

Town of Southeast, Putnam County, NY
Local Law No. 16 of 2004

A LOCAL LAW entitled: “**A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.**”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

Section 1. Legislative Intent

The Town Board of the Town of Southeast has embarked upon a process of updating its Comprehensive Plan and local land use regulations to protect the community character and environmental quality of the Town. On June 20, 2002, the Town Board adopted an updated Comprehensive Plan. The Amendments contained within this Local Law are intended to achieve a number of objectives defined within the Comprehensive Plan. Specifically, this Local Law implements at least the following recommendations contained with the Town’s Comprehensive Plan:

- Adjust the distribution of allowed uses within existing zoning districts to more clearly define areas of commercial development that are consistent with community character.
- Change uses in NB-1 districts to encourage compatible development near residential zones. Encouraged uses could include “specialty retail” or bed-and-breakfast type uses. Special permit criteria should be developed to ensure that new commercial uses would not negatively affect residential uses. Strip malls and automobile related uses are not seen as encouraged uses.
- Clarify Special Permit criteria for commercial uses to ensure that the Town’s objectives with respect to design and buffering of neighboring uses are met. Clarify process by which Special Permit applications are reviewed.
- Develop more descriptive, or graphic, design guidelines within the existing sign ordinance to encourage a more coordinated and attractive community.
- Attract “clean” businesses and industries that are appropriate for location in a drinking water supply watershed. Clean businesses would have minimum impervious surface area coverage, and use or generate minimum quantities of waste- or process-water and require little or no use, storage, or transport of hazardous materials.
- Encourage businesses that market the scenic qualities of the Town such as tourism and lodging provided that strong design and siting criteria are established to prevent unwanted impacts on residential neighborhoods.

Section 2. Amendments to Article I, “General Provisions; Definitions”

The definition of “Automotive, Gasoline Station or Motor Vehicle Service Station” is amended by changing the title to “Motor Vehicle Service Station” and amended to read: “Any area of land, including structures thereon, or any building or part thereof that is used for lubricating or otherwise servicing motor vehicles, including towing service, body work or painting. Repair work shall be permitted on premises only within a totally enclosed soundproof building. A gasoline pump may be included in a motor vehicle service station where gasoline is not made available for retail sale to the general public but that may be used to refuel tow trucks or portable containers to carry off-site to a stranded vehicle. Temporary gasoline storage used to remove gasoline from damaged vehicles may be included so long as all storage is conducted in a manner consistent with all State and local codes.”

Revise the definition of “Body Shop” to read: “Any area of land or structures thereon or any building or part thereof that is used, in whole or in part, for the repair of automobile, motorcycle, all-terrain vehicle, or truck bodies or frames. See Motor Vehicle Service Station.”

Add: “Coffee Shop — A food-service facility providing counter service only and accessory to a hotel or conference center and intended primarily for the use of guests.”

Add: “Conference Center — A building with meeting facilities, hotel rooms and food and beverage service. See also ‘hotel.’”

Add: “Footprint — The exterior dimension of any building or structure including all areas enclosed by walls but excluding open porches, decks, and terraces.”

Revise the definition of “Garage, Public” to read: “A principal or accessory structure or part of a principal structure used for parking of motor vehicles accessory to a permitted use on the same or adjoining lot. A commercial parking structure providing public parking not associated with a principal use on the same or adjoining lot is not included in this definition and is prohibited.”

Revise the definition of Gas Station to read: “Any area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent. It shall not include the operation of a body shop or a car wash. Sale of other retail products from the premises shall not be deemed to affect use of the facility as a ‘gas station’

Revise the definition of “Hotel” to read: A building or any part thereof designed and used for temporary occupancy by transient guests which provides sleeping accommodations for compensation, but does not allow cooking in rooms. These facilities may provide rooms for public assembly and may include the serving of food. The term ‘hotel’ includes, but is not limited to ‘motel,’ ‘auto court,’ ‘motor hotel,’ ‘motor court,’ ‘motor lodge,’ ‘tourist court,’ ‘tourist cabins,’ or ‘roadside hotel.’ (See also ‘conference center.’)

Revise the definition of “Outside Storage” to read: “Includes the outside storage or display of merchandise, supplies or vehicles associated with a principal use, other equipment or materials and the outside manufacture, processing or assembling of goods. The area occupied by the storage yard must comply with setback requirements and cannot be considered part of the open space requirements of a site. No shipping containers are permitted as part of outside storage.

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'Outside storage' shall not mean off-street parking areas associated with passenger cars used by employers, employees or visitors commonly associated with the principal permitted uses."

