

**CHAPTER 54
ZONING
OF THE CODE OF THE VILLAGE OF SLOATSBURG**

Village of Sloatsburg
Rockland County
New York

Prepared by:

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Prepared for:

Village of Sloatsburg Board of Trustees

SEPTEMBER 2007

TABLE OF CONTENTS

Page No.

ARTICLE I. ENACTING CLAUSE, TITLE AND SHORT TITLE.....	I-1
§54-1. Enacting Clause.	I-1
§54-2. Title.	I-1
§54-3. Short Title.	I-1
ARTICLE II. DECLARATION OF PURPOSE.....	II-1
§54-4. Purposes.	II-1
ARTICLE III. SCOPE OF CONTROLS.....	III-1
§54-5. Scope of Controls	III-1
ARTICLE IV. DEFINITIONS	IV-1
§54-6. Word Usage and Definitions	IV-1
ARTICLE V. ZONING DISTRICTS AND ZONING MAP	V-1
§54-7. Enumeration of districts.....	V-1
§54-8. Zoning map; Interpretation of district boundaries.	V-1
§54-9. Bulk Requirements.	V-2
§54-10. OSR Open Space and Recreation District.	V-2
§54-11. R-80 Open Space Residential District Regulations.	V-3
§54-12. R-40 Rural Residential District Regulations.	V-4
§54-13. R-15 Suburban Residential District Regulations.	V-5
§54-14. R-10 Village Residential District Regulations.	V-5
§54-15. Reserved	V-6
§54-16. Reserved.	V-6
§54-17. MU-1 Residential/Neighborhood Commercial.	V-6
§54-18. MU-2 Residential/Limited Commercial	V-7
§54-19. VC-1 Village Center.....	V-8
§54-20. VC-2 Village Center Extension.	V-10
§54-21. O Office/Limited Commercial.....	V-14
§54-22. IP Industrial Park	V-15
§54-23. Liberty Ridge Overlay District.	V-16
§54-24. Ridge Protection Overlay District.....	V-20
§54-25. Reserved.	V-23
ARTICLE VI. ARCHITECTURAL REVIEW BOARD; DESIGN STANDARDS	VI-1
§54-26. Architectural Review Board.	VI-1
§54-27. Applications; information required.	VI-1
§54-28. Design Standards.....	VI-2
§54-29. Decisionmaking.	VI-3
§54-30. Appeals; proceedings to review.	VI-4

TABLE OF CONTENTS (CONT.)

		<u>Page No.</u>
§54-31.	Advisory powers.	VI-4
§54-32.	Fees.	VI-4
§54-33.	Design Standards applicable to the VC-1 and VC-2 zoning districts.....	VI-4
§54-34.	Scenic Roads.	VI-7
§54-35.	Reserved.	VI-7
ARTICLE VII. SPECIAL USE PERMITS		VII-1
§54-36.	Special Permit Procedures.	VII-1
§54-37.	Individual Standards for Special Uses.	VII-3
§54-38.	Reserved.	VII-16
§54-39.	Reserved.	VII-16
ARTICLE VIII. SUPPLEMENTARY REGULATIONS.....		VIII-1
§54-40.	Supplementary Regulations Applicable to All Zoning Districts	VIII-1
§54-41.	Incentive Senior Zoning.....	VIII-5
§54-42.	Design Standards Applicable to all Residential Uses.....	VIII-6
§54-43.	Adult entertainment use.	VIII-9
§54-44.	Reserved.	VIII-10
ARTICLE IX. ENVIRONMENTAL CONTROLS.....		IX-1
§54-45.	Environmental Constraints.	IX-1
§54-46.	Ramapo River Sole Source Aquifer Critical Environmental Area.....	IX-1
§54-47.	Reserved.....	IX-2
§54-48.	Cluster Development.....	IX-2
§54-49.	Federal Flood Hazard Area Regulations.	IX-6
§54-50.	Rockland County Stream Regulations.	IX-6
§54-51.	Wild, Scenic and Recreational River Regulations.....	IX-7
§54-52.	Excavations, Soil Mining, Quarrying.....	IX-7
§54-53.	Tree Preservation.....	IX-7
§54-54.	Highlands Biodiversity Study.....	IX-9
§54-55.	Steep Slope Protection.....	IX-9
§54-56.	Dry Sewers.....	IX-14
§54-57.	Wetlands and Watercourses.....	IX-14
§54-58.	Stormwater Management.....	IX-24
§54-59.	Reserved.....	IX-33
ARTICLE X. SIGNS		X-1
§54-60.	Applicability.	X-1
§54-61.	Purposes.	X-1
§54-62.	Exempt Signs.	X-1
§54-63.	Prohibited Signs.....	X-2
§54-64.	Temporary Sign.....	X-3

TABLE OF CONTENTS (CONT.)

		<u>Page No.</u>
§54-65.	Permanent Signs.....	X-4
§54-66.	Non-Conforming Signs.....	X-7
§54-67.	Removal of Signs.....	X-7
§54-68.	Enforcement.....	X-7
§54-69.	Adjustment of Regulations.....	X-7
Sign Chart	X-6
ARTICLE XI. OFF-STREET PARKING AND LOADING AREAS.....		XI-1
§54-70.	Off-Street Parking.....	XI-1
§54-71.	Off-Street Loading.....	XI-5
§54-72.	Standards for Off-street Parking Areas and Truck Loading Spaces.....	XI-5
§54-73.	Joint Use.....	XI-5
§54-74.	Commercial Vehicles and Recreation Vehicles.....	XI-6
§54-75.	Reserved.....	XI-6
Table of Parking Requirements	XI-2
ARTICLE XII. NONCONFORMING BUILDINGS AND USES.....		XII-1
§54-76.	Continuance.....	XII-1
§54-77.	Repair or Alteration.....	XII-1
§54-78.	Damage, Destruction and Restoration.....	XII-1
§54-79.	Extension, Enlargement or Change of Location.....	XII-1
§54-80.	Change of Use.....	XII-2
§54-81.	Discontinuance of Use.....	XII-2
§54-82.	Cessation.....	XII-2
§54-83.	Extension of Nonconforming Building.....	XII-2
§54-84.	Existing Undersized Lots.....	XII-2
§54-85.	Reserved.....	XII-3
ARTICLE XIII. ADMINISTRATION.....		XIII-1
§54-86.	Interpretation.....	XIII-1
§54-87.	Enforcement.....	XIII-1
§54-88.	Building Permit.....	XIII-2
§54-89.	Certificate of Occupancy or Use.....	XIII-3
§54-90.	Temporary Certificate of Occupancy or Use.....	XIII-4
§54-91.	Health Department Approval.....	XIII-5
§54-92.	Remedies.....	XIII-5
§54-93.	Violations.....	XIII-5
§54-94.	Relief from Decisions.....	XIII-6
§54-95.	Professional Fees.....	XIII-6

TABLE OF CONTENTS (CONT.)

	<u>Page No.</u>
ARTICLE XIV. PLANNING BOARD; CDRC; COUNTY REFERRALS.....	XIV-1
§54-96. Planning Board Created.....	XIV-1
§54-97. Referral to Rockland County Planning Department.....	XIV-1
§54-98. Community Design Review Committee (CDRC).....	XIV-2
§54-99. Reserved.....	XIV-3
 ARTICLE XV. SITE PLAN APPROVAL.....	 XV-1
§54-100. Planning Board Approval Required.....	XV-1
§54-101. Procedure.....	XV-3
§54-102. Site plan specifications.....	XV-5
§54-103. Reserved.....	XV-6
§54-104. Reserved.....	XV-6
 ARTICLE XVI. BOARD OF APPEALS	 XVI-1
§54-105. Board of Appeals.....	XVI-1
§54-106. Powers and Procedures.....	XVI-2
§54-107. Variances.....	XVI-4
§54-108. Article 78 Proceeding.....	XVI-5
§54-109. Reserved.....	XVI-5
 ARTICLE XVII. AMENDMENTS.....	 XVII-1
§54-110. Amendments.....	XVII-1
 ARTICLE XVIII. SEPARABILITY	 XVIII-1
§54-111. Separability.....	XVIII-1
 ARTICLE XIX. REPEALER.....	 XVIII-1
§54-112. Repealer.....	XVIII-1
 ARTICLE XX. EFFECTIVE DATE	 XVIII-1
§54-113. Effective Date.....	XVIII-1

- Schedule A - Stormwater Management Practices Acceptable for Water Quality
- Schedule B - Sample Stormwater Control Facility Maintenance Agreement

Zoning Map
 Table of Bulk Requirements
 Fleming Plan

ARTICLE I
ENACTING CLAUSE, TITLE AND SHORT TITLE

§54-1. Enacting Clause.

The Board of Trustees of the Village of Sloatsburg in Rockland County, New York, acting under authority of the Village Law of the State of New York, hereby adopts and enacts this local law as the Comprehensive Zoning Local Law of the Village of Sloatsburg.

§54-2. Title.

The title of the Village of Sloatsburg Zoning Local Law shall read as follows: "A Local Law regulating and restricting the location, construction and use of buildings and structures and the use of land in the Village of Sloatsburg, New York."

§54-3. Short Title.

This local law shall be known and may be cited and referred to as the "Sloatsburg Zoning Law."

**ARTICLE II
DECLARATION OF PURPOSE**

§54-4. Purposes.

This Zoning Local Law is created in accordance with, and as a means of effectuating, the Comprehensive Plan of the Village of Sloatsburg, New York. Its purpose is to protect and promote public health, safety, morals, comfort, convenience, prosperity, aesthetics and the general welfare. It is adopted pursuant to the Village Law of the State of New York, Section 7-700 and Section 10(1)(ii)(e)(3) and Section 10(1)(ii)(a)(14) of the Municipal Home Rule Law and Section 10(6) of the Statute of Local Governments. Specifically, this local law is intended to carry out the following objectives:

- A. To prevent excessively dense development.
- B. To provide adequate access of light and air to buildings, particularly dwellings.
- C. To provide privacy for residents and screen them from unsightly uses.
- D. To provide usable outdoor space for all residents.
- E. To facilitate the provision of adequate public and commercial facilities and services.
- F. To protect dwellings, commercial and manufacturing establishments from noxious and injurious substances and conditions.
- G. To prevent and reduce traffic congestion.
- H. To promote the most desirable use of land for the most appropriate and beneficial development.
- I. To separate and cluster uses to their mutual advantage.
- J. To provide sufficient space at appropriate locations and insure its availability for uses which benefit the Village as a whole.
- K. To promote and protect the stability and character of established development.
- L. To enhance the value of land and conserve the value of buildings.
- M. To enhance the physical environment of the Village and promote Village aesthetics.
- N. To discourage development on steep slopes, areas of substantial rock outcrops, areas subject to flooding, wetlands, and areas adversely affecting lakes, ponds and streams.
- O. To prevent disturbances to the Village's natural habitats, including freshwater wetlands and streams. Where stream or wetland crossings are determined by the Village to be in its best interests, disturbances shall be minimized in a manner that protects that natural function and characteristics of the wetland, stream and the stream bed.

**ARTICLE III
SCOPE OF CONTROLS**

§54-5. Scope of Controls.

After the effective date of this local law and except as hereinafter provided:

- A. No land shall be used or occupied and no building or other structure shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations herein specified. Existing nonconforming uses and nonconforming area and bulk may continue, subject to the provisions of Article XII.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this local law shall be included as a part of a yard or other open space similarly required for another building.
- C. No land shall be used or occupied and no building shall be used, erected or altered to accommodate a greater number of families, or at a greater density, than is specified or intended by the regulations herein specified.
- D. Any land use not specifically listed for a zoning district shall be deemed to be a prohibited use for that zoning district.

ARTICLE IV DEFINITIONS

§54-6. Word usage and Definitions.

Words used in this local law shall carry their customary meanings. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular. The word "shall" is always mandatory and not discretionary. The word "may" is permissive; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "intended", "maintained for" and "occupied for." The word "person" includes a profit or non-profit corporation, company, partnership or individual. The word "lot" includes the word "plot."

Unless otherwise expressly stated in this chapter, the following terms, for the purpose of this chapter, shall have the meanings here indicated:

ACCESSORY - A building or use which is customarily incidental and subordinate to the principal building or use and which is located on the same lot as such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations. Examples of accessory buildings or uses are detached garages, barns, sheds, doghouses, rabbit hutches, cabanas, television dish receivers, private greenhouses, and swimming pools, both above- and in-ground. Specifically prohibited from use as an accessory building are buildings for the stabling of horses or other animals or the keeping of poultry. Accessory buildings of one hundred (100) square feet or less not on a foundation do not require a building permit.

ADULT ENTERTAINMENT USES - Adult uses shall be defined as follows:

- (1) **Adult Book and/or Video Store**- Any establishment which has as a substantial or significant portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following: books, magazines, periodicals, or other printed matter or photographs, films, videos, slides or other visual representations, which are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities which are for sale, rental, or viewing on or off the premises. An establishment may have other principal business purposes that do not involve the offering for sale or rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult book and/or video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult book and/or video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
- (2) **Adult Entertainment Cabaret**- Any establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides, or other photographic material, or which utilizes employees, as part of their employment, to regularly expose patrons to specified

sexual activities or specified anatomical areas.

- (3) Adult Theater- Any theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.
- (4) Adult Motion Picture Theater-Any motion picture theater where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (5) Massage Establishment- Any establishment having a fixed place of business where massages, or any other treatment or manipulation of the human body, are administered for any form of consideration or gratuity, as part of or in connection with specified sexual activities or where any person providing such treatment or service related thereto exposes specified anatomical areas. This definition shall not be construed to include a hospital, nursing home or medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
- (6) Specified Sexual Activities shall mean:
 - a. Human genitals in a state of sexual stimulation or arousal; or
 - b. Acts of human masturbation, sexual intercourse, oral copulation, or sodomy; or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or breasts
- (7) Specified Anatomical Areas shall mean:
 - a. Less than completely and opaquely clothing covered human genitals, pubic region, buttocks, and female breasts directly and laterally below the top of the areola; and
 - b. Human male genital in a discernible turgid state even if completely and opaquely clothing covered.

AGRICULTURAL ACTIVITY – The grazing and watering livestock; making reasonable use of water resources for agricultural purposes; harvesting the natural products of wetlands, excluding peat mining and timber harvesting; and selective cutting of trees. Agricultural activity does not mean clear cutting of trees; filling or deposition of spoil; mining; or draining for growing agricultural products or for other purposes.

ALTERATIONS - As applied to a building or structure, means a change or rearrangement in the structural part or in the exit facilities, or an enlargement, whether extending on a side or by increasing in height, or the moving from one (1) location or position to another.

AMUSEMENT CENTER - Any premises having thereon available for use by the general public three (3) or more amusement devices.

AMUSEMENT DEVICE - Any machine which, upon the insertion of a coin, slug, token, plate or disk, may be operated by the general public for use as a game, entertainment, or amusement, whether or not registering a score. It shall include, but not be limited to, such devices as pin-ball machines, electronic games, skill ball, and all games, operations or transactions, similar thereto under whatever name they may be known. The term does not include vending machines in which there is not incorporated gaming or amusement features, nor does the term include any coin operated musical devices or rides.

ANIMAL HOSPITAL – Any building used or portion thereof designed or used for the medical or surgical care, observation or treatment of animals, including indoor boarding of such animals in connection with and accessory to the primary medical or surgical care.

ARTS AND CRAFTS STUDIO – An establishment used by an artist or artisan for the development, display, and sale of art and the instruction in a personal artistic skill such as fine arts, crafts, dance and music.

AUTOMOTIVE SALES AND REPAIR – An establishment involved in general repair, rebuilding, or reconditioning of engines or motor vehicles, such as collision service, body repair, and frame straightening, painting and upholstering, and/or any building or land area used for the display and sale of new or used automobiles.

BASEMENT - The portion of a building that is partly below grade which has more than half (1/2) of its height measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BED AND BREAKFAST – See Section 54-37.D.

BUILDING - A structure constructed, erected or placed on the ground, with a roof supported by columns or walls. A building does not include a mobile home or trailer not capable of self-locomotion.

BUILDING LINE - A line drawn parallel to a street along the front of a building.

BUILDING, DETACHED - A building surrounded by open space on the same lot.

BUILDING, HEIGHT OF - The vertical distance measured from the average elevation of the proposed finished grade on all sides of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL - A building in which the principal or main use of the lot, on which it is located, is conducted.

BULK - The volume and shape of a building or of a non-building use in relation to lot lines, center lines of streets, other buildings and all open spaces appurtenant to a building or a non-building use.

BULK, NONCONFORMING - That part of a building or non-building use which does not conform to one (1) or more of the applicable bulk requirements of this local law, either on its effective date, or as a result of subsequent amendments thereof.

CERTIFICATE OF OCCUPANCY – Official certification that a building or structure conforms to this Zoning Law and the New York State Uniform Fire Prevention and Building Code and may be occupied.

CERTIFICATE OF USE – Official certification that a building or structure or part thereof conforms to the use requirements and other pertinent provisions of this Zoning Law and may be used in conformity with law.

CHILD DAYCARE CENTER - A facility duly licensed or authorized by the New York State Department of Social Services or other state agency having jurisdiction where care is provided for three (3) or more children away from their homes for less than 24 hours per day in a facility which is operated for such purposes, for more than five hours per week.

CLEAR CUTTING: Any cutting of more than 30 percent of trees six (6) inches or more in diameter at breast height (dbh) over any 10-year cutting cycle as determined on the basis of area per lot or group of lots under single ownership, including any cutting of trees which results in the total removal of one or more naturally occurring species, whether or not the cut meets or exceeds the 30 percent threshold.

CLEARING - any activity that removes the vegetative ground cover.

COUNTRY INN – A commercial establishment, managed by the property owner, where overnight lodging is provided to transient lodgers in one or more guest units, for compensation, for no more than ten (10) days. Country inns have common sitting and dining areas and may have a restaurant in the principal building which may be open to the general public. Country inns may have limited accessory recreation facilities, e.g., swimming pool or hiking trails. Country inns may also be used for social events or gatherings, e.g., weddings. This term does not include boarding houses which are prohibited by this zoning law.

COVERAGE, LOT - That percentage of the lot area covered by impervious surface material, including buildings, walkways, driveways, parking areas, concrete pool decks, and similar impervious materials.

DEPOSIT: To fill grade, discharge, emit, dump, or place any material or the act thereof.

DISCHARGE: The emission of any water, substance, or material, including into a wetland or wetland buffer whether to not such substance causes pollution.

DRAIN: To deplete or empty of water by drawing off by degrees or in increments.

DREDGE: To excavate or remove sediment, soil, mud, sand, shells, gravel, or other aggregate.

DRINKING ESTABLISHMENT – A bar, tavern, or other establishment in which alcoholic beverages are consumed on the premises, which may or may not serve food.

DRIVE-THROUGH (ALSO DRIVE-THRU) – A building opening, including windows, doors, or mechanical devices through which occupants of a motor vehicle receive or obtain a product or service while remaining in the vehicle.

DRY SEWER - A sanitary sewer system installed in anticipation of future connection to a publicly-owned wastewater treatment system (“WWTP”), but which shall not be used for transport of sanitary sewage or stormwater until such time that the WWTP is operational.

DUDE RANCH - A commercial establishment operated as a horse farm with a single lodge for transient lodgers who engage in horseback riding and other outdoor recreational activities, and whose stay is no longer than ten (10) days.

DWELLING - A structure designed exclusively or primarily for nontransient residential use.

DWELLING UNIT - One (1) or more rooms consisting of living, cooking, sanitary and sleeping facilities arranged for the use of one (1) family, with a bathroom with bathing facilities, sink and toilet bowl; a kitchen with a sink and cooking facilities; and a separate entrance to a hallway or the exterior.

DWELLING, ONE-FAMILY DETACHED – A detached building designed for or occupied exclusively by one (1) family located on a separate lot exclusive of any other dwelling.

DWELLING, ONE-FAMILY ATTACHED (TOWNHOMES) – A building containing three or more dwelling units, none of which share common floors or ceilings, and which share at least one common wall in the case of an end unit, or two common walls, in the case of an interior unit, each dwelling being located on an individual lot.

DWELLING, TWO-FAMILY- A building designed for or occupied exclusively by two families living independently of one another, both dwellings being attached and located on the same lot.

DWELLING, MULTIFAMILY - A building or portion thereof containing separate dwelling units for three (3) or more families, exclusive of one-family attached dwellings.

ENTERTAINMENT, LIVE - Any live performance or activity provided on a regular basis, participated in by one (1) or more employees, guests, customers or any other person or persons whether paid or unpaid, including any performances or activity accompanying the playing of records, tapes, compact discs or similar mechanical means. Nothing herein shall be construed to include adult entertainment uses under the category “live entertainment”.

EXCAVATION - Any digging, scooping or other methods of removing earth materials, including materials within a wetland, watercourse or wetland/watercourse buffer.

FAMILY - One of the following: One (1), two (2) or three (3) persons occupying a dwelling unit; or; four (4) or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

It shall be presumptive evidence that four (4) or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

- A. The group is one (1) which in theory, size, appearance, structure and function resembles a traditional family unit;
- B. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate

- roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
- C. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - D. The group is permanent and stable. Evidence of such permanency and stability may include:
 - 1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - 2. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
 - 3. Members of the household are employed in the area;
 - 4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - 5. There is common ownership of furniture and appliances among the members of the household; and
 - 6. The group is not transient or temporary in nature.
 - E. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FARMERS MARKET AND STAND– An establishment involved primarily in the retail sale of farm-direct, unprocessed agricultural and horticultural products for consumption by humans, including but not limited to fruits, vegetables, dairy products and eggs. A farmers market may also include the sale of limited miscellaneous items including baking goods and gifts and crafts made in the region.

FILLING - The deposition or stockpiling of earth materials.

FLOOD HAZARD AREA, SPECIAL - An area of land that would be inundated by a flood having a one percent (1%) chance of occurring in any given year.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Emergency Management Administration has delineated the areas of flood hazard.

FLOOD PLAIN AREA - The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal or any body of standing or tidal water, which has been or may be covered by flood water.

FLOODPROOFING - Any combination of structural and non-structural additions, changes or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities and contents of buildings.

FLOOD, 100 YEAR - A flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one percent probability of occurrence in any year.

FLOOR AREA OF BUILDING - The sum of the gross horizontal areas of the several floors of a building or group of buildings and accessory buildings on the same lot, except that in residential buildings, cellar, basement and attic floor area not devoted to residential use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured from exterior faces of walls or from the centerline of walls separating two (2) buildings.

FLOOR AREA RATIO - The floor area of all buildings on a lot, divided by the area of such lot.

FLOOR, GROUND - The lowest story of a building entirely above the level of the ground around the building.

FRONTAGE – Is that side or sides of a building which faces a public or private street.

FUNERAL HOME – Also known as a mortuary, an establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.

GARAGE, PRIVATE - An accessory garage maintained primarily for the convenience of the occupant or occupants of the principal use of the lot, and in which no business, occupation or service is conducted nor space rented to a non-occupant of the premises.

GARDEN NURSERY (also Garden Center) – An establishment involved in the cultivation of ornamental and horticultural products, including but not limited to flowers, trees, shrubs, and vines, mulch. Activities may also include the retail sale of said products outdoors or in a building. Accessory retail sale of garden-related equipment shall also be permitted. Nothing herein shall be construed to permit the bulk storage of chemicals as part of a garden nursery.

GRADING - To adjust the degree of inclination of the natural contours of the land, including leveling, smoothing, and other modification of the natural land surface.

HOME OCCUPATION - An accessory use of a service nature carried out within a dwelling by the resident owner, which is incidental to the residential use, does not alter the character of the dwelling, has no exterior evidence other than a permitted nameplate and does not involve the use of any commercial vehicles or construction equipment, or outdoor storage of materials or the keeping of goods for sale, or the use of any chemical, mechanical or electrical equipment not a customary household appliance or light office equipment. Home occupation does not include printing, high-speed reproduction facilities, animal hospital or kennel, automotive sales and repair, restaurant, drinking establishment, mortuary or other uses similar to the foregoing. Home occupation includes for example, such activities as artist, musician, tutor, secretarial service, notary public, dressmaking, millinery, the office of a building contractor, barber or beauty shop, realtor, insurance agent or similar occupation.

HOME OCCUPATION, EXEMPT. In all districts, a home occupation in compliance with the criteria and standards for “Exempt Home Occupations” shall be permitted as an accessory use within a residential dwelling and shall be exempt from these regulations and shall not be deemed to be a special use.

HOME OCCUPATION, MINOR. In all districts, a home occupation in compliance with the criteria and standards set forth for “Minor Home Occupations” shall be permitted as an accessory use within a dwelling upon registration with the Building Inspector and shall not be deemed to be a special use.

HOME OCCUPATION, MAJOR. A home occupation in compliance with the criteria and standards set forth for “Major Home Occupation” shall be permitted as an accessory use within a dwelling upon special use permit approval by the Planning Board. The Planning Board is

permitted to waive the requirements for site plan submission, provided the applicant can clearly demonstrate by other means the proposed location of off-street parking on the subject premises.

HYDROPHYTIC VEGETATION: Macrophytic plant life growing in water, soil or substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IMPERVIOUS SURFACE (OR IMPERVIOUS MATERIAL) – Any surface, including natural surfaces such as exposed bedrock, that cannot effectively infiltrate rainfall, snow melt, and water. Examples include pavement (asphalt, concrete, etc.), buildings, structures, driveways, roadways, parking lots and sidewalks.

INFILTRATION - The process of percolating stormwater into the subsoil.

INGROWTH - Living plant materials grown or maintained in a greenhouse and visible from the street through transparent windows or walls.

JUNK YARD - An area of land with or without buildings used for or occupied by the storage, outside of a completely enclosed building, of used and discarded materials such as waste paper, rags or scrap metal, used building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing salvage, sale or other use or disposition of the same. The storage of two (2) or more wrecked or broken down vehicles or parts thereof, whether or not licensed, for a period of one (1) month shall be deemed to constitute a "junk yard".

LAND DEVELOPMENT ACTIVITY – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre of gross lot area, or activities disturbing less than one acre of gross lot area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LAND DISTURBANCE ACTIVITY - Any activity which may result in soil erosion from water or wind and the movement of sediments into waters, including, but not limited to, clearing, grading, excavating, transporting, and tilling of land, except that the term shall not include such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work; individual service connections and construction or installation of public utility lines; septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served; preparation for one-family dwellings separately built, unless in conjunction with multiple construction in subdivision developments; disturbed land areas for commercial or noncommercial uses less than five thousand square feet in size; installation of fence and sign posts or telephone and electric poles and other kinds of posts and poles; emergency work to protect life, limb or property.

LANDSCAPE CONTRACTOR YARD - Offices and indoor and outdoor storage of a landscaping business.

LIGHT MANUFACTURING - Any process or activity whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled such that no chemical or compressive processes are required.

LOT - One (1) or more contiguous parcels of land under single ownership or control, designated by the owner, at the time of filing an application for building permit, as a tract to be used, developed or built upon as a unit. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the Tax Assessment Map of the Village or a map filed for record or otherwise, and it may be subsequently subdivided into two (2) or more lots, provided all such lots conform to all the regulations of the district in which it is situated.

LOT AREA, MINIMUM (also LOT AREA, NET) – The minimum area of a lot after subtracting for environmental constraints as per §54-45 of this zoning law, unless otherwise excepted by any specific provisions of this zoning law. For purposes of these regulations, calculations for lot coverage, impervious coverage, and floor area ratio shall be calculated based on the minimum lot area after subtracting out for environmental constraints, unless excepted by any specific provisions of this zoning law.

LOT, CORNER – A corner lot is a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. Each yard that fronts to a street shall be a front yard. Every corner lot shall have a rear yard, and any other yard shall be a side yard.

LOT, DEPTH - The horizontal distance measured along a straight line perpendicular to the front lot line to the rear lot line. The minimum lot depth requirement shall be met when measured along any point along the front lot line.

LOT, FLAG – A lot having the required lot frontage, that does not have the minimum required lot width, measured across a straight line at a distance from the front lot line equal to the required front yard, but having the required lot width measured at a point somewhere in the interior of the lot. Generally, a flag-lot arrangement exists where one lot and the dwelling to be located thereon would be located behind another dwelling as viewed from the street rather than side-by-side as is typical in a conventional subdivision. The flag-lot has a long narrow portion of property (i.e. the “pole” of the flag lot) that extends to the street to meet the minimum road frontage requirements of the zoning local law. The narrow width limits flexibility to choose alternative driveway curb-cut locations that could improve vehicle sight distance or preserve site features, such as mature trees or stone walls. A grouping of adjacent flag lots can result in a collection of multiple curb-cuts with little or no separation which create turning movement conflicts for motorists and emergency service personnel. For purposes of this zoning local law, flag lots are not permitted.

LOT FRONTAGE - The horizontal distance measured along the full length of the front lot line.

LOT LINE - A boundary line of a lot.

LOT LINE, FRONT - The boundary of a lot along an existing or proposed street.

LOT LINE, REAR - That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE - Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, THROUGH - defined as a lot other than a corner lot with frontage on more than one street. Through lots are not permitted. Pre-existing through lots shall have one front yard and one front

lot line on which the principal structure shall front and obtain access therefrom. Any other frontage shall be deemed to be a rear yard, and said rear yard shall be screened from view of the street by a combination fence and plantings to the satisfaction of the Building Inspector.

LOT WIDTH - Shall be the straight-line distance between points on opposite side lot lines that shall be maintained from the required front yard setback to the minimum required rear yard setback.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MIXED USE BUILDING – A building with one or more nonresidential uses located on the first or ground story, and with one or more dwellings or nonresidential uses located above the ground story.

MODERATE INCOME – Households with incomes less than or equal to eighty percent (80%) of the Rockland County median income, as determined by the U.S. Department of Commerce and adjusted by the U.S. Department of Housing and Urban Development.

NONBUILDING USE - A principal use of land to which the buildings on the lot, if any, are accessory, such as an open storage yard for materials or equipment and on which the building, if any, may be used (A) for processing the materials stored in such yard, (B) for storage of the more valuable equipment and materials than that generally stored in the open, or (C) as an office or place of shelter for the keeper of the yard.

NONCONFORMING STRUCTURE - A structure lawfully in existence on the effective date of this local law or any amendment thereto, which does not conform to the regulations of this local law for the district in which it is located, regardless of the use to which such structure is put.

NONCONFORMING USE - Any use of a building, structure, lot or land, or part thereof, which was lawfully in existence on the effective date of this local law or any amendment thereto, which does not conform to the use regulations of this local law for the district in which it is located.

NONPOINT SOURCE POLLUTION - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PARKING SPACE - An off-street parking area accessible and available for the parking of one (1) motor vehicle and meeting the dimensional requirements specified in Article XI.

PERFORMANCE STANDARD - A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in certain uses of land or buildings.

PERSON - any individual, partnership, corporation, state or instrumentality of a state or the legal representative thereof.

PERSONAL SERVICE USE - Any commercial use in which the product offered is the work or action performed, as in shoe repair shops, typewriter repair shops, or beauty shops.

PLACE OF WORSHIP – A building used for regular organized religious assembly.

POLLUTANT OF CONCERN - Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROFESSIONAL OFFICE - Office for person or persons whose vocation or occupation requires advanced training in an art or science and whose work is usually non-managerial in nature.

PUBLIC ELEMENTARY SCHOOL – An educational institution operated by a public school district in accordance with the Education Law of the State of New York.

PUBLIC UTILITY SUBSTATION – Structures for the transmission of electricity, gas, water, wastewater, cable television, and telephone service, except that this shall not be deemed to include wireless telecommunication facilities.

RESTAURANT, FAST FOOD - A fast food restaurant is any establishment whose principal business is the sale of foods, frozen deserts, or beverages to the customer in a ready-to-consume state, usually served at or from counters in paper, plastic, or other disposable containers, for consumption either within the restaurant building, elsewhere on the premises, for carry-out, or from a drive-in window, for consumption off the premises. Fast-food restaurant does not include bakeries or delicatessens.

RESTAURANT, STANDARD - A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu are served by a restaurant employee at the same table or counter where said items are consumed.
2. A cafeteria - type operation where foods, frozen desserts, or beverages are primarily consumed within the restaurant building.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SELECTIVE CUTTING - Any cutting of trees that is not "Clear Cutting" as defined in this zoning local law.

SETBACK - The distance in feet from the any lot line to a principal building on a lot.

SETBACK, REQUIRED FRONT – The distance in feet from the front lot line to a point equal to the minimum front yard requirement for the applicable zoning district.

SIGN - Any material structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

SIGN, ADVERTISING - Same as billboard except not a separate structure.

SIGN, ANNOUNCEMENT - Any sign used to announce the use of the lot or direction or location of buildings and structures on the lot for an office, home occupation, religious charitable or other institutional use.

SIGN, AREA - The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign. In the case of individual letters, numerals, symbols or any other figure or similar character placed on a structure, the area shall be based on the smallest polygon or circle possible or enclosing all such individual letters, numerals, symbols or figure of similar character.

SIGN, BILLBOARD – Any sign or structure used for display or which directs attention to a business, commodity, service or entertainment generally conducted, sold or offered elsewhere than upon the same lot where the billboard is located.

SIGN, BUSINESS IDENTIFICATION - A sign containing the name of the establishment and information on the business conducted therewith, but specifically excluding phrases directing an action (i.e., stop, buy, eat).

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

SIGN, FREE-STANDING - Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

SIGN, ILLUMINATED - Any sign illuminated by electricity, gas or other artificial light either from the interior (direct illuminating) or exterior (indirect illumination) of the sign, and which includes reflective and phosphorescent light.

SIGN, MONUMENT TYPE - A free standing sign constructed on ground level not supported by poles.

SIGN, PLAN - A plan depicting the size, location, materials and content of a sign, which plan shall be the sole permitted display for any sign subject to the site development plan rules and regulations and the Zoning Local Law. Also, a unified plan illustrating all signs proposed for a given property.

SIGN, STRUCTURE - The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two of the sides of the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

SIGN, FACADE - A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

SIGN, WINDOW - A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, located inside within four (4) feet of the window, but not including graphics in connection with customary window display of products.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP- 02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

SPECIAL USE PERMIT- The authorization of a particular land use which is permitted in the zoning local law, subject to the requirements set forth in Article VII of this local law and that will not adversely affect the neighborhood if such requirements are met.

STABILIZATION - The use of practices that prevent exposed soil from eroding.

STORMWATER - Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY - One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT PRACTICES (SMPS) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - flow on the surface of the ground, resulting from precipitation.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this local law when more than one-half (1/2) of such basement height is above the average finished grade level around such basement.

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

STREET LINE - The dividing line between a lot and the street right-of-way.

STRUCTURE - Anything constructed or erected on or under the ground or upon another structure or building.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

SWIMMING POOL - A body of water, not operated for gain, intended to be used for swimming or bathing by any family, or persons residing on the premises and their guests, which has a depth greater than two (2) feet and a water surface greater than one hundred (100) square feet.

- A. In-ground Pool- an artificial structure, any portion of which is located, assembled or placed under one (1) inch or more below the surface of the ground; intended for wading, bathing or swimming purposes made of concrete, masonry, metal or other impervious material and which is an accessory use to a dwelling and for the exclusive use of the occupants of the dwelling and their guests. An in-ground pool is subject to the provisions contained in Article VIII regulating same.
- B. Above Ground Pool - An artificial structure which is so constructed as to be completely above grade and which may have a ladder or steps in order to obtain access to the pool and which is an accessory use to a dwelling and for the exclusive use of the occupants of the dwelling and their guests. Above ground pools shall have removable or folding type steps, which shall be kept in a non-accessible position when the pool is not in use. An above ground pool shall meet all bulk requirements in the zone in which it is located. It shall be subject to the issuance of a building permit if the depth is greater than two (2) feet and a water surface greater than one hundred (100) square feet.

TRAILER - A vehicle used for living or sleeping purposes, and standing on wheels or on rigid supports. A trailer is not a dwelling.

TRAILER CAMP - A parcel of land where two (2) or more trailers are parked, or which is used or held out for the purpose of supplying to the public a parking space for two (2) or more trailers.

USE, CHANGE OF - As used in Article XV, change in the use of a property or building from a numbered use permitted by right or by special use permit to another numbered use permitted by right or by special use permit within the same zoning district.

