditions:

(1) The minimum lot area shall be ten (10) acres.

(2) Dwelling units, according to their size, shall require the following lot areas:

(a) One-bedroom units or efficiency unit: 5,445 square feet of lot area.

(b) Two-bedroom units: 10,890 square feet of lot area.

(c) Three-bedroom units: 18,700 square feet of lot area.

(3) The maximum coverage of all buildings shall not exceed twenty percent (20%) of the total lot area.

(4) The dimensional zoning requirements for a principal building or structure in the R-4 Zoning District shall apply to all principal structures. The dimensional zoning requirements for a principal building or structure in the R-4 Zoning District shall also apply to all accessory structures. Each building containing one or more dwelling units shall be considered a principal structure. **[Amended 11-15-06 by L.L. 10 of 2006]**

(5) The usable floor area for each dwelling unit shall not be less than six hundred (600) square feet and the maximum height of each building shall not be more than thirty (30) feet.

(6) The required off-street parking space shall not be less than two (2) parking spaces for each dwelling unit. Parking spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length (see Article XIV).

(7) Site plan approval shall be required in accordance with Article XV.

F. Open Space used for the enjoyment of the natural resources located thereon or for hunting, trapping or fishing lawfully-conducted pursuant to the Laws of the State of New York subject to the following conditions:

(1) On a lot of not less than fifty acres used in its entirety exclusively as open space as defined herein one cabin may be erected. Access to the cabin may be provided solely by a pedestrian trail.

(2) A parking area of sufficient size, suitably improved and which has safe ingress and egress shall be provided to accommodate visitors to the site. “Suitably improved” shall mean improved such that the parking area may be safely and reasonably used, however shall not necessarily mean that an asphalt surface is required.

§ 154-27. Permitted accessory uses.

A. The following accessory uses shall be permitted in residence districts:

(1) Home Day Care

(2) A noncommercial greenhouse for personal use, provided that:

(a) The minimum lot size shall be ten thousand (10,000) square feet.

(b) The structure shall not exceed one percent (1%) of the lot area and shall be located in the rear yard only.

(c) If artificial light is used therein, it shall be so screened that the source of light and illuminated area shall not be visible outside the building.

(3) The harboring of dogs and cats, and other mammals or reptiles whose adult weight does not typically exceed one hundred twenty-five (125) pounds or fowl with a typical adult weight of less than two (2) pounds , as household pets, provided that the total number of such pets above the age of six (6) months shall not exceed three (3) for each classification, or ten (10) in aggregate, except that the total permitted number of dogs above the age of six months shall not exceed four dogs if at least one of hte four dogs is a guide dog, hearing dog, service dog or therapy dog, as such dogs are defined in § 108 of the Agriculture and Markets Law of the State of New York. **[Amended 1-10-2007 by L.L. No.1-2007]**

(4) Home occupation as defined in this chapter, provided that not more than one (1) assistant other than the regular occupants of the premises shall be employed.

(5) Noncommercial recreational areas which are incidental and accessory to a residential principal dwelling and used for the enjoyment of the occupants therein, their family and guests.

(6) A hobby farm as defined herein.

(7) A private garage space as defined in this chapter, provided that the nonpassenger vehicle conforms to Subsection A(10).

(8) A barn used exclusively for the storage of grain, hay or other farm-related products, or the storage of farm equipment, or the sheltering of animals excepting dogs. No barn shall be located in the front yard.

(9) A small building principally constructed of wood, stone or a cementitious material, or a combination of these materials, whose primary use is for a workshop or the storage of yard equipment and/or non-hazardous material, either of which is intended for use solely on the parcel on which the building is located and subject to the following restrictions:

(a) they shall not be located in the front or forward of the rear corners of the principal dwelling on the lot;

(b) they shall not be nearer to any side or rear line than is specified in the schedule and shall not be closer than fifteen (15) feet to the principal building, garage or other accessory structure;

(c) the building will not exceed in size a floor area ratio of fifty percent (50%) of the principal dwelling on the lot, and does not exceed in height the height of the principal structure, and shall substantially resemble the principal building in architecture **[Amended 11-9-05 by L.L. No. 12 of 2005]**;

(d) The building shall be used exclusively by the occupants of the lot upon which the building is erected.

(10) The storage of one (1) commercial vehicle of not greater than one (1) ton capacity when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage either permanent or semipermanent in nature.

(11) The storage of not more than one (1) unregistered passenger vehicle.

(12) Other accessory structures not otherwise listed in this subsection including, but not limited to garden, utility or storage sheds, playhouses, pools, outdoor fireplaces tennis courts, satellite dishes, tent-like structures or structures for the storage of equipment for the personal use of the residents of the premises subject to the following conditions **[Amended 11-15-06 by L.L. 10 of 2006]** :

(a) they shall not be located in the front yard

(b) they shall not be nearer to any side or rear line than is specified in the schedule and shall not be closer than fifteen (15) feet to the principal building, garage or other accessory structure, excepting that the fifteen foot separation shall not apply to patios or other at-grade structures.

(c) they shall not exceed 96 inches in height, except for garden, utility or storage sheds which shall not exceed 120 inches in height.

(d) For each principal dwelling, only one tent-like enclosure made of plastic, vinyl, canvas or similar materials and not exceeding 240 square feet shall be permitted on the property.

(e) Metal boxes or containers used for storage shall not be considered an accessory structure.

(13) On a private pond or lake, landings and docks, provided they are located at least ten (10) feet from any side lot line and do not extend over the water more

than thirty (30) feet beyond the mean shoreline. Further, any new landings or dock or changes made to an existing landing or dock other than routine maintenance shall be subject to the requirements of §154-18.

(14) Signs, subject to limitations of Article XIII.

(15) Fences which meet the requirements of §154-15.

(16) Water treatment plants, wastewater treatment plants, and other types of above-ground utility services which are necessary for health and safety of residential dwellings for which they will be used. **[Added 11-15-06 by L.L. 10 of 2006]**

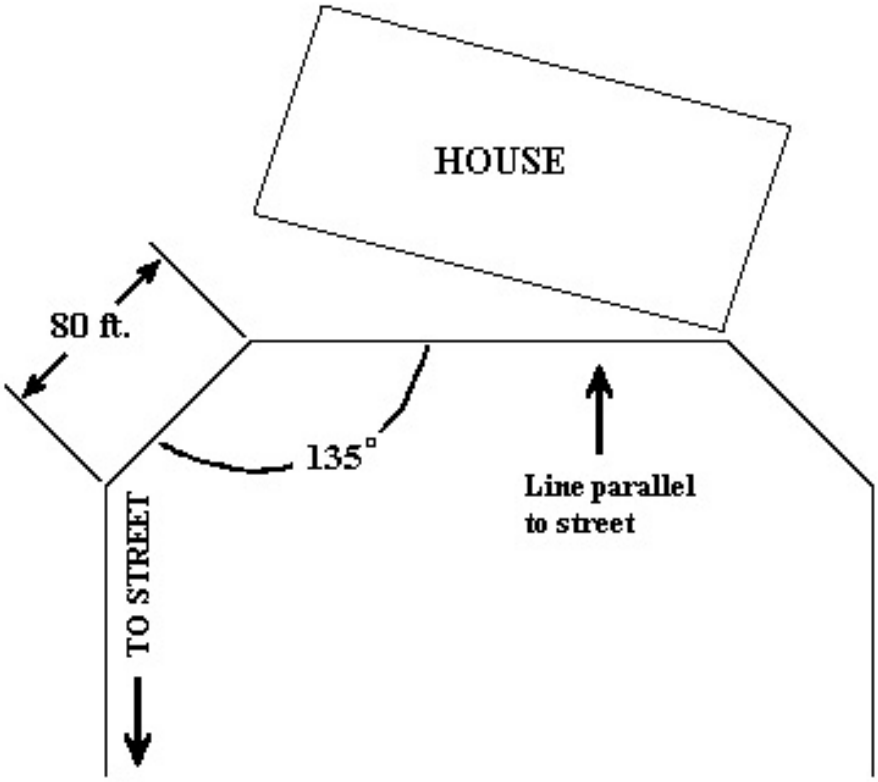
B. The following additional conditions are imposed:

(1) No farm structure or building, or structure or building for the housing of any permitted farm-type animal, nor the storage of manure or other odor- or dust-producing substance shall be permitted within one hundred (100) feet of any property line.

(2) All swimming pools shall be enclosed with a minimum four-foot-high chain link fence, or its equivalent, which shall be kept locked when not in use.

(3) On a minimum lot size of at least three (3) full acres or on a small farm or on a hobby farm, the maximum number of large farm animals which may be kept on the lot shall be limited to one (1) farm animal for each two (2) acres of usable farmland.

(4) No accessory structure or other large man-made object, other than an fence, a stone wall, a masonry wall, or decorative objects less than seventy-two (72) inches in height shall be placed in the area created by a line parallel with the street which extends through the front corner of the principal structure closest to the street, whose length is equal to the greatest width of the principal structure, and which extends equally across the front of the principal structure, thence extending from the end of the line on an angle of 135 degrees for a distance of eighty (80) feet, and thence running parallel with the side yard line to the front yard line. This subsection shall not apply to barns or farm structures pursuant to §154-44(E).



(5) On a lot of ten or more acres an outdoor furnace may be permitted providing that it shall not be located within two hundred (200) feet of any property line.

ARTICLE VI
Uses in General Business (GB) Districts

§ 154-28. Approval of site plan.

A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of**

2006]

§ 154-30. Permitted principal uses. [Amended 11-15-06 by L.L. 10 of 2006; Added 7-22-2009 by L.L. No. 7-2009]

The following principal uses shall be permitted in the General Business districts:

A. Individual retail stores not exceeding 50,000 square feet or individual stores providing personal services, except that buildings, or sites which may contain two or more retail or service operations shall be considered a retail center, and shall be permitted by special use permit only.

B. Business Offices

C. Greenhouses and nurseries.

D. Restaurant.

E. Telephone exchange.

F. Undertaker establishment.

G. Indoor theaters.

H. Music or dancing schools, nursery or day-care centers.

I. Medical and dental offices.

J. Banks.

K. Public Libraries or libraries run by not-for-profit organizations and open to the general public.

§ **154-31. Permitted accessory uses.**

The following accessory uses shall be permitted in general business districts:

A. Manufacturing, converting, altering, finishing or assembly of goods incidental to such retail sale on the premises, excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes.

B. Signs, subject to the requirements of Article XIII.

C. Off-street parking and loading areas, subject to Article XIV.

D. Fences.

E. Lighting facilities.

F. For Greenhouses and nursery operations only, the processing of firewood provided that the total sales volume does not exceed three hundred (300) cords per year, that no portion of the processing or storage operation is closer than two hundred (200) feet from a property line and that access is from a state or county road.

G. Warehousing of goods on the site which are incidental to sales conducted on the premises for retail, undertaking establishments and restaurants, which shall not exceed 35% of the area of the premises. **[Amended 11-15-06 by L.L. 10 of 2006]**

H. Outdoor table service incidental to a restaurant or fast food establishment. **[Added 11-15-06 by L.L. 10 of 2006]**

ARTICLE VII
Uses in Commercial (C-1) District

§ 154-32. Approval of site plan.

A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Amended 11-15-06 by L.L. 10 of 2006]**

§ 154-33. Minimum lot area.

The minimum lot area in the Commercial (C-1) District shall be two (2) full acres. For required setbacks and building sizes, see schedule.

§ 154-34. Permitted principal uses. [Amended 11-15-06 by L.L. 10 of 2006]

The following principal uses shall be permitted in Commercial (C-1) Districts:

A. Individual retail stores not exceeding 50,000 square feet or individual stores

providing personal services, except that buildings, or sites which may contain two or more retail or service operations, shall be considered a retail center, and shall be permitted by special use permit only.

B. Research or biotech laboratories and facilities.

C. Veterinary hospitals, exclusive of outdoor kennels.

D. Greenhouses, and nurseries for wholesale and retail sales purposes.

E. Restaurants.

F. Health or Fitness clubs.

G. Nursery schools and day-care centers.

H. Active indoor and outdoor for-profit recreational sports facilities, archery ranges, swimming pools, ice skating, bowling, baseball and golf ranges, excepting amusement arcades.

I. Electrical substations.

J. Betting Parlors

K. Business and professional offices

L. Undertaker Establishments

M. Small and large farms which shall also comply with the Article X [Farming, Additional Requirements]

O. Banks

P. Drive-in and fast food establishments

§ 154-35. Permitted accessory uses.

The following accessory uses shall be permitted in Commercial (C-1) Districts:

A. Manufacturing or assembly of those items solely incidental to the use of the premises as a research facility or retail operation and excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes. **[Amended 11-15-06 by L.L. 10 of 2006]**

B. Signs, subject to the requirements of Article XIII.

C. Off-street parking and loading areas, subject to the requirements of Article XIV.

D. Fences.

E. Lighting facilities.

F. Warehousing of goods on the site which are incidental to the permitted principal use thereon, or for operations which have received a special use permit. The warehouse portion of the use shall not exceed 35% of the area of the premises. **[Added 11-15-06 by L.L. 10 of 2006]**

G. Outdoor table service incidental to a restaurant or fast food establishment **[Added 11-15-06 by L.L. 10 of 2006]**

ARTICLE VIII
Uses in Industrial I District

§ 154-36. Approval of site plan.

A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of 2006]**

§ 154-37. Minimum lot area.

The minimum lot area in the Industrial I District shall be two (2) full acres. For required setbacks and building sizes, see schedule.

§ 154-38. Permitted principal uses. [Amended 11-15-06 by L.L. 10 of 2006]

The following principal uses shall be permitted in Industrial I District:

A. Manufacturing, converting, altering, finishing or fabrication of products,

excluding commercial composting, and excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes.

B. Warehouses.

C. Research or biotech laboratories and facilities.

D. Contractors' offices, equipment and storage yards, provided the equipment and storage yards are properly fenced and screened.

E. Greenhouses and nurseries as defined in this chapter, all for retail sales, and provided the minimum lot size shall be five (5) acres.

F. Distribution terminals.

G. Electrical substations.

H. Restaurants.

I. Banks.

J. Indoor theaters.

K. Veterinary hospitals and kennels, provided no kennels or runs are located within one hundred fifty (150) feet of any property line. The area of outdoor kennels and runs shall be included when computing maximum lot coverage.

L. Hotels and motels, provided that they shall be located on lots not less than five (5) acres in area and shall contain not less than three thousand (3,000) square feet of land area per each guest unit.

M. Health or Fitness clubs.

N. Active indoor and outdoor for-profit recreational sports facilities such as tennis clubs, archery ranges, swimming pools, ice skating, bowling, baseball and golf ranges, excepting amusement arcades.

O. Small and large farms which shall also comply with the Article X [Farming, Additional Requirements]

P. Individual retail stores not exceeding 50,000 square feet or individual stores providing personal services, except that buildings, or sites which may contain two or more retail or service operations, shall be considered a retail center, and shall be permitted by special use permit only.

Q. Professional Offices or Business Offices

R. Drive-in and fast food establishments

§ 154-39. Permitted accessory uses.