Revise the definition of "Recreation" to read: Golf courses, dance studios, indoor health and exercise facilities, tennis courts (indoor and outdoor), indoor swimming pools, racquetball, squash and the like, excluding facilities intended primarily for spectator activities, such as, but not limited to, stadia and arenas, shooting ranges and amusement parks, automotive tracks and other similar uses or structures maintained for the amusement, patronage or recreation of the public.

Add: "Self Storage – Storage of domestic or household objects in individual, fully enclosed storage spaces and outdoor storage of vehicles and boats in a screened enclosure in a facility accessible to the general public for a fee."

Add: "Shipping Container – Any container used for shipping or storage of bulk products that can be placed on a truck chassis or railcar or set directly on the ground."

Revise the definition of "Structure" to read: "Any building or thing that is constructed or erected that requires a location on the ground or attachment to something having location on the ground, that exceeds four feet in height at its highest point when measured perpendicular from the ground at that point, including fences, stone walls, telecommunication towers and antennas, but excluding satellite dish antennas having maximum diameter less than one meter. For the purpose of this chapter, tennis courts, basketball courts, swimming pools, and decks of any height shall be considered structures."

Revise the definition of "Warehouse" to read: "A building or structure used for the storage of commercial nonpolluting and nonhazardous manufactured goods. Self Storage facilities are not included in the definition of warehouse."

Section 3. Amendments to Article II, "Establishment of Districts; Map"

Section 138-5, "Districts Enumerated" is amended as follows:

Add:

District	Map Code
"Gateway Commercial GC-1 District"	GC-1
"Gateway Commercial GC-2 District"	GC-2
"Lake Tonetta Watershed LTW District"	LTW

Delete:

Economic Development ED-1 District	ED-1
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Rename:

Economic Development ED-2 District to Economic Development ED District	ED
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Section 138-6, "Zoning Map," is amended as shown on the map provided in Attachment A to this Local Law.

Section 4. Amendments to Article III, "Provisions Applicable to All Districts"

Section 138-12, "Performance Standards" is amended, in part, to read:

- D. Noise. It shall be unlawful for any person to make, continue or cause to be made or continued any load, unnecessary or any noise which annoys, disturbs, injures or endangers the comfort, repose, healthy, peace or safety of others. The noise necessarily involved with the construction or demolition of buildings and other structures shall be prohibited except between the hours of 7:00 a.m. and 8:00 p.m. weekly and 9:00 a.m. and 5:00 p.m. on Saturdays.
- J. "Stone Wall, Stone Chamber, and Root Cellar Protection –
 - (1) All existing stone walls along or within 100 feet of a public right-of-way or adjoining public property, shall be maintained in a state of good repair and shall not be altered except in cases where the public health, safety, and welfare is endangered. Application to alter an existing stone wall under this section, must be made to the Town Board. In its deliberations on the application to alter a stone wall, the Town Board may rely on its own assessment of the condition of the wall, its location, its historic and/or aesthetic qualities, and the stated reason for its alteration in determining if the application should be approved. In instances where an application for subdivision or site plan approval is before the Planning Board, the Town Board shall have the authority to make a determination on whether the stone wall may be altered based upon a recommendation from the Planning Board.
- K. No site modification or improvement shall result in a net increase in stormwater flow to a neighboring property or to a modification of any existing watercourse.

Section 138-13, "Prohibited uses," is amended, in part, to read:

- C. "The Placement or use of a trailer or shipping container on any site for any purpose whatsoever, unless such trailer or shipping container is used as a temporary office or storage facility in connection with an on-going construction project for which a valid building permit has been issued. Said trailer or shipping container shall be removed from the site not more than 30 days after the issuance of a certificate of occupancy for such construction project. This section shall not apply to trailers used to deliver materials or products to a particular location within the town, provided that such trailer does not remain on the site for more than three (3) business days."

Section 5. Amendments to Article IV, "Residential Districts"

Section 138-17, "Table of General Use Requirements," is amended, in part, to read:

The "Table of General Use Requirements, Residential Districts" is amended, in part, by adding:

A.	District	LTW
B.	Uses Permitted by Right	<ol style="list-style-type: none">1. A single detached dwelling for 1 family and not more than 1 such dwelling per lot and any permitted accessory use shall be located on the same lot with the permitted lot to which it is accessory2. The creation of an accessory apartment subject to §138-22 and §138-56.1 of this chapter.4. Buildings, uses, and any facilities of any governmental unit.
B-1.	Use Group	<ol style="list-style-type: none">1. g4. N/A
C.	Conditional Uses by Planning Board	None.
C-1.	Use Group	N/A
D.	Uses by Special Permit of the Town Board	<ol style="list-style-type: none">1. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals.
D-1.	Use Group	<ol style="list-style-type: none">1. g
E.	Accessory Uses Permitted by Right	Same as R-80.
F.	Minimum Off-Street Parking For Each Use 1 Space Per	Same as R-80.
G.	Additional Use Requirements	Same as R-80.