USE, PRINCIPAL - The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

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

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

VETERINARY OFFICE (also animal hospital) - A building or portion of a building used for the diagnosis, treatment, and medical care of animals by a veterinarian licensed in accordance with the provisions of New York State Education Law. The use of a veterinary office shall be limited to the temporary indoor boarding of animals under the care of the licensed veterinarian for a duration no longer than is necessary and incidental to the animal's treatment. No veterinary office shall be used for the breeding of animals. A veterinary office may include the incidental sale of pet care products.

WATERCOURSE: Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or watercourse. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes and reservoirs. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND/FRESHWATER WETLAND. Any area which meets one or more of the following criteria:

- (1) Lands and waters of New York State that meet the definition provided in subdivision 24-0107.1 of the New York State Freshwater Wetlands Act (Article 24 and title 23 of Article 71 of the Environmental Conservation Law) and have an area of at least 12.4 acres or, if smaller, have unusual local importance as determined pursuant to subdivision 24-0301.1 of the Act. The approximate boundaries of such lands and waters are indicated on the official freshwater wetlands map pursuant to subdivision 24-0301.5 of the Act, or such a map that has been amended or adjusted pursuant to section 24-0301.6 of this Title; or
- (2) All areas, regardless of size, that are inundated and/or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989) prepared by the Federal Interagency Committee of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Natural Resources Conservation Service.

WETLAND/WATERCOURSE BUFFER - A specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be determined to be the area extending 100 feet horizontally away from and paralleling the outermost boundary of a wetland and/or point of mean high water of a watercourse, or greater than 100 feet where designated by either the New York State Department of Environmental Conservation or the Planning Board. Also referred to by the NYS DEC as the "adjacent area".

WETLAND SCIENTIST: A person that is certified by the Society of Wetland Scientists as a professional wetland scientist and having special knowledge by reason of education and work experience in natural, physical and biological sciences related to the identification, assessment and management of wetlands.

WHOLESALE BUSINESS – A building or buildings used for storing goods, wares and merchandise to retail vendors and not open to the general public. A minor wholesale business is a business in which all buildings on a site are limited to no more than 15,000 square feet of

gross floor area.

YARD - The open space on a lot extending along a lot line, between such lot line and a principal building or buildings, or non-building use occupying such lot.

YARD, FRONT - A yard extending the width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR - A yard extending the full width of the lot and situated between the rear line of the building and the rear line of the lot.

YARD, REQUIRED – That portion of any yard meeting the minimum dimensional requirements contained in the Table of Bulk Requirements.

YARD, SIDE - A yard situated between the building and side line of the lot and extending from the front yard to the rear yard. The width of a side yard shall be measured from the side lot line towards the building.

**ARTICLE V
ZONING DISTRICTS AND ZONING MAP**

§54-7. Enumeration of Districts.

For the purposes of this chapter, the Village of Sloatsburg is hereby divided into twelve (12) zoning districts, as follows:

Residence Districts

- OSR Open Space and Recreation (80,000 sq. ft. minimum lot size)
- R-80 Open Space Residential (80,000 sq. ft. minimum lot size)
- R-40 Rural Residential (40,000 sq. ft. minimum lot size)
- R-15 Suburban Residential (15,000 sq. ft. minimum lot size)
- R-10 Village Residential (10,000 sq. ft. minimum lot size)

Mixed Use Districts

- MU-1 Residential/Neighborhood Commercial
- MU-2 Residential/Limited Commercial
- VC-1 Village Center
- VC-2 Village Center Extension

Nonresidence Use Districts

- O Office/Limited Commercial
- IP Industrial Park

Overlay Districts

- LRR Liberty Ridge Residential
- RP Ridge Protection

§54-8. Zoning map; Interpretation of district boundaries.

- A. Zoning Map. The boundaries of such districts are hereby established as shown on the map entitled "Zoning Map, Village of Sloatsburg," which map is annexed to and is hereby adopted and declared to be a part of this chapter and is hereinafter referred to as the "Zoning Map." Said Zoning Map may be amended in the same manner as any other part of this chapter. An official copy of said map, indicating the latest amendments, shall be kept up to date in the office of the Building Inspector and in the office of the Village Clerk for the use and benefit of the public. Said Official Zoning Map shall be the final authority as to the current zoning classification of any land within the boundaries of the Village of Sloatsburg.
- B. Boundaries.
 - 1. Along centerline of streets and right-of-way lines. Where a boundary line is shown as approximately following the center line of a street, highway or railroad center line, or a street, highway or railroad right-of-way line, such center line, or a street, highway or railroad right-of-way line, such center line or right-of-way line shall be construed to be the zoning district boundary line. The boundary line will be changed automatically

whenever the street line or right-of-way is changed, provided that the change does not exceed twenty (20) feet.

2. Along lot lines. Where a boundary line is shown following a lot line, such lot line shall be construed to be said boundary.
3. Along watercourses. Where a boundary line follows a river or stream, such boundary shall be described to be the centerline of such river or stream. For any present or future lake, pond, reservoir, river or other body of water, the regulations of the district in which they are located shall apply.
4. Parallel to physical features. Where a district boundary line is shown as approximately parallel to a street, highway, stream or railroad line, such boundary shall be construed as being parallel thereto and at such distance from the center line or right-of-way line thereof as is indicated on the Zoning Map.
5. Interpretation of Zoning Map. Where a dimension is indicated on the Zoning Map, such dimension shall control. However, in the absence of a specific dimension being indicated on the Zoning Map, the dimension shall be determined by using the map scale.
6. Existing physical markers. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary line is determined, varies from that as shown on the Zoning Map, the on-the-ground physical monument or marker shall control.
7. Lots divided by zoning district boundaries. In all cases where a district boundary divides a lot in one (1) ownership and more than fifty percent (50%) of the area of such lot lies in a less restrictive district, the regulations prescribed herein for the less restrictive district shall apply to such portion of the more restrictive portion of said lot which lies within thirty (30) feet of such district boundary. For purposes of this section, the more restrictive district shall be deemed that district which is subject to regulations which either prohibit the particular uses permitted in the district covering the remaining portion of said lot, or which regulations require higher standards with respect to setback, coverage, yard screening, landscaping and similar requirements.
8. In case of uncertainty as to the true location of a district boundary line in a particular instance, an appeal may be taken to the Board of Appeals as provided in Article XVI.

§54-9. Bulk Requirements.

- A. The general regulations affecting the dimensional arrangement of lots, buildings and uses for each of the districts established by Article V are hereby established as set forth in this section. The accompanying table, entitled "Table of General Bulk Requirements," shall be deemed to be part of this section and is referred to herein as the "Bulk Table."

§54-10. OSR Open Space and Recreation District.

- A. Intent. The OSR Open Space and Recreation District includes publicly-owned parkland that consists of land with sensitive environmental features, including lands limited by the 100-year floodplain, wetlands, and steep slopes.

- B. Permitted Uses.
 - 1. Community center, public park, playground and similar public community facility.
- C. Special Uses Requiring a Permit from the Planning Board (see to Article VII).
 - None.
- D. Accessory Uses.
 - 1. Signs complying with Article X of this chapter.
 - 2. Accessory uses or buildings clearly incidental and subordinate to the principal use.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-11. R-80 Open Space Residential District Regulations.

- A. Intent. The R-80 Open Space Residential District is intended to remain as open space or otherwise be developed primarily for very low-density residential uses or some combination of same. These areas represent locations that are on the east side of Interstate I-87, distant from the services available in the Village Center zoning districts, where roads are generally rural and not designed to handle significant amounts of traffic, and where sensitive environmental features, particularly steep slopes, limit higher densities of residential development.
- B. Permitted Uses.
 - 1. One-family detached dwelling.
 - 2. Community center, public park, playground and similar public community facility.
- C. Special Uses Requiring a Permit from the Planning Board (see to Article VII).
 - 1. Bed and breakfast
 - 2. Country inn.
 - 3. Horse farm/dude ranch.
 - 4. Home occupations.
 - 5. Public utility substation.
- D. Accessory Uses (only when accessory to a permitted or special use).
 - 1. Horticulture or agriculture activities, provided:
 - a. There is no display of products other than ingrowth visible from any street.
 - b. That any greenhouse heating plant, which otherwise complies with bulk requirements of this local law, or manure storage, shall be located at least one hundred (100) feet from any lot line.
 - c. There shall be no raising or pasturing of animals for any commercial or laboratory purpose.

2. A building for housing domestic pets provided that any buildings, pens or other structures to house such pets shall be at least fifty (50) feet from any lot line.
3. Private garage, not to exceed three (3) parking spaces per dwelling unit.
4. Signs complying with X of this zoning law.
5. Garden sheds, barns, greenhouses and other accessory uses or buildings clearly incidental and subordinate to the principal use.

E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-12. R-40 Rural Residential District Regulations.

A. Intent. The R-40 Rural Residential District is intended to remain as open space or otherwise be developed primarily for low-density residential uses or a combination of same. These areas represent locations that are more distant from the services available in the Village Center zoning district, where roads are generally rural and not designed to handle significant amounts of traffic, and where sensitive environmental features limit higher densities of residential development.

B. Permitted Uses

1. One-family detached dwelling.
2. Community center, park, playground and similar public community facility.
3. Governmental administration and service, such as offices, fire houses, police, first aid, civil defense and like uses. However, this shall not be construed to include such uses as outdoor storage of road-building equipment or materials, or storage of maintenance equipment or supplies.

C. Special Uses Requiring a Permit from the Planning Board (see Article VII).

1. Bed and breakfast.
2. Country inn.
3. Horse farm/dude ranch.
4. Home occupation.
5. Public utility substation.

D. Accessory Uses (only when accessory to a permitted or special use).

1. Horticulture or agriculture activities, provided:
 - a. There is no display of products other than in growth visible from any street.
 - b. That any greenhouse heating plant, which otherwise complies with bulk requirements of this local law, or manure storage, shall be located at least one hundred (100) feet from any lot line.
 - c. There shall be no raising or pasturing of animals for any commercial or laboratory purpose.
2. A building for housing domestic pets provided that any buildings, pens or other structures to house such pets shall be at least fifty (50) feet from any lot line.
3. Private garage, not to exceed three (3) parking spaces per dwelling unit.
4. Signs complying with Article X of this zoning law.

5. Garden sheds, barns, greenhouses and other accessory uses or buildings clearly incidental and subordinate to the principal use.

E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-13. R-15 Suburban Residential District Regulations.

A. Intent. The R-15 Suburban Residential District is intended to accommodate medium density residential uses. The district includes scattered vacant parcels within existing neighborhoods that can accommodate limited additional residential development.

B. Permitted Uses

1. One-family detached dwelling.
2. Governmental administration and services such as offices, fire houses, police, first aid, civil defense and like uses. However, this shall not be construed to include such uses as outdoor storage of road building equipment or materials or storage of maintenance equipment or supplies.

C. Special Uses Requiring a Permit from the Planning Board (see Article VII).

1. Public utility substation.
2. Bed and Breakfast.
3. Country Inn.
4. Horse Farm/Dude Ranch.
5. Museum, art gallery or community center, whether or not operated for profit; noncommercial club, lodge or fraternal organization.
6. Home occupation.
7. Child day care center.

D. Permitted Accessory Uses (only when accessory to a permitted or special use).

1. Private detached garage not to exceed two (2) parking spaces per dwelling unit.
2. Signs complying with Article X of this zoning law.
3. Garden sheds, barns, greenhouses and other accessory uses or buildings clearly incidental and subordinate to the principal use.

E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-14. R-10 Village Residential District Regulations.

A. Intent. The R-10 Village Residential District encompasses residential neighborhoods that accommodate medium-high density residential uses. This zoning district is on the west side of the New York State Thruway with good access to major transportation corridors including Route 17.

B. Permitted Uses

1. One-family detached dwelling.
2. Two-family dwelling (up and down living arrangement only).

3. Place of worship.
 4. Public elementary school.
 5. Community centers, libraries, museums, public parks, playgrounds and similar public community facilities.
- C. Special Uses Requiring a Permit from the Planning Board (see Article VII).
1. Funeral home.
 2. Public utility substation.
 3. Home occupation.
 4. Child day care center.
- D. Permitted Accessory Uses (only when accessory to a permitted or special use).
1. Private garage, not to exceed two (2) parking spaces per dwelling unit.
 2. Garden sheds, barns, greenhouse and other accessory uses or buildings clearly incidental to the principal uses.
 3. A dog house or other pet enclosure that shall be located no less than twenty (20) feet from any lot line.
 4. Signs complying with Article X of this zoning law.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-15. Reserved.

§54-16. Reserved.

§54-17. MU-1 Residential/Neighborhood Commercial.

- A. Intent. The MU-1 zoning district is intended to allow local neighborhood retail and personal service commercial uses in the northern portion of the Village distant from the Village center zoning district in areas of existing residential use whose operational characteristics would not impact any existing residential uses. Nonresidential uses shall be prohibited from any lot whose access is from Whritenour Terrace, Park Avenue, Ledge Road or Bush Avenue. Access to nonresidential uses shall be from Route 17 only.
- B. Permitted Uses.
1. One-family detached dwelling.
 2. Two-family dwelling (up and down configuration only).
 3. Standard restaurant (no drive through permitted), provided the property on which said use is located maintains existing frontage on Route 17.
 4. Deli, provided the property on which said use is located maintains existing frontage on Route 17.
 5. Drinking establishment, provided the property on which said use is located maintains existing frontage on Route 17.
 6. Garden nursery, provided the property on which said use is located maintains existing frontage on Route 17.
 7. Antique, book retail shop, provided the property on which said use is located maintains existing frontage on Route 17.

8. Farmers market and stand, provided the property on which said use is located maintains existing frontage on Route 17.
 9. Municipal parks.
- C. Special Uses Requiring a Permit from the Planning Board (see Article VII).
1. Multifamily dwellings or one-family attached dwellings in new structures consisting of no more than four dwellings in any one building and each dwelling containing a minimum habitable area of 900 square feet of floor area.
 2. Child day care center.
 3. Pre-existing automotive sales and repair.
 4. Minor wholesale business, provided inventory and business commercial vehicles are stored in a completely enclosed building.
 5. Outdoor dining area accessory to a restaurant, deli or similar establishment selling meals.
- D. Permitted Accessory Uses (only when accessory to a permitted or special use).
1. Signs complying with Article X of this zoning law.
 2. Accessory uses clearly incidental and subordinate to the principal use.
 3. Parking accessory to a principal use on the same lot.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.
- F. Special Requirements. In order to preserve the existing low-density, mixed use but primarily residential character of buildings and uses along the Route 17 corridor, and as a condition of site plan or special use permit approval, the Planning Board may require that an existing building be adaptively reused, and may deny an application that would require demolition of an existing building where it finds preservation and rehabilitation of same would promote the historic character of the Village. The Planning Board may allow additions to an existing building that are in keeping architecturally with the original building.

§54-18. MU-2 Residential/Limited Commercial

- A. Intent. The MU-2 zoning district is intended to allow a limited range of office uses to increase employment opportunities in the Village as well as support tourist-related trade on properties with frontage on Route 17 whose operational characteristics would not impact existing residential uses in this zone. The zoning district allows residential uses. The zoning district would allow the conversion of existing dwellings to commercial use, provided the dwellings are adaptively used, and the building is not demolished.
- B. Permitted Uses.
1. One-family detached dwelling.
 2. Two-family dwelling (up and down living arrangement only).
 3. Garden nursery, provided the property on which said use is located maintains existing frontage on Route 17.
 4. Antique, book retail shop, provided the property on which said use is located maintains existing frontage on Route 17.
 5. Farmers market and stand, provided the property on which said use is located

- maintains existing frontage on Route 17.
 - 6. Municipal parks.
 - 7. Place of worship.
 - 8. Arts and crafts studios with retail limited to the sale of arts and crafts made on the premises. The retail component shall not exceed 25 percent of the gross floor area dedicated to the arts and crafts studio.
- C. Special Uses Requiring a Permit from the Planning Board (see Article VII).
- 1. Bed and breakfast, country inn.
 - 2. Business, medical, and professional offices.
 - 3. Multifamily dwelling or one-family attached dwellings consisting of up to no more than four dwellings in any one building, and each dwelling containing a minimum habitable area of 900 square feet of floor area.
 - 4. Pre-existing automotive sales and repair.
 - 5. Minor wholesale business, provided inventory and business commercial vehicles are stored in a completely enclosed building.
 - 6. Public elementary or secondary schools.
 - 7. Child day care center.
 - 8. Funeral home.
 - 9. Mixed residential and nonresidential uses, provided the nonresidential use is otherwise allowed as a permitted or special use in this zoning district. No more than one dwelling and one nonresidential use shall be located in any one building within this district and each dwelling shall contain a minimum habitable area of 900 square feet of floor area.
- D. Accessory Uses (only when accessory to a permitted or special use).
- 1. Signs complying with Article X of the zoning law.
 - 2. Accessory uses clearly incidental and subordinate to the principal use.
 - 3. Parking.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.
- F. Special Requirements. In order to preserve the existing low-density, mixed use but primarily residential character of buildings and uses along the Route 17 corridor, and as a condition of site plan or special use permit approval, the Planning Board may require that an existing building be adaptively reused, and may deny an application that would require demolition of an existing building where it finds preservation and rehabilitation of same would promote the historic character of the Village. The Planning Board may allow additions to an existing building that are in keeping architecturally with the original building.

§54-19. VC-1 Village Center.

- A. Intent. The intent of the Village Center zoning district is to preserve the traditional, mixed use business district that fronts primarily on Orange Turnpike (Route 17). The district allows a mix of retail, government, office, and residential uses in a compact, small lot pattern of development that favors pedestrian connections. Parking is discouraged within the front yard of lots in the Village Center district, and uses in the Village Center are subject to design review in accordance with design standards contained in Article VI

of this zoning law.

B. Permitted Uses.

1. One-family detached dwellings in existence on the effective date of this local law.
2. Two-family dwelling in existence on the effective date of this local law.
3. Retail uses in structures not to exceed 10,000 square feet of gross floor area.
4. Personal service uses, including hair and nail salons, barber shops, beauty parlors, non-automotive related repair shops.
5. Banks.
6. Business, medical and professional offices.
7. Standard restaurants.
8. Drinking establishments, ice cream stands, take out food establishments, delicatessens, except that no drive through service shall be permitted.
9. Bed and breakfast.
10. Art galleries, museums, and craft studios.
11. Community services and facilities, including library, senior citizen centers, governmental offices, fire protection services, public schools and municipal parking.
12. Place of worship.
13. Dance, art, and music studios.
14. Meeting halls for not-for-profit social clubs and organizations.
15. Woodworking, cabinet making, pottery and other custom work, provided said use includes retail premises open to the public.
16. Garden nursery, florist.
17. Farmer's market.

C. Uses Requiring a Special Permit from the Planning Board, subject to Article VII.

1. Movie theater, skating rinks, bowling alleys and similar amusements, provided that fixed or mechanical games such as pinball or video game machines are only incidental to the primary amusements, except however, that amusement centers shall not be included in this district.
2. Mixed residential and nonresidential uses, provided the nonresidential use is otherwise allowed as a permitted or special use in this zoning district and each dwelling shall contain a minimum habitable area of 900 square feet of floor area.
3. Animal hospital or veterinarian services.
4. Child day care center.
5. Dry cleaning service establishment.
6. Garden nursery.
7. Bed and breakfast.
8. Outdoor dining area accessory to a restaurant, deli, or similar establishment selling meals.

D. Permitted Accessory Uses (only when accessory to a permitted use).

1. Accessory buildings or structures, the use of which is customarily incidental and subordinate to the principal use (see definition of Accessory for examples).
2. Signs complying with Article X of this zoning law.
3. Parking.

E. Uses Specifically Excluded from the VC-1 District

1. Truck terminals.
2. Industrial processing and assembling.
3. Building or construction contractor yards.
4. Warehouses and similar storage facilities.
5. Junk yards.
6. Automotive repair stations and gas stations not in existence on the effective date of this zoning law.

F. Special Requirements. In order to preserve the existing low-density, mixed use residential character of buildings and uses along the Route 17 corridor, and as a condition of site plan or special use permit approval, the Planning Board may require that an existing building be adaptively reused, and may deny an application that would require demolition of an existing building where it finds preservation and rehabilitation of same would promote the historic character of the Village. The Planning Board may allow additions to an existing building that are in keeping architecturally with the original building.

§54-20. VC-2 Village Center Extension.

A. Intent. The intent of the Village Center Extension zoning district is to allow for the planned development of a combination of compatible commercial, office, and one-family attached and multifamily residential land uses, and related activities and public spaces to be accommodated in a group of structures designed to enhance and promote the Village Center of Sloatsburg. This area shall be planned on the basis of an integrated, comprehensive design with respect to the location and relationship of buildings, pedestrian walkways, road connections, parking, landscape amenities, architectural elements, public open space areas, environmental features, roads, access to the surrounding road network, and utilities. Development within the VC-2 district shall conform to the recommendations set forth in the Village of Sloatsburg Comprehensive Plan and the Sloatsburg Central Business District Study as may be amended by the Village from time to time, and shall also consider the Findings Statement concluding the SEQRA process for adoption of this zoning law. The Planning Board shall ensure that the pattern of development proposed within the VC-2 district is consistent with objectives and conceptual plans set forth in the aforementioned documents, and any inconsistency between a development application and the aforementioned land use policy plans and documents may be a basis for denial of an application.

B. Permitted Uses.

1. Banks.
2. Business and professional offices.
3. Child care centers.
4. Financial institutions.
5. Multi-family residential, except that no more than 30 dwelling units shall be permitted within the VC-2 zoning district, and further subject to the requirements

- for residential uses set forth in §54-20.F. of this law.
6. Retail and personal service commercial uses.
 7. Standard restaurant (non fast-food).
 8. Fast-food restaurant, except that it shall not have any drive-through facility, shall not be designed with a take-out window, and shall not be constructed as a stand-alone building.
- C. Uses Requiring a Special Permit from the Planning Board, subject to Article VII.
1. Outdoor dining.
- D. Permitted Accessory Uses (only when accessory to a permitted use).
1. On-site parking and loading facilities, including parking decks.
 2. Signs complying with Article X of this zoning law.
 3. Accessory storage within a fully enclosed permanent structure for materials, goods and supplies intended for sale or consumption on the premises.
 4. Recreation facilities.
 5. Accessory buildings or structures, the use of which is customarily incidental and subordinate to the principal use (see definition of Accessory for examples).
- E. Uses Specifically Excluded from the VC-2 District.
1. Truck terminals.
 2. Industrial processing and assembling.
 3. Building or construction contractor yards.
 4. Warehouses and similar storage facilities.
 5. Junk yards.
- F. Tract Development Standards.
1. A minimum of 10 gross acres shall be required for development in the VC-2 District. Any existing or proposed road bisecting a tract shall not render a tract noncontiguous for purposes of meeting the minimum tract size required herein.
 2. A minimum lot area of 20,000 square feet shall be required for individual lots within the VC-2 district. This regulation is designed solely to enable subdivision of the overall tract following approval of a site plan identifying a comprehensive development plan for the entire tract.
 3. Street frontage. A tract shall maintain a minimum street frontage of 150 feet of frontage on Route 17 at the time of application.
 4. Building Setbacks. Principal buildings shall be setback from the Route 17 right-of-way a minimum of 50 feet. A minimum building setback of 15 feet shall be maintained from the tract's northerly and southerly external property lines to a structure.
 5. Building Setbacks to Internal Roads and Property Lines. Buildings shall be setback a minimum distance of 10 feet from the curb line of all internal roads and drives.
 6. Minimum Space between Buildings. A minimum building setback of twenty-five feet between buildings shall be provided.
 7. Lot Coverage. The maximum permitted impervious surface coverage for the entire tract shall be 70 percent. Detention basins shall be excluded from this

- calculation.
8. Floodplain. The applicant shall submit drainage calculations to demonstrate that any development on the project site can adequately handle stormwater flows given the site's location within the 100-year and 500-year flood plains. The applicant shall be required to install stormwater management facilities to assure that flood flows are mitigated.
 9. Floor Area Ratio. No single non-residential use shall be permitted to exceed 0.20 FAR, and the total amount of retail and office development shall in no event exceed 80,000 square feet of gross floor area within the entire tract. Where any other regulation set forth herein restricting intensity-of-use for any particular use is more restrictive, the more restrictive regulation shall apply.
 10. Residential uses.
 - (a) Density. No more than 30 dwelling units are permitted within the VC-2 zoning district. For purposes of development in the VC-2 district, §54-45, Environmental Constraints, shall not apply as it pertains to density calculations. Dwelling units shall be oriented to Mill Street in accordance with the Central Business District Study.
 - (b) Active Adult Housing Requirement. All dwelling units shall be restricted to occupancy by person ages 55 and over. Twenty percent of the units shall be made affordable to senior citizens.
 - (c) A Homeowners Association ("HOA") or condominium association shall be established to manage the housing development.
 - (d) Housing Type. Stacked flat/duplex living arrangements shall be permitted, wherein one dwelling unit shall be located on the ground floor, and one (1) dwelling unit consisting of up to two floors of living space may be located above the ground floor dwelling unit. In no event shall the total number of stacked flat/duplex dwelling units exceed 30 dwelling units.
 - (e) Within the VC-2 district, residential development shall be designed to provide a mix of dwelling unit sizes and bedroom arrangements in order to achieve a variety of housing types, as follows:
 - i. Twenty percent (20%) of the dwelling units shall consist of one-bedroom dwellings. One bedroom dwellings shall be no less than 750 square feet of livable floor area.
 - ii. All other dwelling units shall be designed with two bedrooms. Two bedroom dwellings shall be no less than 1,200 square feet of livable floor area.
 - iii. The applicant shall submit floor plans of the dwelling units that are to be constructed as part of a site plan application, and the Planning Board shall ensure that an application conforms to these requirements.
 - iv. Each dwelling unit shall contain a separate kitchen and bathroom facility.
 - v. Dwelling units shall be owner-occupied.
 - vi. An outside patio or deck no less than 50 square feet shall be provided for each dwelling unit.
 - vii. All units shall be air-conditioned. Air conditioning units, utility and mechanical equipment shall be unobtrusively located, architecturally integrated, and screened from the public right-of-way. Such devices

shall not be located in any front yard area unless screened to the satisfaction of the Planning Board.

- viii. To the extent permissible under federal fair housing requirements, the initial sale of dwelling units shall first be marketed to the following households (not in order of priority): persons employed at the time of initial tenancy by the Village of Sloatsburg or the Town of Ramapo; the Ramapo Central School District, community service volunteers (e.g., ambulance corps, fire department) serving the Village of Sloatsburg or Town of Ramapo; war veterans; officers or employees of the police agencies serving the Village of Sloatsburg; parents and siblings of current Sloatsburg residents; and former residents of the Village of Sloatsburg.
11. Landscaped Perimeter. A minimum fifteen-foot (15) wide landscaped buffer shall be maintained along all external property lines, except that no such landscaped buffer shall be required along: (1) the frontage with Route 17 where a public open space parcel of at least 60 feet in width is provided; or (2) where main roads or drives from Route 17 or adjacent local roads abut the external property line. The buffer shall consist of a landscaped and planted area.
12. Traffic. A traffic report shall be prepared and submitted as part of the site plan application for development of the VC-2 district.
13. Parking. The tract shall incorporate on-site parking behind buildings and proposed storefront facades. This regulation shall ensure that any building fronts to Route 17 or any proposed public or private roads that may serve the site. The total number of parking spaces to be provided shall conform to Article XI of this zoning law, except that the total number of parking spaces may be waived by the Planning Board as per §54-73 of this zoning law. As the VC-2 district is intended to encourage a village-style environment, the Planning Board may allow on-street parking for purposes of meeting the parking requirements. Parking for residential uses, however, must be accommodated within off-street parking areas.
14. Solid waste. Enclosed receptacles shall be provided for all stores. Solid waste facilities shall be located at the rear of the buildings, or be adequately screened from view of roads or public facilities.
15. Retail and service commercial uses, banks and restaurants. Retail and service commercial uses shall be permitted to be located in the first floor in the building they are located.
16. Multiple retail buildings shall be permitted on site, provided that no single retail use occupant shall be permitted to have a maximum building footprint or occupy space exceeding 50,000 square feet of gross floor area. In order to assure that the site offers opportunities for multiple and varied nonresidential uses similar to typical historic central business districts, nonresidential space shall be designed for occupancy by no fewer than seven (7) tenants occupying ground floor level space.
17. Multiple Buildings On A Lot. Multiple buildings on a lot shall be permitted.
18. Public Open Space. The overall development of the tract shall include at least one area of distinctive design, including an open space feature, that is intended to create a visual focal point or area of interest and serve the open space needs of the development and the village. The distinctive features shall include but not be limited to a pavilion, gazebo, or other focal architectural feature or amenity and at least three of the following components: (a) plaza, patio or seating area; (b) decorative walls or terraces; (c) water feature or fountain; (d) a decorative

landscape design element, including flower beds and ornamental plantings designed to complement the other elements of the distinctive design feature and create seasonal interest. The distinctive feature shall be linked to the on-site pedestrian walkway network of the development. The distinctive design feature shall be provided within 100 feet of the sites frontage on the major arterial roadway. These features shall comprise at least 2% of the area of the tract and be at least 60 feet wide in any dimension.

19. Office Use. Offices constructed in the VC-2 district shall be limited to a maximum of 30,000 square feet of gross floor area, and no more than 10,000 square feet may occupy the ground floor level. Permitted types of office uses shall include general business, medical and professional offices.
20. Residential to Nonresidential Ratio. It is the intent of this zoning law to phase the construction and occupancy of residential development with the construction of nonresidential space. The Planning Board, as a condition of site plan and/or subdivision plan approval, shall have the authority to impose conditions on the amount of nonresidential development that shall be developed commensurate with the development of residential development.
21. In order to promote economic development in the Village of Sloatsburg, nothing herein shall require that an applicant construct residential uses in the VC-2 district, and the district may be constructed with nonresidential uses only. However, nonresidential uses shall adhere to the standards contained herein and elsewhere in this zoning law, and shall be designed to maintain the small-scale village environment that is characteristic of the Sloatsburg central business district.

§54-21. O Office/Limited Commercial

- A. Intent. The intent of the district is to allow a limited number of nonresidential uses in areas that would benefit from the district's frontages on Route 17 and an active freight rail right-of-way, provided however, that the uses shall be limited given the district's adjacency to existing residential neighborhoods.
- B. Permitted Uses. All uses in the O district shall require site plan approval by the Planning Board.
 1. Wholesale business, provided inventory and vehicles are located in a completely enclosed building.
 2. Professional and business offices.
 3. Garden nursery, landscape contractor yard
 4. Masonry supply.
- C. Special Uses Requiring a Permit from the Planning Board (see Article VII).
 1. Wholesale business with outdoor storage. The Planning Board shall require sufficient screening to limit visibility of any storage areas. The Planning Board may limit the height of stockpiles and materials.

- D. Permitted Accessory Uses (only when accessory to a permitted or special use).
 - 1. Signs complying with Article X of this zoning law.
 - 2. Accessory uses or buildings clearly incidental and subordinate to the principal use.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.

§54-22. IP Industrial Park

- A. Intent. The intent of the IP Industrial Park zoning district is to allow major nonresidential light industrial, office, and limited commercial uses in areas which are more distant from major residential neighborhoods and have less potential impacts on same. These uses shall be subject to performance standards intended to protect the Village's natural environment, and limit land use conflicts between these uses and the limited number of residential uses that may abut the district.
- B. Permitted Uses
 - 1. Any light manufacturing, research, assembly, processing, packing, treatment or warehousing of goods and products, including storage of materials or equipment within an entirely enclosed building.
 - 2. Professional and business offices.
 - 3. Garden nurseries, landscape contractor yard.
 - 4. Masonry supply.
- C. Uses Allowed by Special Permit from the Planning Board, subject to Article VII.
 - 1. Freight transportation centers such rail freight terminals and truck freight terminals.
 - 2. The storage of materials customarily stored in the open or in partially enclosed or enclosed non-fireproof buildings, such as lumber, building materials, a contractors' equipment, or storage of materials in trucks or tractor-tram in conjunction with or as part of the industrial operation.
 - 3. The maintenance and storage of refuse vehicles and refuse containers.
 - 4. The storage, maintenance and repair of cars in a fully enclosed building.
- D. Permitted Accessory Uses (only when accessory to a permitted or special use).
 - 1. Signs complying with Article X of this zoning law.
 - 2. Accessory uses or buildings clearly incidental and subordinate to the principal use.
- E. Bulk Requirements. Refer to the Table of Bulk Requirements at the end of this chapter.
- F. Performance Standards for the IP District
 - 1. Before any building permit or certificate of occupancy shall be issued for a use permitted in this district, plans, drawings, certified statements or other documents or evidence required by the Planning Board of the Village of Sloatsburg as part of site plan review or a special permit request, shall be submitted as evidence of

compliance with this local law, and with the regulations, spirit and intent of this local law.

- (a) Vibration - No vibration shall be discernible at the lot lines or beyond.
- (b) Smoke - No emission of visible gray smoke of a shade equal to or darker than No. 2 on the Ringlemann Chart, measured at the point of emission.
- (c) Odors - No offensive odor shall be noticeable at the lot line or beyond.
- (d) Fly ash, dust - No emission which can cause any damage to health, animals or vegetables or other forms of property or any excessive soiling.
- (e) Glare - No direct or sky-reflected glare shall be visible at the lot line or beyond.
- (f) Liquid or solid wastes - No discharge into any present or future disposal system, public or private, or streams, or into the ground, of any materials of such nature or temperature as to contaminate ground water supply or the Ramapo River.
- (g) Radioactivity - No activities which emit dangerous radioactivity at any point, as covered by Federal Government Standards.
- (h) Noise - No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than fifty (50) decibels, measured at lot lines.
- (i) Fire and explosion hazards - No process or storage of material in such manner as to create undue hazard by reason of fire or explosion.
- (j) No material shall be stored either indoors or outdoors in a manner that facilitates the breeding of vermin.

§54-23. LRR Liberty Ridge Residential Overlay District.

- A. Intent. Development of the subject property on which the LRR District is situated shall be in accordance with a stipulation of agreement signed by the Village of Sloatsburg to allow the development of 90 single-family detached dwellings and the conservation of certain open space lands in accordance with a layout which is materially the same as the “Fleming Plan” set forth in the Stipulation of Settlement. The uses allowed within the District and the bulk and design requirements for development are set forth herein. See Highland Homes LLC et al v. Village of Sloatsburg (SDNY Case No. 01 Civ. 0139). The “Fleming Plan” is appended to the zoning law for reference purposes.
- B. Permitted Uses
 - 1. One-family detached dwelling.
- C. Special Uses Requiring a Permit from the Planning Board (see Article VII).
 - 1. Home occupation.
- D. Permitted Accessory Uses (only when accessory to a permitted or special use).
 - 1. Garden shed.

E. Bulk Requirements.

- | | | |
|----|--|-----------------------------|
| 1. | Minimum lot area | 7,000 square feet |
| 2. | Minimum lot width at front setback | 70 feet* |
| 3. | Mean lot depth | 100 feet |
| 4. | Minimum front yard | 20 feet |
| 5. | Minimum side yard (each/total combined) | 10 feet/25 feet |
| 6. | Minimum side yard abutting a street | 20 feet |
| 7. | Minimum rear yard | 20 feet |
| | Combined rear yard lots back to back | 50 feet |
| 8. | Building coverage*** | 33% max, 30% max average**. |
| 9. | Maximum building height**** (ft/stories) | 35 feet/ 2½ stories |

*Lot width on cul-de-sacs or curved streets may be equal but not less than 60 feet at the front setback line.

**Average for entire development.

***Open covered or uncovered porches and decks are not included in building coverage calculations.

****Stories are calculated based on the current New York State Building Code definition.

F. Development Tract Open Space and Buffer Requirements.

1. Minimum open space preservation required 40% of tract
2. Minimum perimeter tract buffer from proposed lot to R.O.W of Route 17 shall be 250 feet.
3. The perimeter tract buffer to Post Road frontage shall be all lands west beyond 100 feet from proposed road "A".
4. The perimeter tract buffer to the northerly tract boundary line from proposed lots #89 and #90 shall be all lands north beyond 100 feet from proposed road "B".
5. The perimeter tract buffer to the southerly tract boundary line from proposed lots #20, #21 and #22 shall be all lands south beyond 100 feet from proposed road "A".
6. Roadway crossings, utility crossings, and detention basins shall be permitted within the buffer and open space requirements noted herein.