The following accessory uses shall be permitted in Industrial I District:

A. Locker room and shower facilities.

B. Outdoor recreational facilities normally associated with hotels and motels, such as tennis courts and swimming pools.

C. Signs, subject to the requirements of Article XIII.

D. Off-street parking and loading areas, subject to the requirements of Article XIV.

E. Fences.

F. Lighting facilities.

G. Warehousing of goods on the site which are incidental to the permitted principal use thereon, or for operations which have received a special use permit. The warehouse portion of the use shall not exceed 35% of the area of the premises. **[Added 11-15-06 by L.L. 10 of 2006]**

H. Outdoor table service incidental to a restaurant or fast food establishment. **[Added 11-15-06 by L.L. 10 of 2006]**

ARTICLE IX
Uses in Commercial Recreation CR District

§ 154-40. Approval of site plan.

A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in

use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of 2006]**

§ 154-41. Minimum lot area.

The minimum lot area in the Commercial Recreation CR District shall be two hundred (200) acres. For required setbacks and building sizes, see schedule.

§ 154-42. Permitted principal uses.

The following principal uses shall be permitted in Commercial Recreation CR District:

A. Active indoor and outdoor recreational sports such as bowling, baseball, golf and golf ranges, fishing, horseback riding, bicycling, archery, skiing, all forms of tennis, roller skating, ice skating, swimming, tobogganing, bobsledding, hang kite flying, squash, badminton, volleyball, track and field sports.

B. An Equestrian Center subject to provisions of Article XVI and § 154-100.

C. Game farm.

D. Children's amusement area, including 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.

§ 154-43. Permitted accessory uses.

The following accessory uses shall be permitted in Commercial Recreation CR District:

A. Locker room and shower facilities.

B. One (1) indoor recreational lounge, including an area for amusement arcades, billiard tables and other facilities for general rainy-day activities.

C. Restaurant for the sale of food or beverages, excepting prefabricated railroad car style diners, drive-ins or curb service establishments.

D. Shops incidental to the sale of sporting goods and clothing.

E. Signs, subject to requirements of Article XIII.

F. Off-street parking and loading areas, subject to requirements of Article XIV.

G. Fences.

H. Lighting facilities.

ARTICLE X
Farms.

§ 154-44. Additional Requirements.

Any small farm, large farm or hobby farm shall comply with the following additional requirements.

A. No building or structure used for the housing or maintenance of an animal shall be within two hundred (200) feet of any road or property line.

B. No riding range, paddock, or bridle path shall be allowed within one hundred (100) feet of a road or property line, however that this section shall not include fields used for animal grazing.

C. No storage of manure or other odor- or dust-producing substance shall be allowed within two hundred (200) feet of any road or property line, nor within one hundred (100) feet of any stream or body of water. No storage of manure or other material which may result in a degradation of water quality shall be located such that channelized runoff may have a direct route between the material and a stream, wetland or other body of water.

D. Said frontage and access for the lot on which there is located a small farm or a large farm shall be on a state, county, or town road.

E. No buildings or structures of less than 400 square feet used for farm purposes shall be placed in the front yards.

F. Greenhouses may be permitted, except that:

(1) If artificial light is used therein, it shall be so screened that the source of light and illuminated area shall not be visible outside the building.

(2) There shall be no retail or wholesale sales at the site except for a roadside stand as provided below.

G. In addition to the barns and other structures erected on the lot used as a small farm or a large farm, one principal residential building and one accessory residential building may also be erected on the lot provided that:

(1) The principal residential dwelling unit must be owner-occupied, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the

equestrian center or the number of horses or other animals that may be quartered on the premises

(2) The accessory residential dwelling unit shall be used for full-time farm help only, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses or other animals that may be quartered on the premises. In addition, the accessory residential dwelling shall not exceed in size seventy-five percent of the total floor area of the principal residential dwelling unit located on the site.

H. On any large farm only, up to two (2) single bedroom apartments may be located within the principal barn structure used to house horses or other large livestock provided that:

(1) the maximum size of the apartment in total shall not exceed six hundred (600) square feet.

(2) The apartment(s) may only be occupied by persons employed by the farm on which the apartments are located and who are employed for more than thirty-five hours per week by the farm for the maintenance and operation of the farm.

(3) Any apartments created pursuant to this subsection shall also be required to obtain a special use permit and site plan approval which may be issued concurrently with a special use permit and site plan approval for an equestrian center or as a separate application.

I. Roadside stands for retail sales may be permitted as an accessory use to a large farm operation provided:

(1) sufficient parking is provided.

(2) the location of any entrance or pull-off to the roadside stand has adequate safe stopping sight distance.

§ 154-45. Agricultural Certification for Nonconforming Activities

A. In order to ensure that certain improvements made to real property are supporting a legitimate farm practice or operation, prior to any improvement made to any real property, which would otherwise be required to comply with the requirements of this Chapter, however will not meet one or more of the requirements of this Chapter, and may not need to meet one or more requirements of this Chapter due to their participation in an agricultural district, prior to the commencement of any improvements the property owner

shall obtain and submit to the Town Code Enforcement Officer one of the following:

(1) A written certification from the Patterson Town Planner that activity or improvement is a legitimate farm practice or operation as defined by, and is consistent with the intent and purpose of Article 25AA of Agriculture and Markets Law.

(2) A written certification from Zoning Board of Appeals that activity or improvement is a legitimate farm practice or operation as defined by, and is consistent with the intent and purpose of Article 25AA of Agriculture and Markets Law.

(3) A certification from Commissioner of Agriculture that proposed improvement is consistent with the Agriculture and Markets Law.

(4) A variance as required pursuant to this Chapter.

B. To obtain certification from the Patterson Town Planner or the Zoning Board of Appeals, the property owner shall submit such information on the use, the design and the location of the proposed improvement as may be necessary demonstrate its relation to a farm practice and the reason which necessitates non-conformance with this Chapter.

C. The information required for certification from the Town Planner or the Zoning Board of Appeals shall be the minimum necessary to reasonably demonstrate the improvement is necessary to support a legitimate farm practice, i.e. where a sketch plan is sufficient to show location, a survey may not be required.

ARTICLE XI
Right to Farm

§ 154-46. Intent.

The Town Board of the Town of Patterson finds that farming provides a number of benefits to the community including maintaining open space and the rural character of the community; providing a source of fresh farm products; providing an important source of food and habitat to wildlife within the community; and creating a healthy diversity of businesses within the local economy. Further it is recognized that there are many practices and activities which are necessary for the business of farming, which practices and activities may at times conflict with adjacent land uses, it is the specific purpose of this chapter to provide that legitimate farming practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions. It is also the intent of this chapter to aid in the preservation and promote, as an important economic activity, farming within the Town, to protect the existence and operation of established farms and to encourage the creation of new farming businesses.

§ 154-47. Applicability

This subsection providing for the Right to Farm shall apply to any small farm, large farm or equestrian center, as defined herein.

§ 154-48 Rebuttable presumption to exist.

In all relevant actions filed subsequent to the effective date of this chapter, there shall exist a rebuttable presumption that any agricultural activity that conforms to all the provisions of this chapter, and which does not pose a direct threat to public health and safety shall not constitute a public or private nuisance, nor shall any such use be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

§ 154-49. Right to Farm

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town at any and all such times and at such locations as are reasonably necessary to conduct the business of farming. For any farming activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry, as well as to advances resulting from increased knowledge and improved technology.

§ 154-50. Interference

No person, group, entity, association, partnership or corporation will engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly and deliberately interfere with, prevent or in any way deter the practice of farming within the Town of Patterson.

§ 154-51. Times of Operation

The activities incidental to farm operations, when reasonable and necessary for that farming activity and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays and at night and during the day. The noise, odors, dust and fumes that are caused by these activities are recognized as ancillary to the permitted activities set forth in this Article and the right to farm.

ARTICLE XII
Nonconforming Buildings and Uses

§ 154-52. Continuance of existing uses.

Any use of land or buildings thereon, which was substantial and lawfully existing

immediately prior to the effective date of this chapter or of any pertinent amendment thereto may be continued, and any building so existing which was designed, arranged, intended for or devoted to a nonconforming use may be structurally altered and the nonconforming use therein changed, all subject to the following provisions; provided, however, that a nonconforming mineral processing facility may continue in use only if the minerals processed at such facility are excavated from the same parcel within the Town of Patterson on which the processing facility is located.

§ 154-53. Change to other nonconforming use.

A. A nonconforming use shall neither be changed as to area or occupy a different portion of the lot, or portion of a building thereon, than it did on the effective date of this chapter or any amendment thereto, nor changed in any manner so as to diminish any conforming use or dimension. **[Amended 11-15-06 by L.L. 10 of 2006]**

B. Subject to the approval of the Board of Appeals, an existing nonconforming use may be changed to another nonconforming use, provided the Board shall find:

(1) That the proposed new use is not substantially different in its purpose and manner of operation and no more harmful or objectionable to the neighborhood than the nonconforming use from which it has changed.

(2) That the proposed new use is substantially more in conformity with the uses permitted in the district in which such building or land is situated.

(3) That it will generate no more traffic than the preceding nonconforming use.

(4) That it will tend to facilitate subsequent transition to conformity.

(5) That the density of occupancy will be no more than that of the former nonconforming use.

(6) That the proposed use will not cover more land than the former use.

§ 154-54. Change to conforming use.

No nonconforming use, once changed to a conforming use, shall revert back to a nonconforming use.

§ 154-55. Discontinuance of use.

No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed.

§ 154-56. Restoration of unsafe structures.

Any nonconforming structure or portion thereof declared unsafe by the Code Enforcement Officer may be restored to a safe condition in accordance with § 154-59.

§ 154-57. Buildings under construction.

Nothing in this chapter shall require any change in the designated use of a building, the construction of which, and for which a permit has been lawfully issued, shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereof.

§ 154-58. Enlargement of nonconforming buildings.

Any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No nonconforming portion of any building may be extended, nor any nonconforming use extended into any other area of a building or lot.

§ 154-59. Major damage to nonconforming structure.

Any nonconforming building or structure that over fifty percent (50%) of the volume of its structure above the foundation has been destroyed or damaged from any cause, as determined by the Code Enforcement Officer, shall not be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein; provided, however, that such buildings or structures may be restored and the nonconforming use continued to the extent and in such manner as may be permitted by the Board of Appeals after application and public hearing as provided in Article XXI. The Board of Appeals, upon entertaining such application, shall consider the practical difficulties or unnecessary hardship involved in accordance with the standards in § 154-122 of this chapter and shall seek to minimize any non-conformity. Any nonconforming building or structure destroyed by fire, explosion or other cause, other than by willful act of the owner, to the extent of not more than fifty percent (50%) of the volume of its structure above the foundation may be restored in substantially the same location, provided that said structure is not enlarged beyond the size of said structure immediately prior to such damage. The Code Enforcement Officer shall request and receive a report from the town's Engineer prior to his making a determination of percent of damage or destruction.

§ 154-60. Application for permit to rebuild.

Application for permit to rebuild or restore the damaged portion of any building damaged or destroyed as set forth in § 154-59 above shall be filed within six (6) months of the day

of such damage and shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects save as to the use of the building or structure.

§ 154-61. Completion of rebuilding.

If a permit for such rebuilding or restoration is granted, it shall lapse twelve (12) months thereafter unless the permitted construction is completed within such period, except that the Code Enforcement Officer in his discretion may grant one (1) six-month extension thereof if construction has been delayed by circumstances beyond the control of the permit holder.

§ 154-62. Buildings on nonconforming lots.

A. Except as provided in Subsection C below, no provision of this chapter pertaining to minimum lot area and minimum lot width shall prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot owned separately from any adjoining lot at the effective date of adoption of any such provision, excepting as provided below, and provided that the building will not exceed any other dimensional zoning requirements.

B. Where an person, a partnership or corporation is the owner of one or more lots, or structures thereon, which do not conform to the dimensional requirements of this Chapter, and where said lots were not created pursuant to a subdivision plat duly approved by the Planning Board and filed with the Putnam County Clerk within the last seven (7) years from the adoption of this Chapter, and where a merging of the lots would result in minimizing or eliminating the nonconformity of the lots or structures contained thereon with the requirements of this Chapter, said lots shall be considered merged, and as one lot.

C. Where a lot with an area equal to, or less than 19,500 square feet is owned separately from any adjacent or adjoining lot, the minimum lot area required to erect, move, alter, added to or enlarge a principal structure shall be equal to the areas as shown in the following schedule **[Amended 11-9-05 by L.L. No. 12 of 2005]**:

Lot Area/Principal Structure Size				
Lot Area (sf)	Livable Floor Area (s.f.)		Lot Area (sf)	Livable Floor Area (s.f.)
4,000- 4,500	375		12,001 - 12,500	1,042
4,501- 5,000	417		12,501 - 13,000	1,083
5,001 - 5,500	458		13,001- 13,500	1,125
5,501 - 6,000	500		13,501-14,000	1,167
6,001 - 6,500	542		14,001 -14,500	1,208
6,501 - 7,000	583		14,501 - 15,000	1,250
7,001 - 7,500	625		15,001 - 15,500	1,292
7,501 - 8,000	667		15,501 - 16,000	1,333
8,001 - 8,500	708		16,001 - 16,500	1,375
8,501 - 9,000	750		16,501 - 17,000	1,417
9,001 - 9,500	792		17,001 - 17,500	1,458
9,501 - 10,000	833		17,501 - 18,000	1,500
10,001 - 10,500	875		18,001 - 18,500	1,542
10,501 - 11,000	917		18,501 - 19,000	1,583
11,001 - 11,500	958		19,001 -19,500	1,625
11,501 - 12,000	1,000			

§ 154-63. Non-conforming Improvements

A. A limited immunity use is any use or activity which the Town's authority to impose zoning restrictions has been pre-empted by the State, or by a judicial determination, and thus is not subject to the provisions of this Chapter.

B. Within ninety (90) days of termination of any limited immunity use for which improvements were constructed, erected or otherwise made to a parcel or lot subsequent to the adoption of this Chapter, and those improvements do not meet one or more of the requirements of this Chapter, the property owner shall comply with one of the following:

(1) The improvements shall be brought into conformance, and meet all of the requirements of the Town Code of the Town of Patterson in effect at the time the

limited immunity use is terminated.

(2) The improvements shall be removed in their entirety and the site restored to its natural condition.

(3) The improvements shall be removed in its entirety and the site restored to its natural condition within a reasonable time, as determined by the Zoning Board of Appeals. In determining the length of time in which the improvement may remain and be used by the residents of the property thereon, the Zoning Board of Appeals shall consider the following factors:

(a) The initial capital cost of the improvement, the extent to which the investment has been realized and the additional length of time needed to recoup the investment in the improvement.

(b) The date the improvement was constructed and the anticipated life of the improvement.

(c) The use for which the improvement was constructed.

(4) Any improvement complying with subsection three above shall be used in a manner consistent with the zoning in effect at that time.

ARTICLE XIII
Signs and Billboards

§ 154-64. Intent

It is the intent of these sign regulations to enhance and protect the town's physical appearance and provide a more scenic and pleasing community. More specifically, these regulations are designed to safeguard property values; create a more attractive economic and business climate; safeguard the general public by elimination of advertising which distracts motorists and contributes to the hazards of driving; encourage the installation of appropriate advertising signs that harmonize with the buildings, neighborhood and other signs in the area; avoid unsightly proliferation and unnecessary competition for visual attention through advertising signs; and encourage the functional use of signs as directional, informational and advertising devices.