The "Table of General Use Requirements, Residential Districts" is further amended, in part, by amending Column B, "Uses Permitted by Right":

Delete Item 2 and renumber Item 3 to Item 2.

The "Table of General Use Requirements, Residential Districts" is further amended, in part, by amending Column D, "Uses by Special Permit of the Town Board," by adding:

Item 2. "Nursery school or day care center, provided that such use meets all New York State requirements for licensing."

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Item 13. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals.

The “Table of General Use Requirements, Residential Districts” is amended, in part, by amending Column E, “Accessory Uses Permitted by Right,” by adding:

Item 6. “Notwithstanding the provisions above, a horse or pony may be kept on a lot of not less than 2 acres, and 1 additional horse or pony may be kept for each acre by which the lot exceeds 2 acres, up to a maximum of 15 horses. Any building in which a horse or pony is kept shall not extend within less than 100 feet of any property or street lines. Any boarding of any horse or pony for compensation shall be governed by §138-63 and shall not be considered an accessory use permitted by right.”

Delete Item 15 and renumber Item 16, “Private Utilities,” to Item 15.

The “Table of Bulk Requirements, Residential Zoning Districts” is amended, in part, by:

Amend Column 7, “Required Side and Rear Yard Depth,” for Use Group ‘g’ to read: “100”

Delete Use Group ‘l’ and all standards associated therewith.

Section 138-21, “Resource Protection Plan,” is amended, in part, to read:

B. “Calculation of base site area. The base site area shall be determined as follows:

2. Subtract land constituting roads and land within rights-of-way of existing roads, rights-of-way of utilities and easements of access and land with deed restrictions prohibiting building or development.

Section 6. Amendments to Article V, “Nonresidential Districts”

Section 138-24, “General” the Commercial Zoning Schedule is amended, in part, by replacing the column labeled “Permitted Principal Uses (see Notes G and N)” with the following:

District	Permitted Principal Uses (see Notes G and N)
NB-1	Permitted Principal Uses Retail Use Personal Services Professional Services Restaurant Recreation Special Permit Uses* General business Public Utilities
NB-2	Permitted Principal Uses Retail Use Personal Services Professional Services Restaurant Recreation Special Permit Uses* General business Bed & Breakfast Public Utilities
ED	Permitted Principal Uses Warehouse General business Nursery Office Professional services Recreation Restaurant Special Permit Uses* Light manufacturing Motor Vehicle Service Stations Hotel/motel/conference facility Public utilities
GC-1	Permitted Principal Uses Office Personal Services Professional Services Restaurant

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District	Permitted Principal Uses (see Notes G and N)
	Special Permit Uses* Public Utilities Retail Use
GC-2	Permitted Principal Uses General Business Office Personal Services Professional Services Restaurant Special Permit Uses* Public Utilities Retail Use
HC-1	Permitted Principal Uses Retail Use Office Personal Services Professional Services Restaurant Recreation Special Permit Uses* Car wash Public Utilities
HC-2	Permitted Principal Uses Retail Use Office Personal Services Professional Services Restaurant Recreation Special Permit Uses* Car wash Fast food Public Utilities
OP-1	Permitted Principal Uses Offices Research labs Special Permit Uses* Restaurant/recreation Hotel/motel/conference facility Warehouse Light manufacturing Public Utilities

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District	Permitted Principal Uses (see Notes G and N)
OP-2	Permitted Principal Uses Offices Research labs Warehouse Light manufacturing Special Permit Uses* Restaurant/recreation Hotel/motel/conference facility Senior housing Public Utilities
OP-3	Permitted Principal Uses Office Residential, including single-family detached and single-family attached* (see Note K) Research labs Special Permit Uses* Restaurant Recreation Hotel/motel/conference facility Retail and service Light manufacturing Public Utilities
RC	Permitted Principal Uses Office Restaurant Recreation Special Permit Uses* Bed & Breakfast Cemetery Country Inn Conference Center Equestrian Center Farm Use Hotel Institutional Nursery Public Utilities Research Labs
Notes: * - All special permit uses are subject to site plan review by the Planning Board and architectural review by the Architectural Review Board.	