G. Accessory Structures

- | | | |
|----|---|---------|
| 1. | Minimum side and rear yard setback | 5 feet |
| 2. | Minimum distance from principal structure | 5 feet |
| 3. | Maximum height | 15 feet |

H. Miscellaneous

1. All residences shall have minimum of a 2 car garage.
2. Minimum number of 3 bedrooms per residence
3. No trailer or boat storage.

I. Supplemental Zoning Regulations.

1. Dwelling unit styles shall vary from lot to adjacent lot in order to establish a varied visual environment and eliminate monotony within a development. The same

house model shall not be utilized on a lot that is side by side or directly across the street from one another without varying the exterior building façade detailing including but not limited to surfacing materials, roof lines, or relative location of windows.

- 2. Architectural design features shall be used to create interest and variety and shall include façade articulation, varied rooflines and roof designs, and alterations in building height. Decorative elements such as shutters, porches, balconies, cornice features and other design elements shall be incorporated into the design of the building.
- 3. No flat roof structures are permitted.
- 4. Maximum height of retaining walls for this development shall be 10 feet without a 6-foot offset between wall faces which shall be planted with naturalizing planting to screen the mass of the proposed wall.

J. Landscape Buffer Requirements.

1. Buffer Areas. Buffer plantings shall be provided along adjacent residential and commercial properties incorporated with existing vegetation to remain with the following standards:

- (a) Landscaped berms shall be incorporated where deemed appropriate to accentuate the screening qualities of the landscaping proposed. Berms shall be a minimum of two feet in height. The width should vary with side slopes of 1 to 5 to 1 to 2, without adversely affecting natural drainage, existing vegetation to remain or slope retention;
- (b) Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the grading and drainage plan;
- (c) The landscaping shall be designed to compliment the berms, if utilized, and shall be designed with a density to provide a continuous screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	2.5 inch caliper
Evergreen Trees	7-8 feet to 8-10 range
Shrubs	18-24 inches

- (d) The landscaping within the buffer area shall include a predominance of evergreens to provide buffering during the dormant seasons. The choice of landscaping shall also be designed to compliment the native vegetation of the area and seek to minimize potential impacts of deer browsing.
- (e) Landscaping shall be so designed to compliment the existing vegetation to remain if present subject to the approval of the approving authority of the Village.

K. Streetscape. The development shall include a cohesive thematic streetscape design that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. The streetscape shall include the following elements:

1. The street lighting shall incorporate the use of stylized light fixtures, if available, from the local utility company. The following standards shall apply:
 - (a) The light fixtures should incorporate sufficient photometric controls, which shield the source of lighting from adjacent buildings or properties;
 - (b) The lighting levels proposed should conform to all applicable ordinance standards provided herein. It is the intent to establish an efficient lighting design to illuminate street intersections, curves and ends of streets to promote their visual identification to drivers.

2. Pedestrian crossings of the entrance driveway to the development, if sidewalks are proposed or present adjacent to the entrance drive, should be accentuated through the use of differential pavement crossings walkways that cross the access roadways to the tract.

3. Shade trees. Shade trees shall be provided for all streets and parking areas and shall be in accordance with the following standards:
 - (a) The shade tree planting layout should complement the overall theme for the development as a whole;
 - (b) Trees shall be placed in a 5 foot wide shade tree planting easement provided adjacent to the proposed street R.O.W. to the lot. The trees may be set in a formal arrangement or in an informal arrangement;
 - (c) Spacing between trees shall be determined based upon species and the desired theme. The spacing should be approximately 35 feet on center. There shall be a minimum average of two shade trees provided for each 70 feet of street frontage;
 - (d) There shall be several species of shade trees incorporated into the design of the overall project to avoid disease and insect manifestations associated with a monoculture;
 - (e) The choice of tree species should be based on form and on site conditions and shall be subject to the approval of the approving authority; and
 - (f) Shade trees shall be a minimum of 3 inches in caliper.

L. Lot Landscaping Requirements. The subdivision development shall include individual lot landscaping including shade trees, evergreen, ornamental trees and foundation plantings to offset the impact of tree removal to construct the proposed development and to establish screening and environmental benefits to each lot. The lots which are configured so that the rear yard of one lot is contiguous with the rear yard of another lot as well as corner lot configurations the lot landscaping shall include at least the following elements:

<u>Description</u>	<u>Minimum Quantity</u>	<u>Minimum Size</u>
Shade Trees	1 per lot	2 inch caliper
Evergreen Trees	3 per lot	5-6 feet high
Ornamental Trees	1 per lot	5-6 feet high
Foundation Planting	Front Façade	18-24 inches

For all lots other than rear to rear, or corner lot configurations the landscaping shall include at least the following elements:

<u>Description</u>	<u>Minimum Quantity</u>	<u>Minimum Size</u>
Shade Trees	1 per lot	2 inch caliper
Ornamental Trees	1 per lot	5-6 feet high
Foundation Planting	Front Façade	18-24 inches

The quantities listed herein can be substituted with existing preserved vegetation on the lot, where applicable. All landscaped areas shall be adequately covered with mulch and all open areas shall be stabilized with turf.

- M. **Conformity Required/Reverter Clause.** If the development is constructed, completed and occupied as set forth in the Stipulation of Settlement, any future applications that may be submitted by property owners within the LRR overlay district shall conform to the regulations set forth herein. Where the provisions of the LRR Overlay District and any other section of this zoning law conflict, these provisions shall apply. Notwithstanding the foregoing, if the development set forth in the Stipulation of Settlement is voided or if it is not constructed within the time set forth in the Stipulation of Settlement, i.e., within four (4) years from the date of the last non-appealable approval required for the issuance of a building permit and the installation of a Rockland County Sewer District No. 1 line, then the LRR overlay district regulations shall expire, and the underlying R-40 zoning district shall regulate.

§54-24. Ridge Protection Overlay District.

A. Purposes.

1. A defining characteristic of the Village of Sloatsburg is its natural wooded topography that includes a series of prominent hilltops and ridges that ring the municipality.
2. The hilltops and ridges should be preserved to reduce potential impacts of wind and soil erosion associated with uncontrolled residential construction or other development activities.
3. The ridges in Sloatsburg form a scenic backdrop to existing developed areas, lending the Village its natural and woodland character. Situating development on ridges and hilltops interrupts the natural tree line and impacts negatively the scenic viewshed, either through the removal of vegetation or because the height of the structure creates an unnatural or broken skyline.
4. The ridges in the Village are important environmentally and aesthetically and shall be protected under the provisions of this section of the zoning law.

- B. **Ridge Protection Area Regulated.** All areas within the Village of Sloatsburg with a natural elevation of 600 feet above mean sea level (msl), as depicted on the Sloatsburg, NY, United States Geological Survey (USGS) Quadrangle, shall be regulated by the provisions of this section. These regulated areas shall be referred to herein as the “ridge protection area”.

- C. **Applicability.** Structures in the ridge protection area shall be designed and developed and located to the maximum extent practicable so as not be visible from the scenic roads identified in the Village Comprehensive Plan, and the following major public viewing thoroughfares at any point along their entire length in the incorporated Village:

1. New York State Thruway (I-87)
2. NYS Route 17 (Orange Turnpike)
3. Seven Lakes Drive
4. Sterling Mine Road
5. Hiking trails and public viewing points within state, county and local public parks.

D. Approval Required. The following activities shall require Planning Board approval:

1. A building permit application which involves new construction, or expansion of an existing structure, that would result in 400 square feet of disturbance, including but not limited to the clearcutting of vegetation, construction of additions, accessory structures including garages, and retaining walls.
2. A site plan application that includes any portion of a property within the ridge protection area;
3. A special use permit application that includes any portion of a property within the ridge protection area;
4. A subdivision application that includes any portion of a property within the ridge protection area.

Where 50 percent or more of the gross land area of a property is within the ridge protection area, the requirements of this section shall apply to the entire property whether the property subject to the development application consists of an individual or multiple tax parcels.

E. Submission requirements. In addition to any other submission requirements set forth in the zoning law or the subdivision regulations, any application for construction within the ridge protection area shall be accompanied by the following:

1. A subdivision plan, site plan, or lot survey showing:
 - (a) topography of the parcel and indicating the current areas of vegetative cover by type of cover, e.g., deciduous tree species, evergreen trees species, shrubs, etc. and approximate size in tree diameter breast height or plant height.
 - (b) the location of proposed disturbances and building construction, first floor elevations, and building height (to the top of any principal or accessory buildings or structures, including retaining walls).
 - (c) proposed areas of grading and vegetative clearing.
 - (d) architectural rendering of the proposed structure, indicating the size and shape of the dwelling, building height, proposed siding, color and materials; window locations; and roofing type and color. At the Planning Board's request, the applicant shall furnish color or material swatches as evidence of the materials and colors proposed.
 - (e) A visual assessment, which may consist of visual simulations, line of sight analyses, cross sections, balloon surveys, and other visual analyses that would demonstrate the potential visibility of an improvement from any scenic road and public viewing points identified in this section.
2. Where the Planning Board is reviewing a building permit application, it may waive any of the aforementioned submission requirements where it determines that,

based on the nature of the application, the project would not have an impact on the ridge protection area, and that said information is not required to make a decision on an application. Any waiver of the submission requirements shall be set forth in the Planning Board resolution of its decision.

- F. The Planning Board shall approve, approve with modifications, or disapprove regulated activities within the ridge protection area, and shall set forth its findings in its resolution. Where the Planning Board is reviewing a building permit application, it shall make its decision within sixty-two (62) days of the date of the Planning Board meeting at which time it deems the application complete, which shall include all information necessary for the Planning Board to make its decision. Where special use permit, site plan, or subdivision approval is required, the Planning Board shall make its decision concurrent with those approval timeframes.
- G. Public Hearing. At the Planning Board's discretion, the Planning Board may hold a public hearing on a building permit application. Said public hearing shall be conducted within thirty (30) days of receipt of a complete application. Where a public hearing is held, a decision shall be rendered within forty-five (45) days after the close of the public hearing.
- H. Standards. The Planning Board shall review the application and use the following standards in its decisionmaking:
1. The proposed activity shall not result in the clearcutting of trees or vegetation to the extent that the proposed activity is fully visible from scenic roads.
 2. The proposed activity shall not require extensive grading to effectuate the proposed construction of any structures.
 3. The structure shall be situated in areas of shallow slope allowing landforms and vegetation to be placed in front of structures, providing a natural screen that lessens visual impact.
 4. Building height and building mass shall be reduced where the Planning Board finds that said reduction would limit impacts to the ridge protection area. Specifically, the Planning Board is authorized to reduce the maximum floor area ratio, maximum building height and/or building stories, so as to best protect the ridge protection area.
 5. Darker, earthtone colors shall be used to minimize a structure's visibility.
 6. Natural building materials, such as stained wood and stone may be required by the Planning Board to minimize a structure's intrusiveness since the colors are in low contrast to surrounding vegetation and the materials complement the natural surroundings.
 7. Ribbon glass or highly reflective surfaces shall not be permitted unless the structure is fully screened from view by existing natural vegetation or topography.
 8. The natural characteristics of a property including existing vegetation and topography shall be retained to the greatest extent practicable. When necessary, landscaping shall be required to screen the structure in order to lessen visual impacts from scenic roads.
 9. Except for driveways and roads, where unavoidable, slopes over 25 percent shall not be altered or disturbed without a steep slope permit if required.
 10. Development shall be situated behind and below natural visual barriers such as trees, ridges, and other topographic features. The height and location of development shall not alter views of, and from, the natural ridgeline.
 11. The Planning Board, at its discretion, may also require that an applicant adhere to the standards set forth in 54-55.J., Steep Slope Design Standards, where the Board

finds that the standards will achieve the objectives of the overlay district.

- I. Any site plan, special use permit, or subdivision plan shall include a note referencing this section of the zoning law or a note indicating the detailed plans and restrictions for specific structures on specific lots that have been approved during the approval process along with the restrictions imposed. The Planning Board is authorized to require that said restrictions are set forth in any deed(s) conveying lots to future lot owners. The Planning Board may, as a condition of approval, require that subsequent building permit applications be reviewed and approved by the Planning Board.

§54-25. Reserved.

**ARTICLE VI
ARCHITECTURAL DESIGN STANDARDS**

§54-26. Planning Board Architectural Design Review.

- A. Purpose. It is the purpose of this article to preserve and promote the character and appearances and conserve the property values of the Village, the attractiveness of whose residential and business areas is the economic mainstay of the community, by providing procedures for the architectural review of structures henceforth erected. The Sloatsburg Board of Trustees hereby finds that structures which are visually offensive or inappropriate by reason of poor qualities of exterior design, monotonous similarity or striking visual discord in relation to their sites or surroundings mar the appearances of their surrounds, impair the use, enjoyment and desirability and reduce the values of properties, are detrimental to the characters of neighborhoods, prevent the most appropriate development and utilization of land and therefore adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.
- B. Planning Board to Review Architectural Design. For purposes of administering the regulations contained in this article, the Sloatsburg Planning Board shall have all powers and duties delegated herein. These provisions shall apply to all site plan, special use permit, or subdivision applications for properties located within the O, VC-1, VC-2, MU-1, and MU-2 zoning districts, and for any residential subdivision in any district consisting of five (5) or more lots, except that these provisions shall not apply to pre-existing lots to be developed for a one-family detached or two-family dwelling not requiring subdivision plan approval.

§54-27. Applications; information required.

- A. Determination of compliance; transmittal of copies; notices; exemption from referral. As soon as practicable, the Building Inspector shall transmit a copy of the application and plans to each member of the Planning Board a minimum of five (5) days prior to the meeting where it will be considered. Where an application also requires site plan approval, subdivision approval or special use permit approval, the application shall be considered part of the respective application, and shall be processed and reviewed in accordance with the procedures for site plan, subdivision, or special use permit approvals. Where a site plan, subdivision or special use permit approval is not required, the Planning Board shall review and make a determination in accordance with the timeframes and procedure established for site plan review.
- B. Notices. The Planning Board is authorized to require applicants to serve notice to the owners of neighboring properties.
- C. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of additions or alterations. For all new structures, a site plan appropriately scaled determined by the Planning Board, showing the following, unless waived by the Planning Board:
1. Property lines, including curblines of adjacent streets.
 2. Outline of structure, including walks, driveways, terraces, walls and fences.
 3. Existing and proposed contours at two-foot intervals.

4. Existing trees and trees to be removed with an 8-inch diameter or more measured at a point 4 inches above the ground.
 5. All proposed plantings.
- D. The Planning Board may require submission of all or a portion of the above information as part of the application for an addition to an existing structure. The Planning Board may require the applicant to furnish grades and elevations of adjacent property and structures where they deem this information applicable to a proper evaluation of the relationship between existing and proposed structures.
- E. Features and suitability of site to be considered. In considering an application for a permit, the Planning Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures and the character of the district and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.

§54-28. Design Standards.

- A. General Design Standards. Wherever these general standards apply, buildings shall be designed and placed in accordance with the following provisions:
1. Encourage the most appropriate use and development of the site and adjacent properties.
 2. Preserve and enhance natural features and the physical environment.
 3. Promote a desirable visual environment which is harmonious with the character of existing development and which enhances the character of the surrounding neighborhood and the village as a whole, and avoid adversely affecting the value of adjacent or nearby properties.
 4. Use exterior colors, façade or roof materials or a combination of colors and materials that are harmonious.
 5. Create a coordinated and harmonious appearance through a relationship of design features, such as height and mass, building proportions, rooflines, building projections, and ornamental features.
 6. Uses all sides of the building to contribute to the architectural unity of the building.
 7. Avoid large unbroken building masses.
 8. Use attractive and quality building materials.
 9. Be consistent with the architectural and design recommendations contained in the Village of Sloatsburg Comprehensive Plan, the Central Business District Study or this Zoning Law.

10. The use of exposed concrete block is prohibited, unless the same is textured. Metal siding shall not be used to such an extent that it will be a dominant architectural feature. Metal siding with exposed fastenings shall not be allowed.
 11. Ribbon and mirrored glass is prohibited.
 12. All buildings shall use durable material requiring low maintenance, such as brick, stone, glass, precast concrete and wood, when properly treated. Where durability and performance are questionable, the applicant may be asked to provide manufacturer's guaranty of proof of durability.
- B. Specific Design Standards. In addition to the foregoing, the Planning Board shall review applications in accordance with specific design standards that may be adopted from time to time to regulate the design character of particular zoning districts within the Village of Sloatsburg.

§54-29. Decisionmaking.

- A. Grounds for approval. The Planning Board may approve any application referred to it upon finding that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would be in harmony with the purpose of this article, would not be visually offensive or inappropriate by reason of poor quality of exterior design, would not have monotonous similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability and reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning economic stability, prosperity, health, safety and general welfare of the entire community.
- B. Conditions on approvals. In approving any application, the Planning Board may impose conditions and safeguards designed to prevent the harmful effects set forth herein.
- C. Grounds for disapproval. The Planning Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan and provided that the Board finds and states that the structure for which the permit was requested would, if erected or altered as indicated, provoke one or more of the harmful effects set forth herein by reason of:
1. Monotonous similarity to any other structure or structures located or proposed to be located on the same street or a corner thereof and within 200 feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
 - (a) Substantially identical facade, disregarding color;
 - (b) Substantially identical size and arrangement of either doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements; or
 - (c) Other substantially identical features, such as but not limited to setbacks from street lines, heights, widths and lengths of elements of the building design and exterior materials and treatments.

2. Striking dissimilarity, visual discord or inappropriateness with respect to other structures located or proposed to be located on the same street or a corner thereof and within 200 feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
 - (a) Façade, disregarding color;
 - (b) Size and arrangement of doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade; or
 - (c) Other significant design features, such as but not limited to heights, widths and lengths of elements of design, exterior materials and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, light posts, parking areas and fences and service and loading areas.
 3. Visual offensiveness or other poor qualities of exterior design, including, with respect to signs, considerations of the harmony or discord of colors, or incompatibility of the proposed structure with the terrain on which it is to be located, including but not limited to excessive divergences of the height or levels of any part of the structure from the grade of the terrain.
- D. Refusal of disapproved permit application. The Building Inspector shall refuse any building permit application disapproved as per §54-29.C. of this zoning law.

§54-30. Appeals; proceedings to review.

A proceeding to review may be brought in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such action is illegal, in whole or in part. Such proceeding must be commenced within 30 days after the filing in the office of the Village Clerk of the decision after reconsideration.

§54-31. Advisory powers.

The Planning Board shall advise with respect to public buildings and such other matters as the Board of Trustees and the Board of Appeals may refer to it.

§54-32. Fees.

All applications to the Planning Board shall be accompanied by a fee established by the Sloatsburg Village Board of Trustees.

§54-33. Design Standards applicable to the VC-1 and VC-2 zoning districts.

- A. Building Form and Mass. All buildings should relate harmoniously to the site's natural features and other on-site buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass, and assist in the determination of building orientation in order to preserve visual access to natural or man-made community focal points.

- B. Large horizontal buildings, i.e., buildings with a lineal dimension of more than 150 feet, should be broken into segments having vertical orientation. A visual and/or physical break should be provided minimally every 100 lineal feet. Offsets consisting of a break in the linear plane of the building of a minimum two and one-half (2 1/2) feet shall be required. Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls in place of an offset if determined by the approving authority to achieve the same purpose. All building foundations shall be appropriately landscaped where possible.
- C. Buildings with expansive blank walls are prohibited. Appropriate facade treatments shall be imposed to ensure that such buildings are integrated with the rest of the development.
- D. New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc as a means to provide a visually attractive environment.
- E. Cornices, awnings, canopies, flag poles, signage and other ornamental features shall be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8 and 1/2 feet, to within three (3) feet of a curb.
- F. Facade Treatment
 - 1. A 'human scale' of development shall be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
 - 2. Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants. Upper floors shall be coordinated with ground floors through common materials and colors.
 - 3. Design emphasis shall be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
 - 4. Side and rear elevations shall receive architectural treatments comparable to front facades where a public street, public access or public parking is provided next to the buildings.
 - 5. Rhythms that carry through a block such as store front patterns, window spacing, entrances, canopies or awnings, etc., shall be incorporated into facades.
- G. Material and Texture
 - 1. A variety of materials may be appropriate. Masonry, which works well at the base of a building, can vary in size, color and texture, and enables the provision of a decorative pattern or band. Above 12 feet, it can be substituted with other suitable materials.
 - 2. The use of fabric or metal canopies is to be encouraged, especially over storefronts, at entrances or over display windows.
 - 3. Integration of large-scale graphics, where appropriate, into the facade is encouraged.

H. Lighting

1. The use of creative lighting schemes to highlight building facades and related areas of a site shall be encouraged. The use of traditional style lanterns and similar fixtures also shall be encouraged. Exterior neon lights and lighting generating glare and unnecessary night-glow impacts, i.e., light pollution, shall be prohibited.
2. Whenever possible, light poles should be integrated into landscaped islands. Light poles shall be designed at a pedestrian scale, i.e., they shall not exceed 16 feet in height.

I. Streetscape Design

1. The use of street furniture (benches, tables, trash receptacles, etc.) shall be encouraged throughout the development, provided the materials used are consistent with the overall concept of the building design.
2. Sidewalks should have a width of at least ten feet along main pedestrian streets where active pedestrian corridors are located and active pedestrian movements are encouraged, and located along building frontages so as to tie the various buildings together. Wider sidewalks may be designed for special places such as plazas or courts. Concrete or brick pavement shall be incorporated into the sidewalk design to unify and establish a theme to the development.
3. The Planning Board may require the installation of bicycle racks and/or lockers.

J. Landscaping

1. A hierarchy of landscape features shall be established for the site. The main entrance roads shall include street trees on each side of the roadway, and such trees shall be different than the trees used in parking areas. Spacing between trees shall be a maximum 40 feet unless another vertical element, such as a decorative light fixture or blade sign, is used between the trees, in which case a maximum 60 foot shall be permitted. Trees along primary streets shall be in a formal arrangement, while informal planting may be provided along access roads.
2. Street trees and other plant material should be provided at the ends of parking bays. Landscaped islands should be at least 6 feet in width.
3. Trees shall be planted with a minimum 2.5 to 3 inch caliper.
4. Parking rows exceeding 20 parking spaces shall have a 6-foot wide landscaped island to break views of large, expanses of pavement.
5. Foundation plantings including trees and shrubs shall be planted along blank walls to break up the extended building wall.

K. Waivers

The Planning Board is authorized to waive any of the requirements contained in this section §54-33 where it determines that any alternative to these standards can otherwise meet the objectives of this section.

§54-34 Scenic Roads.

- A. Approval Required. Except for the construction of a one-family detached or two-family dwelling, any action that requires site plan, special use or subdivision plan approval, an area or use variance, or any other approval or permit set forth in this zoning local law, on any property that fronts on a road identified as a scenic road in the Village of Sloatsburg Comprehensive Plan, shall be reviewed by the Planning Board which may establish appropriate conditions as part of the approval of an application to secure the objectives of the Comprehensive Plan with regard to the Village's scenic roads. To the maximum extent practicable:
1. Existing road alignments of scenic road shall not be altered.
 2. Tree rows, hedge rows, and stone walls shall be protected. Stone walls shall be reconstructed or relocated as an alternative to removal.
 3. Appropriate minimum setbacks shall be provided to maintain scenic vistas along these roads.
 4. Hillside cuts and significant grading are not allowed. The Planning Board, in its architectural design review capacity, may recommend methods to limit disturbances that would be within the vista of any scenic road.
 5. Improvements to roads, or the creation of new roads and drives internal to a development, shall avoid daylighting, i.e., development that requires the removal of trees adjacent to road rights-of-way. Existing tree canopies shall be retained wherever practicable.

§54-35. Reserved.

**ARTICLE VII
SPECIAL USE PERMITS**

§54-36. Special Permit Procedures.

A. Purpose.

On application and after public notice and hearing, the Planning Board may authorize by resolution, the issuance in any district of a special permit exclusively for those uses that require such a permit under this local law. In authorizing the issuance of a special use permit, the Board shall take into consideration the public health, safety, and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives:

1. All proposed structures, equipment, or material shall be readily accessible for fire and police protection.
2. In its proposed location, the special use is of such size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties or the intent with respect thereto of the officially adopted Comprehensive Plan of the Village, if one is in existence.
3. Pedestrian and vehicular traffic to and from the use, and the assembly of persons in connection therewith, will not be hazardous or inconvenient or incongruous with the area or conflict with the normal traffic in the neighborhood.
4. The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or diminish the value thereof.
5. The Planning Board may require as a condition of any special use permit the preservation of historic, scenic, or architectural features that may exist on the project site and are an essential character of the Village's environment. These shall include old barns, stone walls, tree rows, historic buildings, and the like.

B. Application. Application for a special permit pursuant to this local law shall be on forms prescribed by the Planning Board. Such application shall accompany the application for site plan approval. The special use permit application and site plan application may be processed concurrently. Fees for the special use permit application shall be in accordance with the Standard Schedule of Fees of the Village of Sloatsburg. Every application for a special permit shall contain all the data required in connection with an application for site plan approval unless otherwise noted herein except that the Planning Board may waive the submission of information that is deemed to be superfluous and not required in making its decision on the special use permit application.

C. Public Hearing Required. The Planning Board shall conduct a public hearing within sixty-two (62) days from the day a complete application is received. Public notice of the hearing shall be printed in a newspaper of general circulation in the village at least five days prior to the date thereof. The Planning Board shall decide upon the application within sixty-two (62) days after the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.

- D. Notice to Applicant and Rockland County Planning Department. At least ten (10) days before the public hearing, the Planning Board shall mail notices thereof to the applicant and to the Rockland County Planning Department, as required by section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in section 239-m. The Rockland County Planning Department shall have thirty (30) days to review the full statement of the proposed action.
- E. SEQRA. The Planning Board shall comply with the provisions of the New York State Environmental Quality Review Act under article 8 of the Environmental Conservation Law and its implementing regulations.
- F. Decision.
 - 1. In authorizing the issuance of a special use permit, the Planning Board has the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement officers of the village.
 - 2. The Board may require, as a condition of the issuance of any special permit, that it be periodically renewed, or may issue a special permit for a specific period of time, subject to adequate guarantee that the use covered will be terminated at the end of the period specified or such extension as may be granted by said Board. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. In such cases, a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of the said permit.
- G. Decision to be Filed. The decision of the Planning Board on the application after holding of the public hearing shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.
- H. Area Variance. Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals without the necessity of a decision or determination of an administrative official charged with the enforcement of this zoning local law.
- I. Existing Violation. No special use permit shall be issued for property where the Building Inspector has found a violation of this local law, and where such violation has not been corrected, unless the granting of a special use permit and site plan approval will result in the correction of said violation.
- J. Deemed to be Conforming. Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which said use is located, provided that the permits shall be deemed to affect only the lot or portion thereof for which a special use permit shall have been granted.
- K. Expansion of Special Use. The expansion of any special use shall require reapproval of

the special use permit by the Planning Board in accordance with the procedures set forth herein. For purposes of this section, expansion shall be interpreted to mean an increase in the area allocated to the special use, an increase in development coverage, or an increase in the intensity of the use, e.g., an increase in traffic or need for on-site parking.

- L. Expiration of Special Use Permit. A special use permit shall be deemed to have expired if said use ceases operation for a time period equal to or greater than twelve (12) consecutive months for any reasons, or of construction, in accordance with the conditions of the special use permit, is not completed within eighteen (18) months from the date of issuance. In addition, the special use permit shall be expired if all improvements are not maintained and all conditions and standards complied with throughout the duration of the special use permit.
- M. Renewal. As a condition of approval, the Planning Board may require that special use permits be renewed periodically. Thirty (30) days prior to the expiration of a special use permit, the applicant shall apply to the Building Inspector for renewal of the special use permit. The Building Inspector shall inspect the premises to verify that the conditions of the permit have been met. Upon a finding that there are no violations and no complaints have been lodged against the applicant, the special use permit shall be renewed for a time period equal to the original special use permit approval. However, where the Building Inspector finds that the applicant is in noncompliance of the special use permit, or that complaints have been lodged against the applicant, then such renewal shall require Planning Board approval and may be granted only following due notice and hearing. Renewal may be withheld upon a determination by the Planning Board that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the permit have not been or are being no longer complied with. In such cases, a period of sixty (60) days shall be granted the applicant for full compliance prior to revocation of the permit.

§54-37. Individual Standards for Special Uses.

In addition to the general objectives set forth above, the following requirements shall apply to special uses.

- A. Adaptive Reuse of Historic Buildings.
 - 1. The purpose of this special use permit is to allow alternative uses that may not be allowed as a permitted or special use permit within an applicable zoning district, but that may be developed for a use set forth in this section upon a findings that the adaptive reuse of an existing building would result in the preservation of a historic building, or would improve the appearance of an building determined to be important to the Village. This special use shall be allowed within any zoning district.
 - 2. The historic building shall be listed on the National Register of Historic Places, the State Register of Historic Places, or listed in the Village of Sloatsburg Comprehensive Plan as a historic resource, or shall be eligible to be listed on any of the foregoing registries.
 - 3. The minimum lot area shall be 10,000 square feet.
 - 4. Adaptive reuse of the structure shall be limited to the following uses:
 - (a) Professional office use.
 - (b) Arts and crafts studio and retail use expressly related to the sales of

- crafts made therein.
- (c) Standard restaurant.
- (d) Bed and breakfast.
- (e) Museum or art gallery.
- (f) Any use, in the Village Board's sole discretion, that the Board determines would be reasonable for the location in which the use would be situated. The Village Board shall, by resolution, determine that the proposed use accomplishes the benefits noted above.

5. There shall be no exterior alteration of the structure except where said alteration makes the building or property consistent with its original historic character. The Planning Board may require that the building be improved to appropriate design standards as a condition of approval.
6. The Planning Board has the discretion to disapprove any use set forth above. The use shall not create or introduce traffic or be located on roads with inadequate pavement widths, lighting, noise, parking demand, or other operational characteristics that would impact adjoining properties, especially those in residential use. The Planning Board shall determine that the use can be furnished adequate water supply and that adequate wastewater treatment facilities are available.
7. No exterior illumination of parking areas or the building shall occur between the hours of 11 PM to 6 AM, except where the Planning Board finds that said illumination would not impact adjoining use.

B. Animal hospital or veterinarian services.

1. The Planning Board may permit outdoor exercise pens or runs, provided it finds that the animal hospital or veterinarian services is so located so as not to generate adverse noise impacts to any residential use that may be located within two hundred (200) feet of any lot line. Structures shall not produce dust or generate odors beyond the property lines.
2. Outdoor exercise pens shall be located no closer than two hundred (200) feet to any lot line and shall be allowed in the rear yard only.
3. Outdoor exercise pens shall be located no closer than two hundred (200) feet from any lot within a residential zoning district.
4. The minimum lot area for an animal hospital or veterinarian service with outdoor pens or runs shall be 60,000 square feet.
5. Outdoor structures shall be fully enclosed by a fence or by other means suitable to the Planning Board to prevent the escape of animals.
6. The Planning Board may set limits on the types of species which may be housed outdoors based on consideration of the health, safety and welfare of neighborhood in which it shall be located.
7. Except for exercise pens and runways, all other activities shall be conducted in a fully enclosed building that shall be adequately soundproofed.
8. Nothing herein shall permit the outdoor boarding of animals on a temporary or permanent basis.
9. The special use permit shall stipulate the maximum number and type of animals to be boarded, harbored or trained in connection with the operation of the animal hospital.
10. Nothing herein shall permit the internment of animals or animal remains on the premises.

C. Automotive sales and repair, pre-existing.

1. The Village of Sloatsburg is located within the Ramapo River sole source aquifer which is a primary drinking water supply for not only the Village but the bi-state New York/New Jersey region. As a land use policy, the Village discourages the introduction or expansion of uses that have the potential to impact this drinking water resource. Consistent with the Village's objective to protect this resource, no automotive sales and repair uses or the sale of gasoline or other fuels is permitted. Any use in existence on the effective date of this zoning law shall be permitted to continue, but shall not be expanded and any activities associated with these uses shall be conducted in accordance with these special use permit standards.
2. The minimum lot size for such facility shall be twenty thousand (20,000) square feet and the minimum street frontage shall be one hundred fifty (150) feet.
3. The storage, repair, or maintenance of motor vehicles, except drives giving access thereto, shall not be conducted in any required yard.
4. No fuel pump shall be located within twenty (20) feet from any side lot line nor within 50 (50) feet of any right-of-way line.
5. No access drive shall be within two hundred (200) feet of and on the same side of a street as a school, public library, theater, church or other public gathering place, park, playground or fire station, unless a street fifty (50) feet or more wide lies between such facility and such building or use.
6. All repairs and body and fender work shall be done within a completely enclosed building.
7. Entrance and exit driveways shall have a width not to exceed ten (10) feet per lane and shall be located not nearer than twenty (20) feet from any property lines. Driveways shall be designed as to avoid the necessity of any vehicle to back out across any portion of the public right-of-way
8. There shall be no exterior display of articles, parts or supplies for sale.
9. There shall be no exterior overnight storage of vehicles, except for a day at a time.
10. Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.
11. All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
12. Where said use abuts a property in a residence district, a combination buffer and screen shall be provided on the lot line adjoining the residential property. A solid, six-foot high fence shall be erected along the lot line within a 10-foot landscape strip that shall be planted with a combination of deciduous and evergreen tree and shrub plantings. Where the Planning Board finds that the fencing is necessary to be located in a required front yard, it may allow the additional fence height which may exceed the requirement set forth elsewhere in this zoning local law.
13. A 3-foot berm within a 5-foot landscape island protected by concrete curbs shall be provided within the front yard of the lot to screen views of the proposed use.
14. The design of the proposed use shall be made consistent with the village character of the Village of Sloatsburg. To that end, the vehicle service station shall be designed to limit visibility of paved surfaces within the front yard. Emphasis will be placed on bringing any building to the front of the property, with

the canopy structure placed to the side. The entry to the principal building shall be from the front lot line and additional entries may be located in the vicinity of the fuel service area. The ground area in front of the principal building shall be landscaped in a combination of grass and shrubs. The architecture of the service building and canopy shall be decorative and made consistent with the prevailing architecture in the neighborhood and shall be subject to Architectural Review Board approval.

15. Any approval from a state agency regulating these uses shall be made a condition of the special use, and any condition established by these agencies may be made a condition of the special use permit.

D. Bed and breakfast.

1. Signs shall be limited to one indirectly illuminated identification sign with an area no larger than ten (10) square feet. Said sign shall be located no closer than five (5) feet from the street line unless attached to the principal building or to a fence. Illumination shall be prohibited after 11 PM.
2. Off-street parking located within 25 feet of a property line adjoining a residential use shall be screened from view to the satisfaction of the Planning Board as determined during site plan review. Parking shall not be permitted in a front yard or within ten (10) feet of any lot line. Parking areas for guests may be left unpaved if covered with decorative stones, semi-pervious pavers, or structurally reinforced grass areas. Lighting of parking areas shall be supplied by decorative freestanding lamps of a design acceptable to the Planning Board during design review and floodlamp illumination of parking areas is prohibited except by motion sensing security lamps. No lamp shall cause any glare beyond the property lines.
3. A bed-and-breakfast shall be occupied year round as the primary residence of the owner. Boarders or renters, and home occupations shall be prohibited on lots occupied by a bed-and-breakfast use.
4. The maximum length of stay of any one (1) guest shall be limited to seven (7) days in any 30-day period. The owner/operator shall maintain a guest registry logging the arrival and departure of all guests. The guest registry shall be available for review at any time by the Building Inspector.
5. The serving of meals shall be limited to breakfast and snack service for guests. The bed and breakfast shall receive all applicable permits from the Rockland County Department of Health. Under no circumstance shall kitchenettes be installed in any guest room.
6. Occupancy of a bed and breakfast shall be limited to a maximum of ten guests, including children. Each guest room shall be occupied by no more than two persons over the age of twelve. The number of guest rooms shall be limited to a total of five. A minimum of one bathroom per two bedrooms shall be provided and no bathroom facility used regularly by residents shall serve a guest room.
7. An internal floor plan shall be submitted with the special use permit application illustrating the locations of fire suppression equipment and emergency egress required by this zoning law or the NYS Uniform Fire Prevention and Building Code. The plan shall be submitted for comment to the Fire Inspector and safety improvements may be required as a condition of special permit issuance.
8. The proposed bed and breakfast shall be in compliance with all applicable building, fire, electrical, health and other safety codes.
9. Active recreational activities and entertainment shall be offered to guests only.