§ 154-65. General restrictions and regulations.

A. In no residence or business district shall any sign or billboard be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered except in conformity with and expressly authorized by the provisions of this Article and by the Planning Board under Article XV.

B. The Town Board may permit private directional signs not exceeding three (3) square feet in area to be located within a public right-of-way. The form and location of such signs shall be prescribed by the Town Board. **[Amended 11-15-06 by L.L. 10 of 2006]**

C. Day-glo or florescent colors are prohibited.

D. All freestanding or temporary signs shall be erected on appropriate supports and shall not be located on trees, utility poles or fences.

E. No sign shall be illuminated by exposed incandescent or fluorescent light, and all signs shall be nonanimated, nonflashing and emit no glare. Neon signs, which do not project a carnival-type atmosphere may be permitted within the business districts.

F. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

G. Any sign erected pursuant to this Section shall remain in a clean condition and in good repair. Any obsolete, abandoned or discontinued sign shall be immediately removed by the property owner.

154-65.1 Real Estate and Contractor Signs [Added 7-22-2009 by L.L. No. 6-2009]

A. In any zoning district signs advertising the sale or lease of the property may be erected as follows:

(1) A real estate sign or signs not exceeding six (6) square feet in total area and set back from the edge of the traveled portion of any road at least fifteen (15) feet, advertising the sale or lease of the premises on which such sign is displayed. Real estate signs with an area not exceeding six (6) square feet do not require approval of the Town Planner or Planning Board.

(2) A real estate sign or signs advertising the sale or lease of the property on which they are located, which individually, or in aggregate exceed six (6) square feet in total area, but do not exceed sixteen (16) square feet individually, or thirty-two (32) square feet if placed in a V-shaped configuration with an angle of not greater than ninety degrees may be allowed for a period of not more than one (1) year, renewable one (1) year at a time. Any such sign shall be set back from the edge of the traveled portion of any road at least fifteen (15) feet, and shall advertise only the sale or lease of the premises on which such sign is displayed.

(3) A contractor's sign of not more than nine (9) square feet in area when

displayed on the premises under construction and for a period not to exceed eight (8) months. Contractor's signs in conformance with this Chapter do not require Planning Board approval.

B. Before any real estate sign or contractor's sign is erected pursuant to subsection A(2) or A(3)of this section a permit shall be issued by the Town Planner.

(1) A separate application shall be made for each individual sign.

(2) A fee, as established by resolution of the Town Board and set forth in the fee schedule, shall accompany each application for a real estate sign The fee shall be based on the square footage of the sign area which shall be calculated as set for in §154-69. No fee shall be required for a contractor's sign.

(3) Each application shall be made by, or include the authorization and consent of the property owner.

(4) An application shall include a sketch of the property showing the proposed location of the sign.

C. An appeal of any decision made pursuant to subsection B, above by the property owner, or any agent authorized to act on behalf of the property owner, or any party who's property lies within five hundred feet of a sign erected pursuant to subsection B, above shall be to the Planning Board.

D. Any sign erected pursuant to this section shall meet the following criteria:

(1) Signs shall not be illuminated.

(2) Colors displayed on the sign shall not be obtrusive to the character of the community. Day-glo or florescent colors are prohibited

(3) No sign shall be placed so as to obstruct visibility along the highway, or at any intersection of roads or driveways.

(4) Signs shall be nonanimated, nonflashing and emit no glare.

(5) Signs shall not include any loose attachments such as banners or flags.

§ 154-66. Signs in residence districts. [Amended 11-15-2006 by L.L. No. 10-2006; 7-22-2009 by L.L. No. 6-2009]

A. In the Putnam Lake Residence RPL-10 District, Residence R-1 District, Residence R-2 District and Residence R-4, signs may be permitted as follows:

(1) Bulletin boards and signs of not more than twelve (12) square feet on the premises of churches, schools and similar nonprofit institutions and which may or may not be a part of the architecture of the building.

(2) A sign advertising and located on a farm produce stand, which sign does not exceed twelve (12) square feet in area. Signs for a farm produce stand in conformance with this chapter do not require Planning Board approval.

(3) A free standing sign advertising a use, activity or business for which a special use permit has been issued by the Zoning Board of Appeals. **[Added 11-15-06 by L.L. 10 of 2006]**

B. The total area of signs advertising a use of the premises in accordance with a special permit use approved by the Zoning Board of Appeals shall not exceed twenty (20) square feet.

C. All freestanding or temporary signs shall be erected on appropriate supports and shall not be located on trees, utility poles or fences.

D. No sign shall be illuminated by exposed incandescent or fluorescent light, nor illuminated by neon lighting and all signs shall be nonanimated, nonflashing and emit no glare.

§ 154-67. Signs in business districts. [Amended 7-22-2009 by L.L. No. 6-2009]

A. Except as noted in Subsection B and C below, any sign that will be located in a Commercial (C-1), General Business (GB), Industrial (I) and Commercial Recreation (CR) Districts, may be permitted as follows:

(1) Building mounted sign. Any sign shall advertise only the use of the principal building on which it is located or the services or wares provided from the building on which the sign is located. The total aggregate of signs shall not exceed one and one-quarter (1.25) square feet for each linear foot of principal storefront, or building frontage or a maximum total area of one hundred (100) square feet per site or parcel, excepting that any sign which projects horizontally from any portion of a building shall be limited to 25 square feet. In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(2) Free Standing Signs. Only one (1) freestanding sign advertising the use or uses of the premises on which it is located shall be permitted, and it shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within

fifty (50) feet of said lot line.

(3) Bulletin boards and signs not exceeding twelve (12) square feet may be permitted on the premises of churches, schools and similar nonprofit institutions, or a farm produce stand.

(4) Temporary Signs. The Planning Board may permit the erection of one (1) temporary sign. The temporary sign shall be only for the advertisement of the use or uses of the premises on which it shall be located, or shall only advertise the future opening of a business, provided that the sign shall be located on the same parcel as the business, and that said business shall have received all approval necessary to open. A temporary sign shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. The duration that a temporary sign may be erected shall be established by the Planning Board, however in no instance shall a temporary sign be permitted for a period of greater than 90 days.

B. Local Retail Center. Any sign erected on a parcel for which a special use permit has been issued for a Local Retail Center pursuant to §154-110 shall meet the following requirements:

(1) Building mounted signs.

a. Any sign shall advertise only the use of the principal building on which it is located or the services or wares provided from said building on which the sign is located.

b. The total aggregate area of signage visible on the exterior of the building, including those mounted on the exterior of the building, and those mounted or hung in a window shall not exceed one and one-quarter square feet for each linear foot of storefront.

c. The area of any individual building-mounted signs shall not exceed one (1) square foot for each linear foot of storefront, excepting that any sign which projects horizontally from any portion of a building shall be limited to a maximum total sign area of 9 square feet.

d. In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

e. The maximum size of any individual sign shall not exceed twenty (20) feet in length or exceed two-hundred (200) sq.ft. in area.

f. The maximum height of any building mounted sign shall be the lower of;

i. five feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;

ii. three feet above the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

a. Only one (1) freestanding or temporary sign advertising the use or uses of the premises on which it is located shall be permitted.

b. The area of any freestanding sign erected pursuant to Subsection "B" shall not exceed two (2) square feet of sign area for each one thousand (1,000) square feet, or portion thereof, of individual building area used for principal or incidental retail purposes, excepting that any freestanding sign shall meet the following conditions:

i. The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel shall be25 sq. ft.

ii. The maximum area of any freestanding sign permitted pursuant to subsection (2)b. shall be one-hundred and eighty (180) square feet.

c. No part of any sign shall project over any street line or project closer than ten (10) feet to any side or rear property line.

d. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

e. The maximum height of any freestanding sign, including any portion used to hold or fix the sign in place shall not exceed fifteen (15) feet, as measured from an average of the ground's surface across the width of the sign, to the highest elevation of the sign's face..

C. Regional Retail Center. Any sign erected on a parcel for which a special use permit has been issued for a Regional Retail Center pursuant to §154-111 shall meet the following requirements:

(1) Building mounted sign.

a. Any sign shall advertise only the use of the principal building on which it

is located or the services or wares provided from the building on which the sign is located.

b. The total aggregate of signs visible on the exterior of the building, including those mounted on the exterior of the building, and those mounted or hung in a window shall not exceed one and one quarter (1.25) square feet for each linear foot of storefront.

c. The area of any individual building-mounted signs shall not exceed one (1) square foot for each linear foot of storefront, excepting that any sign which projects horizontally from any portion of a building shall be limited to a maximum total sign area of 9 square feet.

d. In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

e. The maximum size of any individual sign shall not exceed thirty (30) feet in length or exceed two-hundred and forty (240) sq.ft. in area.

f. The maximum height of any building mounted sign shall be the lower of;

i. five feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;

ii. three feet above the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

a. Only one (1) freestanding sign advertising the use or uses of the premises on which it is located shall be permitted.

b. The area of any freestanding sign erected pursuant to Subsection “B” shall not exceed 2 square feet of sign area for each one thousand (1,000) square feet, or portion thereof, of building area used for principal or incidental retail purposes, excepting that any freestanding sign shall meet the following conditions:

i. The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel is than 25 sq. ft.

ii. The maximum area of any freestanding sign permitted

pursuant to subsection (2).b. shall be three hundred and fifty (350) square feet.

c. No part of any sign shall project over any street line or project closer than ten (10) feet to any side or rear property line.

d. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

e. The maximum height of any freestanding sign, including any portion used to hold or fix the sign in place shall not exceed twenty-five (25) feet, as measured from an average of the ground's surface across the width of the sign, to the highest elevation of the sign's face..

f. Temporary Signs. The Planning Board may permit the erection of one (1) temporary sign. The temporary sign shall be only for the advertisement of the use or uses of the premises on which it shall be located, or shall only advertise the future opening of a business, provided that the sign may only be located on the same parcel as the business, and that said business shall have received all approval necessary to open. A temporary sign shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. The duration that a temporary sign may be erected shall be established by the Planning Board, however in no instance shall a temporary sign be permitted for a period of greater than 90 days.

D. For the purposes of this Chapter, building frontage or storefront is defined as the length across the retail portion of a building on the side on which the main entrance is located. Only one side of any building shall be considered the storefront, and no portion of a building used for warehousing of goods, office or any use other than retail or customary personal services shall be considered as part of a storefront for the purposes of determining the area of a sign.

§ 154-68. Patterson Hamlet Signs, Additional Requirements.

The following additional standards are required for any sign erected in the Patterson Hamlet:

A. The design of the sign should be governed primarily by the building's architectural style, i.e. the design should compliment, and yet remain subordinate to, the primary architectural elements of the building by maintaining a design that is compatible with the building's style in terms of location, shape, scale or proportion, color and lettering.

B. Signs within Patterson Hamlet shall be limited in color to forest or dark green, dark red and dark blue, excepting that letters and sign borders may also be gold, black

and/or white. No reflective materials may be used.

C. Signs shall be constructed of natural materials such as wood, metal or a masonry product.

D. Building mounted signs shall not be illuminated. Free Standing signs may be illuminated only by direct exterior lighting which is not exposed, but shall not be illuminated by interior lighting. Further, all signs shall be nonanimated, nonflashing and emit no glare.

§ 154-69. Measurement of sign area.

Double-faced signs which contain the same information or display on each side shall be considered as one (1) surface area, and only one side shall be used to determine the total area of the sign. Where a sign contains more than two (2) separate and distinct faces, as in a V-shaped sign, each face shall be considered a separate sign and the area of each separate sign face summed, the total of which shall be no greater than as permitted in this chapter. **[Amended 11-15-06 by L.L. 10 of 2006]**

ARTICLE XIV
Off-Street Parking and Loading

§ 154-70. Construction Standards.

A. Parking space. Each parking space shall be an area, of maximum five-percent grade, not less than ten (10) feet wide and twenty (20) feet long, exclusive of access and turning areas, all of which shall be designed in accordance with the standard details contained herein.

B. Loading space. Each loading space shall be an area, of maximum five-percent grade, not less than ten (10) feet wide and forty-five (45) feet long, and shall be located either within the principal building or in proximity to it in such a manner as to not interfere with normal interior traffic patterns during business hours.

C. Driveways. Each principal or accessory residential dwelling shall be provided with a driveway, constructed to the standards contained herein, which driveway shall be located not less than fifty feet from the principal residential dwelling and shall connect any required parking area to a State, County, or Town road, or a road shown on a subdivision plat filed with the County, any of which shall have been suitably improved. **[Added 11-15-06 by L.L. 10 of 2006]**

§ 154-71. General conditions.

A. Parking facilities off the street shall be provided, kept available and maintained in

good condition to serve all buildings erected, moved, altered or enlarged and all premises otherwise developed, and as may be required by any site plan approved by the Planning Board, or as may otherwise be required by this Chapter. Such facilities shall be provided in accordance with the standards hereinafter specified to accommodate the motor vehicles of all occupants, visitors, guests, employees or customers and other persons normally visiting such building or premises at any one (1) time. The parking and loading areas provided shall be dust-free, graded, drained and designed to permit the safe movement and access of both vehicles and pedestrians. All parking areas, walks and drives shall be permanently improved in accordance with the standards set forth herein unless otherwise specifically permitted by the Planning Board. All parking spaces, drive aisles and handicap parking spaces, other than for residential dwellings, shall be suitably marked as may be required by the Planning Board.

B. The installation of a driveway and parking area for a single family residence, as required by this Chapter may be postponed for a period not to exceed three years providing that the property owner posts with the Town of Patterson a surety in the form of a passbook savings account or funds deposited with the Town in a Trust and Agency account, either of which are equal to an amount estimated by the Town Planner as the actual cost for installing the driveway and parking area. Upon certification by the Town Planner that the driveway has been installed in accordance with the standards set forth in this section, or such standards as may be determined by the Planning Board, the property owner may request from the Town Clerk a refund of any surety held by the Town pursuant to this Section.

§ 154-72. Location of parking facilities.

Required parking facilities shall be located on the same lot as the building or other use which they serve, except that, with the approval of the Planning Board, required parking facilities may be located elsewhere, but not more than five hundred (500) feet from such building or use, measured in a straight line to the nearest space for vehicular parking.

§ 154-73. Required parking and loading spaces. [Amended 11-15-06 by L.L. 10 of 2006]

A. Unless otherwise specifically approved by the Planning Board, required parking and loading areas shall contain not less than the minimum number of spaces set forth below. Where multiple uses are located on one site the total number of parking spaces that must be provided shall be determined by establishing the parking requirements for each use and adding them together, unless it can be demonstrated, to the satisfaction of the Planning Board that one or more uses may share parking.

(1) Banks: One (1) parking spaces for every two hundred fifty (250) square feet of gross floor area or major fraction thereof used for such purposes.

(2) Bowling alley: four (4) parking space for each lane.

(3) Church: One (1) parking space for each four seats or fraction thereof.

(4) Convention hall or places of public assembly:

(a) The greater of one (1) parking space for each three (3) seats or one (1) parking space for each forty (40) square feet of seating or display area.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(5) Equestrian Centers and Commercial Horse Boarding Operations: One (1) parking space for each two stalls.