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Section 138-24, “General,” is further amended by revising the following elements within the Commercial Zoning Schedule:

With respect to the Gateway Commercial (GC-1) and Gateway Commercial (GC-2) Zoning Districts:

Add “Utilities (private)” to “Permitted Accessory Uses”

Add “See Note Q” to “Conditional Uses”

Amend Note F to read: “Permitted accessory uses are not to exceed 20% of the total gross floor area of permitted space for all uses, except outside storage which shall not exceed 5% of the lot area.

The Commercial Zoning Schedule is further amended as indicated below:

Zone	Minimum Lot Size				Yards		
	Sq. Feet (000s)	Frontage	Width	Depth	Front (min)	Side	Rear
GC-1	10	50	50	50	35	35	35
GC-2	30	50	100	100	35	35	35
NB-1	10	50	50	50	35	35	35
NB-2	30	50	100	100	35	35	35
ED	80	200	200	200	100	50	75
HC-1	40	150	150	150	50	35	35
HC-2	80	175	175	175	100	50	50
OP-1	120	250	250	250	100	50	50
OP-2	200	400	400	400	100	50	50
OP-3	100	400	400	400	100	50	50
RC	200	400	400	400	100	100	100

Zone	Coverage (Pct)				Max. Height		Parking Setback		
	Building	Lot	FAR	Open Space	Stories	Feet	Front	Side	Rear
GC-1	15%	45%	0.4	55%	2	30	15	10	10
GC-2	15%	45%	0.4	55%	2	30	20	10	10
NB-1	15%	45%	0.4	55%	2	30	15	10	10
NB-2	15%	45%	0.4	55%	2	30	20	10	10
ED	15%	45%	0.3	55%	2	35	25	15	15
HC-1	15%	45%	0.3	55%	2	35	25	15	15
HC-2	15%	45%	0.3	55%	2	35	50	25	25
OP-1	25%	55%	0.25	45%	3	45	50	25	25
OP-2	25%	55%	0.25	45%	3	45	50	25	25
OP-3	25%	55%	0.25	45%	3	45	50	25	25
RC	15%	45%	0.15	55%	3	35	100	100	100

Section 138-27. Retitle to "Side and rear setback and yard exceptions."

Section 7. Amendments to Article IX, "Site Plan Review and Approval"

Section 138-41, "Application procedures," is amended, in part, to read:

Section 138-41.E(2)(c)[2][d]: An outdoor lighting plan in compliance with §138-104.C.

Section 138-41.E(2)(c)[2][g]: A Stormwater Pollution Prevention Plan prepared in compliance with New York State Department of Environmental Conservation standards for Phase II stormwater regulations and/or New York City Department of Environmental Protection Watershed Rules & Regulations.

Section 138-41.E(2)(c)[2][i]: An Erosion and Sediment Control Plan prepared in compliance with New York State Department of Environmental Conservation Phase II standards.

Section 138-41.E(4), "Filing of approved plans," is added and reads:

Upon final approval, the applicant shall provide to the Town of Southeast Planning Board one (1) full set of final full-sized plans and five (5) copies of the filed plans on 11 inch by 17 inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner.

Section 138-41.H, "Referral to other agencies" is amended to read:

"Referral to other agencies. Site plans within 500 feet of state or county facilities shall be immediately referred by the Planning Board to the County Division of Planning and Development. Any plans showing access to a state road shall be referred to the State Department of Transportation. Sites including state-designated wetlands or within 100 feet of state wetlands shall be referred to the State Department of Environmental Conservation. Sites that include or abut any wetlands, as defined by Chapter 78 of the Town Code, or sensitive ecological areas such as reservoirs and aquifers that are identified in the environmental assessment form (EAF) shall be referred to the Town Conservation Commission. Sites within 300 feet of a reservoir or 100 feet of a watercourse or state-designated wetland shall be referred to the New York City Department of Environmental Protection. Sites located within an historic district designated in Chapter 83 or that include historic structures designated in Chapter 83 shall be referred to the Historic Sites Commission for review. Applications that require Architectural Review Board review per §3-3 of Town Code shall be referred to the Architectural Review Board. Recommendations shall be requested from these agencies within 30 days from the time of submission of the site plan to the town.

Section 138-45, "Site plan approval," is amended, in part, to read:

B(1) "The erection or enlargement of any building or other structure, other than one- or two-family dwellings."

B(4) "Any change of use that includes alterations to the exterior of any building or structure, site improvements, or changes in site grading, or that, by virtue of the new use would result in any increase in consumption of water, production of wastewater, or the generation of traffic."