Outdoor active recreational activities shall be screened from public view and from the view of neighboring residential lots and shall be subject to all applicable zoning requirements contained herein.

10. Use of the site as a bed-and-breakfast shall not cause any noise, odor, or vibration not customarily associated with a one-family dwelling.
11. The Planning Board, as a condition of approval, may require reasonable additional landscape screening to limit views of the use from the adjoining streets and dwellings.
12. Annual or periodic inspections shall be required to insure continuing compliance to all relevant regulations. Special permits shall require renewal every two (2) years after the date of initial issuance. No special permit shall be issued or renewed where the use of the lot as a bed and breakfast is not in conformance with this chapter, the Public Health Law, or the New York State Uniform Fire Prevention and Building Code.
13. No bed and breakfast shall cause a deterioration in the integrity and character of the residential neighborhood in which it may be located.
14. A bed and breakfast is to be operated as overnight accommodations for transient lodgers and shall not be construed to permit long-term residency, except for one family.

E. Business, medical, and professional offices.

1. The external appearance of the structure shall be consistent with the residence district in which it is located.
2. There shall be no exterior sign or display except as permitted in Article X.
3. The minimum lot size for the conduct of these uses shall be 10,000 square feet. More than one principal building is permitted per lot.
4. The maximum FAR for a business, medical or professional office that is allowed by special use permit in a residence or mixed use district shall be the FAR established for one-family detached dwellings.
5. No parking shall be located within ten (10) feet of a lot line nor within any required front yard.
6. No outdoor storage shall be permitted.
7. Nothing herein shall permit the parking or storage of heavy equipment, vehicles, commercial vehicles, or materials associated with construction trades.
8. The Planning Board shall require adequate landscaping to screen parking areas year round from any adjoining residential use.
9. Lighting of parking areas shall be supplied by decorative freestanding lamps of a design acceptable to the Planning Board during design review and floodlamp illumination of parking areas is prohibited except by motion sensing security lamps. No lamp shall cause any glare beyond the property lines. Illumination shall be prohibited after 11 PM.
10. Use of any lot as an office shall not cause any noise, odor, or vibration not customarily associated with a one-family dwelling.

F. Child day care center

1. The application shall be accompanied by a narrative describing the anticipated occupancy of the facility by age group, i.e., infant, toddler, school age children, and the hours of operation of the facility.
2. A preliminary floor plan shall be submitted. The interior layout and design

requirements shall conform to standards promulgated by New York social services law regulating these facilities.

3. The applicant shall obtain all licenses, certifications or approvals required to operate said facility as a condition of the special use permit.
4. Parking. In addition to the parking requirements specified in the Use and Bulk Requirements table, additional parking spaces shall be provided for drop-off and pick-up of children at a rate of one (1) parking space per twenty (20) children. The spaces shall be provided along an internal driveway or in a parking area dedicated to such purposes and approved by the Planning Board. The drop off location shall be clearly posted with appropriate signage or pavement markings. Fire lanes shall not be used as drop-off locations.
5. A minimum outdoor play area of one hundred twenty-five (125) square feet per child shall be provided. Outdoor play areas shall be located a minimum distance of thirty (30) feet from any side or rear lot line. Play areas shall not be located in the front yard. The Planning Board may modify the area requirement to apply only to the largest age group enrollment scheduled to use the outdoor play area at any one time. Outdoor play areas shall be directly accessible to the principal building, and shall not require crossing any street, driveway, or parking area for access.
6. Minimum indoor area. A minimum indoor play area of thirty-five (35) square feet per child shall be provided in accordance with the New York State social services law regulating child day care centers. Areas used for large motor activities, staff lounges, storage spaces, halls, bathrooms, kitchens, and offices shall not be included in the calculation of the thirty-five (35) square feet per child requirement.
7. Noise and visual screening. The facility shall be operated in a manner that minimizes any noise or visual impacts to adjacent residential uses. Noise shall be minimized and visual screening provided by a combination of a berm, fencing and landscape materials. Consideration shall be given to situating the building and play areas on the site in a manner such that the building blocks or attenuates noise generated from the outdoor play areas.
8. Security. To ensure adequate safety to the occupants of the facility, the applicant shall demonstrate that reasonable measures shall be implemented to secure the facility from entry other than employees, children being cared for, and their parents or guardians. Security measures may include, but are not limited to, appropriate locations for lighting and internal security systems.

G. Country inn and dude ranches.

1. Accessory uses may include the following: conference center, dining rooms, banquet hall, indoor fitness center, administrative offices, hiking and horse trails, tennis or other paddle courts, swimming pool, or clubhouse. A minimum of 250 square feet of recreational space shall be provided per guest unit. Use of the recreational facilities by non-overnight guests (the general public) is not permitted.
2. The maximum number of guest units permitted shall be one guest unit per 10,000 square feet of lot area and shall not exceed an occupancy of twenty (20) guests. Kitchenettes shall not be permitted in individual guest units.
3. Country inns and dude ranches are subject to Architectural Review Board approval. An application shall be accompanied by architectural renderings and building elevations depicting the architecture and design of the facility. The design of said facility shall be such that the color, character, and scale of

structure(s) does not have a negative impact on its environment. The colors shall be subdued and earthtone to minimize visibility.

4. Signage shall be subdued in color, and use of stone or wood shall be used in its construction. One (1) monument sign, not to exceed fifty (50) square feet, is permitted. Interior directional signs shall be approved as part of the special use permit.
5. The Planning Board shall limit the location and time of exterior lighting in order to protect the night sky, particularly for adjoining dwellings.
6. The maximum lot coverage shall not exceed thirty percent (30%).
7. The maximum FAR shall not exceed 0.25.
8. The maximum building height shall not exceed 2.5 stories, or 35 feet.
9. The country inn and dude ranch provide overnight accommodations for transient lodgers, and nothing herein shall be construed to permit long-term institutional or residential occupancy under this special permit.

H. Drycleaning establishments.

1. The drycleaning process shall use non-hazardous cleaning processes only, e.g., carbon dioxide cleaning process. The Applicant shall demonstrate to the satisfaction of the Planning Board that the processes involved in the drycleaning or other cleaning processes shall not introduce hazardous substances into the waste stream discharging either to a private or public sanitary system.
2. Perchloroethylene or petroleum-based dry cleaning systems are prohibited.
3. Tailoring services shall be allowed accessory to a drycleaning establishment.
4. Non-public laundry, water-based machines may be allowed.
5. If individual on-site waste disposal systems are used, the Applicant shall demonstrate that the septic system can handle the waste load associated with the drycleaning operation.
6. The application shall conform to all other applicable state, county, and local regulations applicable to said use.

I. Freight transportation centers such rail freight terminals and truck freight terminals.

1. Said use shall only be permitted where a state or county road provides primary access to the property on which it is situated.
2. There shall be no maintenance, repair or storage of commercial vehicles on the site.
3. Adequate off-street parking and loading space shall be provided.
4. The facility is necessary to serve industries located in the Village of Sloatsburg.
4. No access drive shall be within two hundred (200) feet of and on the same side of a street as a school, public library, theater, church or other public gathering place, park, playground or fire station, unless a street fifty (50) feet or more wide lies between such freight transportation center facility and such building or use.
5. No vehicles shall be parked within 25 feet of any lot line.

J. Funeral home.

1. The following activities are permitted in conjunction with a funeral home: embalming and performance of other services used in the preparation of the dead for burial; the performance of autopsy and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage

- of funeral vehicles; and facilities for cremation.
2. A funeral home may be permitted one dwelling that shall be occupied by the owner operator exclusively.
 3. The use shall be located in a dwelling existing at the time of the adoption of this local law.
 4. The exterior appearance and existing residential character of the building shall not be altered except for necessary business signs and parking or driveway facilities.
 5. Provision shall be made for processing and preparation of bodies, and the method of providing adequate sanitary facilities and the disposition of waste products shall be approved by the Planning Board.
 6. The minimum lot area for a funeral home shall be 40,000 square feet.
 7. The Planning Board shall make a determination that sufficient on-site parking may be provided in conjunction with the use. Where a funeral home is located in an area of the Village that permits on-street parking, the Planning Board may permit a portion of the parking demand to be met by on-street parking, not to exceed 25 percent of the total parking demand.

K. Home occupation.

1. Criteria and Standards. The following criteria and standards apply to home occupations and shall be used to determine whether a home occupation requires a special use permit in accordance with the regulations set forth in this Article (see also definitions section of this zoning law):

	Exempt Home Occupation	Minor Home Occupation	Major Home Occupation
Where Permitted	Permitted in any dwelling within any residence or mixed use district.	Permitted in a one family detached, one family attached, two-family, and multifamily dwelling within any residence or mixed use district.	Permitted in a one-family detached dwelling in any residence or mixed use district.
Maximum Number of Employees	Nonresident employees are not permitted.	Maximum of one (1) nonresident employee permitted.	Maximum of two (2) nonresident employees permitted.
Maximum Number of Visitors/ Customers	The total number of visitors/customers shall not exceed one (1) person per day.	The total number of visitors/customers shall not exceed one (1) person in any hour.	The total number of visitors/customers shall not exceed two (2) persons in any hour.
Maximum Number of Deliveries	The number of deliveries or pick-ups to and from the dwelling shall not exceed one (1) trip per week.	The number of deliveries or pick-ups to and from the dwelling shall not exceed one (1) trip per week.	The number of deliveries or pick-ups to and from the dwelling shall not exceed two (2) trips per week.
Required Off-Street Parking	No additional parking required.	One (1) off-street parking space per nonresident employee plus one (1) parking space per visitor,	One (1) off-street parking space per nonresident employee plus one (1) parking space per visitor, in

	Exempt Home Occupation	Minor Home Occupation	Major Home Occupation
		in addition to parking required for the dwelling.	addition to parking required for the dwelling.
Maximum Number of Commercial Vehicles	No commercial vehicle is required or stored on the property in the conduct of the home occupation.	No commercial vehicle is required in the conduct of the home occupation	A maximum of one (1) commercial vehicle is permitted in the conduct of the home occupation registered to the owner occupant and shall be stored within a garage or other enclosure overnight.
Permitted Signs.	One (1) non-illuminated identification sign identifying the resident occupant, posted in conjunction with door bells or mailboxes, not exceeding a total of thirty (30) square inches in surface area.	One (1) non-illuminated identification sign identifying the resident occupant, posted in conjunction with door bells or mailboxes, not exceeding a total of thirty (30) square inches in surface area.	One (1) non-illuminated identification sign identifying the resident occupant, posted in conjunction with door bells or mailboxes, not exceeding a total of thirty (30) square inches in surface area, plus one (1) nonilluminated professional nameplate which shall not exceed two (2) square feet in area.
Conditions of Approval	Not Applicable.	Not Applicable.	The Planning Board may impose conditions on the operation of the home occupation, including hours of operation including visitations and deliveries, where said conditions are necessary to protect the health, safety and welfare of the occupants or the residential neighborhood in which said home occupation shall be located.

2. Criteria and Standards applicable to all home occupations. The following criteria and standards apply to exempt, minor and major home occupations.
- (a) **Size.** A home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling or five hundred (500) square feet, whichever is lesser.
 - (b) **Accessory Building.** A home occupation shall not be permitted within a detached accessory building.
 - (c) **Exterior Appearance.** In no manner shall the appearance of the building be altered, nor shall the occupation within the dwelling be conducted in a

manner that would cause the premises to lose its residential character, either by the use of colors, materials, construction or lighting. No display of products shall be visible from the street, and no stock in trade shall be kept on the premises.

- (d) Performance Standards. No home occupation shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard or any other nuisance that is perceptible beyond the lot lines. No toxic, explosive, flammable, combustible, corrosive, disease carrying, radioactive, or other restricted materials shall be used in the operation of a home occupation.
- (e) Prohibited Uses. Home occupations shall in no event be deemed to include: adult entertainment or sexually-oriented businesses, animal hospitals, kennels, the commercial boarding of animals, barbershops, beauty parlors, clinics or hospitals, dancing schools, mortuaries, nursery schools, clubs, any automotive-related repair or retail sales, restaurants, taxi operators or dispatchers, limousine services exceeding one (1) vehicle, tow-truck services, tractor trailer operations or parking, tattoo parlors, therapists not licensed by the State of New York, bed and breakfasts, rooming houses or boardinghouses and uses similar to those listed above.
- (f) Storage. There shall be no exterior storage of materials, equipment, vehicles or other supplies to be used in conjunction with the home occupation.
- (g) A home occupation shall meet the requirements set forth in the New York State Uniform Fire Prevention and Building Code.
- (h) Deliveries. For purposes of this section, deliveries shall not include the regular delivery of U.S. Mail, or by package carrier (e.g., United Parcel Service or FedEx).

L. Minor wholesale business, provided inventory and business commercial vehicles are stored in a completely enclosed building, as follows:

- 1. The Planning Board shall determine that the business is sufficiently distant from any adjoining residential use so as not to cause any detrimental noise, lighting, traffic or similar impacts.
- 2. Nothing herein shall permit the parking of heavy construction vehicles or equipment outside the principal building.
- 3. The minimum lot area for said use shall be 20,000 square feet, and the lot coverage shall not exceed thirty-five percent (35%).
- 4. No parking shall be permitted within a required front yard and parking, drives, and other impervious surfaces shall be set back a minimum distance of 20 feet to any lot line. The space between the parking, driveways, and impervious areas shall be screened from view of any existing residential uses that may adjoin the property. The Planning Board may require the installation of evergreen landscaping, a solid fence, or any combination thereof to screen the use from adjoining residential uses.

M. Mixed residential/nonresidential uses.

- 1. Residential uses shall not be permitted on the ground floor level of any mixed use building.
- 2. The gross floor area of any dwelling in a mixed use building shall be 850 square

- feet. All dwellings shall have a minimum of one bedroom per dwelling.
3. Only nonresidential uses shall be allowed that are otherwise allowed as permitted or special uses in the applicable zoning district.
- N. Movie theater, skating rinks, bowling alleys and similar amusements, provided that fixed or mechanical games such as pinball or video game machines are only incidental to the primary amusements.
- O. Multifamily dwellings consisting of no more than four dwellings in any one building.
1. The residential density shall be one dwelling unit per 10,000 square feet of minimum lot area.
 2. Dwellings may be one-family attached or multifamily dwellings.
 3. The development's site elements and building architecture shall be subject to Planning Board approval. The buildings shall be designed to fit into the rural woodland Village character of Sloatsburg.
 4. The maximum impervious coverage shall be 40 percent of the minimum lot area.
 5. Multiple principal buildings shall be permitted, and shall be setback from one another a distant of 35 feet.
 6. No building shall exceed 120 feet in building length. More than one principal building per lot is permitted.
 7. No parking areas or private garages shall be visible from any public street and shall not be located within the front yard of the tract on which the use shall be located.
 8. The minimum habitable area for each dwelling shall be as follows:
 - (a) One Bedroom Dwelling – 900 square feet
 - (b) Two Bedroom Dwelling – 1,250 square feet
 - (c) Three Bedroom Dwelling – 1,400 square feet
 - (d) Four bedroom dwellings shall not be permitted.
 9. A minimum of two parking spaces shall be provided per dwelling unit, plus an additional one parking space shall be provided for every three dwellings or fraction thereof for visitor parking.
 10. A landscaping plan shall be submitted as part of the site plan application.
 11. Dwelling units shall be provided with accessory patios or porches a minimum of 100 square feet in area. Accessory outdoor recreational facilities shall be provided for any development consisting of at least ten dwelling units. The amount and type of recreation facilities shall reflect the intended household occupancy of the dwellings (.e.g, seniors, family), in consultation with the Planning Board. Accessory outdoor recreation areas may include trails, pools, clubhouses with exercise equipment, etc., and the area dedicated to said use shall be no less than 100 square feet per dwelling unit.
 12. Within the MU-1, MU-2 and VC-1 zoning districts, it is the Village's intent to protect and preserve the existing residential buildings in these zoning districts. Nothing herein is intended to encourage the demolition of existing buildings, and an applicant, to the maximum extent, shall adaptively use existing buildings for this proposed use. The Planning Board may deny an application where it determines that the proposal would result in the demolition of an existing building that contributes positively to the Village's character and which may be adaptively reused and rehabilitated for this use.

P. Museum, art gallery or community center, whether or not operated for profit; noncommercial club, lodge or fraternal organization.

1. The use shall be located on a lot with a minimum lot area at least twice the minimum lot area for a one-family dwelling in the zoning district in which it is situated, but in no event shall the minimum lot area be less than 20,000 square feet.
2. The Planning Board may establish limitations on the hours of operation.
3. All parking areas and drives shall be screened from adjoining existing residential uses or any lot in a residence district.
4. Parking shall be setback at least twenty (20) feet from the nearest lot line, and shall not be permitted in the required front yard.

Q. Outdoor dining area.

1. An outdoor dining area is allowed accessory to a restaurant or other food establishment operating with a valid certificate of occupancy, and shall be permitted on the ground floor only. The outdoor dining area shall be operated by the owners or tenants of the restaurant or food establishment to which it is accessory.
2. An outdoor dining area shall meet all yard and other requirements applicable to the principal use.
3. Each application must include a sketch plan or drawing to scale depicting the area to be occupied by the outdoor dining area and shall set forth the total seats proposed in the area.
4. The outdoor dining area shall not exceed one-half the interior seating area of the food establishment.
5. The dining area shall be temporary, such that posts, chairs, tables, planters, and other equipment can be removed when not in use. All equipment, chairs, tables, and other furnishings shall be maintained by the Applicant.
6. The Applicant shall be responsible for maintaining a clean area free of food, drink spills, litter and other debris.
7. Adequate off-street parking must be provided for any additional tables operated by the restaurant, in accordance with this zoning local law.
8. No additional signs shall be permitted for an outdoor dining area.
9. Restaurants serving alcoholic beverages in conjunction with food sales shall demonstrate that the operator can contain and control distribution to the outdoor dining area. The main entry shall have a control point as may be required by state liquor law.
10. Live music will not be performed nor loudspeakers be played in the outdoor dining area.
11. Trash cans, fire hydrants, crosswalks, etc., shall not be obstructed.
12. Umbrellas over tables shall not project into pedestrian walking areas.
13. The special use permit shall be renewed annually.
14. The Applicant is required to obtain any permits that may be required by the county or state health department or other applicable agencies.
15. The outdoor dining area shall not be located within a public right-of-way.
16. The Planning Board may deny a special use permit where it finds that the outdoor dining area would have a detrimental effect on adjoining residential uses.

R. Nursery (garden) and garden center.

1. One principal building is permitted on any lot and is not allowed to exceed the floor area ratio or lot coverage requirement for a one-family dwelling permitted in the zoning district in which it is to be located. Retail sales shall be limited to the sale of nursery and garden center products.
2. Greenhouses shall be allowed as accessory structures, provided that same shall store plants during growing seasons only.
3. No storage of heavy equipment or materials is permitted unless the Planning Board finds that the storage and operation of same will not impact adjoining dwellings.
4. The Planning Board may establish conditions for the maximum number of commercial vehicles that may be stored on the premises and establish minimum setbacks for same.
5. Only plant material and soil and mulch shall be allowed to be stored outdoors, and shall be setback no less than 20 feet from any lot line.
6. Parking shall not be permitted within any required front yard.

S. Outdoor storage accessory to a principal use in the IP district.

1. Outdoor storage screening shall be a minimum of eight (8) feet and a maximum of 12 feet high. The height shall be determined by the height of the material being screened. Exterior storage should be confined to portions of the site least visible from the public view.
2. Where screening is required, a combination of elements shall be used including solid masonry walls, berms, and landscaping. Chain link fencing with wood or metal slatting is an acceptable screening material only for areas of a lot not visible from the public street, otherwise, decorative grill fencing should be used.
3. Any equipment, whether on the roof, side of buildings, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.
4. The maximum height of stockpiled materials shall be determined based on consultation with the Sloatsburg Fire Department, but in no event shall exceed 30 feet, provided the height can be screened from view of any adjoining residential property or any public street.

T. Public utility substation.

1. There shall be a showing that such facility is essential to serve the Village of Sloatsburg, that it cannot be located in any other type of district and that, if housed in a structure, that it harmonizes with the character of the neighborhood and has adequate visual barriers and safety devices, adequate screening and landscaping and meets all other requirements of this local law.

U. Refuse vehicles and refuse containers, storage and maintenance.

1. Application under this section shall be deemed to be a Type I action pursuant to Part 617 of the New York State Environmental Quality Review Act (SEQR).

2. There shall be no on street parking of vehicles allowed.
3. There shall be no solid waste or garbage stored on site.
4. Adequate off-street parking spaces for employees must be provided as determined by the Planning Board.
5. The minimum lot size for such facility shall be 4 acres and the minimum street frontage shall be 150 feet.
6. There shall be no exterior overnight storage for vehicles.
7. Fire protection must be provided by sprinkler system throughout the facility whether building is an existing structure or new construction.
8. The property shall be adequately screened and landscaped in a manner to be determined by the Planning Board.
9. The Planning Board shall require adequate safeguards for any abutting residential zone which mitigates adverse environmental and aesthetic impacts on the site.
10. A buffer zone of at least 150 feet must be established between the front, rear or side yard of the main structure or accessory structure which borders any residential district or use.
11. The outdoor maintenance, washing and repairing of vehicles, containers or equipment is expressly prohibited.

§54-38, 39. Reserved.

**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

§54-40. Supplementary Regulations Applicable to All Zoning Districts.

- A. Principal Buildings. Unless otherwise specified in this zoning local law, no more than one (1) principal building shall be located on any lot.
- B. Minimum Lot Frontage. No building permit shall be issued for the construction or the erection of any structure on any lot unless that lot has a minimum lot frontage that is at least fifty percent (50%) of the minimum required lot width for the applicable use and applicable zoning district, provided, however, that in no case shall the lot frontage be less than 50 feet.
- C. Visibility at Intersections. On a corner lot, no fence, wall, hedge or other structure or planting exceeding three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines or their projections where corners are rounded, and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines and/or projections.
- D. Encroachments in Required Yards.
 - 1. Projections
 - (a) Ordinary projections of window sills, belt courses, cornices, eaves and other similar architectural features shall be permitted to encroach no more than three (3) feet.
 - (b) An arbor, open trellis, flagpole, recreation and clothes drying equipment shall be permitted to encroach without limitation.
 - (c) An awning, movable canopy, entry steps, porches, or decks attached to the principal building shall be permitted to project not more than one-third (1/3) of the distance into any required yard.
- E. Accessory Buildings or Structures
 - 1. Except for fences, no accessory building or structure in any district shall be located in any front or required side yard, except in conformity with the district requirements.
 - 2. No accessory building or structure, if detached from any principal building, shall be located closer than ten (10) feet to any principal building.
 - 3. An accessory building shall be allowed in a rear yard or side yard other than a required side yard, subject to the following regulations:
 - (a) No accessory building or structure shall exceed one (1) story or 15 feet in height, whichever is lesser.
 - (b) The aggregate ground area covered by any accessory buildings or structures in a rear yard, including the ground area covered by any projections other than cornices and eaves, shall not exceed fifteen percent (15%) of the rear yard area in any residence district, twenty-five percent (25%) in any mixed use district, or fifty percent (50%) of the rear yard area in any non-residential district, and further provided that in no case shall this be deemed to allow any exceedance of the maximum lot

coverage applicable to the district in which the accessory building, structure or use is located.

- (c) No accessory building, structure or use associated with a residential use shall be located closer than five feet to any rear lot line, and no accessory building, structure or use associated with a nonresidential use shall be located closer than 15 feet to any rear lot line, except that any accessory use, structure or building within the IP or O district shall be located no closer 25 feet to any rear lot line.
- (d) Satellite receiving dishes shall not be located within any front yard or in any required side yard.

F. Height Exceptions

The height limitations of this local law shall not apply to the following structures:

- 1. Within any district, church spires, belfries, cupolas, and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads and other necessary mechanical appurtenances usually carried above the roof level, parapet wall or cornice for ornament. Said appurtenances shall not extend above such height limit more than fifteen (15) feet, nor cover more than 20 percent of the area of the roof of such building.
- 2. Within any residential district or associated with any residential use, radio or television receiving antenna accessory to a dwelling unit; except, however, that satellite receiving dishes shall be subject to height limitations.

G. Fences and Enclosure Walls. Unless otherwise specified in this zoning local law, fences and walls in a front yard shall not exceed four (4) feet in height, except that the maximum fence or wall height shall be limited to three (3) feet where the fence is located in a sight triangle. No fence or wall shall exceed six (6) feet in height along any other property line. The finished side of the fence shall face outward (to the exterior) and not to the interior of the lot. The fence or wall shall not be located on any property line, but shall be set back at least six (6) inches therefrom, or a greater distance where necessary to allow maintenance of the finished, exterior side of the fence. Where a fence is proposed to be constructed on top of a berm or wall, the fence's height shall be deemed to be the total height of the berm/wall and fence. A variance shall be required where the height of the berm/wall and fence exceeds the maximum heights established herein. Retaining walls are regulated in accordance with the design standards contained in §54-40.N., Retaining Walls, and §54-55.J., Steep Slope Design Standards, of this zoning law.

H. Buffer Landscape Strips

- 1. On any lot in nonresidential use or proposed for nonresidential use directly abuts a lot in a residential district or an existing residential use in a mixed use district, there shall be provided a landscaped buffer strip not less than ten (10) feet wide immediately adjacent to said residential lot. Said strip shall not be used for storage of any material or goods, parking, driveways, or roads, and shall be suitably landscaped and provided with a solid fence or an all-weather screen of trees or hedge six (6) feet in height if located in a side or rear yard, and four (4) feet in height if located in a front yard. Such fence or hedge shall begin at a point no more than five (5) feet from the shared lot line and shall extend the full length

of same, except, however, that where necessary to provide adequate sight distance, the Planning Board may modify this requirement.

2. On any lot in a nonresidential zoning district abuts a lot in a residential district or an existing residential use in a mixed use zoning district, there shall be provided a yard of at least fifty (50) feet in width in the nonresidential district. In said yard a strip of twenty-five (25) feet abutting the residential district shall not be utilized for roads, driveways, parking or storage of any materials or goods and shall be landscaped and provided with a solid fence or an all-weather screen of trees or hedge at least six (6) feet in height along the full length of the shared lot, except, however, that where necessary to provide adequate sight distance, the Planning Board may modify this requirement.
3. Where a provision of any specific use or other requirement of this zoning law requires a greater setback or buffer landscape strip, the more restrictive shall apply.
4. The buffer strip requirement may be reduced to five (5) feet in the VC-1, VC-2, MU-1, and MU-2 districts, subject to Planning Board approval, where the Board finds that the standards set forth above are not practicable, and that a smaller buffer strip can still meet the intent of these regulations.

K. Inground Swimming Pools. The following standards shall apply:

1. An in-ground swimming pool may be installed or maintained in any residential district or in any non-residential district where specifically allowed as an accessory use.
2. When accessory to a one-family detached dwelling, said pool shall be located no less than twenty (20) feet from any lot line. For purposes of these regulations, said distance shall be measured from the open water portion of the pool. Where part of a camp facility or where used by multiple dwellings and available for use by multiple families, said pool shall be located no less than fifty (50) feet from any lot line.
3. No pool shall be located in any front yard.
4. Any filtration system and filter pumps or other mechanical devices shall be so located, constructed, screened and housed so that any noise associated with the operation of same shall not interfere with the peace, comfort, and repose of the occupant of any adjoining property.
5. Inground swimming pools shall be designed, installed, and secured in accordance with the New York State Uniform Building and Fire Prevention Code. Where there a conflict exists between the State Code and the requirements set forth herein, the more stringent shall apply.
6. A building permit shall be obtained from the Building Inspector.

L. Uses Prohibited in All Districts

Notwithstanding any other provision of this local law, uses with the following characteristics are prohibited in all districts:

1. Any use which is noxious, offensive, or objectionable by reason of the emission of smoke, dust, gas, odor, or other form of air pollution; or by reason of the deposit, discharge, or dispersal of liquid or solid wastes, in any form, in any manner or amount so as to cause permanent damage to the soil or any stream or to adversely affect the surrounding area; or by reason of the creation of noise,

vibration, electromagnetic or other disturbance perceptible beyond the boundaries of the lot on which it is situated; or by reason of illumination by artificial light or light reflection beyond the limits of the lot on, or from which, such light reflection emanates; or which involves any dangerous fire, explosive, radioactive, or other hazard, or which can cause injury, annoyance, or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety, or the general welfare.

2. The following uses are prohibited in all districts.

- (a) Open or partially enclosed storage of junk, refuse, paper, scrap metal, abandoned motor vehicles, automobile sales or storage lots, sanitary landfills, refuse transfer stations, nuclear power plants, construction and demolition debris landfills.
- (b) The cooking, distillation, processing and incineration of animal and vegetable products, including but not limited to brewery, distillery, food cannery plant, slaughterhouse, stockyards, fat rendering, soap manufacture, glue manufacture, tannery, paper manufacture, paint and varnish manufacture, creosote and creosote-products manufacture.
- (c) The production of corrosive and noxious chemicals, including but not limited to acids, acetylene gas, ammonia, chlorine, bleaching compounds.
- (d) The use of hammer mills, rolling mills or drop forges in any industrial process, and the testing or operation of jet engines and automotive screw machines.
- (e) The production, processing and storage of coal, coal tar, petroleum and asphalt products, including but not limited to coke manufacture, illuminating gas production, petroleum refining, bulk gasoline and petroleum storage, asphalt products, linoleum manufacture, oil cloth manufacture, roofing material manufacture.
- (f) The extraction, preparation and processing of dust producing mineral products, including but not limited to abrasive, cement, lime, fertilizer, plaster, crushed stone, stone-cutting products.
- (g) The smelting and reduction of metallic ores, including but not limited to blast furnace, open-hearth and electric furnace, nonferrous-metal smelter.
- (h) The manufacture and storage of explosive products, including but not limited to dynamite and commercial explosives, TNT and military explosives and fireworks.
- (i) Microwave receiving and transmitting towers.
- (j) Automobile washing facilities.
- (k) The use of truck trailers for the storage of inventory, product, materials, construction equipment or materials, production equipment or other matter not associated with the on-site construction activities.
- (l) Trailer camps and mobile-home parks are prohibited in all zoning districts.

M. Mobile (Manufactured) Homes. A mobile home shall be permitted on individual lots that otherwise permit one-family detached dwellings and shall be subject to all requirements that apply to one-family detached dwellings for the particular district in which the mobile home may be located. The mobile home shall be on a permanent foundation, and shall have physical characteristics consistent with the neighborhood in which same is located, such as a sloping roof, foundation landscaping, paved driveway, garage, and other site

elements.

- N. Retaining Walls. A retaining wall is defined as a wall used solely to retain more than 18 inches of material but not to support or to provide a foundation or wall for a building, or to solely provide an enclosure around a dwelling, and shall be subject to the following:
1. Retaining walls shall not exceed six (6) feet in height.
 2. Retaining walls shall conform to the standards in §54-55, Steep Slope Protection.
 3. Any retaining wall exceeding four (4) feet in height shall be reviewed and approved by the Village Engineer.
 4. Any retaining wall system that consists of a wall or series of walls that have a total height that exceeds twelve (12) feet shall be subject to review and approval by the Planning Board.
- O. Accessory mechanical equipment, utility hardware and waste storage areas. All mechanical rooftop equipment associated with any use other than a one-family detached or two-family dwelling shall be screened from view and shall not exceed ten percent (10%) of the rooftop on which it is located. Mechanical equipment or other utility hardware shall be harmonious with the building and shall be located and/or screened so as not to be visible from public rights-of-way. All refuse and waste storage areas shall be screened by vegetation or structural means or by locating said container in an area not visible from a public way. No front-end loaded refuse container(s) shall be located in a required front yard.

§54-41. Incentive Senior Zoning.

- A. Any applicant that proposes a residential development that consists of ten (10) dwelling units or more may apply to the Planning Board for an increase in the total number of dwelling units not to exceed an additional ten percent (10%) of the total number of dwelling units that the Planning Board has determined is the maximum dwelling unit yield that meets the requirements of this zoning law, and further provided:
1. The dwelling units shall be reserved for occupancy by senior households of moderate income;
 2. For purposes of this section, a senior household shall be deemed to be any household where at least one of the householders that resides in the senior dwelling unit is at least 65 years of age.
 3. Deed restrictions shall be implemented that ensure that the dwelling unit shall be inhabited by a senior householder, and that any future conveyances of the property shall be made to a senior householder only.
 4. The Village Board shall set the maximum income levels and maximum sales values of any senior dwelling units established pursuant to this section based on a determination of moderate income levels that are a proportion of the median household income applicable and appropriate to the Village of Sloatsburg or Rockland County.
 5. These provisions may be applied to any residential development proposed in a residence or mixed use zoning district.
 6. The Planning Board shall make a finding that the senior housing is appropriate for the location being proposed, taking into consideration such factors as traffic generation that would be created, environmental characteristics of the site to be able to support additional development, and other environmental considerations.

7. The type of housing constructed may be one-family detached, one-family attached, and multifamily dwellings subject to approval by the Planning Board. The Planning Board shall consider the appropriateness of the housing type, taking into consideration the surrounding neighborhood and the housing being proposed as part of the overall development within which the senior housing units would be located, so that the senior housing units are not incongruous with the neighborhood.
8. No senior dwelling shall contain less than 850 square feet of habitable living area or less than one bedroom per dwelling unit.

§54-42. Design Standards Applicable to all Residential Uses and Developments.

A. Except as provided herein, no building permit shall be issued under this zoning law for the construction, relocation or exterior alteration of any building for occupancy as a dwelling for a one-family dwelling within any development requiring subdivision of five (5) or more lots, or site plan approval from the Planning Board if the dwelling is or will be made or become similar or substantially similar to any neighboring building, as hereinafter defined. The Building Inspector may confer with the Planning Board when making such determinations. A one-family dwelling shall be deemed substantially similar to an adjoining dwelling if it shares three (3) or more of the following characteristics:

1. Substantially identical facade.
2. Height of the main roof ridge or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor.
3. Height of the main roof ridge above the top of the plate.
4. Length of the main roof ridge.
5. Width between outside walls at the end of the building measured under the main roof at right angles to the length thereof.
6. Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation.
7. In the front elevation, both:
 - (a) Relative location with respect to each other of the garage if attached, and porch if any, and the remainder of the building; and
 - (b) Either the height of any portion of the building located outside the limits of the main roof, as measured from the elevation of the first floor to the roof ridge or in the case of a flat roof the highest point of the roof beams, or the width of said portion of the building if it has a gable in the front elevation; otherwise, the length of said roof ridge or said flat roof in the front elevation.
8. Buildings shall be deemed to be similar to each other in any dimension with respect to which the difference between them is not more than two feet. Buildings between which the only difference in relative location of elements is an end-to-end or side-to-side reversal of elements shall be deemed to be similar to each other in relative location of such elements.

B. Architectural design features shall be used to create interest and variety and shall include staggered building setbacks, varied rooflines and roof designs, and alterations in building height. Decorative elements such as shutters, porches, balconies, cornice features and other design elements shall be incorporated into the design of the building.