(6) Funeral homes: One (1) parking space for every two hundred (200) square feet of gross floor area or major fraction thereof used for such purposes, with a minimum number of forty (40) parking spaces per funeral room.

(7) Garage, Public: One (1) parking space for each 150 square feet of gross floor area or major fraction thereof used for such purposes, in addition to any storage area required for vehicles under repair.

(8) Gasoline filling stations: One (1) space for each 500 square feet of gross floor area or major fraction thereof used for such purposes, however in no case shall less than a minimum of four parking spaces be provided at the site.

(9) Greenhouses and nurseries:

(a) One (1) parking space for each 700 square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(10) Golf courses: Nine (9) parking spaces for each tee.

(11) Hospitals:

(a) Five (5) parking spaces for each bed.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each

additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(12) Industrial plants, and similar buildings:

(a) One (1) parking space for each seven hundred and fifty (750) square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(13) Manufacturing, light:

(a) One (1) parking space for each 750 square feet of gross floor area, or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(14) Medical or Dental Offices:

(a) One (1) parking space for every two hundred (200) square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(15) Motels, hotels, tourist cabins, rooming or boarding houses:

(a) One (1) parking space for each room, and one parking space for each two employees.

(b) For hotels or motels only, one (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(16) Movie theater: One (1) parking space for each three seats.

(17) Nursing homes or home of the aged:

(a) One (1) parking space for each 600 square feet of gross floor area, or major fraction thereof.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(18) Nursery Schools or Day Care Center: One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(19) Office, business and permitted home occupations: One (1) parking space for every three hundred (300) square feet of floor area or major fraction thereof used for such purposes.

(20) Office, professional:

(a) One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(21) Research or biotech laboratories and facilities:

(a) One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(22) Recreation Centers, fitness clubs, gymnasiums: one (1) parking space for each 200 square feet of gross floor area, or major fraction thereof used for such purposes and six spaces for each outdoor tennis court.

(23) Retail stores and Personal service shops

(a) One (1) parking space for every two hundred (200) square feet of floor area or major fraction thereof.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area or major fraction thereof.

(24) Residences, One- and two-family: two (2) off-street parking spaces per dwelling unit, exclusive of indoor parking. Where no indoor parking is provided, there shall be three (3) off-street parking spaces per unit.

(25) Residences, multifamily dwellings:

(a) One- bedroom unit: 1.50 parking spaces per dwelling unit

(b) Two or more bedrooms per unit: 2.25 parking spaces per dwelling unit

(26) Residences, Accessory

(a) Accessory Appartment: 1 parking space

(b) Accessory Building: 2 parking spaces

(27) Restaurant, Quality:

(a) One (1) parking space for each 75 feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(28) Restaurant, Fast Food:

(a) One (1) parking space for each 100 feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(29) Veterinary Hospitals and Dog Kennels: One (1) parking space for each 300 square feet of gross floor area or major fraction thereof used for such purposes.

(30) Warehouse;

(a) One (1) parking space for each 2,000 square feet of gross floor area.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area or major fraction thereof.

B. Other uses. In order to maintain the purpose and intent of these regulations, sufficient parking spaces shall be provided for those uses not listed in Subsection A(l) through (30) above. The Planning Board shall classify the use and determine the number of spaces to be provided. **[Amended 11-15-06 by L.L. 10]**

§ 154-74. Minimum construction standards.

For the purpose of safeguarding the public health, safety and welfare by promoting safe and unobstructed vehicular movement through and over all parking areas, unless special circumstances warrant otherwise, and unless specifically approved by the Planning Board, the following minimum pavement specifications shall be required for all off-street parking and loading areas and access drives:

A. One- and two-family residences.

(1) Six inches (6") of subbase Course of Item 4 (NYSDOT Item 304.05) and two inches (2") of Type 6 Top Course (NYSDOT Item 403.16) or;

(2) a minimum thickness of 4" of Class A concrete, with a compressive strength of 3000 psi at 28 days, and which shall be reinforced with six-inch by six-inch (W2.9 x W2.9) woven wire fabric.

(3) Driveway grades shall not exceed a grade of three (3%) percent for a distance of twenty-five (25) feet from the point at which the driveway connects to the street providing access and thereafter shall not exceed fifteen percent (15%) in grade at any point.

(4) Driveways shall contain adequate provisions to ensure that stormwater runoff will not enter onto any Town Road.

(5) Driveways and residential parking areas shall be a minimum of ten (10) feet from the side and rear property lines unless otherwise approved by the Planning Board.

(6) Driveways serving one- and two-family residences shall be a minimum of ten feet in width, excepting that the Codes Enforcement Officer may impose such

conditions as may be necessary to ensure the safe use of driveways exceeding seven hundred (700) feet in length including, but not limited to requiring areas of suitable width to enable the passage of two vehicles. The maximum length of a driveway shall not exceed 2,000 feet. This section shall not apply to for a residential lot shown on a subdivision plat approved by the Planning Board subsequent to February 25, 2004, which instead shall comply with the Subdivision Code, and the requirements therein. **[Added 11-15-06 by L.L. 10 of 2006]**

B. All other uses.

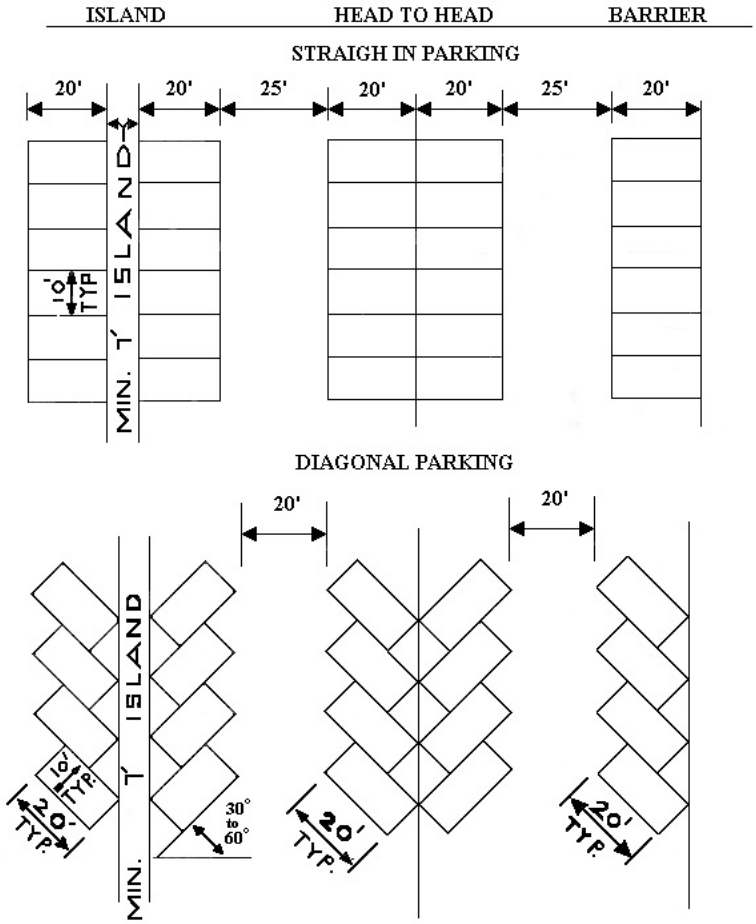
(1) Foundation course: six (6) inches Type 4 (NYS DOT Item 304.05 or 304.14M)

(2) Asphalt binder course: two and one-half (2 ½) inches Type 3 (NYSDOT Item 304.13 or 403.138902M).

(3) Asphalt top course: one and one-half (1 ½) inches Type 6 (NYS DOT Item 304.16 or 403.178202M F2)

(4) Driveway and general access way grades shall not exceed a grade of ten percent (10%) in grade at any point.

C. Standard parking details.



ARTICLE XV
Approval of Site Plans

§ 154-75. Authority and purpose; recreation fees.

A. Purpose. In order to ensure that development and use of land within the Town of Patterson will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods, and so to ensure that the health, safety, general welfare, comfort and convenience of the public is fully considered, this Article of the Town of Patterson Zoning Code entitled "Approval of Site Plans" is hereby enacted pursuant to the provisions of § 274-a of the Town Law of the State of New York.

B. The Planning Board shall also have the power to pass finally upon any site plan submitted in connection with any proposed development upon which it is empowered to take final action under any provision of this chapter, subject to the limitations therein contained. The Planning Board is hereby authorized, among other things, to review and

approve, modify and approve or disapprove any such site plan as to the size, location, character, architectural features and suitability of all buildings and facilities relating thereto, including the safety, adequacy and convenience of public and private ways, walks, streets and highways, required off-street parking and loading areas, access drives and turning areas related thereto, yards, landscaping, shrubbery screens, signs and required open spaces in relation to each other and to pedestrian and vehicular traffic and to the proposed use and the use and enjoyment of adjacent properties. In addition, the Planning Board shall consider the factors of drainage, road alignment, availability of sewer and water facilities and other engineering aspects of such site plan, and may require the review of such factors by engineering authorities, technical personnel or commissions which may be concerned with any proposed site plan.

C. In passing upon the location, character and suitability of buildings and the facilities relating thereto, the Planning Board shall consider the design and proposed construction of all buildings and related developments to the extent that such design and construction shall either conform to or not detract from the architecture of the surrounding neighborhood. Exposed metal-sided buildings shall not be permitted.

D. Site plan recreation fees. Upon final approval of a site plan which shows dwelling units, the Planning Board, as a condition of approval, shall require either the setting aside of parkland or the payment by the applicant to the town of a sum to be determined from time to time by resolution of the Town Board , which sum shall constitute a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreational purposes, including the acquisition or improvement of land. The Planning Board may, where appropriate, require the provision of parkland and the payment of a sum to the town.**[Amended 11-9-05 by L.L. No. 12 of 2005]**:

§ 154-76. Uses for which approval required.

A. Site plan approval by the Planning Board is required for the use of land or the issuance of building permits pertaining to such use, for any permitted use, any use permitted by special use permit unless otherwise excepted, any non-residential use, signs in any district, for any nonconforming use changed in accordance with Article XII of this chapter, except a one- or two-family residence on a lawfully existing lot created prior to the adoption of this Chapter.

B. Site plan approval by the Planning Board shall also be required for any structures, driveways, drainage improvements, or other improvements made to any lot created pursuant to a subdivision of land approved subsequent to the adoption of this Chapter, including one- or two-family residence, subject to the following requirements and limitations. Approval of a site plan showing one or more lots shall not be considered approval of a subdivision of land as defined pursuant to Chapter 138 of the Patterson Town Code.

(1) Site plan approval shall not be required for any individual accessory

building with a building coverage of less than 400 square feet, nor any fence which conforms to the dimensional requirements of this Chapter, either of which are located on a lot for which site plan approval must otherwise be obtained.

(2) Approval of architecture shall not be required for any single family residence for which site plan approval is required pursuant to this section, nor its accessory buildings and structures, excepting that any such accessory buildings or structures shall conform in general appearance to the principal structure on the lot.

(3) The location or size of any improvements on a lot used as a single family residence for which a site plan has been approved by the Planning Board shall not be changed as to size or location except that upon review and approval by the Town Planner a change may be authorized, in writing, provided that:

(a) the change does not significantly increase the volume of stormwater runoff or affect the drainage improvements on the site

(b) the change does not create any substantial adverse environmental impact, or is contrary to any provision of this Chapter.

(c) the change is not in conflict with any condition placed on the site plan or contained in any resolution approving the site plan.

(4) An appeal of any decision of the Town Planner regarding a change of the size or location of an improvement shown on a site plan approved pursuant to Subsection B by any party aggrieved by this subsection shall be to the Planning Board.

(5) No public hearing shall be required for a residential site plan prepared pursuant to Subsection B above, for which a subdivision plat has been reviewed and approved pursuant to the requirements of Chapter 138 of the Patterson Town Code.

§ 154-77. Conditions for which approval required.

A. No building permit shall be issued until site plan approval, as required pursuant to this Chapter shall have been obtained from the Planning Board.

B. The owner of any building or site is required to notify the Code Enforcement Officer and the Planning Department of any proposed change of use in said building, or any change in the site plan or improvement shown thereon. For any change in use of a building or site, the Planning Department shall issue notice, in writing that the change of use conforms with the requirements of the Patterson Code and no changes to the site improvements are required or that the change or use will require a change to the site plan or the improvements shown thereon.

C. No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of the site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto.

D. Any revision of a site plan, or any improvement shown thereon, shall be subject to the same approval procedure as provided herein.

§ 154-78. Application for approval.

A. Application for site plan approval must be in writing on forms provided by the town, subscribed to and verified by the owner of the property or by the agent of the owner duly authorized by an instrument in writing, executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property. The number of copies required for submission shall be determined by the Planning Board.

B. Application for such approval must be filed with the Planning Department, together with the appropriate review fee as provided in Chapter 87, by the owner of record or by his agent or other authorized person acting on his behalf. The date by which an application, a site plan and other supporting materials must be submitted in order for such application to be considered at such regularly scheduled Planning Board meeting shall be established by the Planning Board. **[Amended 11-15-06 by L.L. 10 of 2006]**

§ 154-79. Required information.

The site plan application must be accompanied by a detailed development plan prepared by a licensed architect or professional engineer, under his professional seal, which plan shall contain the information specified below in addition to the information and data required by the Land Subdivision Regulations, Town of Patterson, Articles IV and V, Planning Criteria and Specifications for Plans and Plats.

A. Map of the applicant's entire parcel on which the use or building is to be located.

B. A location map at a scale of not less than 1" =1000', showing all properties, subdivisions, streets and easements within one thousand (1000) feet of the applicant's parcel, Tax Map and zoning district designations, and identifying all of the property held by the applicant.

C. Topographic map of property at two-foot intervals, referenced to the nearest United States Government approved local bench mark, and at a minimum scale of one (1) inch equals fifty (50) feet.

D. Location, proposed use and height of all buildings; location and dimensions of all parking and truck loading areas with access and egress drives thereto; location and dimensions of outdoor storage, if any; location and dimensions of all existing or proposed

site improvements, including drains, culverts, curbs, retaining walls and fences; description of method of water supply and of sewage disposal and the location of such facilities; proposed finished grades and contours, location and proposed planting and development of buffer areas; location and design of the lighting facilities; location of utility services which the Planning Board shall require to be installed underground; and the amount of building area proposed for retail sales uses, if any, and building areas provided for other types of uses. **[Amended 11-15-06 by L.L. 10 of 2006]**

E. All site plans shall comply with the provisions of Chapter 133, and shall prepare an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan as required therein, and all erosion and sediment control practices shown thereon, or as may otherwise be required to be installed on a development site shall be designed in accordance with Patterson's Erosion and Sediment Control Law and the "New York Standards and Specifications for Erosion and Sediment Control". Calculations to support the design of erosion and sediment control practices shall be based upon the USDA Soil Conservation Service's methodology utilizing the SCS soil maps and soil classifications.

F. Architect's renderings of all building proposed for the site.

G. Location of all proposed and existing easements.

H. Location, height and size of all signs.

I. Any relevant deed restrictions or covenants shall be noted.

J. Letters or permits from other agencies having jurisdiction as to their comments on the site development plan.

K. Any other pertinent information as may be necessary to determine and provide for the proper enforcement of this chapter.