- C. No flat roof structures are permitted.
- D. In order to promote a desirable visual environment in which architectural features such as entrance porches are highlighted and the negative visual impact of the automobile is reduced, the front wall of a garage shall be setback at least three (3) feet from the furthest front building wall or front facade of the one-family dwelling.
- E. Landscape Buffer Requirements.
 - 1. Buffer Areas. Buffer plantings shall be provided along any residential property that shares a boundary with a nonresidential property or district and shall be incorporated with existing vegetation to remain as undisturbed as follows:
 - (a) Landscaped berms shall be incorporated where deemed appropriate to accentuate the screening qualities of the landscaping proposed. Berms shall be a minimum of two feet in height, The width should vary with side slopes of 1 to 5 to 1 to 2, without adversely affecting natural drainage, existing vegetation to remain or slope retention;
 - (i) Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the grading and drainage plan.
 - (ii) The landscaping shall be designed to compliment the berms, if utilized, and shall be designed with a density to provide a continuous screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	3 inch caliper
Evergreen Trees	7-8 feet to 8-10 range
Shrubs	18-24 inches
 - (iii) The landscaping within the buffer area shall include a predominance of evergreens to provide buffering during the dormant seasons. The choice of landscaping shall also be designed to compliment the native vegetation of the area and seek to minimize potential impacts of deer browsing.
 - (iv) Landscaping shall be so designed to compliment the existing vegetation to remain if present subject to the approval of the approving authority of the Village.
- F. Streetscape. Any residential development consisting of two or more dwelling units that proposes roads or drives giving access thereto shall conform to the following requirements. The development shall include a cohesive thematic streetscape design that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. The streetscape shall include the following elements:
 - 1. The street lighting should incorporate the use of stylized light fixtures that complement the proposed building architecture. Stylized standards applicable from the local utility company may be utilized. The following standards shall

apply:

- (a) The light fixtures should incorporate photometric controls, which shield the source of lighting from adjacent buildings or properties;
 - (b) The height of the street lighting fixtures should be residential in scale and should not exceed an 18-foot mounting height;
 - (c) The lighting levels proposed should conform to all applicable ordinance standards provided herein.
2. Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
3. Shade trees. Shade trees shall be provided for all streets and parking areas and shall be in accordance with the following standards:
- (a) The shade tree planting layout should complement the overall theme for the development as a whole;
 - (b) Trees shall be placed in a 10 foot wide shade tree planting easement provided adjacent to the proposed street R.O.W. to the lot. The trees may be set in a formal arrangement or in an informal arrangement.
 - (c) Spacing between trees shall be determined based upon species and the desired theme. The spacing should range between 35 feet on center. There shall be a minimum average of two shade trees provided for each 70 feet of street frontage.
 - (d) There shall be several species of shade trees incorporated into the design of the overall project to avoid disease and insect manifestations associated with a monoculture.
 - (i) The choice of shade tree species should be based on form and on site conditions and shall be subject to the approval of the approving authority; and
 - (ii) Shade trees shall be a minimum of 3 inches in caliper.
- G. Lot Landscaping Requirements. Any residential development subject to subdivision or site plan approval shall include individual lot landscaping including shade trees, evergreen, ornamental trees and foundation plantings to offset the impact of tree removal to construct the proposed development and to establish screening and environmental benefits to each lot. The lot landscaping shall include at least the following elements:

<u>Description</u>	<u>Minimum Quantity</u>	<u>Minimum Size</u>
Shade Trees	2 per lot	2.5-3 inch caliper
Evergreen Trees	3 per lot	5-6 feet high
Ornamental Trees	1 per lot	5-6 feet high
Foundation Planting	Front Façade	18-24 inches

The quantities listed herein can be substituted with existing preserved vegetation on the lot, where applicable. All landscaped areas shall be adequately covered with mulch and all open areas shall be stabilized with turf.

§54-43. Adult entertainment use.

A. Purpose and Intent.

1. The Board of Trustees of the Village of Sloatsburg finds that the residents of the Village would find the operation of an adult entertainment use offensive.
2. The Board further finds that the operation of an adult entertainment use will generate auto traffic and activity in the Village from late afternoon until late at night. Late afternoon and evening traffic will impact on children traveling to and from school and recreational activities and late night traffic will impact on the rest of the Village residents.
3. The Board also finds that the operation of adult entertainment use is a regional business, and that the Village by itself cannot support such a use. A sexually oriented use will attract a clientele of primarily 21+ males, with undesirable criminal and disorderly conduct, including drug trafficking and prostitution, and a transient customer community without ties to the community.
4. Studies referenced by the Board, including "Report of the American Center for Law and Justice of the Secondary Impacts of Sexually Oriented Businesses" , by the Environmental Research Group, found that sexually oriented uses have a "negative halo effect " that discourages people who are offended by said uses from frequenting other businesses in their vicinity. This will have a disproportionate impact in a small community, where the "negative halo" can encompass the entire downtown.
5. Sloatsburg has shorter hours and fewer days of business activity than a larger town or city, providing uncontrolled semi-private spaces, such as parking lots and recessed storefronts, for illicit activity.
6. The commercial area in the Village is very narrow, in almost all cases being only one lot deep along the Route 17 corridor, and because of historic settlement patterns, residential uses are interspersed with commercial uses everywhere. This makes most of the Village's business zone unsuitable for sexually-oriented business, because of the proximity of residential activity. The Board finds that it is essential to the peace and quiet of residential uses that they be buffered from any sexually-oriented uses.

B. Locational Requirements

1. Adult uses shall be permitted only in the IP zoning district, subject to the following standards:
 - (a) Adult uses are prohibited on any property whose boundary is within:
 - (i) 100 feet of any Village zoning district which is zoned to allow residential use or any one-family, two-family, or multifamily dwelling in the Village of Sloatsburg;
 - (ii) 100 feet of any public or private school, library or day care center;
 - (iii) 100 feet of any place of worship;
 - (iv) 100 feet of any public park, public bike path, playground, playing field, cemetery, civic or recreational facility;
 - (v) 100 feet of a state highway; or
 - (vi) 750 feet of any other existing adult entertainment use.

- (b) No more than one adult use shall be located on any lot.
- (c) The use shall obtain access solely from a county road.
- (d) The distances provided hereinabove shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel of property or the land use district boundary line from which the adult use is to be separated.

C. Other requirements.

1. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not operating as an adult entertainment use. This provision shall apply to any sign, show, window, or other opening.
2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.
3. Adult uses shall meet all other zoning, site plan and other application regulations of the Village of Sloatsburg including but not limited to district lot and bulk requirements, parking regulations, and signage.

§54-44. Reserved.

**ARTICLE IX
ENVIRONMENTAL CONTROLS**

§54-45. Environmental Constraints.

- A. Purpose. In order to limit development in areas with severe environmental limitations, the following requirements shall apply in all zoning districts. The presence of environmental constraints and the calculation of minimum lot area shall be applicable to the property prior to any development.
1. Surface Water Resources. No portion of the land area of that portion of any parcel may be counted as part of any minimum lot area if subject to the following: ponds; local, state or federal wetlands; streams and watercourses as may be regulated by this law, the Rockland County Drainage Agency, or the New York State Department of Environmental Conservation; the 100 year floodplain as mapped by the Federal Emergency Management Agency. No more than 50 percent of any watercourse or wetland buffer as defined by this zoning law shall count as part of any minimum lot area.
 2. Steep Slopes.
 - (a) Not more than fifty (50) percent of the land area of that portion of each lot may be counted as part of any minimum lot area if subject to steep slopes in excess of twenty-five percent (25%).
 - (b) No portion of the land area of that portion of a parcel with a slope in excess of forty (40) percent may be counted as part of the minimum lot area of a parcel.
 3. Rock outcrops. Not more than fifty (50) percent of the area of that portion of a parcel with rock outcrops in excess of fifty (50) square feet may be counted as part of the minimum lot area of a parcel.
- B. Applicability to pre-existing lots. Any application for site plan, subdivision, special permit, land disturbance, or any other permit or approval from the Planning Board, or any use or area variance from the Zoning Board of Appeals, that may be required in accordance with this zoning law, shall be subject to the provisions of this section.

§54-46. Ramapo River Sole Source Aquifer Critical Environmental Area.

- A. Policy. The Ramapo River Basin Aquifer system has been designated a sole source aquifer by the Administrator of the U.S. Environmental Protection Agency. More than fifty percent (50%) of the drinking water for the aquifer service area is supplied by the Ramapo River basin aquifer systems. In addition, there are no economically feasible alternative drinking water sources that could replace the Ramapo River basin aquifer systems.
- B. Critical Environmental Area Boundaries. The boundaries of the Ramapo River Sole Source Aquifer Critical Environmental Area shall coincide with that portion of the sole source aquifer located in the incorporated Village of Sloatsburg as shown in Figure 5 of the Village of Sloatsburg Comprehensive Plan, being the same boundaries as

represented in <http://www.epa.gov/region02/water/aquifer/ramapo/rama-fig.htm#I24> illustrating the Ramapo River Basin Aquifer Systems Designated Area.

- C. SEQRA. The potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of concern and must be evaluated in the determination of significance prepared pursuant to Section 617.7. of the regulations implementing the New York State Environmental Quality Review Act.

§54-47. Reserved.

§54-48. Cluster Development

- A. Authority. Under authority of Article 7-738 of the Village Law of the State of New York, the Board of Trustees of the Village of Sloatsburg does hereby grant to the Planning Board of the Village of Sloatsburg the authority to modify applicable provisions of this local law and the Land Subdivision Regulations of the Village of Sloatsburg with respect to approval of subdivision plats for residential purposes by requiring cluster development.
- B. These provisions shall apply to any subdivision or site plan applications proposed in any residence or mixed use district.
- C. Planning Board may require an applicant to submit an application for cluster development where a property exhibits one or more of the following sensitive features. The application of the provisions of this section shall be guided by the important physical, cultural and natural features of the particular property under review as listed below:
 - (1) Slopes over fifteen percent (15%) on twenty five percent (25%) or more of the property.
 - (2) Freshwater wetlands under the regulatory jurisdiction of the Village of Sloatsburg, the New York State Department of Environmental Conservation, or the U.S. Army Corps of Engineers.
 - (3) 100-year floodplain as mapped by the Federal Emergency Management Agency.
 - (4) Properties listed on the National and/or State Registers of Historic Places or eligible for listing by the NYS Office of Parks, Recreation and Historic Preservation for inclusion in such registers.
 - (5) Significant viewsheds as determined by the application of the State Environmental Quality Review Act.
 - (6) Recreational resources, including lakes, ponds, streams, or other potentially significant recreational resources.
 - (7) Properties within the Ramapo River Basin sole source aquifer.
 - (8) Habitats containing endangered, threatened, or special concern species, protected native plants, or State identified significant habitats.
 - (9) Rock outcrops in excess of fifty (50) square feet.
 - (10) Lands within a Critical Environmental Area.
- D. The Planning Board shall find that the application of these regulations shall encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land to facilitate the adequate and economical provisions of streets and utilities, to preserve the scenic qualities of open lands, to protect areas of

meaningful ecological value, reduce flood hazards, minimize negative environmental impacts, improve the aesthetic quality of new residential development, widen housing opportunities, encourage the conservation of energy, increase recreational opportunities, and discourage building on steep hillsides and hilltops. The Planning Board must identify in writing, by resolution, those elements of the site that might be adversely impacted without the mandatory use of the cluster provision of this local law.

- E. Density Calculation. Cluster subdivisions are intended to allow flexibility while preserving important natural attributes of the land. In order to determine the permissible number of dwelling units, it is necessary to subtract land that is unbuildable or that presents other environmental constraints through the preparation of a conventional subdivision plan. The permitted number of dwelling units in a cluster subdivision shall in no case exceed the number of dwellings that, in the Planning Board's judgment, would be permitted as feasible if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter, the Village subdivision regulations, the Rockland County Department of Health regulations, and all other applicable local, county, state or federal laws and standards. The basis for this determination will be a conventional subdivision plat for the subject parcel showing all environmental constraints as well as roads (including road grades), and other information as may be required by the Planning Board. In making its determination of the permitted number of dwelling units under the cluster plan, the Planning Board shall seek the preservation of steep slopes, wetlands, floodplains, water bodies, and other environmentally sensitive or unique open space or natural resources.

- F. Minimum Lot Area and Yard Dimensions. In the OSR, R-80, and R-40 zoning districts, one-family detached dwellings shall be permitted on lots within a gross minimum lot area of 10,000 square feet in size (environmental constraints not to be subtracted for cluster arrangement). In any other residential or mixed use district, one-family detached or one-family attached dwellings shall be permitted on a minimum lot size to be determined by the Planning Board as part of the cluster layout. Provided, however, that the minimum lot size shall be sufficient to meet all state and county health department standards for adequate separations distances to well and septic systems where same are proposed. The minimum yard requirements shall be no less than 50 percent of the yard requirement regulating one-family detached dwellings in the applicable zoning district, except that one-family attached dwellings shall be located on fee simple lots, and shall not require a side yard at the common wall. These shall be considered minimum yard requirements, and the Planning Board has the authority to increase the minimum yard requirements where it deems essential to protect an environmental feature or otherwise protect the health, safety, and welfare of the residents of the cluster subdivision.

- G. Preservation of land as open space.
 - 1. In the event that the application of this procedure results in a plat showing lands available for open space, the Planning Board, as a condition of plat approval, shall establish such conditions on the use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The Board of Trustees shall approve said conditions before the plat is approved for filing if the Village is party to the conservation easement. All cluster subdivisions shall protect the greatest amount of open space that, in the sole judgment of the Planning Board, provides the largest amount of benefit to the Village.

2. Open Space Land. Protected open space may be included as a portion of one or more large building lots, or may be contained in a separate open space lot. Such open space may be owned by a Homeowners Association (“HOA”), one or more private landowners, a non-profit organization, the Village or another governmental entity, or any other appropriate entity as long as it is protected from development by a conservation easement. The required open space land may not include private yards located within 50 feet of any principal structure.
3. Open Space Requirements.
 - (a) The open space protected pursuant to this Section shall have “conservation value” which may include historic, ecological, agricultural, water resource, scenic, or other natural resource value. Examples of lands with conservation value include view corridors along rural roads, aquifer areas, large areas or contiguous mature forest, ridgelines and hillsides visible from public roads or other public areas, wetlands, water bodies, and stream corridors.
 - (b) Notations on Plat or Site Plan. Protected open space land shall be clearly delineated and labeled on the final subdivision plat or site plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of other lots in the subdivision to such land. The plat or site plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the liber and page of any conservation easements or deed restrictions required to be filed to implement such restrictions.
 - (c) Permanent Protection by Conservation Easement. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, recreation (including golf courses), protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Village, with the approval of the Village Board of Trustees, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of approval. The Planning Board may require that the conservation easement be enforceable by the Village if the Village is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk’s office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk’s office.
 - (d) The terms of the conservation easement, or, if applicable, the deed restriction or declaration, shall prohibit further development except associated with recreational uses which must be described within the Conservation Easement to the satisfaction of the Village Board.
 - (e) HOA Ownership of Open Space Land. If the land is owned in common by a HOA, such HOA shall be established in accordance with the following:
 - (i) The HOA documentation must be submitted to the Planning Board before the final subdivision plat or site plan is approved, and must comply with all applicable provisions of the General Business Law.

- (ii) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, common driveways, and other common facilities.
 - (iii) The open space restrictions must be in perpetuity.
 - (iv) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and common driveways.
 - (v) Property owners must pay their pro rata share of the costs in Subsection (d) above, and the assessment levied by the HOA must be able to become a lien on the property.
 - (vi) The HOA must be able to adjust the assessment to meet changed needs.
 - (vii) The applicant shall make a conditional offer of dedication to the Village, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Village, at the discretion of the Village Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
 - (viii) Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
 - (ix) The attorney for the Village Board shall find that the HOA documents presented satisfy the conditions set by the Planning Board.
- (f) Maintenance Standards.
- (i) Ongoing maintenance standards shall be established, enforceable by the Village against an owner of open space land as a condition of subdivision approval, to ensure that open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.
 - (ii) In the event that the maintenance, preservation, and/or use of the open space area(s) ceases to be in compliance with any of the requirements of the zoning law or any other requirements specified by the Planning Board when approving the cluster subdivision, the Village shall be granted the right to perform such maintenance as may be necessary or to otherwise assure compliance and to charge the cost to the responsible property owner or owners. Such charge, if unpaid for more than 60 days, shall become a lien on the open space area and on the lots of any lot owners who share ownership of the open space area. Notwithstanding, the Village is under no obligation to maintain such open space areas.

H. Mixed Uses. Residential and non-residential uses may be combined in a cluster subdivision provided that all required approvals are obtained and that the applicant complies with all residential density, lot coverage, use, and minimum protected open space requirements. An applicant for a mixed-use cluster subdivision may submit one

application for both subdivision and site plan approval, which shall be reviewed as a comprehensive specific development plan by the Planning Board. A mixed use cluster subdivision shall not allow uses otherwise prohibited in the applicable zoning district.

- I. **Parcels in More Than One District.** Density calculations shall be made separately for the portion of the parent parcel in each district. This density may then be combined and distributed anywhere within the parent parcel, provided that the layout and design are consistent with the purposes of each district and that dwelling units are generally clustered at higher densities in the higher density district.
- J. **Public Hearing.** The proposed subdivision or site plan shall be subject to review at a public hearing pursuant to section 7-728 of Village Law for the approval of subdivision plans, or pursuant to the site plan hearing requirements set forth in this local law.
- K. **Filing.** On the filing of the plat in the office of the county clerk or register, a copy shall be filed with the Village Clerk, who shall make appropriate notations and references thereto in the Village zoning law or map.

§54-49. Federal Flood Hazard Area Regulations.

- A. **Statement of Purpose.** Within the Village of Sloatsburg there exist certain flood hazard areas subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. It is the purpose of flood hazard regulations to promote the public health, safety, and general welfare and to minimize those losses described above by provisions designed to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or cause increased flood heights or velocities.
 - 2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
 - 3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazards.
- B. **Flood Hazard Areas.** Flood hazard areas within the Village of Sloatsburg are depicted on Flood Insurance Rate Maps and Flood Boundary Floodway Maps as promulgated by the Federal Emergency Management Agency dated January 6, 1982, which maps may be amended from time to time. For regulations controlling development in flood hazard areas, see the separately adopted Flood Hazard Regulations of the Village of Sloatsburg.

§54-50. Rockland County Stream Regulations.

- A. **Statement of Purpose.** Within the Village of Sloatsburg there exist certain stream channel lines shown on the Official Map of Rockland County, so identified to assist in the alleviation of recurring flood damage to public and private property and the prevention of danger to the public health and safety.
- B. The Planning Board shall not approve any final site plan, final subdivision plan or special permit for property under the jurisdiction of the Rockland County Drainage Agency until

the requirements of that agency have been met.

- C. The Building Inspector shall not issue a building permit for any structure, improvement or building that is under the jurisdiction of the Rockland County Drainage Agency until the requirements of that agency have been met.

§54-51. Wild, Scenic and Recreational River Regulations.

- A. Statement of Purpose. Within the Village of Sloatsburg, the Ramapo River has been designated a Recreational River by the NYS Department of Environmental Conservation. The purpose of the Wild, Scenic and Recreational Rivers system is to preserve designated rivers and their immediate environs in a free-flowing condition, to protect their outstanding natural, scenic, ecological, recreational, aesthetic, botanical, geological, hydrological, fish and wildlife, historical, cultural, archaeological and scientific values.
- B. Every application for a building permit, site plan, subdivision plan, special use permit, wetland permit, zoning amendment, use or area variance, or other similar action shall be reviewed by the Building Inspector to determine if said action is proposed on a property located within the Ramapo River Recreational River corridor. Where the property is located wholly or partly in the recreational river corridor, the Building Inspector shall notify the Applicant of the parcel's location within the corridor, and the Applicant shall be responsible for conferring with NYSDEC as to the need for any permits and approvals from that state agency. The Building Inspector shall notify the applicable local reviewing agency of the property's inclusion in the recreational river corridor.
- C. No building permit shall be issued, nor shall any site plan, subdivision plan, special permit, wetland permit, zoning amendment, use or area variance or other local approval be issued until such time that a permit or approval is secured from the NYSDEC to conduct the proposed activity within the Ramapo Recreational River corridor, or until the NYSDEC has submitted to the Applicant or the Village, in writing, that the activity is exempt from any permits or approvals. An approving agency may condition any approval on the receipt of a NYSDEC permit.

§54-52. Excavations, Soil Mining, Quarrying.

- A. Uses prohibited. The excavation of materials including but not limited to soils, rock, and other natural aggregate material for commercial sale is prohibited.

§54-53. Tree Preservation; Shade Trees.

- A. Purpose. It is the policy of the Village of Sloatsburg to protect forested woodland in its natural state, and to limit clearcutting of vegetation and substantial tree specimens. For purposes of these regulations, a "substantial tree specimen" is a tree with a diameter of eight (8) inches or more measured at least four (4) feet above ground level, or trees planted by the Village of Sloatsburg pursuant to the Shade Tree Regulations or planted pursuant to subdivision or other applicable regulations or ordinances or local laws.
- B. Removal of trees regulated. The moving or removing of existing trees for any purpose other than those excepted under the provisions of this local law, shall be allowed only by a tree removal permit issued by the Planning Board, subject to Article XV, Site Plan

Approval, of this local law. In order to determine the locations of substantial tree specimens, the Planning Board, at its discretion, may require submission of a tree survey which indicates the tree species, its diameter and the condition of the tree. The area of any area to be surveyed shall be determined by the Planning Board based on the nature of the application and disturbances being proposed.

- C. Exempt Activities. The following activities shall be exempt from the provisions of this section:
1. The removal of trees incident to highway or public utility construction or maintenance conducted by a public agency, such as the Village Highway Department, the Rockland County Highway Department, or the New York State Department of Transportation.
 2. The removal of trees or shrubs from a property in existing one-family or two-family dwelling use, provided the lot cannot be further subdivided into two (2) or more conforming lots pursuant to the zoning regulations for the district in which the property is located. No more than two (2) trees shall be removed per year.
 3. Removal of trees or shrubs from a parcel of property by the Village of Sloatsburg or by a developer pursuant to site plan or subdivision approval of the Planning Board.
 4. Dead or dying trees that pose an imminent hazard to public safety.
- D. Expiration. No permit for removal of trees shall be granted for a period of more than one (1) year, but such permit may be extended for an additional two (2) years upon approval of the Planning Board, provided a request for an extension is made in writing and received by the Village prior to any expiration of the permit.
- E. Escrow Required. The applicant shall furnish a performance bond, cash escrow or other such arrangement as may be acceptable to the Planning Board, upon the advice of the Village Attorney and Village Engineer, to be sufficient to guarantee completion of the tree removal plan. Such security shall be released only upon certification by the Village Engineer that all requirements of this subsection, including the finished grading and drainage, have been complied with.
- F. Standards for Tree Plantings. Where required by any provision of this zoning local law, or as required by the Shade Tree Ordinance or Subdivision regulations, any new tree to be planted shall have a minimum 2.5-3 inch caliper. The tree species used in any planting plan shall be selected based on a consideration of their proposed location on a site. For example, trees located beneath overhead utility lines shall be selected based on maximum growth habit, etc. A landscape architect may be retained to review any plans where plantings are proposed to ensure that the specimens used are suitable to their proposed location.
- G. Shade Trees. In lieu of planting trees in accordance with the Village of Sloatsburg Shade Tree local law, a person may deposit with the Village or its agents, in cash or by certified check, the sum of three hundred dollars (\$300.00) per tree, which monies shall be held by the Village of Sloatsburg to be used for the sole purpose of planting and maintaining shade trees as required by the Code of the Village of Sloatsburg and this Chapter. No street shall be accepted for dedication nor shall a certificate of occupancy be granted until the Village or its agents is satisfied that compliance, where necessary, has been had with the provisions of this Shade Tree Local Law and this chapter.

§54-54. Highlands Biodiversity Study.

- A. Objective. The Village of Sloatsburg is situated in the biologically-rich and diverse Highlands physiographic province, the full extent of which is bounded by the New Jersey/Pennsylvania border (southwest) and the New York/Connecticut border (northeast). According to the 2002 New York-New Jersey Highlands Regional Study, endangered or threatened species within the Highlands region include Federally listed species such as the bog turtle, bald eagle, Indiana bat, and swamp pink. State listed endangered and threatened species in the Highlands include the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, great blue heron (breeding), and eastern wood rat. There are also several globally rare species in the Highlands including Torrey's mountain mint, New England bluet, and the triangle floater. The Village of Sloatsburg recognizes its location within the Highlands region and seeks to balance development with the protection of the various biological resources identified in the Highlands Study.

- B. Biodiversity Study Required. Except for the development of a one-family dwelling, no special use permit, subdivision, site plan or other permit application involving ten (10) acres or more shall be deemed complete until such time that the applicant has submitted a Biodiversity study documenting the natural habitat and resources that are contained on the subject property. The study shall be prepared by a qualified ecologist with training in the biological sciences, and the study shall take into account species that may be present at different seasons of the year. The study shall be valid for a period of three years. Should the review of an application be ongoing after three years from the date of the biodiversity study, the Planning Board may require an update to the study. Nothing herein shall limit the Planning Board or other Village agency with approval authority from requiring preparation of a biodiversity study for a smaller parcel in conjunction with the environmental review of any application subject to the State Environmental Quality Review Act.

§54-55. Steep Slope Protection.

- A. Purpose. It is the intent of the Village of Sloatsburg to preserve extremely steep slopes, defined as any slope that is 25% or greater, in their natural state to the greatest extent practicable and to regulate their use to protect the public interest by minimizing detrimental effects of disturbance and development of these areas. This section is intended to protect the public from the potential negative impacts of erosion, siltation, pollution of water supplies, slope failure, increase in downstream runoff, alteration of scenic views, and destruction of potentially significant habitat, which may result from disturbance of steep slopes.

- B. Findings.
 - 1. Steep slopes have been and are in jeopardy of being damaged and destroyed by unregulated filling, excavating, building, clearing and grading, and other such acts inconsistent with the natural conditions of steep slopes.
 - 2. Experience has demonstrated that effective protection of steep slopes requires preservation wherever possible. Experience has further demonstrated that where steep slopes have to be disturbed, careful review and regulation, including mitigation measures, are required.

3. The Village of Sloatsburg's experience with past development has shown that inadequately controlled disturbance of certain steep slopes can lead to erosion and sedimentation including the loss of topsoil, damage to the natural environment, and the failure of slopes and the mass movement of earth resulting in rockslides and landslides threatening man-made structures and personal safety.
4. Improperly managed disturbance is detrimental to the Village of Sloatsburg and can result in public and private expenditures for corrective measures.
5. Regulation of development on steep slopes is consistent with the legitimate interests of landowners to make reasonable use of their land. Regulation can prohibit the degradation of steep slopes and allow reasonable uses of private property by encouraging flexible design of development so as to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes conducted in accordance with acceptable management and engineering practices to permit reasonable use of private property.

C. Exempt and Regulated Activities.

1. Exempt Activities. Any customary landscaping involving minor grading or filling in connection thereto, is allowed without the need to obtain a permit, provided that such activities conform to all other applicable laws of Village of Sloatsburg. "Customary landscaping" shall mean land maintenance involving tree trimming and pruning, the removal of dead or diseased vegetation, lawn and garden care and the planting of decorative trees, shrubs and plants.
2. Regulated Activities. It shall be unlawful to create any disturbance on an extremely steep slope as defined in this chapter, other than an exempt activity as defined herein, without a steep slope permit as required by this section.

D. Approval authority. The approval authority with respect to steep slope permit applications shall be as follows:

1. The Sloatsburg Planning Board shall be the approval authority with respect to any site plan, subdivision, special use, or other application which requires the issuance of a permit or approval by it pursuant to the local laws of the Village of Sloatsburg.
2. The Village Engineer shall be the approval authority with respect to all other regulated activities.

E. Permit procedures. A steep slope permit application shall be filed with the approval authority and shall contain the following information except when waived by it as not pertinent or necessary for the proposed disturbance. Said information shall not be required if otherwise provided on an application being reviewed concurrently by the approval authority.

1. Name of the applicant and mailing address.
2. Name of the property owner and mailing address, if different.
3. The street address and tax map designation of property for which a permit is

sought.

4. A statement of the proposed work and purpose thereof.
 5. Copies, in such reasonable number as determined by the approval authority, of plans for the proposed regulated activities drawn to scale of not less than one inch equals fifty feet (unless otherwise specified by the approval authority). Such plans shall be sealed by a professional engineer or professional surveyor licensed in the State of New York and shall show the following:
 - (a) The location of the proposed construction or area of disturbance and its relationship to the property lines, easements, buildings, roads, walls, sewage disposal systems, wells, and wetlands within fifty (50) feet of the outer limits of the construction or area of disturbance.
 - (b) The existing and proposed contours at two foot intervals in the area of the proposed disturbance and to a distance of fifty (50) feet beyond.
 - (c) The location of trees with a diameter of eight (8) inches or more measured at four feet above ground level.
 - (d) Cross sections of steep slopes.
 - (e) Retaining walls or like constructions, with details of construction, including retaining wall heights.
 - (f) A soil erosion and sediment control plan.
 - (g) Other details, including specific reports by qualified professionals on soils, geology and hydrology, and borings and/or test pits, as may be determined to be necessary by the approval authority.
 - (h) An application fee in the amount set forth in a fee schedule established by the Sloatsburg Village Board.
- F. Decision Timeframe. A determination shall be made simultaneously with the determination by the approval authority of the other building, site plan, subdivision, or other permit or approval for which the application was made. For activities not requiring any other permit or approval, the decision shall be made within sixty (60) days of an application deemed complete by the approval authority. Where a steep slope permit is granted in conjunction with site plan or subdivision plan approval, the steep slope permit approval shall duly be noted on the plan including a description of any conditions attached to said approval.
- G. Conditions. In approving any application, the approval authority may impose such conditions or limitations as it deems necessary to ensure compliance with the intent, purposes, and standards of this section.
1. In granting a permit, the approval authority may require a security (in an amount and with surety and conditions satisfactory to it), securing to the Village of Sloatsburg compliance with the conditions and limitations set forth in the permit.
 2. The approval authority or its representative may inspect activities undertaken pursuant to the permit so as to ensure satisfactory completion, the cost of which shall be reimbursed by the applicant.
 3. The approval authority may require that the activities undertaken pursuant to a permit be supervised by an appropriate licensed professional, the cost of which shall be reimbursed by the applicant.

H. Duration of permit.

1. Activities specified by the permit shall be undertaken pursuant to any conditions of the permit and shall be completed according to any schedule set forth in the permit.
2. A permit shall expire upon completion of the activities specified. Said permit shall be valid for a period of one (1) year from the date of approval or for the period of any other permit issued by the approval authority, whichever is later.
3. A permit may be extended by the approval authority for no more than one (1) year from the date of the expiration of the original permit. A request for an extension shall be filed with the approval authority at least one (1) month prior to its expiration.
4. A permit may be revoked or suspended where the applicant has not complied with the conditions or limitations set forth in the permit.

I. Standards for Approval. In denying, granting, or granting with modifications any application for a permit, the approval authority shall consider the consistency of the proposed action with the findings set forth in this section. Disturbance of steep slopes shall conform to the following standards:

1. The proposed activity constitutes the minimum disturbance necessary to allow the property owner reasonable use of the property.
2. The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the applicant's circumstances are compelling and exceptional, including, at a minimum, demonstrating by clear and convincing evidence that no reasonable use of the site, lot or parcel is possible without disturbance to an extremely steep slope.

J. Steep Slope Design Standards.

1. The proposed activity shall constitute the minimum disturbance necessary to allow the property owner reasonable use of the property.
2. The planning, design and development of buildings shall provide the maximum structural safety, slope stability, and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain.
3. The terracing of building sites, including the mounding of septic fields, shall be kept to an absolute minimum.
4. All buildings, structures, roads and driveways shall follow the natural contours of the land to the greatest extent possible in order to minimize disturbed area and the potential for erosion and shall be consistent with other applicable regulations of the Village of Sloatsburg and current engineering practices.
5. The Planning Board, as an approval authority, may reduce the total number of building lots in a subdivision where it finds that such reduction provides the best mitigation to avoiding any adverse impact to extremely steep slopes.
6. The Planning Board, as an approval authority, may impose limits on the number of dwellings, proposed building size, amount of development coverage, and amount of proposed disturbance, in order to reduce or eliminate impacts to extremely steep slopes.
7. The maximum length of any retaining wall, including road retaining walls, shall not be more than one hundred (100) linear feet and the maximum height of a retaining wall shall not be more than six (6) feet. All slopes greater than one

- hundred (100) feet in length or six (6) feet in height shall be landformed, provided that the Planning Board has determined that same is necessary for the reasonable use of land.
8. Design of retaining walls shall be certified by a New York State licensed engineer and approved by the Village.
 9. The approval authority shall require the installation of landscaping to mitigate the visual and erosional impacts associated with proposed cuts or expansive lengths and/or heights of retaining walls.
 10. The approval authority may require parking and driveways to consist of an all weather surface to ensure adequate and safe access.
 11. The maximum height of any cut used to establish a building site, a road or a driveway shall not exceed twenty (20) feet.
 12. Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes.
 13. The angle of cut and fill slopes shall not exceed a slope of one (1) vertical to two (2) horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Village Engineer and approved by the approval authority. Said structural measures shall meet the standards set forth herein.
 14. Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six (6) feet plus one-half (1/2) the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of slope is permitted if it is properly designed to retain the slope and withstand the forces exerted on it by the retained slope.
 15. The limits of construction shall be clearly designated on the property itself to minimize disturbed area. No disturbance outside the designated area shall take place.
 16. Replanting, where necessary to stabilize a slope, shall consist of indigenous vegetation and shall replicate the original vegetation on the site as much as possible.
 17. Regrading shall blend in with the natural contours of the land.
 18. Disturbance of rock outcrops shall be by means of explosive only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable laws and regulations of the Village of Sloatsburg and the State of New York.
 19. Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one (1) construction season so that areas are not left bare and exposed during winter and spring thaw periods (December 15 through April 15).
 20. Disturbance of existing vegetative ground cover shall not take place more than fifteen (15) days prior to grading and construction.
 21. Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period must be applied to an area of disturbance within two (2) days of establishing final grade, and permanent stabilization must be applied within 15 days of establishing final grade.
 22. Measures for the control of erosion and sedimentation shall be undertaken consistent with the New York Standards and Specifications for Erosion and Sediment Control, (NYSDEC, August 2005, or most current version or its successor, hereafter referred to as the Erosion Control Manual) and any permit requirements that may be required by that agency.

§54-56. Dry Sewers.

- A. No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal conforming to this Law is available. All housing construction or building development which takes place after this zoning law is enacted shall provide for an approved system of sanitary sewers as per this section of the zoning law.
- B. Public Sewer Unavailable – Private Wastewater Disposal Required. Where public sanitary sewer service is not immediately available, a use shall be connected to a private on-site wastewater disposal system complying with the regulations of the Rockland County Department of Health. Notwithstanding the foregoing, any new construction must make provision for any planned public sewer construction or extension.
- C. Proper Design. New sanitary sewers and all extensions to sanitary sewers to be installed shall be designed by a professional licensed to practice sewer design in New York State, in accordance with the Recommended Standards for Sewage Works as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers (“Ten State Standards”), the Construction Standards for Rockland County Sewer District, and in strict conformance with all requirements of the NYS DEC. Plans and specifications shall be submitted to, and written approval shall be obtained from, the Rockland County Health Department, Rockland County Sewer District, the NYSDEC, and/or all agencies having jurisdiction over same, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments with the immediate drainage area.
- D. Dry Sewers. Dry sewers shall be designed and installed in accordance with these regulations. This shall specifically include installation of sewer mains in the bed of any road extension. Such mains shall be approved by the Rockland County Sewer District.

§54-57. Wetlands and Watercourses

- A. Intent. In their natural state, wetlands serve multiple functions, including:
 - 1. removing pollutants from surface waters by trapping sediment, removing nutrients and detoxifying chemicals;
 - 2. recharging ground water, including aquifers, and surface waters, thereby maintaining stream flows needed by plants and animals to survive;
 - 3. controlling flooding by storing and then slowly releasing storm water runoff;
 - 4. stabilizing shorelines by protecting against erosion caused by stream currents and waves;
 - 5. providing unique or essential habitat for diverse fish and wildlife species, including many of those on the New York State and federal lists of special concern, threatened, rare and endangered species;
 - 6. supporting unique vegetative associations specifically adapted for survival in low oxygen environments and/or brackish or salt water;
 - 7. providing areas of unusually high plant productivity which support wildlife diversity and abundance;
 - 8. providing open space and visual relief from intense development in urbanized

- and growing areas;
 - 9. providing recreational opportunities, including fishing, hunting, nature study, hiking and wildlife watching; and
 - 10. serving as outdoor laboratories and living classrooms for the study and application of biological, natural and physical sciences.
- B. Effect of Wetland and Watercourse Loss. Wetlands and watercourses have been lost or impaired by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural characteristics of these resources. Remaining wetlands and watercourses are in jeopardy of being eliminated, altered, despoiled, or impaired by such acts, contrary to public safety and welfare. It is therefore the policy of the Village to protect its citizens, including generations yet unborn, by preventing the despoliation and destruction of wetlands and watercourses while taking into account varying ecological, water quality, economic, recreational, and aesthetic values. Activities that may damage the functions or cause the loss of wetlands and watercourses should be avoided and, where avoidance is not practicable, minimized to the fullest practicable extent. Any remaining impact to the functions and benefits of wetlands and watercourses and any loss of wetlands should then be compensated by restoring or creating wetlands.
- C. Purpose. It is the intent of the Village that activities within or adjacent to wetlands and watercourses conform with all applicable building codes, sediment control regulations, and other regulations, and that such activities not threaten public safety, the natural environment, or cause nuisances by:
- 1. impeding flood flows, reducing flood storage areas or destroying storm barriers, thereby resulting in increased flood heights, frequencies, or velocities on other lands;
 - 2. increasing water pollution through location of domestic waste disposal systems in wet soils; inappropriate siting of storm water control facilities; unauthorized application of fertilizers; pesticides; herbicides and algaecides; disposal of solid wastes at inappropriate sites; creation of unstable fill; or the destruction of wetland soils and vegetation serving pollution and sediment control functions;
 - 3. increasing erosion;
 - 4. decreasing breeding, nesting, and feeding areas for many species of waterfowl and shorebirds, including those rare and endangered;
 - 5. interfering with the exchange of nutrients needed by fish and other forms of wildlife;
 - 6. decreasing habitat for fish and other forms of wildlife;
 - 7. adversely altering the recharge or discharge functions of wetlands, thereby impacting ground water or surface water supplies;
 - 8. significantly altering the wetland hydro period and thereby causing either short- or long-term changes in vegetative composition, soils characteristics, nutrient recycling, or water chemistry;
 - 9. destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms, and training areas;
 - 10. interfering with public rights in navigable waters and the recreation opportunities provided by wetlands for fishing, boating, hiking, bird watching, photography, camping, and other passive uses; or
 - 11. destroying or damaging aesthetic and property values, including significant public vistas.

- D. Applicability. These regulations shall apply to all land defined as wetland, watercourse or wetland/watercourse buffer and to any regulated activity as defined in this section.
- E. The boundaries of a wetland or watercourse shall be established by a delineation prepared by a certified wetland scientist and shall be surveyed by a licensed land surveyor unless the survey is waived by the Planning Board. The Planning Board may consult, and/or may require the Applicant to consult with wetland scientists, biologists, hydrologists, soil scientists, ecologists/botanists, or other experts as necessary to make this determination.
- F. Grandfathered Projects. The provisions of this local law shall not apply to any land use, improvement or development for which final approval shall have been obtained prior to the effective date of this local law from the local governmental authority or authorities having jurisdiction over such land use. As used in this section, the term "final approval" shall mean:
1. In the case of the subdivision of land, conditional approval of a final plat;
 2. In the case of a site plan not involving the subdivision of land, approval by the Planning Board; and
 3. In those cases not covered by subdivision (1) or (2) above, the issuance of a building permit or other authorization for the commencement of the use, improvement or development for which such permit or authorization was issued or in those local governments which do not require such permits or authorizations, the actual commencement of the use, improvement or development of the land.
- G. Permit Required. No activity shall be conducted in a wetland, watercourse or wetland buffer without approval from the Planning Board and issuance of a wetland permit by the Building Inspector.
- H. Activities Exempt from these Regulations. The following activities shall be exempt to the extent that they are not prohibited by any other law:
1. Normal ground maintenance including mowing, trimming of vegetation and removal of dead or diseased vegetation around a dwelling;
 2. Selective tree cutting as defined by the zoning local law;
 3. Decorative landscaping and planting in wetland buffers, excluding those activities regulated herein; and
 4. Public health activities, orders, and regulations of the Rockland County Department of Health and/or the New York State Department of Health for emergencies only.
- I. Regulated Activities. The following activities require a wetland permit:
1. placement or construction of any structure;
 2. any form of drainage, dredging, excavation, or removal of material either directly or indirectly;
 3. any form of dumping, filling, or depositing of material either directly or indirectly;
 4. installation of any service lines or cable conduits;
 5. introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharging of sewage

- treatment effluent or other liquid wastes into or so as to drain into a wetland,
6. alteration or modification of natural features and contours;
 7. alteration or modification of natural drainage patterns,
 8. construction of dams, docks, or other water control devices, pilings or bridges, whether or not they change the natural drainage characteristics;
 9. installation of any pipes or wells;
 10. clear cutting;
 11. deposition or application of organic or inorganic chemicals, including herbicides and pesticides regulated pursuant to Article 33 of the New York Environmental Conservation Law and Section 608 of the New York Public Health Law;
 12. and any agricultural activity which involves filling, draining or excavation of a wetland;
 13. any other activity that may impair the natural function(s) of a wetland as described in Section I of this local law.

J. Permit Procedures

1. No regulated activity shall be conducted without the approval of the Planning Board and issuance of a wetland permit from the Building Inspector. Application for a permit shall be made in duplicate to the Planning Board on forms furnished by the Village Clerk.
2. The Planning Board shall establish a mailing list of all interested persons and agencies who wish to be notified of such applications. Upon receipt of the completed application, the Planning Board shall notify the individuals and agencies, including Federal, State, County and local agencies having jurisdiction over or an interest in the subject matter, to provide such individuals and agencies with an opportunity to comment.
3. An application shall not be deemed complete until and unless an Applicant has complied fully with the procedures of the State Environmental Quality Review Act (Article 8 of the State Environmental Conservation Law).
4. All permits shall expire on completion of the acts specified and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. An extension of an original permit may be granted upon written request to the Approval Authority by the original permit holder or his/her legal agent at least 90 days prior to the expiration date of the original permit. The Planning Board may require new hearings if, in its judgment, the original intent of the permit is altered or extended by the renewal, or if the Applicant has failed to abide by the terms of the original permit in any way. The request for renewal of a permit shall follow the same form and procedure as the original application except that the Planning Board shall have the option of not holding a hearing if the original intent of the permit is not altered or extended in any significant way.

K. Permit Application

1. Prior to any person proposing to conduct or causing to be conducted a regulated activity as defined in Section §54-57.I, shall file an application for a permit with the Planning Board together with a filing fee. All permit applications must include the following information:
 - (a) Name, address, and telephone number of the applicant and/or owner (if the applicant is not the owner, the written consent of the owner must be

- attached);
- (b) Street address and tax map designation of the property;
 - (c) Statement of proposed work and purpose thereof, and an explanation why the proposed activity cannot be located at another site, including an explanation of how the proposed activity is dependent on wetlands or other water resource(s);
 - (d) A list of the names of the owners of record of lands adjacent to the wetland or watercourse and wetland/watercourse buffer in which the project is to be undertaken, and the names of known claimants of water rights, of whom the applicant has notice, which relate to any land within or within one hundred (100) feet of the boundary of the property on which the proposed regulated activity would be located;
 - (e) Plans for the proposed site improvements, which shall be certified by an engineer, architect, land surveyor, or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals forty (40) feet, and showing the following:
 - (i) a delineation of the boundaries of all wetlands and watercourses that shall have been conducted within 12 months of the date of filing the application;
 - (ii) a description of the vegetative cover, soils, and hydrology of the regulated area;
 - (iii) location of the construction area or area proposed to be disturbed, and its relation to property lines, roads, buildings, and watercourses within 250 feet of the proposed activity;
 - (iv) the exact locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amount computed from cross-sections, and the procedures to be used;
 - (v) location of any well(s) and depth(s) thereof, and any disposal system within 50 feet of area(s) to be disturbed,
 - (vi) existing and proposed contours at two (2)-foot intervals in all proposed areas to be disturbed areas and to a distance of 50 feet beyond. The Planning Board may require that the topography be shown for a larger area where it determines such information is necessary to determine potential effects to the wetland or watercourse;
 - (vii) details of any drainage system proposed both for the conduct of work, and after completion thereof, including locations of discharges to the wetland or watercourse;
 - (viii) where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices; and analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations, and subsurface soil, geology, and groundwater conditions;
 - (ix) where creation of a stormwater management facility is proposed, details of same;
 - (x) details of proposed erosion and sediment control practices to be implemented and a schedule for installation and maintenance;
 - (xi) an Environmental Assessment Form, Part 1;
 - (xii) Any additional information that may be required by the Planning

Board to evaluate the application and make a determination.

- (f) A fee shall accompany the wetland permit application in accordance with the Village of Sloatsburg Standard Schedule of Fees and Section §54-95 of this zoning local law.
- (g) All information relating to a permit application shall be maintained in the office of the Planning Board.
- (h) The Planning Board, its agents or employees, may enter upon any lands or waters for good cause shown for the purpose of undertaking any investigations, examination, survey, or other activity for the purposes of this section.

L. **Public Hearing.** The Planning Board shall hold a public hearing within 62 days of a complete application and shall publish notice thereof in a newspaper having a general circulation in the Village of Sloatsburg at least fifteen (15) days prior to the public hearing. Insofar as possible, any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act. All hearings shall be open to the public. Any party may present evidence and testimony at the hearing. At the hearing, the Applicant shall have the burden of overcoming a presumption that the proposed activity will not be in accord with the goals and policies of this local law and the standards set forth below.

M. **Standards for Permit Decisions.** In approving, disapproving or approving a wetland permit with modifications, the Planning Board shall evaluate the impact of the proposed activity upon public health, safety and welfare, flora and fauna, water quality, and the wetland functions listed in §54-57.A of this section. The Planning Board shall consider the direct and indirect impact of the proposed activity upon wetlands and watercourses and adjacent properties and their use, including but not limited to the:

1. infill of a wetland or other modification of natural topographic contours;
2. disturbance or destruction of natural flora and fauna;
3. influx of sediments or other materials causing increased water turbidity or substrate degradation;
4. removal or disturbance of wetland soils;
5. reduction in wetland ground or surface water supply;
6. interference with wetland water circulation;
7. damaging reduction or increase in wetland nutrients;
8. influx of toxic chemicals and/or heavy metals;
9. damaging thermal changes in the wetland water supply; and
10. destruction of natural aesthetic values,
11. any existing wetland impact(s) and the cumulative effect of reasonably anticipated future activities in or adjacent to the wetland subject to the application;
12. the impact of the proposed activity upon drainage, shoreline protection, and water quality;
13. the safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations, and other hazards, and possible losses to the Applicant and subsequent purchasers of the land,
14. the adequacy of water supply and waste disposal for the proposed use;
15. consistent with Federal, State, County and municipal comprehensive land use

plans, and regulations, the availability of alternative locations on the subject parcel or, in the case of an activity which cannot be undertaken on the property without disturbance to wetlands, the availability of other reasonable locations for the activity whether or not such locations are under the ownership or control of the Applicant; and

16. demonstration by the Applicant that any direct and indirect impact has been avoided to the maximum extent practicable and that any remaining unavoidable direct and indirect impact has been minimized to the extent practicable.
- N. Decisionmaking. The Planning Board shall deny a permit if the proposed activity may threaten public health, safety or welfare, result in fraud, cause nuisances, impair public rights to the enjoyment and use of public lands and waters, threaten a federal or state rare, threatened, endangered or species of concern plant or animal species, violate pollution control standards, or violate any other local, Rockland County, State or Federal regulations or laws. Approval may be given to activities that must have a wetland location to function and that will have as little impact as possible upon the wetland, watercourse and/or wetland/watercourse buffer. In general, permission will not be granted for dredging or ditching solely for the purpose of draining wetlands, controlling mosquitoes, creating ponds, providing spoil and dump sites, or building roads or structures that may be located elsewhere. The regulated activity must, to the extent feasible, be confined to the portion of a lot outside of a wetland and wetland buffer. All reasonable measures must be taken to minimize direct and indirect impacts upon the wetland.
- O. Permit Conditions. A wetland permit may be issued with conditions. Such conditions may be attached as the Planning Board deems necessary to assure the preservation and protection of affected wetlands and to assure compliance with the policy and provisions of this section of the zoning local law. The following shall apply:
1. Every permit issued pursuant to this local law shall be in written form and shall contain the following conditions:
 - (a) Work conducted under a permit shall be open to inspection at any time, including weekends and holidays.
 - (b) The permit shall expire on a specified date; unless otherwise indicated, the permit shall be valid for one (1) year, except that a mitigation plan, as described below, shall be in full force and effect beyond the one year permit period.
 - (c) The permit holder shall notify the Planning Board, in writing, of the date on which the regulated activity is to begin at least five (5) days in advance of such date.
 - (d) The wetland permit shall be prominently displayed at the project site while the regulated activity is undertaken.
 - (e) The boundaries of the regulated activity and wetlands and watercourses shall be staked and appropriately marked in the field so as to be clearly visible to those at the project site.
 2. The Planning Board shall set forth in writing its findings and reasons for all conditions attached to any permit. Such conditions may include, but shall not be limited to:

- (a) limitations on the size of the activity;
- (b) limitations on the total portion of any lot or the portion of the wetland on the lot that may be cleared, regraded, filled, drained, excavated or otherwise modified;
- (c) modification of waste disposal and water supply facilities;
- (d) imposition of operation controls, sureties, and deed restrictions concerning future use and subdivision of lands such as preservation of undeveloped areas in open space use, and limitation of vegetation removal;
- (e) dedication of easements to protect wetlands;
- (f) erosion control measures;
- (g) setbacks for structures, fill, excavation, deposit of spoil, and other activities from the wetland or watercourse;
- (h) modifications in project design to ensure continued ground and surface water supply to the wetland and circulation of waters; and/or replanting of wetland vegetation or construction of new wetland areas to replace damaged or destroyed areas.

P. Mitigation of Wetland Loss.

1. The Planning Board shall require preparation of a mitigation plan by the Applicant when the Applicant has demonstrated that wetland or watercourse impacts are necessary and unavoidable and have been minimized to the maximum extent practicable. In the evaluation of the least environmentally-damaging, practicable alternatives, mitigation may not be used as a means of reducing environmental impacts; a mitigation wetland is designed to replace lost wetland acreage and functions. For the purposes of this local law, wetland impacts are necessary and unavoidable only if all of the following criteria are satisfied:
 - (a) the proposed activity is compatible with the public health and welfare;
 - (b) there is no feasible on-site alternative to the proposed activity, and
 - (c) there is no feasible alternative to the proposed activity on another site that is not a wetland or wetland/watercourse buffer.
2. Mitigation Plan Requirements. A mitigation plan shall specify measures that provide for replacement wetlands that shall recreate the wetland loss in terms of type, function, geographic setting, and that is larger, by a ratio of at least 1.5 to 1, than the wetland loss. On-site mitigation shall be the preferred approach. Off-site mitigation shall be permitted only in cases where on-site alternatives are not possible; in these instances, emphasis should be placed on mitigation within the same general watershed as the original wetland.
3. Mitigation may take the following forms, either singly or in combination, for disturbances in wetland/watercourse buffers and wetlands:
 - (a) for disturbance to a wetland/watercourse buffer:
 - (i) implementation of preventative practices to protect the natural condition and functions of the wetland; and/or
 - (ii) restoration or enhancement (e.g., improving the density and diversity of native woody plant species) of remaining or other

upland buffer to offset the impacts to the original buffer.

- (b) For disturbance to a wetland:
 - (i) restoration of areas at a ratio of at least 1.5 (restored wetland) to 1.0 (impacted wetland) to bring back one or more of the functions that have been partly or completely lost by the proposed activity, provided the area of proposed mitigation occurs in a confirmed disturbed or degraded wetland having significantly lesser functional values as a result of disturbance or degradation; and/or
 - (ii) the in-kind replacement of impacted wetland by the construction of new wetland, usually by flooding or excavating lands that were not previously occupied by a wetland, that recreates as nearly as possible the original wetland in terms of type, functions hydrographic location and setting, and that is larger than, by a ratio of at least 1.5 to 1.0, the original wetland.

- 4. A mitigation plan prepared pursuant to this section and approved by the Planning Board shall become a condition of approval for a wetland permit. All mitigation plans shall include:
 - (a) A map with sufficient detail and at a scale to be able to determine where the wetland is located and its size, boundaries and topographic features.
 - (b) A narrative describing the specific objectives for the mitigation wetland or wetland/watercourse buffer, including the functions and benefits to be provided and clear performance standards and criteria for assessing project success.
 - (c) A description of the physical, hydrological and ecological characteristics of the impacted wetland and/or wetland/watercourse buffer and proposed restored and/or created wetland and/or buffer in sufficient detail to enable the Planning Board to determine whether wetland and/or buffer impacts will be permanently mitigated.
 - (d) Details on construction of the wetland.
 - (e) Construction schedule.
 - (f) Measures to control erosion and sedimentation during construction.
 - (g) Plantings including source of stock, procedures for transplanting/seeding the stock, area(s) to be planted, and planting schedule. Identify the source and measures to prevent introduction of undesirable exotic species.
 - (h) Chemicals: if applicable, explain why chemicals will be used and precautions to be taken to minimize their application and protect the wetland and/or watercourse from excessive chemicals.
 - (i) Details on management of the mitigation site, including measures to assure persistence of the wetland (e.g., protection against predation by birds and other animals), plans for monitoring site during and after construction, including methods and schedule for data collection and provisions for mid-course corrections; provisions for long-term protection of the site (e.g., permanent conservation easement); and provision for bonding or other financial guarantees, a description of the periodic reporting, including at the end of construction, during the monitoring period and at the end of the monitoring period.

- (j) Identify the name, qualifications and experience of the person(s) implementing the mitigation plan (i.e., contractor who will restore or construct the wetland).
- 5. The Planning Board shall monitor mitigation projects, according to the specifications set forth in the permit, to ensure that the mitigation plan and permit conditions are satisfied. The Planning Board may charge the costs of monitoring the mitigation plan to the Applicant. Mitigation plans shall be monitored for an appropriate period of time, as determined by the Planning Board, on a case-by-case basis. Long-term monitoring is generally needed to assure the continued viability of mitigation wetlands. In general, the monitoring period shall be from three to five years. The requirements for monitoring shall be specified in the mitigation plan and shall include, but not be limited to:
 - (a) the time period over which compliance monitoring shall occur;
 - (b) field measurements to verify the size and location of the impacted wetland area and the mitigation (restored or replacement) wetland area;
 - (c) the date of completion of the restoration an/or replacement; and
 - (d) field verification of the vegetative, hydrologic, and soils criteria as specified in the mitigation plan and permit.
- Q. Performance Bond. The Planning Board may require, prior to commencement of work under a wetland permit, that the Permittee post a bond in an amount and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the wetland permit. The amount and the conditions of the bond shall be consistent with purposes of local law and shall remain in effect until the Planning Board certifies that the work has been completed in compliance with the terms of the permit and the bond is released by the Planning Board or a substitute bond is provided. In the event of a breach of any condition of any such bond, the Planning Board may institute an action in court upon such bond and prosecute the same to judgment and execution. The Planning Board shall set forth in writing in the file it keeps regarding a permit application its findings and reasons for imposing a bond.
- R. Suspension or Revocation of Permits. The Planning Board may suspend or revoke a wetland permit if it finds that the Permittee has not complied with any or all of the terms of such permit. The Planning Board shall set forth in writing its findings and reasons for revoking or suspending a permit pursuant to this Section. The Building Inspector may issue a Stop Work Order in accordance with this zoning local law.
- S. Administrative Sanctions. Any person who undertakes any regulated wetland activity without a permit issued hereunder, or who violates, disobeys, or disregards any provision of this section, shall be liable to the Village of Sloatsburg for civil damages caused by such violation for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil damages may be recovered in an action brought by the Municipality at the request and in the name of the Approval Authority in any court of competent jurisdiction.
- T. Restitution. The Village of Sloatsburg shall have the authority, following a hearing before the Approval Authority and on notice to the violator, to direct the violator to restore the affected wetland to its condition prior to violation; insofar as that is possible, within a reasonable time and under the supervision of the Approval Authority or its

designate. Further, the Approval Authority shall be able to require an adequate bond in a form and amount approved by the Approval Authority to ensure the restitution of the affected wetland. Any such order of the Approval Authority shall be enforceable in an action brought in any court of competent jurisdiction. Any order issued by the Approval Authority pursuant to this subdivision shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules. The Approval Authority may attach any order issued pursuant to this subdivision to the land records of the Municipality for the property on which the violation occurred. This order shall remain attached to the land records for the duration of the violation; the Approval Authority shall, upon satisfactory removal of the violation, remove the order from the land records.

- U. Criminal Sanctions. Any person convicted of having violated or disobeyed any provision of this chapter, any order of the Planning Board or any condition of the wetland permit granted pursuant to this section, shall, for the first offense, be punishable by a fine of not less than one thousand dollars (\$1,000.00). For each subsequent offense, such person shall be punishable by a fine of not less than two thousand dollars (\$2,000.00), nor more than fifteen thousand dollars (\$15,000.00), and/or a term of imprisonment of not more than fifteen (15) days. Each consecutive day of the violation may be considered a separate offense.

- V. The Village of Sloatsburg is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions of this local law and/or compel the restoration of the affected wetland or wetland/watercourse buffer to its condition prior to the violation of the provisions of this section.

§54-58. Stormwater Management.

- A. Findings of Fact. It is hereby determined that:
 - 1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
 - 2. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
 - 3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
 - 4. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
 - 5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
 - 6. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
 - 7. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
 - 8. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution

associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

9. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

B. Purpose. The purpose of this section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the Village's residents and property owners and to address the findings of fact in Section A above by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges for Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
2. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by storm water runoff from land development activities that would otherwise degrade local water quality;
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

C. Applicability.

1. These regulations shall apply to all land development activities as defined herein.
2. The Village of Sloatsburg hereby designates the Village Engineer as the person who shall accept and review all stormwater pollution prevention plans and forward such plans to the Planning Board. The Village Engineer may (1) review the plans, (2) upon approval of the Village Board, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
3. All land development activities subject to review and approval by the Sloatsburg Planning Board shall be reviewed subject to the standards contained in these regulations.
4. All land development activities not subject to review as stated in section 3. above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Village Engineer who shall approve the SWPPP if it complies with the requirements of this law.

- D. Exemptions. The following activities may be exempt from review under this law.
1. Agricultural activity as defined by this zoning local law.
 2. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 3. Repairs to any stormwater management practice or facility deemed necessary by the Village Engineer.
 4. Any part of a subdivision if a plat for the subdivision has received final approval from the Sloatsburg Planning Board on or before the effective date of this law.
 5. Land development activities for which a building permit has been approved on or before the effective date of this law.
 6. Cemetery graves.
 7. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 8. Emergency activity immediately necessary to protect life, property or natural resources.
 9. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
 10. Landscaping and horticultural activities in connection with an existing structure.
- E. Stormwater Pollution Prevention Plan Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.
1. Contents of Stormwater Pollution Prevention Plans. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

- (f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
2. Land development activities meeting Conditions "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as applicable:
- (a) Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the NYSDEC 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.
 - (c) Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of one-family dwellings and construction activities at agricultural properties.
3. SWPPP Requirements for Condition A, B and C:
- (a) All information in Section §54-58.E.1.
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the

- stormwater management system for the applicable design storms
 - (e) Comparison of post-development stormwater runoff conditions with pre-development conditions.
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with these regulations.
- 4. Plan Certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
- 5. Other Environmental Permits. The Applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- 6. Contractor Certification
 - (a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”
 - (b) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (c) The certification statement(s) shall become part of the SWPPP for the land development activity.
 - (d) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- F. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control. All land development activities shall be subject to the following performance and design criteria:
 - 1. Technical Standards. The following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical

documents shall be presumed to meet the standards imposed by this law:

- (a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
 - (b) New York Standards and Specifications for Erosion and Sediment Control, (NYSDEC, August 2005, or most current version or its successor, hereafter referred to as the Erosion Control Manual).
2. Water Quality Standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

G. Maintenance and Repair of Stormwater Facilities

1. Maintenance During Construction
 - (a) The Applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - (b) The Applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Village Engineer and also copied to the site log book.
2. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the Applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Sloatsburg to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Sloatsburg.
3. Maintenance after Construction. Permanent stormwater management practices installed in accordance with this law shall be operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:
 - (a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

- (b) Written procedures for operation and maintenance and training new maintenance personnel.
 - (c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with these regulations.
4. Maintenance Agreements. The Village of Sloatsburg shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this zoning local law entitled "Sample Stormwater Control Facility Maintenance Agreement." The Village of Sloatsburg, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of these regulations and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

H. Administration and Enforcement

1. Construction Inspection

- (a) Erosion and Sediment Control Inspection. The Village of Sloatsburg Village Engineer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Sloatsburg Building Inspector at least 48 hours before any of the following as required by the Village Engineer:

- (i) Start of construction
- (ii) Installation of sediment and erosion control measures
- (iii) Completion of site clearing
- (iv) Completion of rough grading
- (v) Completion of final grading
- (vi) Close of the construction season
- (vii) Completion of final landscaping
- (viii) Successful establishment of landscaping in public areas.

If any violations are found, the Applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by Village Engineer.

2. Stormwater Management Inspections. The Village Engineer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and

must be certified by a professional engineer.

3. Inspection of Stormwater Facilities After Project Completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
4. Submission of Reports. The Village Engineer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.
5. Right-of-Entry for Inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

I. Performance Guarantee

1. Construction Completion Guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Sloatsburg in its approval of the Stormwater Pollution Prevention Plan, the Village of Sloatsburg may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Sloatsburg as the beneficiary. The security shall be in an amount to be determined by the Village of Sloatsburg based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Sloatsburg, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Sloatsburg. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
2. Maintenance Guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the

developer, prior to construction, may be required to provide the Village of Sloatsburg with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Sloatsburg may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

3. Record keeping. The Village of Sloatsburg may require entities subject to this law to maintain records demonstrating compliance with this law.

J. Enforcement and Penalties.

1. Notice of Violation. When the Village of Sloatsburg determines that a land development activity is not being carried out in accordance with the requirements of these regulations, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (a) the name and address of the landowner, developer or applicant;
 - (b) the address when available or a description of the building, structure or land upon which the violation is occurring;
 - (c) a statement specifying the nature of the violation;
 - (d) a description of the remedial measures necessary to bring the land development activity into compliance with these regulations and a time schedule for the completion of such remedial action;
 - (e) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (f) a statement that the determination of violation may be appealed to the Village of Sloatsburg by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
2. Stop Work Orders. The Village of Sloatsburg may issue a stop work order for violations of these regulations. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Sloatsburg confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in these regulations.
3. Violations. Any land development activity that is commenced or is conducted contrary to these regulations, may be restrained by injunction or otherwise abated in a manner provided by law.
4. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) 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 not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) 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 nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

5. Withholding of Certificate of Occupancy. If any building or land development activity is installed or conducted in violation of these regulations, the Building Inspector may prevent the occupancy of said building or land.
6. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Sloatsburg may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
7. Fees for Services. The Village of Sloatsburg may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Sloatsburg or performed by a third party for the Village of Sloatsburg as set forth in §54-95 of this zoning local law.

§54-59. Reserved.

ARTICLE X SIGNS

§54-60. Applicability.

All signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed within the limits of the Village of Sloatsburg shall comply with the following regulations, and shall be subject to review and the issuance of a sign permit by the Building Inspector as provided herein, except that where any development requires site plan, special use or subdivision plan approval from the Planning Board, the Planning Board shall be the approving authority. Where a sign permit application is submitted for any use on a property located within a district subject to architectural review, the Planning Board shall approve the design of the sign prior to Building Inspector approval.

§54-61. Purposes.

- A. The effective use of signs as a means of communication in the Village shall be encouraged.
- B. The Village's aesthetic environment shall be maintained and enhanced.
- C. The Village's ability to attract sources of economic development and growth shall be stimulated through attractive streetscapes of which signs are an integral component.
- D. Pedestrian and traffic safety shall be maintained and improved.
- E. Possible adverse effects on signs on nearby public and private property shall be minimized.
- F. A multiplicity of signs clustering the overall appearance of the Village shall be discouraged.

§54-62. Exempt Signs.

The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Article and other conditions specifically imposed by these regulations.

- A. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by government agencies, religious or non-profit organizations: Not exceeding four (4) square feet.
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- C. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, as shown on an approved site plan which shall be installed pursuant to order of traffic control agencies and conforming to the Manual of Uniform Traffic Control Devices (MUTCD), New York State Department of Transportation.
- D. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face and not more than one (1) sign per 100 feet of street frontage.
- E. One on-premise sign, either free standing or attached, in connection with any residential building in any zoning district, for approved home professional office or home occupation, not exceeding two (2) square feet and set back at least fifteen (15) feet from the edge of pavement, but shall not be within the designated street line. Such sign may

- state name and vocation only.
- F. Number and name plates identifying residents, mounted on house or mailbox, not exceeding one (1) square foot in area.
 - G. Lawn signs identifying resident, not exceeding one (1) square foot.
 - H. Private-owner merchandise sale sign for garage sale or auction, not exceeding four (4) square feet provided the sign is erected on the property on which the sale is conducted and for a period not to exceed seven (7) days. Such signs are not to be placed on utility poles.
 - I. Temporary "For Sale", "For Rent", real estate sign concerning the premises upon which the sign is located. In a residential or mixed use zoning district, one (1) sign is allowed which shall not exceed fifteen (15) square feet in sign area, nor more than 9 square feet of sign area for a single-sided sign. In a non-residential zoning district, no more than one sign is allowed and shall not exceed thirty (30) square feet in sign area, and the sign shall be set back no less than fifteen (15) feet from edge of pavement along the street on which the property fronts, but shall not be within the designated street lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises.
 - J. Temporary window signs and posters placed on the interior side of the window and not exceeding a total area of twenty-five (25) percent of the window surface for a period not exceeding 30 days.
 - K. At gasoline service stations, graphics integrated as part of gasoline pumps or attached price signs on gasoline pumps only.
 - L. One sign, not exceeding six (6) square feet in sign area in residence or mixed use zoning districts or sixteen (16) square feet in sign area in a non-residence district listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress. Said signs shall be removed upon occupancy of the structure or thirty (30) days following issuance of a Certificate of Occupancy for the improvement, whichever occurs first.
 - M. Signs as mandated by State, Federal, or Local Law (i.e.: N.Y. State Inspection sticker).

§54-63. Prohibited Signs.

- A. Signs illuminated by or containing flashing, intermittent, rotating or moving lights except to show time or temperature.
- B. Exterior advertising signs and billboards.
- C. Signs representing or depicting to any degree official traffic signs or signals.
- D. Signs of a prurient nature or advertising businesses, commodities or service of a prurient nature or any unlawful business or undertaking.
- E. Permanent signs made of cardboard, paper or similar non permanent material.
- F. Signs mounted on parked vehicles or trailers or other similar mobile advertising media.
- G. Signs attached to trees, utility poles, fences, traffic signs, street corner markers, or the like.
- H. Any sign attached to a building extending more than fifteen (15) inches from the building wall, or any sign or sign support placed upon the roof of any building or extending above the top of any roof or wall facade.
- I. Signs which emit noise, sound or smoke.
- J. Animated signs, whether by mechanical or electrical processes, including signs with banners, streamers, spinners or other paraphernalia attached to or associated with such signs, inflatable signs or tethered balloons.
- K. Signs which project over a street or signs that project more than 3 feet over a public sidewalk or other walkway.

L. Exterior signs using neon or phosphorescent colors.

§54-64. Temporary Sign.

A. Permits Required.

1. In order to post or display political or other temporary signs, an application shall be filed for a temporary sign permit on forms prescribed by the Building Inspector and shall be accompanied by the required fee including security deposit to assure removal in accordance with the Standard Schedule of Fees of the Village of Sloatsburg.
2. Political and other temporary signs posted or displayed within the Village of Sloatsburg shall be in accordance with this section.
3. Political and other temporary signs may be granted a permit in accordance with this section, provided that such signs are not attached to fences, trees, utility poles, traffic signs, street corner markers or the like on, over or immediately adjacent to any public property within the Village of Sloatsburg and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

B. Political signs.

1. Shall be removed within one (1) week immediately following the nomination, primary, election or referendum to which it pertains.
2. If such removal is not made within the specified time, the Village shall have such signs removed and the security deposit shall be forfeited to the Village to defray the cost of removal of such signs and for general Village purposes.
3. No political sign subject to this Local law may be posted or displayed within the Village more than forty five (45) days prior to the nomination, primary, election or referendum to which it pertains.
4. In the event that a candidate for a primary election succeeds in said primary election, then and only then shall the removal of such candidate's signs be removed within one (1) week immediately following the general election wherein said person is a candidate.
5. No political sign may exceed sixteen (16) square feet in sign area in a commercial district, nor eight (8) square feet in a residential district.

C. Other Temporary Signs

1. Signs erected for a relatively short period of time, which may include posters, announcements, banners and pennants and other similar objects. Sign shall be removed immediately following the cessation of the event or special sale or activity mentioned in the permit.
2. If such sign is not removed within the specified time, the Village shall have such signs removed and the security deposit shall be forfeited to the Village to defray the cost of removal of such signs and for general Village purposes.
3. Temporary signs located in the interior of the store advertising merchandise for sale in the premises where such temporary signs are displayed, shall be exempt from the permit and security deposit provisions.
4. Temporary signs shall not exceed sixteen (16) square feet of sign area in any

nonresidence district and not more than eight (8) square feet of sign area in any residence or mixed use district.

5. No temporary sign subject to this section may be posted or displayed for more than thirty (30) days.

§54-65. Permanent Signs

A. Permit Required

1. Application for a sign permit shall be made to the Building Inspector on forms prescribed by the Building Inspector and shall be accompanied by the required fee in accordance with the standard schedule of fees of the Village of Sloatsburg, except that where an applicant is seeking site plan, special use or subdivision plan approval, no separate application is required before the Planning Board who shall approve said sign.
2. The Building Inspector, upon receipt of an application for a sign permit, shall review the same. If the sign requested has been approved as part of a site plan, subdivision, or special use permit application by the Planning Board, the Building Inspector shall issue a sign permit.
3. Where Planning Board approval is not required, the Building Inspector may issue a sign permit if said sign meets the criteria set forth in this Article. If the sign does not conform to the requirements of this Article, the Building Inspector shall deny a sign permit.
4. No sign permit shall be issued and no sign erected for any sign subject to design review and architectural design approval as may be required by this zoning law.
5. The Planning Board, in reviewing and approving a sign, shall provide for a limitation on the size of signs, type and characteristics of illumination, number and location, taking into consideration the uses on the site and the reasonable requirement for communicating information to the vehicular or pedestrian public. The Planning Board shall determine that the sign meets the following standards:
 - (a) A sign must be clearly accessory and incidental to the use located on the same property, and the sign and lighting must be shown to be essential to the conduct of the principal use upon the lot.
 - (b) The size and content of the sign shall be the minimum essential for legibility and for the provision of information to patrons seeking the particular use described on such sign. The sign shall be limited to the name of the business establishment or use, or alternatively the address. Phone numbers shall not be included on any sign.
 - (c) The sign content shall not hawk or peddle and must clearly provide only the information necessary to identify the use to which the sign is accessory.
 - (d) The sign shall not be designed so as to be confused with any traffic sign or other safety device nor be composed of elements depicting in exaggerated size or grotesque style the use upon the lot.
 - (e) A sign, together with its supports, braces, guys, anchors, etc., shall be kept in good condition so as not to create a nuisance or hazard. The display surfaces of all signs shall be kept neatly painted and maintained at all times.

- B. Signs Permitted and Dimensional Requirements. The sign chart shall guide the location, dimensions, and number of signs permitted for nonresidential uses and any residential development consisting of at least five dwellings.
- C. Additional Sign for Route 17 Nonresidential Uses. To improve the visibility of businesses located along Route 17 and at the discretion of the Planning Board, one additional hanging wall sign per building may be permitted where the property on which the building is or will be located maintains frontage on Route 17. The hanging sign shall not have an area larger than two (2) square feet.