§ 154-80. Notations.

A. Each site plan shall contain an endorsement block for the Planning Board stating:

"Approved by resolution of the Planning Board of the Town of Patterson, New York, on the .....day of.....20..... Any change, erasure, modification or revision of the plan, as approved, shall void this approval. Signed this .....day of..... 20....., by

.....
Chairman

.....
Secretary

B. Each site plan shall contain the endorsement of the property owner and the applicant stating: " The undersigned owner of the property hereon states that he is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon." **[Amended 11-15-06 by L.L. 10 of 2006]**

C. Each site plan shall contain the signature and seal of the design professional who prepared the plan.

§ 154-81. Architectural Standards

The following architectural standards shall be used to determine appropriate architectural standards for new non-residential buildings.

A. Buildings should be constructed using styles that are traditionally used within the Town and in rural settings. These architectural styles include Colonial, Colonial -Revival, New England Colonial, Victorian and Georgian. Buildings should be designed in an attractive and interesting manner to define the image of the community.

B. The front building facade and primary entrance shall be oriented towards the street.

C. Facade and roof colors shall have subtle, neutral, or earth tone colors. Muted colors are encouraged. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

D. The following materials shall not be used as exterior building materials and shall be prohibited on all exterior walls:

(1) concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating

(2) Metal sheets or panels. Not included in this category is aluminum siding which resembles clapboard siding.

(3) Mirrored glass with a reflectance greater than 40 percent shall not cover more than 20% or the exterior walls of any building.

E. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet must incorporate multidimensional design features to break up large wall surfaces into areas of 600 square feet or less.

F. Individual "corporate image" architectural design elements and colors shall be incorporated only as secondary elements to the development and not as the dominant element. Such elements should be consistent and blend with the larger development area.

G. Foundation plantings and trees should be incorporated around the building exterior to soften the building appearance and to create a place of relief from the summer sun.

H. Service and mechanical areas shall be designed as an architectural feature of the building and entirely screened from view.

I. All lighting fixtures will comply with the standards and requirements of §154-22.1, "Lighting Standards", contained herein..**[Amended 11-9-05 by L.L. No. 12 of 2005]**:

J. No mechanical equipment may be located on a roof in such a manner as it may be visible.

§ 154-82. Public hearing.

A. A public hearing on a site plan application shall be scheduled and conducted by the Planning Board within sixty-two (62) days after receipt of a properly completed application. Notice of the public hearing shall be provided to a newspaper of general circulation in the town such that it may be advertised in the newspaper at least five days prior to the date of the hearing.

B. Official submission. In order to determine the date of submission from which a public hearing is required to be held, an application, complete in every respect and accompanied by the required plans and fees, shall be considered officially submitted to and received by the Planning Board on the date of its regularly scheduled monthly meeting following no less than fourteen (14) days the date on which the same was submitted to the Secretary or Clerk of the Planning Board.

C. At least ten days prior to the day of any public hearing, the Planning Board shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a site plan is being considered. **[Added 11-15-06 by L.L. 10 of 2006]**

§ 154-83. Notice to property owners.

A. The Applicant shall mail notice of the public hearing to all property owners whose property is within five hundred (500) feet of the site of the proposed project or within five hundred (500) feet of any property contiguous to said site that is owned partially or wholly by the Applicant or property owner, members of the Applicant's and Property Owner's family(ies) or firms in which the Applicant or Property Owner owns a financial interest.

(1) Such notice shall be mailed, certified return receipt requested, not less that fifteen (15) calendar days prior to the date of the public hearing scheduled by the Planning Board. Prior to the public hearing the subdivider shall provide to the Planning Board a copy of the required notice and an affidavit listing all of the property owners to whom such notice was mailed and copies of all mailing receipts.

(2) Such notice shall be in a form approved by the Planning Board, including no less than:

(a) The name of the Applicant.

(b) The location of the site of the proposed site plan.

(c) A brief description of the proposed use of the property including, as a minimum, the total acreage involved, the total area of disturbance, the location of proposed entrances and the proposed methods of providing water supply and sewage disposal.

(d) The date, time, and place of the public hearing.

§ 154-84. Performance bond required.

A. Supersession of statutory provisions. This section shall, pursuant to the supersession authority granted by the Municipal Home Rule Law, supersede, in its application to the Town of Patterson, the provisions of §§ 274-a, 276 and 277 of the Town Law of the State of New York relating to the limitation upon the authority of a town to require the posting of a performance bond or other form of security in connection with the approval of a land subdivision plat, to extend such authority to Planning Board approvals of commercial and residential site plans in accordance with the provisions of § 274-a of the Town Law.

B. Legislative intent. In order to ensure that once a project has been started it shall not be abandoned, partially completed or left in a state which will cause erosion of the soil, improper drainage or any other condition which will result in the deterioration or devaluation of the surrounding land or neighborhood, and in order to ensure that while under construction, the workmanship and materials used shall promote the long life of the project and the health, safety and welfare of the future users of the subject premises and surrounding areas, the Town Board of the Town of Patterson has determined it to be a proper exercise of authority conferred upon it by the laws of the State of New York to require the posting of adequate security for the performance of necessary site improvements contemplated in connection with a residential or commercial site development.

C. Procedure.

(1) Prior to the grant of final site plan approval for a particular project, the Planning Board, in considering the recommendation of the engineering authorities available to it, shall establish the amount of performance security to cover the full cost of the required site improvements as shown on such final site plan as enumerated in Subsection D hereof. The Planning Board shall make a referral of the matter regarding the establishment of the amount of performance security of a particular project to the Town Board, which referral shall include its recommendation as to the amount of such performance security. The performance security shall become effective only if and when the Town Board shall have approved it as to form, sufficiency of surety and manner of execution.

(2) The performance security shall be in the amount approved by the Town Board in the form of a performance bond issued by a surety company licensed in the State of New York; a letter of credit issued by a federally or state-chartered financial institution; or a savings passbook, money market account or certificate of deposit naming the Town of Patterson as joint tenant.

(3) Such performance security, if in the form of a performance bond or letter of credit, shall run for a term to be fixed by the Planning Board, but in no event for a term longer than three (3) years; provided, however, that the term of such security may be extended by the Planning Board with the consent of the parties thereto. In the event that such security is in the form of a letter of credit, such a letter of credit shall contain a provision requiring automatic renewal thereof unless, not less than thirty (30) days prior to its expiration, the Town of Patterson is given written notice of the issuing institution's intention not to renew such letter of credit.

(4) The performance security in the full amount established by the Town Board shall be posted with the Town Clerk upon grant of final site plan approval. No building permits shall be issued for and no site preparation work shall be commenced on the subject premises unless and until the necessary performance security has been posted.

(5) A duly designated official of the town shall inspect the improvements during construction to assure their satisfactory completion.

(6) During the course of construction, the performance security may be reduced, in the sole discretion of the Town Board upon the recommendation of the Planning Board, to an amount certified by the Town Engineer or the Town's consulting engineer to be the probable cost of completion of the remainder of the required site improvements, but in no event shall such amount be reduced to less than fifty percent (50%) of the original amount of the performance security.

(7) The performance security shall be released or reduced only by the Town Board and only upon recommendation of the Planning Board after certification by the Town Engineer or the Town's consulting engineer that all or part of the required site improvements have been completed in conformance with the approved final site plan and all applicable regulation.

D. Site improvements subject to bonding. The following items are considered essential to the principles stated above and shall be included in the amount of the performance security to be set:

(1) Site grading, including replacement of topsoil and seeding, and including structural features and other measures deemed necessary by the Planning Board to provide long-term stabilization of the site **[Amended 2-25-09 by L.L. No. 4 of 2009]**.

E. Phased projects. In the event that a particular site plan is to be constructed in sections or phases, the Planning Board, in its sole discretion, taking into consideration the importance of the entirety of the site improvements on the section or phase to be constructed, may recommend to the Town Board that the performance security be posted for only so much of the project as is going to be constructed in a particular phase or section; provided, however, that no building permits shall be issued for and site work shall be conducted on any future phase or section unless and until the required performance security is established for such future phase or section and properly posted in accordance with the provisions of this section.

F. Default. In the event that any required site improvements have not been installed as provided in this section within the term of the performance security, the Town Board may thereupon declare said performance security to be in default and collect the sum remaining payable thereunder, and, upon receipt of the proceeds thereof, the town shall install such improvements as are covered by such security and are commensurate with the extent of building development that has taken place on the site. In the event that no building has taken place but site preparation has taken place, the proceeds of the security shall be used, to the extent practicable, to restore the site to its original state and avoid erosion and adverse drainage conditions.

§ 154-85. Fees for site plan review [Amended 2-25-09 by L.L. No. 4 of 2009].

A. Fees for submission of an application requesting site plan approval, as required by Chapter 87 of the Town Code of the Town of Patterson, shall be established by resolution of the Town Board, and shall be set forth in the Schedule of Fees:

B. The project applicant or developer shall deposit with the Town, pursuant to §87-4, a fee for inspection of site improvements in the amount of five percent (5%) of the total estimated cost of all site improvements listed below.

(1) Site grading, including replacement of topsoil and seeding, and including necessary structural features such as retaining walls and ground cover.

(2) Drainage, including waterways, conduits and all necessary appurtenances and structures.

(3) Water and sewer systems, including all wells, conduits, structures and appurtenances as may be required by those government agencies having final jurisdiction for approval of those system.

(4) Foundation course, pavement, curbs and sidewalks for all roads, drives, parking areas and walkways.

(5) Lighting, including all necessary wiring, structures and appurtenances.

(6) Landscaping, including all shrubs, trees and screening as may be required to ensure that the final site condition meets with the site plan approved by the Planning Board.

§ 154-86. Waiver of site plan approval.

A. Site plan approval as required in § 154-76 may be waived in whole or in part when the site plan is for a conforming or nonconforming use or occupancy that will not enlarge an existing building or if there is a proposed enlargement of an existing building for less than ten percent (10%) of the minimum floor area for dwelling units or minimum floor area for other uses and where said conforming or nonconforming use or occupancy would also conform to all other requirements of this chapter.

B. For said waiver, the applicant shall submit to the Planning Board a written request setting forth the following:

(1) A detailed statement of the applicant's proposed use of the building or property, including detailed information on the conformity and adequacy of the on-site parking and loading facilities, signs and all other applicable information required by this chapter and other town ordinances for the proposed use in the zone in which said use is located.

(2) The applicant's reasons for requesting a waiver of all or part of the site development plan requirements of this chapter.

C. In considering a request for waiver of site development plan approval, the Planning Board shall consider the standards and other requirements for said site development plan approval as contained in this Article. The Planning Board shall make findings that the approval of the waiver does not impair the intent and purposes of the site

development plan requirements of this chapter.

D. The Planning Board's findings and written approval or disapproval with or without conditions shall be forwarded to the applicant and the Code Enforcement Officer or other town agency or department, where appropriate.

§ 154-87. Expiration of approval.

The approval of any site plan by the Planning Board, excepting a residential site plan approved pursuant to Section 154-76(B), shall be deemed null and void one (1) year from the date thereof unless a building permit in compliance therewith shall have been obtained and construction thereunder shall have progressed such that structural improvements as shown on the approved plan have been installed on the site. Expiration of the building permit shall constitute an expiration of the approved site plan. In the event that no building permit is required for a site plan, approval of the site plan shall be deemed null and void one (1) year for the date of the approval unless the improvements shown thereon have been substantially completed. The expiration of such approval of a site plan shall not prevent the submission of a subsequent application and site plan, which shall be considered without reference to the prior approval.

§ 154-88. Damage to Conforming Building

Any building or structure, which conforms to the requirements of this Chapter and has also received site plan approval, and which has been destroyed or damaged from any cause to the extent, as determined by the Code Enforcement Officer, of over fifty percent (50%) of the volume of its structure above the foundation shall apply for a permit from the Code Enforcement Officer to rebuild or restore the damaged portion of any building damaged or destroyed within six (6) months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects.

ARTICLE XVI
Special Use Permits

§ 154-89. Authority regarding special use permits.

A special use permit may be granted by the Board of Appeals for any one (1) or more of the uses provided for in Articles XVII through XIX, subject to the provisions of Articles XVI and any other applicable provisions of this Chapter.

§ 154-90. Application for permit.

A. An application for a special use permit shall be in writing on a prescribed form

subscribed to and verified by the owner of the property for which the permit is sought or by the agent of the owner thereunto duly authorized by an instrument in writing, duly executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property.

B. In the event the special use is to be conducted by a lessee, the said lessee shall join in the application and subscribe and verify the application in person or by the lessee's duly authorized agent, in the same manner as the owner.

C. In the event such application is made by an agent on behalf of the owner or of the owner and lessee, there shall be attached to the application an authorization duly executed and acknowledged, as in the case of a deed, by the owner or by the owner and the lessee, as the case may be. **[Amended 11-15-06 by L.L. 10 of 2006]**

D. In the event that a lessee shall be interested in the application, a photostatic copy of the lease shall accompany the application.

E. In the event the application is made by or in behalf of a corporation, the application shall include the names and addresses of all officers and directors of said corporation, and certify that the corporation is organized and existing under the laws of the State of New York or is a Corporation authorized to conduct business in the State of New York.

F. The number of copies of the application and any materials in support thereof, which shall constitute a compete submission to be placed on an agenda of the Zoning Board of Appeals, shall be determined by the Zoning Board of Appeals by resolution.

G. Unless waived in whole or in part by the Zoning Board of Appeals, which reasons shall be placed in the record of the meeting, the application shall be accompanied by a land use and development plan at a scale of not less than one (1) inch equals one hundred (100) feet, and such plan shall indicate the following:

(1) The property boundaries, including metes and bounds, its area, zoning districts and owners of all properties located within five hundred (500) feet of the boundaries.

(2) Terrain conditions on the property, including existing and proposed topographic data showing contour at two foot increments. A blowup of the United States Coast and Geodetic Survey maps is not deemed appropriate to allow proper study by the Board of Appeals or the Planning Board. Where it is deemed essential for proper determination of topography qualities, the applicant shall supply more accurate topography as required.

(3) Soil types and hydrologic soil cover complexes as may be obtained from the United States Soil Conservation Service, as well as existing watercourses and

their classifications, watershed area, wetlands, wooded areas, major rock outcroppings and other significant features, including proposed method of water supply and sewage disposal, shall be shown on one (1) or more separate maps of the same scale as the land use and development plan.

(4) The proposed sizes and arrangement of buildings and use or uses, developed and undeveloped areas, including roads and traffic patterns, general parking areas and proposed method of off-site drainage disposal.

H. The application shall be accompanied by a written report prepared by a professional engineer, architect or landscape architect duly licensed in the State of New York. The report shall consist of the following:

(1) A statement describing the nature of the proposal and how it will serve to implement the intent and purpose of this chapter.

(2) A statement describing each of the features of Subsection G above, and concluding with a statement regarding the effect of the proposed development on the surrounding neighborhood.

I. The application shall include such other additional information as may be deemed necessary by the Board of Appeals to properly study and evaluate the application.

J. The application shall be accompanied by a certified list of the name and address of each owner of property located within five hundred (500) feet of the boundaries of the project.

K. The application shall be accompanied by a fee as set from time to time by resolution of the Town Board.**[Amended 11-9-05 by L.L. No. 12 of 2005]**:

§ 154-91. Review by other agencies.

A. Each application for a special use permit, except for accessory apartments or accessory buildings, shall be referred to the Planning Board for a report thereon prior to a public hearing being held on the Application. **[Amended 11-15-06 by L.L. 10 of 2006]**

B. Where an application has been received for a parcel that lies within five hundred (500) feet from a municipal boundary, or from any existing or proposed county or state park or recreation area, or from any existing or proposed county or state road or right of way, or from any county or state lands on which there is situated a public building, pursuant to General Municipal Law the application shall be referred to the Putnam County Division of Planning and Development, who shall report its recommendations within thirty (30) days.

C. At least ten days prior to the day of any public hearing, the Zoning Board of

Appeals shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a special use permit is being considered. **[Added 11-15-06 by L.L. 10 of 2006]**

§ 154-92. Publication of notice of hearing.

Within sixty-two days (62) of the receipt of a complete application, the Board of Appeals shall hold a public hearing on the application. The Board of Appeals shall give notice thereof by publication in the official paper of notice of such public hearing at least ten (10) days prior to the date thereof; and the Board shall, at least ten (10) days before such hearing, send to all such owners of record of land within five hundred (500) feet of the boundary of the property, as set forth in the application, a written notice of the application applied for.

§ 154-93. Standards and guidelines for determination.

A. In addition to the standards and guidelines in Articles XVII through XIX, the Board of Appeals shall determine each application upon the merits only after public hearing and in conformity with the following standards and guides:

(1) The use shall be of such location, size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town and, in particular, the district specified in the appropriate sections of Articles V through IX of this chapter.

(2) The Board of Appeals' deliberation and determination shall be made in accordance with the comprehensive plan and requirements set forth in this chapter including the need to lessen congestion in the streets; to secure freedom from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, schools and other public requirements, as one or more of such standards may apply to the particular use.

(3) The deliberation and determination of the Board of Appeals shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for the particular uses, and with a view to conserving the values of buildings and property generally and to encouraging the most appropriate use of land throughout the municipality.

(4) The deliberation and determination of the Board of Appeals shall be made with reasonable consideration to the effect the proposed activity will have on the environment, and to the continued maintenance that may be required.

(5) The location, nature, extent and height of any building, structure, wall or fence and the nature and extent of any landscaping shall be such as will not hinder or discourage the appropriate development and use of property in the general neighborhood.

(6) The issuance of any permit hereunder for any public utility use in any residence district shall be subject to the finding that the establishment of the particular use in the subject location is necessary and convenient for the efficient operation of the particular utility system of which said use is a part or for the provision of service by the utility to the neighborhood in which the particular use is located.

(7) The Board of Appeals shall also consider, upon an application for a special use permit, such standards as are established in this Article or any other provision of this chapter.

(8) Nothing in this section provided shall be deemed to authorize the Board of Appeals to grant a special permit except in strict conformity with Articles XVI through XXI of this Chapter, and no change in any use provisions of this chapter shall be permitted except as expressly provided in said Articles.

B. In granting the application, in whole or in part, the Board of Appeals may attach thereto such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit as the Board in its discretion may deem necessary to promote the health, safety and general welfare of the Town of Patterson.

C. Said Board may require as a condition of the issuance of any special permit that it shall be periodically renewed, or said Board may issue a temporary special permit subject to adequate guaranties that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by said Board, provided that any such renewal or extension shall be subject to the same procedure as specified herein for the original issuance of the special permit involved and in conformity with the aforesaid standards.

D. The determination of the Board of Appeals shall be in writing, and shall be filed with the Town Clerk within five (5) days. A certified copy of the decision shall be mailed to each applicant, the Planning Board and the Code Enforcement Officer within three (3) days of such filing.

§ 154-94. Certificate of occupancy for special permit uses.

Upon completion of the site improvements authorized by the special use permit and shown on a site plan as approved by the Planning Board, and upon certification of completion by the Town Engineer to the Planning Board and acknowledgment by the Planning Board of same, the applicant may apply to the Code Enforcement Officer for a

certificate of occupancy without further application to the Board of Appeals; and the Code Enforcement Officer shall, after personally inspecting the premises involved, issue a certificate of occupancy, provided the conditions attached to the granting of the permit have been duly and fully complied with. In the event of the failure or refusal of the Code Enforcement Officer to issue a certificate of occupancy, the applicant may appeal to the Board of Appeals within thirty (30) days thereof.

ARTICLE XVII
Special Permits for Any District

§ 154-95. Clubs.

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

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

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

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

E. 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.

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.

G. The term "club" shall be limited to a nonprofit corporation 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. This Section shall also include governmental or quasi-governmental organizations. 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.

H. The architectural design of the building exterior shall be similar to and compliment the surrounding residential neighborhood.

§ 154-96. Churches, parish houses and convents.

A. Activities associated with a Place of Public Worship can result in adversely affecting the health, safety and general welfare of the community from impacts including, but not limited to significantly increasing traffic congestion, reducing water quality, compromising a neighborhood's character, increased noise, increased municipal services and taxes, loss of privacy, noxious fumes and increased light pollution. Further, it is found that it is in the best interest of the community to minimize or avoid these impacts. There also exists a presumption that a place used for public worship is beneficial to the community and every attempt should be made to accommodate such uses except where it is demonstrated that such use, or improvements incidental thereto adversely affects the health, safety or general welfare of the community in a manner that can not be mitigated by the imposition of conditions. It is the findings of the Town Board of the Town of Patterson that the procedures and requirements contained herein are the minimum necessary to protect the health, safety and general welfare of the community.

B. A special use permit may be granted, after public hearing by the Board of Appeals, in any district for a place of public worship provided that:

(1) The lot area size and setbacks conform to all the requirements of the district in which it is located, except that in the Residential District RPL-10, the minimum lot area shall be twenty thousand (20,000) square feet.

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

(3) Said frontage and access for the lot shall be on a state or county road, which road shall have sufficient design capacity to accept the additional traffic and/or shall not cause, or further deteriorate an unsafe traffic condition.

(4) The maximum lot coverage by impervious surface shall be sixty-five percent (65%).

(5) Adequate parking, based on the standards enumerated in § 154-73. Any parking areas and access drives shall be suitably screened from any adjacent residential areas with a vegetative buffer of no less than fifty (50) feet.

(6) The architecture design of the building exterior shall be similar to, and compliment the surrounding residential neighborhood.

(7) Adequate water and sewage disposal can be provided on the parcel to accommodate the proposed activities.

(8) For any special use permit issued, site plan approval, pursuant to §154-75 shall also be required.

(9) The proposed activity for which a special use permit has been issued pursuant to this Section shall not cause or result in a reduction in the total assessed value of the Town by more than five (5) percent.

C. Where only a portion of a lot or building will be used as a place of public worship, only that portion of the lot or building shall be considered a place of public worship and subject to the requirements of the Section.

D. The Zoning Board of Appeals is hereby authorized to require such conditions as may be necessary to permit the use of the site for religious use while minimizing any adverse impact that may be created.

E. A church for public worship, parish house or convent as defined herein shall not include the printing or manufacturing of religious paraphernalia. The manufacturing of religious paraphernalia shall not be permitted by a special use permit authorizing the use of land for a place of worship, except as where such use would otherwise be permitted by this Chapter.

ARTICLE XVIII
Special Permits for Residence Districts

§ 154-97. Nursery schools, day-care centers.

A. Nursery schools and day-care centers. On a lot of not less than five (5) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a nursery school, or day-care center, provided that:

(1) Any building is located at least one hundred (100) feet from any property line.

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

(3) The size of buildings in aggregate shall not exceed five thousand (5,000) square feet of lot area.

(4) The play space shall be located in rear yards but no nearer than one hundred (100) feet to any lot line and no nearer than one hundred (100) feet to any adjacent residential structure. The outdoor play area shall be suitably fenced or planted and screened to protect the school children and to avoid any nuisance to adjoining properties.

(5) The architecture design of the building exterior shall be in similar to and compliment the surrounding residential neighborhood.

§ 154-98. Senior citizen facilities.

On a lot of not less than fifty (50) acres, a special use permit may be granted, after public hearing by the Zoning Board of Appeals, in any residence district for a senior citizen facility, provided that:

A. Any building is located at least two hundred (200) feet from any property line.

B. The lot frontage shall be no less than two hundred fifty (250) feet.

C. Maximum lot coverage of the structures shall not exceed eight percent (8%).

D. Where any building, structure, driveway or parking area is within four hundred (400) feet of a property line, a densely vegetated buffer no less that seventy-five (75) feet in width shall be provided.

E. The architecture design of the building exterior shall be in similar to and compliment the surrounding residential neighborhood.

F. For the purposes of this subsection, senior citizen facilities shall mean a facility licensed by the State of New York which provides:

(1) apartment-style housing that includes a package of services such as meals, housekeeping, transportation, social activities and some personal care assistance, or

(2) apartment-style living units with full time nursing care

§ 154-99. Schools and colleges.

On a lot of fifty (50) acres or more, a special use permit may be granted, after a public hearing by the Board of Appeals, in any residence district for a private or parochial school, preparatory school, junior college, seminary, college or university operated by a nonprofit organization with its service and administration buildings, dormitories,

fraternity and sorority houses and customary indoor and outdoor recreation facilities and parking areas, except that a nonprofit primary school may be located on a lot of five (5) acres or more, all provided that:

A. No recreation facility structure or area shall be less than two hundred (200) feet to any property or street line.

B. No structure housing students or classrooms shall be nearer than one hundred (100) feet to any property or street line.

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

D. Said frontage and access for the lot shall be on a state or county road.

E. Maximum building coverage shall be fifteen percent (15%).

F. The Board of Appeals, upon recommendation from the Planning Board, shall determine the minimum number of parking spaces required.

§ 154-100. Equestrian Centers.

On a lot of not less than fifteen (15) acres, a special use permit may be granted, after a public hearing by the Board of Appeals, in any residence district for an equestrian center, which shall also be deemed to mean a livery or boarding stable, provided that:

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

B. Not more than one (1) horse per acre of usable farmland shall be quartered on said premises.

C. The maximum coverage of all buildings and structures shall be fifteen percent (15%).

D. No building or structure for animal use shall be within two hundred (200) feet of any road or property line.

E. No riding range or bridle path shall be allowed within one hundred (100) feet of a road or property line.

F. No storage of manure or other odor- or dust-producing substance shall be allowed within two hundred (200) feet of any road or property line nor within one hundred (100) feet of any stream or body of water.

G. In addition to the barns and other structures erected on the lot used for the storage and maintenance of horses, one principal residential dwelling unit and one accessory dwelling unit may also be erected on the lot provided that:

(1) the principal residential dwelling unit must be owner-occupied, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses that may be quartered on the premises

(2) The accessory dwelling unit shall be used for full-time farm help, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses that may be quartered on the premises. In addition, the accessory dwelling shall be not less than one thousand (1,000) square feet of livable floor area, nor more than two thousand (2,000) square feet of livable floor area, however in no instance shall the accessory dwelling exceed in livable floor area the principal dwelling.

H. On any equestrian center up to two (2) single bedroom apartments may be located within the principal barn structure used to house horses or other large livestock provided that:

(1) The maximum size of the apartment in total shall not exceed six hundred (600) square feet.

(2) The apartment(s) may only be occupied by persons employed by the farm on which the apartments are located and who are employed for more than thirty-five hours per week by the farm for the maintenance and operation of the farm.

(3) Any apartments created pursuant to this subsection shall also be required to obtain a special use permit and site plan approval which may be issued concurrently with a special use permit and site plan approval for an equestrian center or as a separate application.

§ 154-101. Golf courses and country clubs.

On a lot of not less than one hundred twenty-five (125) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a golf course, golf club or country club, provided that each golf club and country club shall qualify as an organization of persons as a business corporation or a membership corporation and shall be operated solely for recreational, social, educational, athletic and health purposes. Accessory uses to a golf club or country club shall include:

A. Golf course.

B. Tennis courts.

C. Swimming pools.

D. Maintenance buildings for the storage of equipment and supplies.

E. Rain shelters, starter houses and refreshment stand on the golf course.

F. Swimming pool cabanas.

G. Pro-shop for sale of equipment and clothing.

H. Restaurant.

I. Clubhouse, locker room and sauna facilities.

J. Other incidental and related uses as may be determined by the Board of Appeals.

K. Parking facilities.

§ 154-102. Tenting areas.

On a lot of not less than fifty (50) acres, a special use permit may be granted, after a public hearing by the Board of Appeals, in any residence district for a tenting area, as defined in this chapter, provided that:

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

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

C. The lot shall be a heavily wooded lot which shall shield the individual sites from general view, and the sites shall not be visible within two hundred (200) feet of any road or property line.

D. Sewage disposal, water supply and garbage disposal facilities shall be provided.

E. Each tent site shall have a parking stall and direct access to a well-maintained, interior, road, suitably improved to the standards set forth in this Chapter.

F. There shall be a maximum number of three (3) individual sites per acre.

G. There shall be a register maintained on the premises by the owner or operator, available for inspection by the Code Enforcement Officer. Such register shall show the name and address and motor vehicle registration of each party camping on the premises.

H. Open fireplaces shall be located and constructed as approved by the Code Enforcement Officer.

I. Campers, mobile trailers and self-propelled recreational vehicles are deemed to be permitted uses in tenting areas.

J. Each facility shall provide at a minimum one (1) main building not exceeding three thousand (3,000) square feet for the housing of the proprietors and staff and for central shower and bathroom facilities and the sale of packaged food and incidentals to campers.

K. One (1) open-sided pavilion-style recreation building not exceeding two thousand five hundred (2,500) square feet may be permitted.

L. Separate bathroom and shower facilities in various locations on the campsite may be permitted.

§ 154-103. Trailer parks.

On a lot of not less than twenty-five (25) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a trailer park, provided that:

A. The lot possesses a minimum frontage of four hundred (400) feet.

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

C. No trailer shall be closer than one hundred (100) feet to any street or property line.

D. The trailers shall be placed on individual sites which site includes sufficient area for the trailer and a twenty-five (25) foot yard surrounding the entire trailer.

E. Each trailer park shall contain a park and recreation area or areas provided with recreation equipment and fenced with a chain link fence at least four (4) feet high. The park and recreation area shall contain a minimum of five hundred (500) square feet of land for each trailer or mobile home lot, the aggregate of which shall not be less than 1,500 square feet nor more than 10,000 square feet.

F. The perimeter of the area utilized for the trailers shall be adequately buffered with plantings.

G. In addition to other area requirements, a minimum of two improved parking spaces shall be provided for each trailer site, which shall not be used to meet the requirements of Subsection (D) above.

H. The maximum number of trailers that shall be placed on a site shall not exceed one trailer for each 20,000 square feet of the total site area excluding any Town-regulated wetlands, watercourses or bodies of water, or any regulated control area thereto, or any areas where the topography exceeds a gradient of twenty-five percent (25%).

§ 154-104. Hobby kennels.