THIS SPACE LEFT INTENTIONALLY BLANK

SIGN CHART

ZONING DISTRICTS	OSR, R-80, R-40, R-15, R-10	MU-1, MU-2	VC-1, VC-2	O, IP
MAXIMUM NUMBER OF SIGNS PERMITTED	1	1	2	2
SIGN TYPE PERMITTED ¹ ILLUMINATION	Illumination prohibited.	Illumination permitted until 11 PM only.	Illumination permitted until 11 PM only.	Illumination permitted until 11 PM only.
<p>FACADE: Sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall and building, and which displays only one sign face.</p> <p>Requirements: One per establishment located on the facade facing the street. The sign shall not conceal any part of a window. May be located within required setbacks.</p> <p>Dimensions: Length - Shall not exceed 70 percent of the portion of the establishment's facade. Height - Shall not exceed 2 feet. The sign area shall not exceed 10 percent of the total wall area on which the sign(s) is located.</p>	P (non-residential uses only)	P (non-residential uses only)	P (non-residential uses only)	P
<p>FREESTANDING (Monument): Sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent of any building or other structure.</p> <p>Requirements: One per building to be located on same lot. Not permitted in floodplain without Planning Board approval.</p> <p>Location: Shall be located one-third the distance of the front setback from the front property line. No freestanding sign shall overhang a property line, driveway or walkway of the lot on which it is to be located.</p> <p>Dimensions: Maximum Height - 15 feet above the ground level to the top of the sign. Total Maximum Sign Area - 10 square feet.</p>	P (may be permitted for non-residential and residential uses One monument sign is allowed for each residential development of more than five dwellings.	P (may be permitted for non-residential and residential uses. One monument sign is allowed for a residential development of more than five dwellings	P (may be permitted for non-residential and residential uses. One monument sign is allowed for a residential development of more than five dwellings	P
<p>WINDOW: Sign displayed, affixed or painted on or within any window, window pane, show window or window screen and is visible from the exterior of the window.</p> <p>Dimensions: Total Maximum Sign Area: 20 percent of the total window area in which it is located.</p>		P	P	P
<p>Notes: For any development with multiple nonresidential tenants in the VC-1 and VC-2 district, one freestanding sign is permitted for the entire development; and two signs shall be permitted for each tenant (limited to one facade sign and one window sign). The content of the freestanding sign shall be limited to the name of the development, the name of the principal tenant, or the street address.</p> <p>For any development with multiple nonresidential tenants in the MU-1 and MU-2 district, one freestanding sign shall be permitted only. The content of the freestanding sign shall be limited to the name of the development, the name of the principal tenant, or the street address.</p>				
P = Permitted				

§54-66. Non-Conforming Signs.

- A. Any sign legally in existence prior to the effective date of this local law, but which does not conform to the applicable provisions of this local law, shall be deemed non-conforming, and the display of such sign shall be permitted to continue.
- B. A non-conforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance or repair of a non-conforming sign shall not cost more than fifty (50) percent of the current depreciated value of the sign as of the date of repair.

§54-67. Removal of Signs.

- A. Any sign, including all structural supports and frame, now or hereafter existing which no longer identifies a use on the subject premises, or is not being maintained, shall be removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Building Inspector, and upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the sign or property owner on which the sign is situate.
- B. Dangerous signs. Should a sign become hazardous or in danger of falling or otherwise unsafe in the opinion of the Building Inspector, the owner thereof, or person maintaining the same shall, upon receipt of written notice from the Building Inspector and in any case within five (5) days thereafter, secure the same in a manner to be approved by the Building Inspector. If such order is not complied with, the Building Inspector is hereby authorized to cause removal of said sign, and any expense incident thereto shall be paid by the owner of the building, structure or premises on which such sign is located. When any sign is in such dangerous condition as to be immediately dangerous to the safety of the public, the Building Inspector is hereby authorized to take such action as in his opinion shall be necessary to protect the public or property, and any expense incident thereto shall be paid by the owner of the sign or property owner on which the sign is situate.

§54-68. Enforcement.

Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who in any other way violates any provision of this Article shall be liable to penalties as imposed in this local law.

§54-69. Adjustment of Regulations.

Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary difficulties may result from strict compliance with the regulations contained in this Article regulating signs, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the regulations so adjusted.

Any applicant that has been denied a sign permit from the Building Inspector may apply to the Planning Board for sign plan approval and a waiver of the requirements contained herein. Nothing herein shall be construed to permit the Planning Board to waive the design requirements.

**ARTICLE XI
OFF-STREET PARKING AND LOADING AREAS**

§54-70. Off-Street Parking.

In conjunction with any principal building hereafter erected or any use of land hereafter established, there shall be provided on the same lot therewith sufficient parking spaces to meet the minimum requirements specified herein. For non-residential uses, each parking space shall have independent access to aisles and/or driveways. The New York State Department of Transportation and the Rockland County Highway Department have jurisdiction over certain roads in the Village. Where the design standards of the county or state vary from the provisions contained in this section, the county or state standards shall prevail.

- A. Residential Districts. In residential districts, no required parking space shall be located within the required front yard, except on a driveway of a width no greater than the garage entrance, or on a driveway turnaround.

- B. Nonresidence and Mixed Use Districts. Except as provided in §54-70.C. below, in nonresidence and mixed use districts, the following regulations shall apply to nonresidential uses or mixed uses. No parking space or access thereto, except entrances or exit drives as limited in this section, shall be within fifteen (15) feet of a street right-of-way line. Entrance or exit drives connecting the parking area and the street shall be permitted within the fifteen foot strip required above, provided:
 - 1. Such drives shall not exceed ten (10) feet in total aggregate width for each fifty (50) feet of street line abutting such lot, but in no case shall any entrance or exit exceed thirty (30) feet in total width.
 - 2. Drives shall have at least one hundred (100) feet of unobstructed vision in both directions along the street onto which the drive enters.
 - 3. Such drives shall have on each side, unobstructed, a triangular area formed by the intersection of the driveway line, the street line and a straight line joining said line at points thirty (30) feet distant from their point of intersection. Within such triangular area no parking or loading or unloading shall be permitted nor shall there be located therein any sign, fence, other structure or plant material over two and one-half (2¹/₂) feet in height.

- C. IP and O Districts. In the I-P and O districts, no parking space shall be located in a required front yard.

- D. Required Parking Spaces.
 - 1. The following table identifies the minimum number of required parking space for each use allowed by this local law:

Table of Parking Requirements

Use	Parking Standard
One-Family Dwelling, Attached or Detached	2 spaces per dwelling unit
Two-family and multiple dwellings	Studio or one-bedroom unit, one and one-half (1.5) spaces per unit; two bedroom, two (2) spaces per unit; three or more bedrooms, two and one-half (2.5) spaces per unit. The number of bedrooms shall be determined by the Planning Board based on a review of floor plans provided by the applicant.
Club, lodge, community center, theater, auditorium, stadium, bowling alley or other place of amusement or recreation, church or other places of public assembly,	One (1) space for each four (4) persons based on maximum seating capacity. Any place not having seating capacity for patrons or assemblage shall provide one (1) space for each four (4) persons based on capacity attendance.
Office, business, commercial and personal service use and retail store	One (1) space for each two hundred fifty (250) square feet of gross floor area or major fraction thereof
Restaurants	One (1) space for each four seats or one (1) space for each one hundred (100) square feet of gross floor area, whichever is greater.
Wholesale or warehouse establishment	Three (3) spaces for each one thousand (1,000) square feet of gross floor area or major fraction thereof.
Light industrial or manufacturing establishment	One (1) space per two (2) employees computed on the basis of the greatest number of persons to be employed during peak hours of employment, but not less than one (1) parking space for each five hundred (500) square feet of floor area. For office space associated with industrial or manufacturing establishments, the parking requirement for office space shall apply.
Bed and breakfast, hotel, country inn	One (1) space for each guest bedroom, and two spaces for the owner/operator. Any restaurant operated in conjunction with an inn shall provide additional parking spaces as per the requirements for restaurants
Home occupations	As determined by the Planning Board on a case-by-case basis.
Any use not listed herein	To be determined by the Planning Board on a case-by-case basis.

2. Off-street parking areas shall not be used for any purpose other than parking of vehicles for resident, guest, customer, or employee use. There shall be no storage, servicing or dismantling of automobiles or other vehicles. Loading or unloading shall occur only in accordance with §54-71 and §54-72. In no event shall any part of the parking areas, lawn or other required open space be used for the storage or abandonment of any articles or goods or the storage of trucks or trailers.
3. Where possible, sufficient turn-around area shall be provided so that vehicles can exit the driveway onto the street front first without having to back out into traffic.
4. Where handicapped spaces are required by code, the provisions of the NYS Fire Prevention and Building Code shall be met.

E. Landscaping.

1. Parking lots for more than five (5) vehicles shall be provided with landscaped areas amounting to an aggregate minimum of ten percent (10 %) of the total paved area of the parking lot. These landscaped areas shall be provided wholly within the paved parking area and shall be adequately distributed and maintained. Said landscaping shall be subject to the requirements and approval of the Planning Board.
2. Landscape plans shall be designed by a licensed landscape architect who shall certify as to plant hardiness, and shall provide as-built plans to the Building Inspector and Planning Board of the completed project. The applicant's landscape architect who prepared and certified the landscape plan approved by the Planning Board shall supervise construction and installation of the landscape materials. Before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector and the Planning Board an affidavit of the registered landscape architect stating that the deponent has examined the approved plans, that the landscaping has been installed in accordance with approved plans, and that the landscaping complies with these regulations except insofar as variations therefrom have been authorized by the Planning Board.
3. The minimum landscape requirements contained herein are a general guide only and may be modified by the Planning Board where, due to special characteristics of the project site, the proposed use, surrounding area or buildings and structures, such changes are necessary to ensure compatibility and conformance with other standards or criteria of these Regulations.
4. Traffic Movement: In areas where landscape materials are used to define paths of traffic movement, the following guidelines shall be used:
 - (a) Plant materials shall consist of upright Juniper or Yew, Barberry, Firethorn, Evergreen Euonymus or equivalent approved by the Planning Board.
 - (b) Plants shall be selected to achieve not more than 3' mature height. Planting height shall be 18"-24".
 - (c) Plants shall be spaced to create a compact hedge border at time of planting.
 - (d) At the discretion of the Planning Board, street trees may be used. Trees shall be approved by the landscape architect, 3½"-4" caliper, spaced 20' on center. Street trees shall consist of sugar maple, norway maple, red oak, little leaf linden, green ash, london plane or equivalent approved by

the Planning Board.

- (e) Planting beds shall be covered with the following material:
 - (i) Licorice mulch or approved equivalent at 4" minimum depth.
 - (ii) Stone aggregate at 3" minimum depth, minimum 1" stone.
 - (iii) Where pedestrian cross traffic is evident, a paving material shall be used such as paving blocks set in sand with tight joints.

5. Parking Areas: In areas where landscape materials are used to complement parking areas, the following guidelines shall be used:

- (a) Planting islands shall be provided at the end of or within parking bays shall contain the following materials:
 - (i) Honey Locust, 3½"-4" caliper planted 20' on center.
 - (ii) Other columnar varieties may be substituted upon Planning Board approval.
 - (iii) Trees with low growing branches, gum or moisture, seeds or pods shall be avoided.
 - (iv) Branching of trees shall begin at a height no less than 6' and no greater than 12'.
 - (v) Areas under shade trees shall be planted with Horizontal Juniper or other ornamental Evergreens of comparable growth habit. Plant material shall have an 18"-24" spread and shall be spaced 18" on center.
 - (vi) Planting beds shall be covered as in E.4(e). above.

6. Entrance Definition: Where landscape materials are used to define the point of entrance to a commercial facility, the following guidelines shall be used:

- (a) Plant materials shall consist of a carefully designed variety of evergreen shrubs.
- (b) Design may be a natural or formal setting; however, plant height shall not interfere with required sight distance.
- (c) Planting beds shall be covered in elsewhere in these regulations.

7. Pedestrian Circulation: Where landscape materials are used to complement areas intended for pedestrian activity, the following guidelines shall be used:

- (a) Pedestrian areas shall be paved with concrete or paving block. Areas to be paved shall be tamped or underlain with gravel.
- (b) In order to minimize large areas of paving, landscape features, such as 2'-3' earth mounds and planters, shall be used.
- (c) Plant materials shall consist of a variety of Evergreen and Deciduous shrubs and trees as approved by the Planning Board.
- (d) Planting beds shall be covered with a Licorice mulch or approved equivalent at 4" minimum depth.

§54-71. Off-Street Loading.

- A. Adequate off-street loading facilities shall be provided by each commercial or business use, industrial establishment, public or semipublic building or use. The location, number, size and design of such loading and unloading areas and access ways thereto shall conform to the requirements of and be approved by the Planning Board prior to the issuance of a building permit or a certificate of occupancy in accordance with site plan requirements.
- B. In the VC-1 and VC-2 districts, off-street parking areas may be used for loading or unloading, provided that:
 - 1. No more than one (1) space shall be so used for each two thousand (2,000) square feet of usable floor area or any part thereof.
 - 2. Such space shall not be so used for more than three (3) hours during the period that the establishment is open for business and such use shall be arranged so as not to coincide with rush hour customer parking demand.

§54-72. Standards for Off-street Parking Areas and Truck Loading Spaces.

- A. A parking space for one passenger vehicle shall have a minimum width of nine (9) feet, a minimum depth of nineteen (19) feet, and a backing area with a minimum depth of twenty-five (25) feet; except, however, that the Planning Board may increase the space size where appropriate.
- B. An off-street truck loading space shall have a minimum width of ten (10) feet, a minimum length of thirty (30) feet, adequate maneuvering area, and a minimum clear height of fourteen (14) feet.
- C. Double loaded spaces or stack parking shall not be permitted as a means of satisfying the parking requirements. In no event shall parking and loading spaces for a use not permitted in a district be located in that district.
- D. To the greatest extent practicable, residential uses along State Route 17 shall be designed so as to provide adequate turnaround area and to preclude the need to back out onto the road right-of-way.
- E. No entrance or exit for any accessory off-street parking area with more than four parking spaces, nor for any loading berth, shall be located closer than 75 feet from the intersection of any two designated street lines as determined by the Official Map. This distance shall be 100 feet for any signalized intersection or an intersection providing for a designated left-turn storage lane on the same intersection leg as the proposed access drive.

§54-73. Joint Use.

The Planning Board may allow off-street parking and loading spaces required for structures or uses on the same or adjacent lots to be provided in a single common facility, on one or more of said lots, subject to the following:

- A. The total capacity of the common facility shall be the sum of the requirements of each individual use, except that said total capacity may be reduced by the Planning Board provided the applicant demonstrates to the satisfaction of the Planning Board that the capacity of such facility will meet the intent of the requirements by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by residents, visitors, patrons and employees among such uses.
- B. As a condition of the approval of the joint use, the Planning Board shall require a legal instrument satisfactory to the Planning Board and Village Attorney assuring the continued existence and use of said parking spaces in connection with the uses and structures that they serve. Such instrument shall also guarantee that upon termination of such use, each individual participant will provide off-street parking and loading spaces for its own use in accordance with all requirements of this Law. Such instrument shall be recorded in the office of the County Clerk of Rockland County.

§54-74. Commercial vehicles and recreation vehicles.

- A. Trailer bodies and shipping containers. The use of trailer bodies or shipping containers for storage within any zoning district is prohibited.
- B. Commercial Vehicles. This section shall not apply to farming equipment or vehicles operated in conjunction with agricultural operations nor to vehicles intended for the transport of livestock or poultry with agricultural operations. In a residential district, the on-site parking of commercial vehicles shall be permitted only as an accessory use to a one-family detached dwelling, subject to the following:
 - 1. One (1) commercial vehicle not exceeding twenty-five (25) feet in length may be parked on a residential lot. No commercial vehicle shall be stored within the front yard of the lot, nor shall any vehicle be parked within ten (10) feet of any lot line or within a required yard, whichever is greater.
 - 2. The commercial vehicle shall be registered to the owner who shall be the occupant of the dwelling.
 - 3. The on-site parking of more than one (1) commercial vehicle shall constitute a contractor's yard and shall not be allowed except as otherwise maybe permitted in this chapter.
- C. Tractor trailers, cabs, and the tractor portion of a tractor trailer, garbage trucks, dump trucks, and similar vehicles shall not be parked or stored in any residential zoning district or on any residential lot within the Village of Sloatsburg and the parking of said vehicles shall be permitted only as an accessory use to a nonresidential use that complies with this zoning local law.
- D. Storage of recreation vehicles. The on-site parking of recreational vehicles (which shall be deemed to include boats exceeding twenty-five feet in length) shall be permitted as an accessory use to a one-family detached dwelling only. The outdoor storage of one (1) recreation vehicle or boat is permitted for every 10,000 square feet of minimum lot area, provided that such trailer or boat is unoccupied and not stored in any front yard or other required yard. No more than two such recreational vehicles shall be permitted per lot.

§54-75. Reserved.

**ARTICLE XII
NONCONFORMING BUILDINGS AND USES**

§54-76. Continuance.

The lawful use of any building or lot existing on the effective date of this local law may be continued even if the use and/or the building do not conform to the regulations of the district in which such premises are located, and such buildings or uses shall be deemed nonconforming. The effective date of this local law shall also include the effective date of any subsequent amendment to this local law that may cause any use or building to become a nonconforming use or building, subject to the regulations herein. Any use in existence on the effective date of this law which was formerly a permitted use, but has been classified a special use by adoption of this law, shall be considered a conforming use, provided, however, that any expansion, alteration, or enlargement shall be subject to these regulations and shall require that an applicant secure a special use permit from the Planning Board.

§54-77. Repair or Alteration.

Normal maintenance and repair of, and incidental alteration in, a nonconforming building or a building occupied by a nonconforming use is permitted if it does not create any new nonconformity in the building or extend the nonconforming use. No major structural alteration, restoration or enlargement shall be made in a building occupied by a nonconforming use, except:

- A. When required by law.
- B. To adapt the building to a conforming use.

A nonconforming building that is, or is to be, devoted to a conforming use may be reconstructed, structurally altered, restored or repaired, in whole or in part, provided that such action does not increase the degree of nonconformity.

§54-78. Damage, Destruction and Restoration.

- A. If a nonconforming use or building or other structure of nonconforming bulk sustains an amount of damage or destruction by any cause, which amount is officially appraised to be seventy-five percent (75 %) or more of its assessed value, the building or other structure, or tract of land, shall thereafter be occupied and used only in conformity with the provisions of this local law.
- B. If a nonconforming building, structure or use is damaged to an extent less than seventy-five percent (75 %) of its true value, in no case shall such building, structure or use be restored to extend beyond the limits of the previous nonconformity or to increase the intensity or degree of the nonconforming use.

§54-79. Extension, Enlargement or Change of Location.

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the effective date of this local law shall not be deemed the extension of a nonconforming use. A nonconforming use shall not be moved to any portion of the building, structure or land not so occupied on the effective date of this local law.

§54-80. Change of Use.

Any nonconforming use may be changed to a conforming use. Once changed to a conforming use, no building or land shall revert to a nonconforming use. On application to and with the approval of the Board of Appeals, a nonconforming use may be changed to any other nonconforming use which the Board of Appeals deems to be more in keeping with the uses permitted in the district in which the said nonconforming use is located. The Zoning Board of Appeals shall hold a public hearing prior to approving the change of use.

§54-81. Discontinuance of Use.

If active and continuous operation of a nonconforming use is not carried on during a continuous period of one (1) year for a building or six (6) months if such use occupies land wherein there is no consequential structure devoted to such use, the nonconforming use shall be deemed to be discontinued and the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume a nonconforming use shall not confer the right to do so. For purposes of this local law, it shall make no difference whether discontinuance of operations is voluntary or involuntary.

§54-82. Cessation.

Notwithstanding any other provisions of this local law, any automobile-wrecking yard or other junk yard in existence in any district at the date of enactment of this local law shall at the expiration of two (2) years from such date become a prohibited and unlawful use and shall be discontinued. Any advertising sign or billboard existing as of the date of adoption of this local law shall become a prohibited and unlawful use and shall be discontinued within one (1) year from the effective date of this local law or any amendments thereto which shall make such sign illegal.

§54-83. Extension of Nonconforming Building.

A pre-existing building not conforming to yard requirements may be extended on its side or rear yards without the need for an area variance from the Zoning Board of Appeals, but any such extension shall not be at a lesser distance from the lot line than the preexisting portion of the building, and shall not result in any exceedance of the maximum lot coverage or maximum floor area ratio requirement for the district in which the building is located.

§54-84 Existing Undersized Lots.

- A. Two (2) or more contiguous nonconforming vacant parcels of land in common ownership on or after July 23, 1990, shall be deemed to be merged to form one (1) or more lots conforming so far as possible to the lot standards of the district in which the parcels are located. The lots shall be merged so that no nonconforming lot or lots are formed, or to reduce the degree of nonconformity.
- B. One or more vacant parcels of land that adjoin a nonconforming lot in common ownership on or after July 23, 1990, and containing a building or structure shall be deemed to be merged with said improved lot to the extent necessary to bring the improved lot into conformity so far as possible. If the remaining portion of the vacant parcels constitutes a conforming lot, said remaining portion shall constitute a separate lot. Otherwise, the merged lots shall constitute one lot.

- C. Merger shall occur whether such contiguous parcels were under common ownership at the date of adoption of these regulations (July 23, 1990), or come under common ownership any time thereafter.
- D. No lot so merged, or portion thereof, may be transferred in any manner that will increase the degree of nonconformity unless approval has first been obtained from the Zoning Board of Appeals. No approval shall create any additional buildable lot(s).
- E. Grandfathering of Lots to be used for the construction of one-family detached dwellings. Any lot in existence prior to July 23, 1990, which did not adjoin another lot in common ownership and does not presently adjoin a lot in common ownership, and whose lot area, lot width, lot depth are less than the minimum lot requirements for the district in which it is located, may be considered as complying with the minimum lot area requirements, and no variance shall be required, provided that:
 - 1. Such lot has a minimum lot area of seventy-five hundred (7,500) square feet and a minimum lot width of fifty (50) feet.
 - 2. A one-family detached dwelling constructed on a pre-existing undersized lot in conformity with the provisions of this section shall conform with all yard, FAR, coverage and height requirements of the district with a minimum lot area requirement in which the lot would conform in descending order from the largest to smallest lot area. For example, a pre-existing 20,000 square foot lot in the R-40 district shall conform to the R-15 zoning district bulk requirements. Lots smaller than 10,000 square feet shall be subject to the R-10 bulk requirements.
 - 3. The lot shall be used only for the construction of a one-family detached dwelling, and said use shall be a permitted use in the district in which said lot is located.
 - 4. These grandfathering provisions do not apply to any other use.
- F. Front yard exception. When an unimproved lot is situated between two (2) improved lots, each having a principal building within fifty (50) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots but shall not be less than fifteen (15) feet.

§54-85. Reserved.

**ARTICLE XIII
ADMINISTRATION**

§54-86. Interpretation.

- A. Interpretation. In their interpretation and application, the regulations of this local law shall be considered to be the minimum provisions for the protection and promotion of public health, safety, morals, convenience, comfort, prosperity, esthetics, and other aspects of general welfare. It is hereby declared to be the legislative intent that this local law shall always be interpreted in a way that promotes the purposes set forth in the Declaration of Purpose and regarded as remedial to help in providing for all residents of the Village of Sloatsburg the benefits of orderly physical development of the community, and this local law shall therefore be construed liberally to further its stated underlying purposes and goals.
- B. Precedence. This local law is not intended to supersede or nullify any statute, ordinance, regulation, easement, private agreement, covenant or other legal relationship--private or public--in effect prior to the adoption of this local law. However, wherever the provisions of such other statute, ordinance, regulation, easement, private agreement, covenant or other legal relationship--private or public--are inconsistent with any provisions of this local law, then those provisions which are the most restrictive or impose higher standards shall take precedence.
- C. Prior approvals. This local law is not intended to abrogate or annul any building permits or certificates of occupancy issued before the effective date of this local law, except where a violation may be issued in accordance with the provisions of this Article.

§54-87. Enforcement.

- A. Enforcing Officer. This local law shall be enforced by the Building Inspector who shall be appointed by the Board of Trustees of the Village of Sloatsburg. All applications for such permits shall be in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code. No building permit or certificate of occupancy shall be issued by the Building Inspector for any purpose except in compliance with the provisions of this local law, including any conditions attached to the approval of a variance, special permit, or site plan and in compliance with all other statutes, laws, ordinances, rules and regulations applicable to the affected property.
- B. Notice of Violation. The Building Inspector is authorized to inspect or investigate, at his discretion, any building, structure, use or premises in the Village of Sloatsburg with regard to provisions of this local law, and to issue a written order for the proper remedying or compliance, within a reasonable time of any condition found to be in violation thereof.
- C. Investigation. If the Building Inspector shall find that any of the provisions of this local law are being violated, or when any purported violation shall be brought to his attention, it shall be mandatory upon the Building Inspector to make an investigation. In the event that the Building Inspector determines that a violation of this local law does in fact exist, it shall be mandatory upon the Building Inspector to serve written notice of said violation by regular or certified mail (return receipt requested) upon the record owner indicating the nature of the violation and ordering the necessary corrective action, and copies of

such notice shall be delivered to the Village Clerk. The Building Inspector shall order the discontinuance of (a) any illegal use of land, buildings, or structures; removal of illegal buildings, or structures, or additions, alterations, or structural changes; or (b) any illegal work in progress. In the event that the owner shall fail to abate said violation within ten (10) days of the service of such notice, it shall then be mandatory upon the Building Inspector to report such fact in writing to the Village Clerk.

§54-88. Building Permit.

- A. Building permit required. No building, structure, or sign in any district shall be erected, reconstructed, restored, enlarged, relocated, altered, used, or moved in whole or in part to another site without a building permit. A building permit shall be duly issued upon application to the Building Inspector and upon payment of the required fee in accordance with the schedule of fees of the Village of Sloatsburg. A building permit shall be issued only if the proposed construction or use is in full conformity with all provisions of this local law and all other applicable regulations of the Village of Sloatsburg. Any such permit issued in violation of the provisions of this local law shall be null and void and of no effect without the necessity for any proceedings for revocation or nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

- B. Required Information. Every application for a building permit shall contain the following information and be accompanied by a plot plan in duplicate drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey, prepared by a licensed engineer or land surveyor, is required. In the case of accessory buildings, the Building Inspector may waive such of the requirements set forth in paragraphs (1) through (5), below, as he may deem to be superfluous.
 - 1. The actual shape, dimensions, radii, angles, and area of the lot on which the building is proposed to be erected, or if an existing building, of the lot on which it is situated.
 - 2. The exact size and locations on the lot of the building or buildings proposed to be erected or altered and of all other existing buildings on the same lot, if any. Foundation locations must be submitted to the Village of Sloatsburg Building Department for all new buildings prior to the commencement of framing. The framing shall not begin until the Building Department has approved the proposed foundation locations. Failure to comply with this subsection may result in a revocation of the Building Permit for the building.
 - 3. The dimensions of all yards in relation to the subject buildings and the distances between such building and any other existing buildings on the same lot.
 - 4. The existing and intended use of all buildings, existing or proposed, the use of land, and the number of dwelling units, if any, the building is designed to accommodate.
 - 5. Such other information with regard to the building, the lot, or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this zoning law.

- C. Approval. No building permit shall be issued for any building that is subject to site plan approval, subdivision approval, land disturbance, special permit or any other approval of the Planning Board, except in conformity with the requirements of the said Board. No permit shall be issued for a building that is permitted subject to a variance granted by the

Board of Appeals except in accordance with all conditions that may have been prescribed by the said Board.

- D. **Building Inspector Review.** The Building Inspector shall, within thirty (30) days after the filing of a complete and properly prepared application incorporating all required approvals, including site plan, special permit and/or variances, either issue or deny a building permit. If a permit is denied, the Building Inspector shall state the reason for such denial on two copies of the application and shall return one copy to the applicant. Failure on the part of the Building Inspector to act within the time specified shall not be deemed approval of the application.
- E. If any construction, alteration, enlargement or other work authorized under a building permit is not completed within twelve (12) months from the date of its issuance, such permit shall expire. The Building Inspector may authorize in writing not more than one (1) consecutive six (6) month extension because of the occurrence of conditions unforeseen at the time of issuance of such permit. If not completed within the time period and the extensions, application must be made for a new building permit.
- F. **Zoning Amendment.** If the applicable zoning regulations are amended after issuance of a building permit in such a way as to make a proposed use nonconforming as to use or bulk and no substantial work has been undertaken on the structure or foundations, the building permit shall be invalid. However, if all footings have been installed before the effective date of such zoning amendment; and if construction is continuing at the time, the proposed use shall be completed as authorized in the building permit subject to expiration of such permit.

§54-89. Certificate of Occupancy or Use.

- A. **Certificate of Occupancy or Use Required.** A certificate of occupancy or use shall be obtained from the Building Inspector for any of the following reasons:
 - 1. Occupancy and use of a building after it is erected, reconstructed, restored, enlarged, relocated, altered, used, or moved in whole or in part.
 - 2. A change in the use of an existing building or of a part thereof.
 - 3. Occupancy and use of vacant land, or change in the use of land except for any use consisting primarily of the tilling of soil for agricultural purposes.
- B. **Application for Certificate of Occupancy or Use.** Every application for a certificate of occupancy or use shall be accompanied by a fee in an amount established by the Board of Trustees and shall be made in duplicate upon forms provided by the Building Inspector.
- C. **Reference to Building Permit.** Every such application for a certificate of occupancy or use shall refer to the building permit issued or, if none was required, shall give the additional data required in an application for a building permit.
- D. **Certificate of Occupancy or Use Issuance Required Before Occupancy.** No occupancy, use or change of use shall take place until a certificate of occupancy or use therefore has been issued by the Building Inspector. No certificate of occupancy or use shall be issued which would be in violation of any provision of this local law, except upon a written order of the Board of Appeals. No certificate of occupancy or use shall be issued

unless prior site plan, variance, or special permit approvals, if any, have been granted by the appropriate agency in accordance with the provisions of this local law. No certificate of occupancy or use shall be issued unless all taxes and assessments on the property have been paid, and in the case of subdivisions, until public improvements have been installed to the satisfaction of the Village Engineer.

- E. Non-Issuance. In case the Building Inspector shall decline to issue a certificate of occupancy or use, his reasons for so doing shall be stated on the application and one (1) copy shall be returned to the applicant.
- F. Filing. A record of all certificates of occupancy shall be filed in the office of the Building Inspector.

§54-90. Temporary Certificate of Occupancy or Use.

- A. Authority. The Building Inspector may issue a temporary certificate of occupancy or use for a period not to exceed ninety (90) days during the completion of any alterations or for a part of a partially completed building, or prior to the completion of any required landscaping, concrete work, or other improvements which may not be installed due to seasonal constraints, or for a non-building use, and to extend such period by not more than two (2) consecutive thirty (30) day periods provided that the Building Inspector finds:
 - 1. That withholding a certificate of occupancy or use prior to completion of the said alterations or of the building would cause unnecessary hardship; and
 - 2. That work on the building prior to the date of application for a temporary certificate of occupancy or use has been prosecuted diligently.
 - 3. That such portion or portions as have been completed may be occupied safely without endangering life or the public welfare
- B. Conditions. A temporary certificate of occupancy or use shall be subject to specific terms and conditions where necessary to assure the safety of the public, the occupants of the building and of adjacent buildings and land and shall include a timetable for achieving full compliance with all applicable requirements and the completion of all required improvements, if any. Upon expiration of the temporary certificate of occupancy or use the use shall be terminated unless a permanent certificate of occupancy or use shall have been issued prior to the date of such expiration. The Building Inspector shall require surety from the owner or holder of the building permit, which surety shall run to the benefit of the Village for a term not exceeding 90 days. The amount of said surety shall be sufficient to cover the cost to complete the work, and shall be set and held by the Village Board of Trustees, upon the advice of the Building Inspector, the Village Engineer, when necessary, and the Department of Public Works, and in such form acceptable to the Village Attorney. Every application for a temporary certificate of occupancy shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Sloatsburg.
- C. Rights of Parties. A temporary certificate of occupancy or use shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the Village with respect to the use or occupancy of the land or building or any other matter covered by this local law.

§54-91. Health Department Approval.

Whenever a request for a building permit provides for the erection, installation, modification, enlargement or repair of a septic or sewage treatment facility, no building permit shall be issued unless the applicant shall have first obtained the approval of the Rockland County Health Department.

§54-92. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any such building or structure or land is used in violation of this local law, the enforcing officer, or other proper Village authority in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful act, condition or use, an order 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 premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

§54-93. Violations.

- A. Liability for Violations. Any person or corporation, whether as owner, lessee, architect, contractor, or builder, or the agent or employee of any of them, who violates or is accessory to the violation of any provision of this local law or any rule or regulation made under the authority conferred by this local law; or who shall erect, construct, alter, enlarge, convert or move any building or structure or any part thereof, without a building permit or in violation of any statement or plans submitted and approved under the provisions of this local law; or who shall use any building, structure, or land in violation of this local law or any rule or regulation made under the authority conferred by this local law, (a) without, or in violation of the provisions of any building permit, change of use permit, or certificate of occupancy, where such a permit is required by this local law, or (b) in violation of any conditions attached to the approval of a site plan or special permit by the Planning Board or a variance by the Board of Appeals, and who fails to abate said violation within the time period set forth in the written notice which has been served upon him either by mail or personal service, shall be liable to a penalty of not more than five thousand (\$5,000) dollars and in addition shall pay all the costs and expenses incurred by the Village in determining such violation. Each calendar day that a violation continues shall constitute a separate offense.

- B. Legal Action. In case any building or structure is erected, constructed, reconditioned, altered, repaired, converted or maintained, or any building, structure, or land is used, in violation of this local law, the Trustees of the Village of Sloatsburg, or the Building Inspector, or any other official of the Village, in addition to other remedies, may institute any appropriate action or proceeding through the Village Attorney in order to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, 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.

§54-94. Relief from Decisions.

The Zoning Board of Appeals may hear and decide appeals from and review any order, requirement, decision, interpretation, or determination made by the Building Inspector charged with the enforcement of this zoning local law as per the authority granted to the Zoning Board of Appeals in §7-712-a of the New York State Village Law.

§54-95. Professional Fees.

- A. Reimbursement for professional services. The Village Board, Planning Board, or Zoning Board of Appeals (hereinafter referred to as the "Reviewing Agency"), in the review of any application before it, including but not limited to site plan, subdivision, special use permit, use and area variance and zoning amendment applications, may refer any such application presented to it to such engineering, planning, environmental, legal, or other technical consultant as such Reviewing Agency shall deem reasonably necessary to enable it to review such application as required by law.
- B. Escrow established. In addition to any application fees that shall accompany an application before the Reviewing Agency, the applicant shall deposit with the Village Clerk/Treasurer funds that shall be used for the professional review of an application. Said funds shall be placed in an escrow account established for such purpose.
- C. Estimate of Amount to be Deposited in Escrow Account. The Reviewing Agency shall estimate the approximate cost of said services and shall cause the applicant to be notified that said sum of money is to be paid to the Village Clerk/Treasurer prior to the review of the application. An application shall be deemed incomplete until such funds are placed in escrow.
- D. Reimbursement of Professionals. Upon presentation and auditing of vouchers submitted by the professional consultants authorized by the Reviewing Agency to review an application, the Village Clerk/Treasurer shall reimburse said consultants from the funds in the escrow account and shall send a copy of the statement to the applicant.
- E. Replenishment of the Escrow Account. At the direction of the Reviewing Agency, the escrow account shall be replenished should the Reviewing Agency determine that additional funds are required to complete review of an application. The Reviewing Agency shall notify the applicant that the escrow account shall be replenished in an amount to be determined by the Reviewing Agency. The Reviewing Agency may adjourn the review of any application pending the deposit of funds by the applicant into the escrow account.
- F. Refund of Escrow Balance. Upon the Reviewing Agency's decision of an application, the Village/Clerk Treasurer shall refund the balance of the monies held in escrow and shall provide a statement of the fees paid from said account. If an action requires approval from more than one Reviewing Agency, the balance of funds in the escrow account shall remain in the account until such time that all decisions on an action are made.
- G. Approvals Subject to Payment of Fees. Final approval of an application shall not be granted, nor shall any building permit or certificate of occupancy be issued, nor shall any subdivision or site plan be signed or released for filing, until such time that all application

and professional fees are reimbursed by the applicant.