A. On a lot of not less than ten (10) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in the R-4 residence district for a hobby kennel, provided that:

1. Said frontage and access for the lot shall be on a state, county road or Town road.

2. No building, enclosure or run shall be closer than two hundred (200) feet to any road or property line.

3. The maximum building coverage of all buildings and structures including runs or pens shall be two percent (2%).

4. Any pens or enclosures used for the housing of animals shall be of a size suitable to allow for the animal to exercise.

5. The maximum number of animals that may be kept at the hobby kennel is six adult dogs over six months in age, and not more that ten puppies less than six months in age, provided that the puppies are parented by one or more of the six dogs over six months in age.

6. The property shall be owner occupied and the primary residence of the owner thereon. The hobby kennel shall be an accessory use to the principal residence of the site.

B. For the purposes of this Chapter, a hobby kennel is an accessory use to a principal residence use of a parcel, for the accommodation of not more than 6 adult dogs of more than six months in age, in a building, structure, compound, pen or cage, or on the property, and provided that the dogs are all owned by the owner of the property.

C. Each, and every adult dog kept on the property for which a special use permit has been issued under this Section shall be licensed in accordance with Agriculture and Markets Law. A copy of said license shall be maintained at the site and shall

be immediately presented upon request to any Official charged with enforcement of this Section.

§ 154-105. Accessory Apartments.

A. A special use permit is required to create a single apartment within a single-family dwelling, subject to the following provisions:

(1) Only one (1) apartment is allowed, and it shall be clearly subordinate to the one-family dwelling.

(2) The number of bedrooms in the apartment shall not be more than one (1).

(3) The floor area of the apartment shall be greater than four hundred (400) square feet and less than six hundred (600) square feet.

(4) The floor area devoted to the apartment shall not exceed 35% of the entire livable floor area of the single-family principal dwelling and area of the accessory apartment combined.

(5) The apartment and one-family dwelling must have safe and proper means of entrance. Entrance to the accessory apartment shall be from the side or rear of the structure.

(6) If the water supply is from a private source, the applicant shall certify that the water supply is potable and of adequate flow. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.

(7) The principal dwelling and the accessory apartment 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 water quality problems shall result in the revocation of the special use permit. **[Amended 11-15-06 by L.L. 10 of 2006]**

(8) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.

(9) Off street parking shall be in accordance with Article XIV of this Chapter and shall be on the parcel on which the accessory apartment is located.

(10) Any legally established apartment within a one-family dwelling that is in

existence at the time of the adoption of this chapter shall not be subject to the provisions outlined in this chapter.

(11) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special use permit.

(12) The owner of the single-family lot upon which the accessory apartment is located shall occupy the principal or accessory dwelling unit on the premises as his primary residence.

(a) The special use permit shall be issued to the owner of he property. Should there be a change in the ownership or a change in residence of the owner, the special use permit and the certificate of occupancy for the accessory apartment shall become null and void in ninety (90) days. Thereafter, should the new owner decide to live in the structure and desire to continue the use of the accessory apartment, within ninety (90) days of the change in ownership, he shall have received from the Zoning Board a special use permit.

(b) The special use permit shall be valid for a period of five (5) years. At the end of such period, the owner-applicant shall request that the Zoning Board of Appeals review the permit, or the owner shall notify the Zoning Board of Appeals of his intent to discontinue the permit. The Zoning Board of Appeals shall renew the permit if all conditions of the original permit are still satisfied; otherwise the Zoning Board of Appeals shall not renew the permit.

(13) The property on which the accessory apartment is to be located shall be in conformance with all applicable sections of the zoning provisions of the Town of Patterson Code. Any and all violations of the zoning provisions shall be eliminated prior to consideration by the Zoning Board of Appeals for the special use permit with the following exception: the Zoning Board of Appeals may consider an application which seeks to legalize an existing illegal apartment, provided that there are no additional existing violations.

(14) An accessory apartment may only be created where the principal and accessory units are within the same structure. No detached accessory apartments are permitted.

(15) In making its determination on the special use permit, the Zoning Board of Appeals shall also give consideration to the character of the existing and future uses in the immediate vicinity of the proposed accessory apartment, including the exterior appearance of buildings as single-family dwellings and the amount of traffic and parking conditions in the neighborhood.

(16) Owners of existing accessory apartments, other than those defined in Subsection A(10), shall have until January 1, 2001 to apply for a special permit in accordance with the provisions hereof. Any initial special permit application for a then-existing accessory apartment submitted after January 1, 2001 shall be accompanied by an application fee equal to twice the existing fee set forth in the fee schedule established in Chapter 87 of the Patterson Town Code.

(17) The building in which the accessory apartment is constructed shall be at least five (5) years old and the owner-applicant shall have occupied the dwelling for at least one (1) year prior to the initial application for the special use permit. Any subsequent change in ownership after the initial application has been approved shall comply with Subsection (12), above.**[Amended 11-9-05 by L.L. No. 12 of 2005]**

(a) Exception. The Zoning Board of Appeal may grant an exception to the requirements of Subsection (17) above upon a findings, which shall be set forth in the resolution for the special use permit, that the accessory apartment will be used for a person or persons related by blood or marriage and that a special or unique hardship exists. In granting approval of a special use permit pursuant to this subsection, the Zoning Board of Appeals may impose such restrictions and requirements as may be necessary to give effect to the intent and purpose of this Chapter. Such requirements may include removal of the apartment from the principal dwelling after a specified period, upon the apartment being vacated by the individual for which the apartment was created, or upon elimination of the determinant factor justifying the special or unique hardship.

B. Where a special use permit is requested to create an apartment which requires an addition to a one-family dwelling, the following additional requirements must be complied with:

(1) All bulk regulations and coverage limitations must be met.

(2) Design and construction of the addition must be compatible with the parent structure.

(3) The addition must conform to the criteria above in subsection A of this section.

C. Applications submitted to the Zoning Board of Appeals pursuant to this section shall be reviewed by the Code Enforcement Officer. The Code Enforcement Officer shall review the Applicant's compliance with the provisions of Subsections A and B of this section and report to the Zoning Board of Appeals regarding same.

D. An accessory apartment created on any residential property for which site plan

was approval was not otherwise not required, shall not require approval of a site plan issued by the Planning Board.

§ 154-106. Accessory Buildings.

An accessory building for residential occupancy may be permitted by special use permit in the R-1, R-2 or R-4 zoning districts, provided that:

A. The building shall be used as an accessory use to a detached one-family dwelling only.

B. The building is used solely, and in its entirety, for the purpose of providing living quarters.

C. The parcel of property containing the structure is five or more acres.

D. The maximum size of the accessory building shall be 1/3 the size of the principal building, as measured by the total floor area, including non-habitable space, of each building, however in no case shall the building exceed 1,250 in livable floor area. In addition, the architectural character of the accessory building shall be similar in character to that of the principal building.

E. The principal dwelling shall be occupied by the owner of the property on which the accessory dwelling is constructed.

F. The Zoning Board of Appeals shall determine that suitable facilities exist for yard space, sanitary facilities and potable water.

G. Suitable access and parking shall be provided which shall be constructed in accordance with the standards of this Chapter.

§ 154-107. Commercial Trade Operations.

On a lot of not less than five acres in any residence district a special use permit may be granted by the Zoning Board of Appeals after public hearing for a Commercial Trade Operation, subject to the following requirements.

A. The use, or any improvements created therefore shall not alter the residential character of the neighborhood.

B. The owner of the business for which the special use permit is requested shall also be the property owner who shall also have as his principal residence, the location for which the special use permit is requested.

C. The use, or any improvements created therefore shall be in the rear yard and shall be suitably screened so as not to be visible from the street or any residential property, whether adjacent or otherwise, and shall not be visible from or affect the viewshed.

D. No hazardous or noxious materials stored at the site, nor shall any activity produce any odors which may be considered offensive, nor shall the use result in a significant increase in noise.

E. There shall be no operations or activities conducted at the site which require part-time or full-time employees to work or otherwise be in attendance at the site, except on a very limited duration not to exceed one hour per day or one day for every two weeks.

F. The maximum number of employees that may be permitted to report to work at the site shall be two. Parking, improved to the standards of this Chapter shall be provided at the site.

G. The maximum number of commercial vehicles, including equipment trailers and large mobile equipment, shall not exceed six (6) of which not more than two vehicle shall be a maximum of 20,000 gross vehicle weight. All vehicles and equipment shall be in working condition.

H. The property owner shall agree to permit the Code Enforcement Officer to visit the site periodically to ensure compliance with the conditions of this permit.

I. Site plan approval from the Planning Board shall not be required for a Commercial Trade Operation, except as determined by the Zoning Board of Appeals, where improvements to the site necessitate the Property owner to construct or install erosion control or stormwater runoff improvements.

ARTICLE XIX
Special Permits for Nonresidential Districts

§ 154-108. Light manufacturing.

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District located on Route 22 only, for a plant for light manufacturing. A permit may be issued providing that **[Amended 11-15-06 by L.L. 10 of 2006]**:

A. All requirements of the district as to frontage, setbacks and building coverage shall be met,

B. A seventy five (75) foot densely vegetated buffer shall be provided along any property line which abuts a residential district. No above-ground or below-ground utilities or structures shall be placed in the buffer.

C. All access must be from a county or state road.

D. Exposed metal sided buildings shall not be permitted.

§ 154-109. Hospitals, clinics and sanatoriums.

On a lot of not less than ten (10) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Industrial I District and the Commercial (C-1) District located along Route 22 only, for a hospital, clinic, sanatorium, convalescent home, home for the aged, rest home and similar uses, but not including correctional institutions, provided that:

A. The minimum road frontage for the lot shall conform to the district in which it is located.

B. No building shall be nearer than two hundred (200) feet to any street or road line.

C. The maximum impervious coverage shall be sixty-five percent (65%).

§ 154-110. Local Retail centers.

On a lot of not less than five (5) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in the Industrial I District or Commercial (C-1) District along Route 22 only, for a retail center, provided that:

A. The total area of all buildings shall not exceed 75,000 square feet.

B. Any building is located at least sixty (60) feet from any side or rear property line.

C. All other requirements of the particular district are conformed to, except that maximum impervious coverage shall be limited to sixty-five percent (65%).

D. All uses permitted in General Business (GB) Districts, including indoor theaters and fast food establishments, may be permitted.

§ 154-111. Regional Retail Centers.

On a lot of not less than forty (40) acres in the I zoning district, a special use permit may

be granted, after public hearing by the Zoning Board of Appeals for a retail center with a total building coverage exceeding 75,000 square feet provided that the following conditions are met in addition to the requirements of Article XVI.

A. Access shall be only from a State or County Road.

B. The minimum setback of all buildings, structures, parking areas and access drives shall be sixty-five (65) feet. Sixty-five (65) feet from any rear or side property line shall be maintained as a vegetated buffer, and shall not contain any surface or subsurface improvements including waste disposal system or utility lines.

C. All other dimensional requirements of the particular district are conformed to, except that total area of all impervious surfaces shall not exceed 50% of the total lot area.

D. The individual uses permitted on the site shall include all those uses permitted in General Business (GB) Districts, including indoor theaters and fast food establishments, may be permitted.

E. Any entrance to a regional retail center shall be located within 2,000 feet of Interstate 84.

§ 154-112. Hotels and motels.

On a lot of not less than five (5) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Industrial (I) District only, for a hotel or motel, provided that:

A. All requirements of the district as to frontage, setbacks and building coverage shall be met, except that no building shall be nearer than sixty (60) feet to any side or rear property line where it abuts a residential zone.

B. The hotel or motel shall contain not less than three thousand (3,000) square feet of land area per each guest unit.

§ 154-113. Warehouses.

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District for a warehouse. A permit may be issued providing that **[Amended 11-15-06 by L.L. 10 of 2006]** :

A. All requirements of the district as to frontage, setbacks and building coverage shall be met.

B. A seventy five (75) foot densely vegetated buffer shall be provided along any property line which abuts a residential district. No above-ground or below-ground utilities or structures shall be placed in the buffer.

C. All access must be from a county or state road.

D. Exposed metal sided buildings shall not be permitted.

§ 154-114. Conference and Cultural Centers

A special use permit may be granted, after public hearing by the Zoning Board of Appeals for a Conference Center or a Cultural Center in the I, C-1 or CR zoning district provided that the following conditions are met in addition to the requirements of Article XVI.

A. Access shall be only from a State or County Road.

B. The minimum setback of all buildings, structures, parking areas and access drives shall be sixty-five (65) feet. Sixty-five (65) feet from any rear or side property line shall be maintained as a vegetated buffer, and shall not contain any surface or subsurface improvements including waste disposal system or utility lines.

C. All other dimensional requirements of the particular district are conformed to, except that total area of all impervious surfaces shall not exceed 50% of the total lot area.

§ 154-115. Public Garages and Automotive Dealerships

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Industrial (I) District, or the Commercial (C-1) District located on Route 22 only, for a public garage or an automotive dealership provide that:

A. The minimum first floor area for any principal building shall be two thousand two hundred square feet (2,200 sq.ft.)

B. No public garage or automotive dealership shall be located within one thousand (1,000) feet of any other public garage, automotive dealership or gas station as measured between the closest property corners.

C. Any unlicensed, dismantled, disassembled vehicles, or any vehicles held for repair must be housed within the building on the premises or kept in a fully-screened enclosure to the rear of the building.

D. Vehicles for sale or lease or any other wares for sale shall only be stored or

displayed within the building or within such area as shall be identified on the site plan approved by the Planning Board as a display area.

E. No flashing signs, streamers or banners shall be displayed on the site, except as may otherwise be permitted by this Chapter and approved by the Planning Board.

F. In addition, to other landscaping that may be required by the Planning Board, a twenty foot landscaped area shall be provided along the property frontage extending across any developed portion of the site. In addition, areas used for the parking or display of vehicles or wares for sale shall be limited to a maximum of nine thousand (9,000) square feet, except that more than one area for display or parking of vehicles may be allowed on the site so long as a twenty (20) foot landscape area separates the parking/display areas.

G. Architecture shall resemble a colonial/New England style. False mansard roofs shall not be permitted.

ARTICLE XX
Board of Appeals

§ 154-116. General powers and duties.

The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which powers and duties are summarized and more particularly specified as follows, provided that none of the following sections shall be deemed to limit any of the power of the Board of Appeals that is conferred by general law. The Board of Appeals shall adopt such rules and regulations as may be necessary or proper to the performance of its powers and duties hereunder, and may amend or repeal the same. All provisions of this chapter relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained herein.

§ 154-117. Interpretation of provisions.

On appeal from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, or on request from any official, board or agency of the town, the Board of Appeals shall have the authority to decide any question involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary or the effective application of this chapter on any individual parcel..

§ 154-118. Issuance of special use permits.

The Board of Appeals is empowered to issue special use permits for those special uses

provided for in this. chapter, all in accordance with the standards and guides set forth in Article XVI.

§ 154-119. Appeals and variances.

A. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of any administrative official or Board charged with the enforcement this Chapter, or as otherwise may be set forth in the Town Code of the Town of Patterson or in Town Law Article 16, to grant area variances from the area or dimensional requirements of such ordinance or local law all in conformance with the Standards and Guidelines established herein excepting that;

(1) Where a proposed site plan duly submitted to the Planning Board contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance without a decision or determination by the Code Enforcement Officer.

(2) Where a proposed subdivision contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance without a decision or determination by the Code Enforcement Officer.

B. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of any administrative official or Board charged with the enforcement this Chapter, or as otherwise may be set forth in the Town Code of the Town of Patterson or in Town Law Article 16, to grant use variances , as defined herein.

ARTICLE XXI
Appeals and Variances

§ 154-120. Procedures.

A. An appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Chapter by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, in writing, on forms prescribed by the Board, specifying the grounds thereof. Each appeal shall specify the provision of the chapter involved and shall set forth the decision of the Code Enforcement Officer which is appealed from, the full circumstances or conditions involved therein, the ruling sought from the Board, the details of any variance applied for and the grounds on which it is claimed that the same should be granted, or the use for which a variance is sought and the full details thereof. The officer from whom the appeal is taken shall forthwith deliver to the Board of Appeals all papers constituting the record upon which

the action appealed from was taken.

B. In addition to the aforesaid papers, the Board of Appeals may require the applicant to submit such site and plot plans, contour maps, building plans and specifications and other data or information as the Board may deem necessary.

C. All papers, including affidavits of publication and service of notice by mail, shall be filed with the Board before the hearing unless the Board otherwise orders.

D. Every decision of the Board of Appeals shall be by resolution, with the vote thereon recorded, and shall fully set forth the circumstances of the case and the findings of the Board on which its decision is based and shall be filed with the Town Clerk within the time required by law. The Board shall also notify the Code Enforcement Officer and the Planning Board of its decision in each case.

§ 154-121. Notice of public hearing.

A. At least fifteen (15) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the application shall be filed with the Chairman of the Board of Appeals and, in addition to the foregoing, be accompanied by a fee as set forth in Chapter 87 of the Patterson Town Code, and such application shall be accompanied by a sworn statement showing the name and address of each owner of record of land within five hundred (500) feet of the boundary of the property as to which a determination of permit is sought.

B. The Board of Appeals shall give public notice thereof by publication in the official paper of notice of such hearing at least five (5) days prior to the date thereof; and excepting that in the case of an interpretation made pursuant to §154-117, the Board shall, at least five (5) days before such hearing, send to all such owners of record of land within five hundred (500) feet of the boundary of the property, as set forth in the application, a written notice of the application applied for.

C. At least ten days prior to the day of any public hearing, the Zoning Board of Appeals shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a use variance is being considered
[Added 11-15-06 by L.L. 10 of 2006]

§ 154-122. Standards for variances.

A. Area Variances

(1) In making its determination for an area variance, the Zoning Board of

Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

(a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.

(c) whether the requested area variance is substantial.

(d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

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

(3) The Zoning Board of Appeals shall, in the granting of an area variance, have the authority to impose such reasonable conditions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Code or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

B. Use Variances

(1) No use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located that:

(a) the applicant cannot realize a reasonable return, provided that lack

of return is substantial as demonstrated by competent financial evidence.

(b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

(c) that the requested use variance, if granted, will not alter the essential character of the neighborhood.

(d) that the alleged hardship has not been self-created.

(2) The Zoning Board of Appeals, in granting a use variance, shall grant the minimum variance that they shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) The Zoning Board of Appeals shall, in the granting of a use variance, have the authority to impose such reasonable conditions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Code or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 154-123. Reserved.

ARTICLE XXII
Administration and Enforcement

§ 154-124. Certificate of Compliance.

A. For each and every change of ownership, occupancy or tenancy of any building or business, excepting residential occupancy, prior to occupancy of the premises, or any portion thereof, or any modification thereto, or any change of use of an existing building or portion thereof the owner or tenant shall provide to the Building Department the following information:

(1) The business owner's or tenant's name, legal mailing address and emergency phone number.

(2) The trade or business name that will be used.

(3) The name, address and phone number of the alarm company, if any.

(4) A narrative which includes a brief description of the use that will be conducted on the premises, the intended activities that will be conducted on the premises, a general description of any modifications that will be made to the building, and a list of any hazardous or noxious materials that may be stored on the premises.

B. In the event that a Certificate of Occupancy is not required as provided below, the Code Enforcement Officer shall issue a Certificate of Compliance which shall include the name of the owner of the business, the business or trade name and the use of the premises.

§ 154-125. Building permits.

A. No building or structure shall be erected, moved, altered, added to or enlarged and no excavation for any building or structure shall be begun unless and until a building permit for such work has been issued by the Code Enforcement Officer. In addition to the requirements of Chapter 64(11), every application for a building permit shall be filed in triplicate on a form provided by the Code Enforcement Officer, and shall include a plan the following information:

(1) The lot upon which the building or structure is proposed to be erected or on which it is situated if an existing building or structure.

(2) Lot dimensions, lot and block numbers and subdivision name, if any.

(3) Names and widths of abutting roads or streets; locations, dimensions and uses of any existing building or structure on the lot.

(4) Locations, dimensions and proposed use of a building for which the permit is sought and use of land in connection therewith.

(5) Dimensions of yards in relation to the building for which the permit is sought and distance of the proposed building from any existing building on the same plot.

(6) North point and scale.

(7) Such additional information as may reasonably be requested by the Code Enforcement Officer.

B. Each application shall also be accompanied by a construction permit issued by the Putnam County Department of Health and a driveway permit issued by the town, county or state, depending on jurisdiction.

C. Every application for a building permit shall be accompanied by a fee paid to the Code Enforcement Officer. All fees paid to the Code Enforcement Officer shall be paid by him to the Supervisor of the town not later than the fifth day of the month following their receipt and shall be deposited to the credit of the town. The fee charged shall be based upon the dollar evaluation of the construction for which the application has been made as set forth in Chapter 87 of the Patterson Town Code.

D. No building permit shall be issued or reissued for a building to be used for any purpose for which a special permit is required pursuant to the regulations set forth in Article XVII through Article XIX and other applicable sections and subsections unless and until a special permit for such use has been issued by the Board of Appeals as provided in Article XVI.

E. No building permit is to be issued or reissued for a building to be located on a plot for which site development approval by the Planning Board is required pursuant to the terms of this chapter until such approval shall have first been obtained from the Planning Board pursuant to Article XV.

F. Each application for a building permit shall contain the E-911 address, including street and number, for the parcel on which the building permit application has been submitted. Within 10 days of the issuance of a building permit, the property owner shall post the number on the parcel. Such posting shall comply with the requirements of § 112-4C of the Patterson Town Code.

G. Any person, firm or corporation hired to build a new house for profit on property owned by someone other than themselves must post a performance bond in the amount of $50,000 to insure the completion of construction by themselves and their subcontractors.

(1) This subsection shall apply to the construction of new single-family homes only.

(2) This subsection shall not apply to:

(a) The repair, replacement, remodeling, installation, construction, alteration, conversion, modernization, beautification, improvement or addition to an existing structure or portion thereof.

(b) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials on a new single-family residence.

(c) The construction of a new single-family residence by the owner of the property upon which the residence in being constructed.

§ 154-126. Certificates of occupancy required.

A certificate of occupancy shall be obtained from the Code Enforcement Officer for any of the following:

A. Occupancy and use of a building hereafter erected, structurally altered or moved.

B. Change in the use of an existing building except to another use of the same type.

C. Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil.

D. Change in the use of land except to another use of the same type and except for any use consisting primarily of the tilling of the soil.

E. Any change in use of a nonconforming use.

F. Establishment of any use of a building or land for which a special permit or site development approval is required in accordance with other sections of this chapter.

§ 154-127. Use prior to issuance of certificate; contents.

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereinafter created, erected, changed, converted or enlarged, wholly or partially in its use or structure, until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Such certificate shall state that such building or premises or part thereof and the proposed use thereof are in complete conformity with the provisions of this chapter. It shall be the duty of the Code Enforcement Officer to issue a certificate of occupancy, provided that the building and the proposed use of the building or premises conform to all the requirements herein set forth.

§ 154-128. Application for certificate of occupancy.

Application for such a certificate shall be made on an official form and filed with the Code Enforcement Officer. Within ten (10) days thereafter, the Code Enforcement Officer shall act thereon by either issuing a certificate or denying the application. He shall forthwith notify such owner or applicant in writing personally or by mail of his decision. Every applicant for a certificate of occupancy shall pay therefor to the Code Enforcement Officer a fee as set forth in Chapter 87.

§ 154-129. Effect of certificate.

A certificate of occupancy shall be deemed to authorize and is required for both initial, continued or changed occupancy and use of the building or land to which it applies. It shall continue in effect as long as such building and the use thereof and the use of such land are in full conformance with the provisions of this chapter and any requirements made in connection therewith at the time of the issuance thereof. The details of any plan or site plan approved by the Town Board, Planning Board or Board of Appeals shall be deemed to be such requirements.

§ 154-130. Issuance of certificates.

A. Upon the completion of any building or structure for which a building permit was duly issued, the Code Enforcement Officer shall make a final inspection thereof. If it is his determination that the structure complies in full with the provisions of this chapter or of any duly granted variance or special permit by the Board of Appeals, and in the case where required, a site plan approved by the Planning Board, whose site improvements have been completed and duly certified by the Town Engineer and acknowledged by the Planning Board, the Code Enforcement Officer, upon written request by the owner on forms supplied by the Code Enforcement Officer and subject to receipt of the following items, shall issue in the name of the owner a certificate of occupancy, specifying in detail the provisions and conditions of any special permit use or variance and whether or not such variances constitutes a nonconformity as to use:

(1) Certificate of construction compliance issued by the Putnam County Department of Health, guaranty of septic system, well log and as-built drawing of septic system.

(2) Certification of electrical installation by the New York State Board of Fire Underwriters or other approved electrical inspection agency approved by the Town Board.

(3) Final survey showing completed construction as prepared by a surveyor licensed by the State of New York.

(4) Certificate of compliance for completed driveway issued by the appropriate Highway Department.

(5) Fee in the amount as set forth in Chapter 87 of the Patterson Town Code.

B. Upon demand of the Code Enforcement Officer at any reasonable time, the owner's copy of any certificate of occupancy shall be exhibited.

C. Duplicate copies of every certificate of occupancy shall be filed with the Town Clerk and the Town Assessor. A record of all certificates of occupancy shall be kept in the office of the Town Clerk, and copies shall be furnished upon request to the Planning Board or to any person having a proprietary or tenancy interest in the building or land

affected.

§ 154-131. Penalties for offenses.

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof or who erects, constructs, reconstructs, alters, enlarges, converts, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints filed by an individual must be in writing and filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. This Section shall not relieve the Building Department from investigating or acting upon any violation of which they are made aware.

C. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used or any land is divided into lots, blocks or sites, in violation of this chapter, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land.

D. Upon his becoming aware of any violation of any of the provisions of this chapter, the Code Enforcement Officer shall serve notice of such violation on the person or corporation committing or permitting the same, and if such violation has not ceased within one (1) week and a new certificate of occupancy obtained as provided in §154-126, he shall institute such action as may be necessary to terminate the violation.

E. Accountability. For every violation of the provisions of this chapter, the owner,

agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists shall also be punishable according to the provisions of this chapter.

F. Upon the failure or refusal of the Code Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 10 days after written request by a resident owner of real property of the town to do so, any three owners of real property of the town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Code Enforcement Officer or Town Board.

§ 154-132. Code Enforcement Officer.

A. The Code Enforcement Officer shall be appointed by the Town Board, who shall prescribe his qualifications and fix his compensation. It shall be his duty to enforce the provisions of this chapter. The Code Enforcement Officer and his duly authorized assistants shall have the right to enter any building under construction, reconstruction or alteration and enter upon any land in the course of their duties. He shall maintain files of all applications for building permits and plans submitted therewith and for certificates of occupancy, and records of all building permits and certificates of occupancy issued by him, which files and records shall be open to public inspection.

B. The Code Enforcement Officer shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and the action taken on each such complaint, which records shall be public records. He shall report to the Town Board periodically, at intervals of not greater than one (1) month, summarizing for the period since his last previous report all building permits and certificates of occupancy issued by him and all complaints of violation and the action taken by him consequent thereon. A copy of each such report shall be filed with the Planning Board and Board of Appeals at the same time that it is filed with the Town Board.

C. During the incapacity of a Code Enforcement Officer, the permits and certificates required hereunder shall be obtained from the temporary Code Enforcement Officer appointed by the Town Board.

§ 154-133. Schedule of Building Department Fees.

For a schedule of fees to be collected in connection with any application to the Patterson Building Department, please refer to Patterson's Schedule of Fees.**[Amended 11-9-05 by L.L. No. 12 of 2005]**

ARTICLE XXIII
Amendments

§ 154-134. Amendment procedure.

A. The Town 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.

B. Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

(1) By publishing a notice in the newspaper designated by the Town Board of the Town of Patterson as the official newspaper of said town for publication of such notices, giving at least ten (10) days' notice of the time and place of such hearing if amended by ordinance pursuant to Town Law Article 16, Section 265, or giving at least five (5) days notice of the time and place of such hearing if amended by local law pursuant to Municipal Home Rule Law. **[Amended 11-15-06 by L.L. 10 of 2006]**

(2) In addition, if the application affects property within 500 feet of any the areas listed in (a) through (d) below, the Board shall, at least ten (10) days before such hearing, send a written notice of the application applied for to each party so affected, which shall be served personally or by mail to the person or persons listed below **[Amended 11-15-06 by L.L. 10 of 2006]**:

(a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.

(b) The boundary of a city, village or town; upon the clerk thereof;

(c) The boundary of a county; upon the clerk of the Board of Legislature and the Department of Planning and Development;

(d) The boundary of a State Park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

(3) A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries from any municipal boundary, or

from any existing or proposed county or state park or recreation area, or from any existing or proposed county or state road or right of way, or from any county or state lands on which there is situated a public building, pursuant to General Municipal Law the application shall be referred to the Putnam County Division of Planning and Development, who shall report its recommendations within thirty (30) days.

(4) If the application is made by petition of a property owner or representative thereto, the Applicant shall by certified mail return receipt requested, at least fourteen (14) days before such hearing, send a written notice of the application applied for to each owner of record of land within five hundred (500) feet of the boundary of the property, as set forth in the application.**[Added 11-15-06 by L.L. 10 of 2006]**

C. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board.

D. Every petition filed with either the Town Board or the Planning Board asking for amendment shall be accompanied by a filing fee as set forth in Chapter 87 of the Patterson Town Code.

§ 154-135. Effect on Construction.

Any structure for which construction was lawfully begun prior to the effective date of this chapter, or of any amendment thereto, may be completed and used in accordance with the approved plans and specifications for such structure. Any structure for which construction has not begun pursuant to approved plans shall be subject to the provisions of this chapter and any amendments thereto, even if all preconstruction approvals have been granted. For purposes of this Section, "beginning construction" shall mean excavation and pouring of footings or the installation of any other means of permanently attaching a structure to the ground.

§ 154-136. Effect on Variances, Special Use Permits and Site Plans

Any variance, special use permit or site plan which was approved five (5) or more years prior to the adoption of this Chapter on June 11, 2003 and which has not been exercised by application for a building permit, or where substantial construction has not begun, or where the use has not otherwise commenced shall be null and void.**[Amended 11-15-06 by L.L. 10 of 2006]**

§ 154-137. Supersession of State Law.

To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 261 through 268 and §§ 274-a through 281, the Town Board of the Town of Patterson hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under the Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.