- H. **Inspection Fees.** Whenever public improvements are installed by a developer or property owner, the Village Engineer may require the developer or property owner to pay a sum equal to a percentage of the cost of required improvements, including but not limited to roads, sidewalks, plazas, utilities, drainage systems, water mains, sewage mains or treatment facilities, landscaping, whether or not they are to be publicly owned, for the cost of engineering or construction inspections and/or laboratory analysis. Such fees shall be paid prior to the issuance of building permits and certificates of occupancy. Any portion of the fee not so utilized shall be returned to the applicant. The Village Engineer shall estimate the approximate cost of said improvements but in no event shall the initial fee be less than four percent (4%) of the cost of the improvements.
- I. **Customary Fees.** The applicant shall pay such sum as is deemed necessary by such Board to an escrow account from which such fees shall be paid in accordance with Local Law No 5 of 1984, as may be amended from time to time. Such professional services shall be limited to those customarily rendered in the County of Rockland, State of New York, in connection with the review of applications by municipal boards and agencies. Fees for such services shall be charged on a time and expense or flat basis, as the case may be, and as is customary in the County of Rockland, State of New York for such services, and shall be at a rate which is competitive with other like vendors in the County of Rockland, State of New York. The inspection and consultant fees established by this section shall be in addition to and not in lieu of any fees and charges required by law including fees and charges pursuant to the State Environmental Quality Review Act.
- J. **Timely Payment of Fees.** All inspection and consultant fees shall be paid within thirty (30) days of notification to the applicant by the Village Clerk/Treasurer sent by regular mail to the applicant's address as set forth on the application form. Failure by the applicant to pay such fees within thirty (30) days from the date of said notification by the Village Clerk/Treasurer shall operate as an immediate bar to the continued consideration of the application by any board or individual or agency of the Village of Sloatsburg. If said fees are not paid within sixty (60) days of the date of notice from the Village Clerk/Treasurer, same official is hereby authorized to place a lien in the amount indicated on such notice, and said fees shall become a lien on the real property which is the subject of the application.
- K. Any applicant who disputes any fee statement presented to him pursuant to this chapter may bring a proceeding in the Supreme Court of the State of New York, in and for the County of Rockland, pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York, within 30 days after presentation of such disputed fee statement. The commencement of such a proceeding shall not stay the obligation of the applicant to pay any fee statement presented to him pursuant to this chapter.

**ARTICLE XIV
PLANNING BOARD; COUNTY REFERRALS**

§54-96. Planning Board Created.

- A. Pursuant to Section 7-718 of the Village Law of the State of New York, there shall be a Planning Board consisting of five (5) members, each to be appointed for a term of five (5) years by the Village Board of Trustees. The chairperson shall be designated by the Board of Trustees, or, in the absence of such designation, may be selected by the Planning Board. The Planning Board shall select a Secretary, and may pay for the services of said Secretary or experts, but not in an amount exceeding the budgetary appropriation for the Planning Board made by the Board of Trustees. The Planning Board already established shall continue to function under the provisions of this local law, and the members thereof may continue in office until their respective terms expire.
- B. Powers and Duties. The Planning Board shall be empowered to:
1. Review site plan applications pursuant to Article XV of this zoning law.
 2. Review subdivision applications pursuant to the subdivision regulations of the Village of Sloatsburg.
 3. Review land disturbance permit applications pursuant to Article IX of this zoning law.
 4. Review special use permit applications pursuant to Article VII of this zoning law.
 5. Review steep slope permit applications pursuant to Article IX of this zoning law.
 6. Review of wetland and watercourse applications pursuant to Article IX of this zoning law.
 7. Review of tree removal applications pursuant to Article IX of this zoning law.
 8. Recommend on its own motion, or by referral from the Board of Trustees, matters relating to proposed amendments to the Sloatsburg Zoning Law pursuant to Article XVII of this zoning law.
 9. Prepare and change the comprehensive plan of the Village at the request of the Village Board.
 10. Make investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Village.
 11. Architectural design review pursuant to Article VI of this zoning law.
- C. Procedures. The Planning Board shall determine its own rules of conduct and procedure consistent with the applicable provisions of the Village Law of the State of New York and this local law.

§54-97. Referrals to Rockland County Planning Department.

- A. Matters to be Referred. In accordance with Section 239 of the General Municipal Law of the State of New York, the following applications shall be referred to the Rockland County Planning Department if they apply to real property set for in B of this subsection:
1. adoption or amendment of a comprehensive plan pursuant to section 7-722 of the village law;
 2. adoption or amendment of a zoning ordinance or local law;
 3. issuance of special use permits;
 4. approval of site plans;

5. granting of use or area variances;
 6. approval of subdivision plans;
 7. steep slope permit applications; and
 8. wetland permit applications.
- B. Real property lying within a distance of five hundred (500) feet of the following shall be referred to the Rockland County Planning Department:
1. The boundary of any other municipality.
 2. The boundary of any existing or proposed county or state park or other recreation area.
 3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway.
 4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
 5. The existing or proposed boundary of any county or state owned land in which a public building or institution is situated.
- C. County Planning Department Recommendation. The Rockland County Planning Department shall have thirty (30) days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the Rockland County Planning Department and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If the Rockland County Planning Department fails to report within such period, the referring body may take final action on the proposed action without such report. However, any Rockland County Planning Department report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of §54-97.D.
- D. Effect of Negative Report. If the Rockland County Planning Department recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.
- E. Report Filing. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the Rockland County Planning Department. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

§54-98. Community Design Review Committee (CDRC).

- A. Intent. The Board of Trustees of the Village of Sloatsburg is desirous of creating a non-voting, advisory committee consisting of various professionals retained by the Village who shall meet on a regular basis to review and evaluate applications and proposals which go before the Village Board, Planning Board and Zoning Board of Appeals prior to and during the review process by the respective boards. The creation of a review committee of village professionals fosters the health, safety and welfare of the village and its residents.
- B. The Board of Trustees of the Village of Sloatsburg hereby establishes a Community Design Review Committee (CDRC) to review and evaluate applications and proposals.

The following Village officials, consultants or their designated representatives are members of the CDRC:

1. Village Building Inspector
 2. Village Engineer
 3. Village Attorney
 4. Village Planner
 5. Secretary to the Planning Board
 6. Secretary to the Zoning Board of Appeals
 7. Such other consultants that may be retained to review specific applications and proposals
- C. The CDRC shall meet when and as often as necessary to review and evaluate applications and proposals.
- D. Fees for Review to be Reimbursed by the Applicant. An applicant shall reimburse the Village for professional fees and costs incurred during CDRC review. Costs shall be billed to the applicant in accordance with the Village's Local Laws.

§54-99. Reserved.

**ARTICLE XV
SITE PLAN APPROVAL**

§54-100. Planning Board Approval Required.

- A. Pursuant to the authority enumerated in Article XIV herein, the Planning Board of the Village of Sloatsburg is hereby empowered to review and approve, approve with modifications or disapprove site plans, in order to insure that proposed development and use of land within the area of the Village of Sloatsburg will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods and that the health, safety, welfare, comfort and convenience of the public is fully considered.
- B. Applicability. The types of development or use set forth below shall require site plan approval by the Planning Board:
1. New Construction. The erection of any structure or building other than a one-family detached or two-family dwelling or for structures or buildings accessory thereto, in any district.
 2. Enlargement or Alteration. The enlargement or alteration of any building other than a one-family dwelling or any existing building that is accessory thereto.
 3. Use of Land. All use of land not involving buildings or structures.
 4. Change of Use. Any change of use or intensity of use of premises other than the above which will require a modification of existing means of access or egress, parking or loading facilities, drainage, utilities, landscaping or screening or outdoor lighting.
- C. Building Permit and Certificate of Occupancy or Use. No building permit or certificate of occupancy or use shall be issued except in conformity with the approved site plan or any modification of such plan and all conditions attached by the Planning Board to the approval of either the original or the modified site plan. The continued validity of any certificate of occupancy shall be subject to continued conformance of the development with such site plan and all attached conditions.
- D. Site Plan Approval Findings and Standards. In considering and approving site plans, the Planning Board shall take into consideration the public health, safety, and general welfare and the comfort and convenience of the public in general, and of the residents or users of the proposed development and the immediate neighborhood in particular, and shall prescribe appropriate conditions and safeguards in harmony with the general purpose and intent of this local law and Comprehensive Plan in effect in the Village with regard to achieving the following objectives in particular:
1. That all proposed traffic access ways have sufficient, but not excessive, capacity; are adequate in width, grade, alignment, and visibility; are not located too near street corners or places of public assembly; are designed with due regard to other similar safety considerations; and are provided with all traffic safety devices needed for the protection of motorists, cyclists, and pedestrians.
 2. That the interior circulation system is adequate to provide safe access to all required off-street parking spaces, loading bays, and building services. That adequate off-street parking is provided to prevent parking in public streets of vehicles, except in those zoning districts that permit on-street parking, of any

persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking. On sites with mixed and nonresidential uses, parking should, to the extent practicable, be located in proximity to the uses that generate the highest parking demand and turnover.

3. That, wherever possible, areas set aside for play and other active use by residents or users of the site are located with due regard for their safety and welfare.
4. That all playground, parking, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets where practical and needed for the protection of such lots and streets; that the general landscaping of the site is in character with, or superior to, that generally prevailing in the neighborhood and will enhance the aesthetic aspect of the abutting street or streets; and that all existing trees over eight inches in diameter, measured three feet above the base of the trunk, are retained to the maximum extent possible.
5. That all areas not paved or improved with buildings be landscaped, so as to avoid the creation of expanses of pavement.
6. That all outdoor lighting is of such nature and so arranged as to harmonize with the character of the neighborhood, and preclude the diffusion of glare onto adjoining properties and streets.
7. That the drainage and sewerage systems are adequate to accommodate any expected loads, and that all runoff from storm and sub-surface waters are carried into approved water courses and drainage systems shown on Official Maps, and that all connections to Village systems are in accordance with Village standards, and where appropriate that such drainage improvements be installed on easements to be granted to the Village of Sloatsburg.
8. That water supply is adequate to accommodate the expected demand and that all water supply structures, lines, equipment and materials are designed adequately.
9. That all proposed structures, equipment, or materials will be readily accessible for fire protection and will not constitute a fire hazard for adjacent structures.
10. That the site plan and building design consider the conservation of energy.
11. That adequate provision be made for emergency services, including the provision of water to meet fire safety requirements, based on recommendations or requirements of the Sloatsburg Fire Department.
12. That the site layout and overall appearance of buildings on the site will not have any reasonably avoidable adverse impact upon the desirability of adjacent properties by impairing the established character or value thereof.
13. That trees and natural vegetation are to be protected to the maximum extent, and clearcutting shall be strictly limited. Clearing limit lines shall be strictly adhered to, selective cutting is the preferred method of tree removal, and landscaping plans shall be provided to mitigate any impacts to offset the impacts of clearing.
14. That development shall be avoided on ridgelines to the maximum extent practicable, and that the Planning Board may impose conditions to limit potential views of structures on ridgelines where development cannot be avoided.
15. That to avoid the disturbance to steep slopes, the Planning Board shall establish conditions to minimize impacts, including terrain adaptive housing, limitations on the use of retaining walls, and other similar mitigation.
16. That the Planning Board finds that the development shown on the site plan is consistent with the objectives of the Comprehensive Plan and of this zoning law.

- E. Referral to County Planning Department. In accordance with Section 239 of the General Municipal Law of the State of New York, site plans shall be referred to the Rockland County Planning Department in accordance with the §54-97 of this zoning law.

§54-101. Procedure.

- A. Application. An application for site plan approval for any building, structure or open use of land, other than for a one-family detached or two-family dwelling, shall be made to the Planning Board. Said application and any necessary accompanying drawings or maps shall contain those items required by the Planning Board as are listed below, and shall be provided in sufficient number of copies as determined by the Planning Board. The Planning Board may vary or waive the provision of any of the required information listed in subsection .8 hereof only where it finds it to be inappropriate or unnecessary due to special conditions peculiar to the site, or upon a determination that strict compliance with said requirements will cause an unnecessary hardship. The Board shall assure that the granting of such variance or waiver will not have a detrimental effect on the public health, safety or general welfare.
- B. Payment of Fee. On application to the Planning Board for site plan approval, the applicant shall pay a fee as may be established by the Board of Trustees.
- C. Review for Completeness. Upon receipt of an application for site plan approval the Planning Board shall review the application and accompanying maps for completeness. Upon determining that the application is complete and ready for review, the Board shall accept the application at its next regular meeting. For purposes of meeting statutory requirements of Section 7-725-a of the Village Law of the State of New York, this shall be considered to be the date an application for site plan approval is made. An application shall not be deemed complete unless a fee for site plan application has been paid in accordance with the Schedule of Fees of the Village of Sloatsburg.
- D. Public Hearing. The Planning Board shall conduct a public hearing within sixty-two (62) days from the day an application is received on any matter referred to it under this section. The Planning Board shall mail notice of said hearing to the applicant at least ten (10) days before such hearing, and shall give public notice of said hearing in a newspaper of general circulation in the village at least five (5) days prior to the date thereof. Notice of such hearing shall be given by the applicant to the owners of adjacent or surrounding properties within two hundred (200) feet and proof of such notice shall be filed with the Board.
- E. Planning Board Review. The Planning Board shall act to approve, approve with conditions, or disapprove any such site plan within sixty (62) days following the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and such board. Prior to any decision, the Planning Board shall have complied with the provisions of the State Environmental Quality Review Act. In reviewing the application, the Board shall request that the applicant make any revisions which the Board may deem to be required to assure that the proposed development will conform to the intent and requirements of this local law.

- F. Filing of decision. The decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required. A copy of the decision shall also be filed with the office of the Building Inspector.
- G. Amendment to Approved Site Plan. An application for an amendment to a previously approved site plan shall be acted upon in the same manner as the application for approval of the original site plan, provided however, that the Planning Board may waive the requirement for a public hearing.
- H. Surety Bond Required. Following approval of the site plan by the Planning Board, in addition to any other fees required by the Village, the applicant shall file with the Village Clerk adequate surety in an amount set by the Planning Board in consultation with the Village Engineer, sufficient to cover the full cost of any required on or off-site improvements. Said surety may consist of one or more of the following: cash, performance bond, passbook, or the completion of improvements prior to the issuance of the building permit or certificate of occupancy or use, as determined by the Planning Board. The form of the surety must be approved by the Village attorney. If the value of improvements is less than \$10,000, the Planning Board may waive the surety requirements.
- I. Surety. The surety bond may cover any of the following, among others: proposed screening and landscaping, including planting and maintenance thereof for a minimum of one year and a maximum of three years, at the discretion of the Planning Board; storm water drainage system; streets and drives; water and sanitary sewer systems; outdoor lighting; off-street parking and loading areas; means of vehicular access and egress to and from the site onto public streets; recreation areas, including playgrounds; garbage collection stations; and fire alarm systems (if any). Release of the said surety shall be conditioned upon completion by the property owner or developer of all of the applicable work, as set forth on the approved site plan, in a manner satisfactory to the Village Engineer, and upon the proper functioning of said systems for a period of one year following their completion.
- J. Completion of Improvements. No certificate of occupancy shall be issued for the property until the improvements shown upon the site plan and the off-site improvements, as required by the Planning Board, have been duly installed and all easements and property interests granted or dedicated to the Village, except that where an improvement bond has been required, a certificate of occupancy may be issued where the bond has been duly approved and filed.
- K. Referral. The Planning Board may refer the site plan to the Village Engineer or other department, official or agency of the Village or by outside experts, the County Highway Department, the Rockland County Drainage Agency, the New York State Department of Transportation, the New York Department of Environmental Conservation, the U.S. Army Corps of Engineers and/or any other agency prior to determining that the application is complete for their comment.

§54-102. Site plan specifications.

- A. Required Information. The following information must be submitted in conjunction with an application for site plan approval, except that the Planning Board may waive any items listed in this subsection that it determines to be unnecessary in individual situations. The site plan shall be prepared and certified by a professional engineer, land surveyor, or registered architect, licensed in New York State.
1. An area map at a convenient scale, which shall include the location of railroads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four (4) sides; all public improvements such as schools, firehouses, houses of worship, recreational areas, etc. Existing school, zoning and special district boundaries within five hundred (500) feet of the property shall be shown. The area map shall show the location of the Ramapo River sole source aquifer CEA boundaries and the boundaries of the Ramapo River recreational river corridor, where applicable.
 2. A map of applicant's entire holding at a convenient scale, and all surrounding properties.
 3. Existing and proposed contours, with intervals of two (2) feet or less extending one hundred (100) feet beyond the property line.
 4. The names of all owners of record of adjacent property located within two hundred (200) feet of the property
 5. Boundaries of the property and existing lot lines as shown on the current tax map.
 6. Existing public streets, easements or other reservations of land.
 7. A copy of the deed and any covenants or deed restrictions that are intended to cover all or any part of the property.
 8. Location of all existing structures on the site and on adjacent properties within one hundred (100) feet of subject lot line. The approximate location of individual wells or septic systems within one hundred feet of any property line shall be shown.
 9. The proposed location and use of any building or structure.
 10. The proposed location of walkways, benches, fences, recreational facilities.
 11. Plans and elevations of all proposed buildings or structures or accessory structures, including all proposed signs that are regulated by this zoning law.
 12. Location and design of all existing and proposed driveways, streets, parking and loading areas. Road and driveway profiles shall be submitted at the request of the Planning Board.
 13. Location of all existing and proposed water lines, valves, hydrants and sewer lines.
 14. Proposed sewage disposal system with applicable details.
 15. Stormwater Pollution Prevention Plan consistent with the requirements of §54-58 of this zoning local law. The SWPPP shall meet the performance and design criteria and standards set forth in that section.
 16. The location of all wetlands, watercourses, and wetland/watercourse buffers as set forth and regulated in §54-57 of this zoning local law.
 17. Existing and proposed fencing.
 18. A landscaping plan.
 19. Soil erosion and sediment control plan.
 20. Existing and proposed location, direction and type of outdoor lighting with detail sheets indicating height and design of lighting.

21. Location of existing watercourses, wetlands, floodplains, wooded areas, rock outcrop, and single trees with a diameter of eight (8) inches or more measured four (4) feet above the ground level.
 22. Viewshed analysis where any project may impact a scenic road or ridgeline, or other scenic resource identified by the Planning Board as significant.
 23. Where the applicant wishes to develop a project in stages, a phasing plan.
 24. The Planning Board may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.
- B. Amending Specifications. These specifications may be amended or modified by the Planning Board. All amended or modified specifications shall be approved by the Village Board in conformity with the procedure for amendment of this local law.
- C. Informal Review
1. An applicant may submit at his discretion, and subject to the consent of the Planning Board, an application to the Planning Board for informal site plan review. The applicant shall submit all items required including payment of required fee, but need not submit a complete site plan as required for site plan approval. If the Planning Board shall deny the informal site plan, the applicant shall prepare a revised informal site plan for review by the Planning Board, or may submit a formal site plan application.
 2. Subsequent to informal site plan approval, if any, the application for formal site plan approval shall be submitted to the Planning Board.
- D. Time Limit on Approval. Unless a complete building permit application is filed within one (1) year of the date of formal site plan approval, the approval shall become null and void and of no effect. Upon application and for good reason shown, the Planning Board may extend the validity of approval by not more than two consecutive 120-day periods from the date of original approval provided the request for an extension is received in writing and prior to the expiration of the approval or approved extension.

§54-103 and 104. Reserved.

**ARTICLE XVI
BOARD OF APPEALS**

§54-105. Board of Appeals.

- A. Establishment. Pursuant to Section 7-712 of the Village Law of the State of New York, there shall be a Board of Appeals consisting of five (5) members each to be appointed for a term of five (5) years by the Village Board of Trustees. The Board of Trustees shall appoint a Chairperson and the Board of Appeals shall select a Secretary from its own membership. The Board of Appeals already established shall continue to function under the provisions of this local law, and the members thereof may continue in office until their respective terms expire. No member of the Board of Appeals shall be a member of the Village Board of Trustees. Any vacancy occurring during any term shall be filled by the Mayor for the unexpired term only. The members of the Board of Appeals shall receive no compensation for their services. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. A quorum shall consist of three (3) members.
- B. Rules of Procedure. Procedure on all appeals, petitions and other matters before the Board of Appeals shall be governed by the provisions of Village Law and by such Rules of Procedure as may be officially adopted by the Board of Appeals.
- C. Written Appeals. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board, and shall be accompanied by the required fee in accordance with the schedule of fees of the Village of Sloatsburg.
- D. Specific Basis for Appeal. Every appeal or application shall include a copy of the specific provisions of the local law or ordinance involved, and shall exactly set forth the interpretation that is claimed; the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
- E. Obtaining Consent. Under no circumstances shall the Board require any applicant or appellant appearing before it to obtain the signature or consent of a person residing or having property in the vicinity of the property described in the application or appeal, as a condition of Board approval.

§54-106. Powers and Procedures.

- A. The Board of Appeals shall perform all the duties and have all the power prescribed by Village Law and by this zoning law, and specifically the following:
 - 1. Hear and decide appeals from, and review, any order, requirement, decision or determination of the Building Inspector.
 - 2. Hear and decide all matters referred to it by the Building Inspector.
 - 3. On appeal from an order, requirement, decision or determination made by the Building Inspector charged with the enforcement of this zoning law, or on request from any official, agency, or board of the Village, the Board of Appeals is authorized to decide any question involving the interpretation of any provision of this zoning law. Interpretations shall be made in accordance with the intent of the particular provision being interpreted.

- B. In exercising the above-mentioned powers and duties, the Board of Appeals may, in conformity with Village Law, reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal is made. The concurring vote of a majority of the entire Board of Appeals, namely, an affirmative vote of at least three (3) members, shall be necessary in order to reverse a decision of the Building Inspector or authorize a variance from the terms of this local law.
- C. Assistance. The Board of Appeals may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur expense beyond the amount of the appropriation made and then available for that purpose. Such board shall have the authority to call upon any department, agency or employee of the village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board of Trustees.
- D. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- E. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days and shall be a public record.
- F. Filing of administrative decision and time of appeal. Each order, requirement, decision, interpretation or determination of the Building Inspector shall be filed in the office of the Building Department within five (5) business days from the day it is rendered, and shall be a public record. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Building Inspector, by filing with same and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- G. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- H. Referral to Village Planning Board. The Board of Appeals may transmit to the Chairperson of the Village Planning Board, a copy of any appeal or application. The Village Planning Board may submit to the Board of Appeals an advisory opinion on the planning implications of said appeal or application at any time prior to the public hearing

and such opinion, if submitted, shall be made known to the public at such hearing and made part of the official record thereof.

- I. Referral to the Rockland County Planning Department. In accordance with Section 239 of the General Municipal Law of the State of New York, all applications for an area or use variance shall be referred to the Rockland County Planning Department in accordance with §54-97 of this zoning law.
- J. Public Hearings. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the village at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Notice of a pending proceeding shall be given by the appellant to the owners of adjacent or surrounding properties within two hundred (200) feet, and proof of such notice shall be filed with the Board of Appeals.
- K. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.
- L. Decision. The Board of Appeals shall decide upon an appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of appeals must render its decision may be extended by mutual consent of the applicant and the board. Every motion or resolution of a Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the Rockland County Planning Department, the voting provisions of Section 239-m of the General Municipal Law and §54-97 of this zoning law shall apply.
- M. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the Building Inspector within the time allowed by herein, the appeal is denied. The Board of Appeals may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth below.
- N. Rehearing. A motion for the Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

- O. Strict construction of law. All the provisions of this local law relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in conformity with all provisions of law and of this local law and in strict compliance with all limitations contained herein; provided, however, that no applicant or appellant who shall substantially observe the procedural requirements set forth in this local law shall be deprived of the right of application or appeal.
- P. Minutes and Records. The Secretary to the Zoning Board of Appeals shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and official actions filed under property owners name and lot and block number, with case number, if any, together with all documents pertaining thereto.
- Q. Fee Required. Every application or appeal to the Board of Appeals shall be subject to a fee as set forth in the Fee Schedule of the Village of Sloatsburg.

§54-107. Variances.

- A. Use variances.
 - 1. The Board of Appeals, on appeal from the decision or determination of the Building Inspector charged with the enforcement of this zoning law, shall have the power to grant use variances, as defined herein.
 - 2. No such use variance shall be granted by the 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 board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (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; and
 - (d) that the alleged hardship has not been self-created.
 - 3. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- B. Area variances.
 - 1. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Building Inspector charged with the enforcement of this zoning law, to grant area variances as defined herein.

2. In making its determination, the 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 an 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; and
 - (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 area variance.
 3. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. Such conditions or restrictions shall be incorporated in the building permit, certificate of occupancy and certificate of use. Failure to comply with such conditions or restrictions shall constitute a violation of this Law, and may constitute the basis for denial or revocation of a building permit, certificate of occupancy or certificate of use and for all other applicable remedies
- D. Expiration. A variance granted under this law shall automatically expire if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within one (1) year, or such other time limit as may be determined by the Board of Appeals in connection with its decision, from the date of granting such variance by the Board, or, if judicial proceedings to review the Board's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

§54-108. Article 78 Proceeding.

- A. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the village, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules as set forth in 7-712-c of the Village Law.

§54-109. Reserved.

**ARTICLE XVII
AMENDMENTS**

§54-110. Amendments.

- A. The Village Board of Trustees may from time to time on its own motion, or on petition of taxpayers, or on recommendation of the Planning Board, after public notice and hearing, amend, supplement, modify or repeal in whole or in part this local law or the boundary of any district established by this local law.
- B. Such regulations, restrictions and boundaries may from time to time be amended. An amendment shall be effected by a simple majority vote of the Board of Trustees, except that an amendment shall require the approval of at least three-fourths of the members of the Board of Trustees in the event such amendment is the subject of a written protest, presented to the Village Board and signed by:
1. the owners of twenty percent or more of the area of land included in such proposed change; or
 2. the owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one hundred feet therefrom; or
 3. the owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.
- C. Planning Board Report. Any proposed amendment to the zoning law or zoning map shall be referred to the Planning Board for a written report and recommendations prior to a public hearing. The Village Board may act on such zoning amendment forty-five (45) days after referral by the Village Clerk to the Planning Board if a report has not been received. In preparing a report on a proposed amendment, the Planning Board shall consider:
1. Whether such change is consistent with the objectives and purposes of the officially adopted Master Plan of the Village, if one exists, and with those of the district(s) that would be affected; and
 2. The effect of the change on existing or heretofore proposed public facilities and services such as schools, streets, utilities, etc.
- D. Rockland County Planning Department Referral. Any proposed adoption or amendment of the zoning law shall be referred to the Rockland County Planning Department in accordance with Section 239 of the General Municipal Law of the State of New York and §54-97 of this zoning law.
- E. Public hearing required. No regulations, restrictions or boundaries shall become effective until after a public hearing in relation thereto, at which the public shall have an opportunity to be heard. The public, including those served notice pursuant to subdivision G of this section, shall have the opportunity to be heard at the public hearing. Those parties, however, shall not have the right of review by a court as hereinafter provided.

- F. Public hearing notice. The Village Clerk shall cause notice of such hearing to be given by the Village in the case of all amendments initiated by the Board of Trustees or by the applicant in the case of an amendment initiated by petition. The notice shall be published in the official newspaper of the Village at least ten (10) days prior to the hearing date and shall specify the nature of any proposed amendment, the land or district(s) affected, and the date and place of the public hearing. Upon written notification, each applicant shall be present or duly represented at any meetings and public hearing concerning determination of the applicant.
- G. Service of written notice. At least ten (10) days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including amendments thereto, affecting property within five hundred feet of the following shall be served personally or by mail by the village upon each person or persons as listed below:
1. 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;
 2. the boundary of a city, village or town; upon the clerk thereof;
 3. the boundary of a county; upon the clerk of the board of supervisors or other person performing like duties;
 4. the boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.
- H. Compliance with State Environmental Quality Review Act. The Board of Trustees shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.
- I. Filing. Every zoning law and every amendment thereto (excluding any map incorporated therein) adopted pursuant to the provisions of this zoning law shall be entered in the minutes of the Village Board of Trustees and a copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in the official newspaper and a copy of such local law or amendment together with a summary or abstract of any map incorporated therein shall be posted conspicuously at or near the main entrance to the office of the Village Clerk and affidavits of the publication and posting thereof shall be filed with the Village Clerk. Such minutes shall describe and refer to any map adopted in connection with such local law or amendment.
- J. Map. The Village Clerk shall maintain every map adopted in connection with a zoning local law or amendment.
- K. Effective date. Such local law shall take effect upon filing in the office of the secretary of state, but such local law or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the village clerk; and showing the date of its passage and entry in the minutes.

- L. Fee. Every petition for amendment or change in this local law shall be accompanied by a fee in an amount established by the Board of Trustees to help defray the cost of advertising and of such technical studies or professional assistance as may be necessary.

**ARTICLE XVIII
SEPARABILITY**

§54-111. Separability.

If any part or provision of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted this zoning law and each Article, section, and subsection thereof even without any such part, provision or application.

Should this local law be decided by a court of law to be unconstitutional or invalid in its entirety, the zoning law adopted on July 23, 1990, with all amendments, shall be deemed to have remained in effect.

**ARTICLE XIX
REPEALER**

§54-112. Repealer.

The following regulations are hereby repealed:

An ordinance entitled "Sloatsburg Zoning Local Law", originally adopted July 23, 1990, and all amendments thereof. Such repeal shall not be construed as abating any action now pending under, or by virtue of, said ordinance; or as discontinuing, abating or modifying or altering any penalty accruing or to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the Village of Sloatsburg, under any section or provision existing at the time of passage of this comprehensive amendment or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Village of Sloatsburg.

**ARTICLE XX
EFFECTIVE DATE**

§54-113. Effective Date.

This local law and every amendment thereto shall take effect immediately upon filing with the Secretary of State.

Schedule A
Stormwater Management Practices Acceptable for Water Quality

Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Source: Stormwater Management Guidance for Local Officials, prepared by NYSDEC and NYSDOS, 2004.

SCHEDULE B
SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Village of Sloatsburg and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Rockland together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

This agreement is effective _____

Residence Districts

- OSR Open Space and Recreation
- R-80 Open Space Residential
- R-40 Rural Residential
- R-15 Suburban Residential
- R-10 Village Residential

Mixed Use Districts

- MU-1 Residential/Neighborhood Commercial
- MU-2 Residential/Limited Commercial
- VC-1 Village Center
- VC-2 Village Center Extension

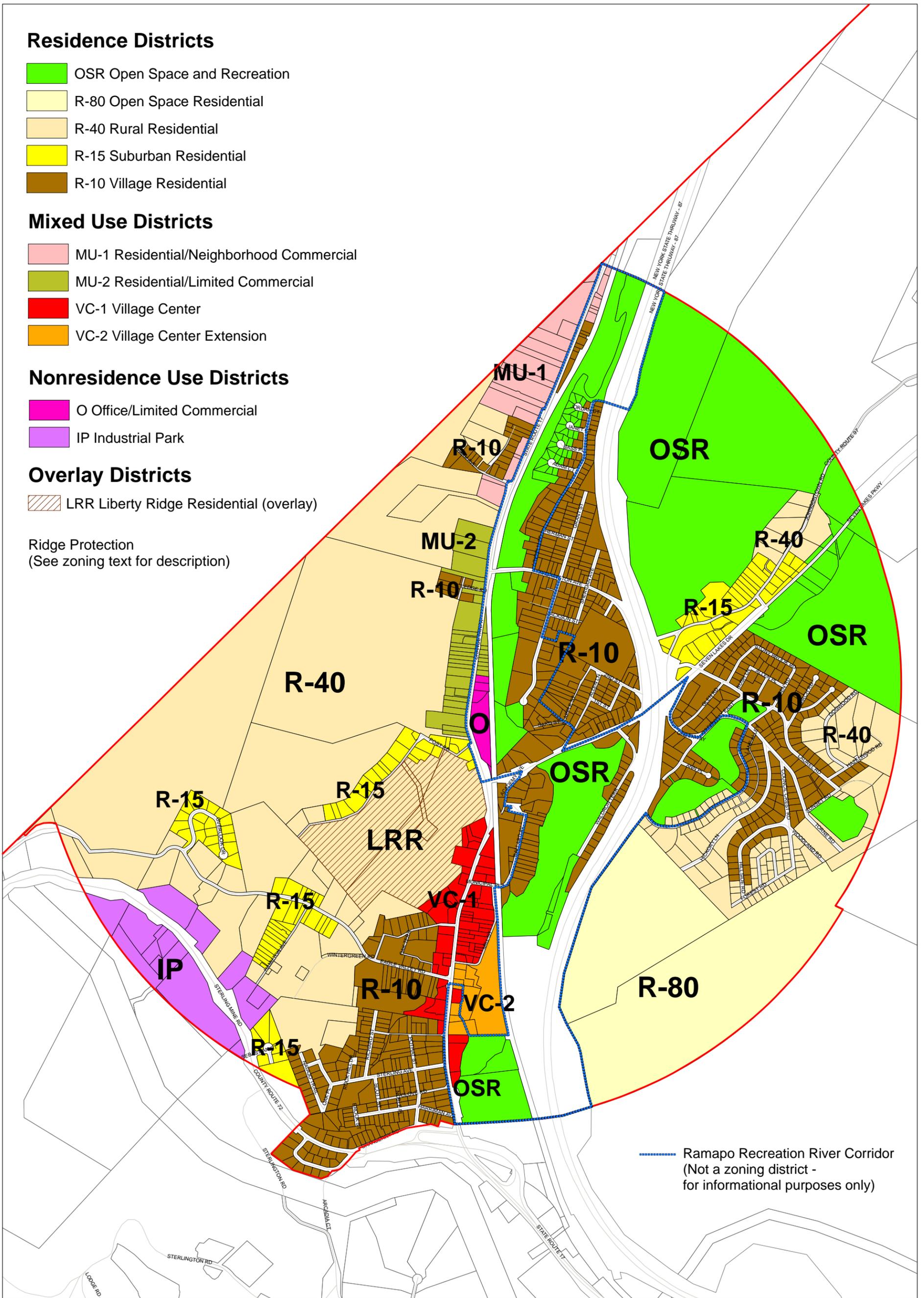
Nonresidence Use Districts

- O Office/Limited Commercial
- IP Industrial Park

Overlay Districts

- LRR Liberty Ridge Residential (overlay)

Ridge Protection
(See zoning text for description)



----- Ramapo Recreation River Corridor
(Not a zoning district -
for informational purposes only)



Zoning Map
 Village of Sloatsburg, Rockland County, New York
 Source: Rockland County Department of Planning &
 Tim Miller Associates
 Scale: 1" = 1,500'
 09/2007

TABLE OF BULK REQUIREMENTS											
Zoning District	Minimum:			Minimum Yards				Maximum			
	Lot Area (sf)	Lot Width (ft)	Lot Depth (ft)	Front (ft)	Rear (ft)	Side Yard, One (ft)	Side Yard, Both (ft)	Lot Coverage (%)	Floor Area Ratio	Building Height (ft)	Building Stories
Residential District											
OSR											
R-80	80,000	200	300	50	75	40	80	10	0.075	35	2.5
R-40	40,000	150	200	50	75	40	80	15	0.1	35	2.5
R-15	15,000	100	100	35	35	15	25	20	0.2	35	2.5
R-10	10,000	75	100	35	35	15	25	25	0.2	35	2.5
Mixed Use District											
MU-1	10,000	75	100	35	35	15	25	35	0.3	35	2.5
MU-2	10,000	75	100	35	35	15	25	35	0.3	35	2.5
VC-1	5,000	50	100	70	30	10	20	50	0.5	35	2.5
VC-2	Refer to text for bulk requirements applicable to VC-2 district.									35	3
Nonresidential Use District											
O	10,000	75	100	35	35	25	50	40	0.4	30	2
LIO	40,000	150	250	100	50	50	100	40	0.5	30	2
In the VC-1 district, the minimum side lot line requirement may be reduced to "0" where an existing building is attached to another existing building along a property line.											

FLEMING PLAN