C. "No property owner with an application for site plan approval pending before the Planning Board may make alterations to the land (including, but not limited to, grading, clearing, or excavating) or any structure on the land, unless otherwise permitted by a previously approved permit or site plan approval, the alterations are required to complete technical investigations in support of the site plan application, or until final approval of the pending site plan application has been granted by the Planning Board and all conditions thereto have been met. Alterations to the land made for the purpose of permitted technical investigations must be done with the minimum amount of disturbance and clearing possible and require 72 hours written notice to the Town Code Enforcement Officer who shall determine whether the proposed disturbance required for the investigations is within reasonable limits of disturbance for the purpose intended."

Section 138-46.L. "Outside storage" is amended, in part, to read:

(2) Any permitted outside storage areas shall not extend into the required yards for setbacks from a property line, street line or residence district boundary line and shall not exceed five (5) percent of the lot.

Section 8. Amendments to Article X, "Special Permits and Conditional Uses"

Section 138-58, "Motor vehicle service stations," is amended, in part, to read:

Motor vehicle service stations are subject to the following supplementary regulations.

A. No stations shall be located closer than 200 feet from a school, public recreation area, church or hospital, measured to the lot lines thereof, nor closer than 300 feet to any watercourse, nor closer than 300 feet to any reservoir, nor closer than 1,000 feet to any other service station or automotive use. The one-thousand-foot distance from another service station or automotive use is to be measured from the closest building or proposed building locations.

C. Pumps shall not be located in any required yards. It is not the intent of this chapter to prevent preexisting motor vehicle stations from improving existing pumps for purposes of public safety and environmental protection.

E(2). There shall be no outside storage or display of accessories, products, or portable signs.

E(4). No repair work may be performed out of doors, with the exception of simple repairs that do not include the replacement of any fluid.

Section 138-61, "Fast-food eating establishments" is amended by adding:

- D. The design of any fast-food establishment shall include materials and design elements in context with the Town's community character. The Architectural Review Board shall have the authority to request revisions to prototypical designs to ensure continued consistency of the Town's character and to avoid "placeless" architecture created by repetitive or iconic design.

Section 9. Amendments to Article XII, "Signs"

Section 138-72, "Purpose" is amended to read:

- A. The Purpose of this Article is to promote and protect the public health, welfare, and safety and the community character of the Town of Southeast by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the local character of the community, the regional visual resources, the physical appearance of the community, preserve the scenic and natural landscape and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space by limiting visual clutter and curb the deterioration of the community's appearance and attractiveness.
- B. This Article is intended to promote attractive signs that clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

Section 138-73, "Definitions" is amended to read:

REPRESENTATIONAL SIGN—A sign built so as to physically represent the object advertised.

SIGN HEIGHT— The height of the sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures. See Sketch D at the end of this Chapter. {Sketch D is provided as Attachment B to this Local Law}. Architectural embellishments shall be excluded from the calculation of the sign height provided that the only information displayed in such embellishments is the street address.-

SIGN STRUCTURE AREA—The entire area within a single, continuous rectangular perimeter, with a base parallel to the ground, enclosing all elements that form an integral part of the sign. The structure supporting a sign (e.g., a wall or fence) shall be excluded unless the structure is designed in a way to form an integral background for the display or is constructed for the sole purpose of supporting the sign. When a sign consists of two faces, only one face shall be used in computing the sign structure area if the faces are parallel to and within 12 inches of each other. Architectural embellishments shall be excluded from the calculation of the sign structure area provided that the only information displayed in such embellishments is the street address. See Sketch D at the end of this Chapter.

Section 138-74, "General regulations" is amended to read:

Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Building Inspector. No person shall erect any sign on public property, including within road rights-of-way. No permit shall be required for a sign to be repainted or repaired consistent with its original form, design, and dimensions.

- B. Permit. Upon filing of a completed application for a sign permit and the payment of the required fee, the Building Inspector shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the application is complete with respect to the requirements of this Article, the Building Inspector shall then, within fifteen days refer the application to the Architectural Review Board. In the case of a concurrent application to the Planning Board for site plan approval or to the Town Board for Special Permit approval, the application for a sign permit shall be referred to the ARB with the site plan and/or special permit application. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the municipality.

Section 138-75, "Specific sign regulations" is amended to read:

- A. Exempt signs. The following signs are exempt from the provisions of this Article.
- (1) Historical markers, tablets and statues; memorial signs and plaques; names of building and dates of erection when cut into any masonry surface or when constructed of wood, bronze, stainless steel or similar material; and emblems installed by governmental agencies: not exceeding twelve (12) square feet.
 - (3) On premise directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs. Such signs shall be nonilluminated and shall not exceed one (1) square foot per face and four feet in height. Business names and personal names shall not be allowed, including advertising messages and insignias. The number of such signs shall be limited to those determined by the Planning Board to be necessary for the safe and orderly circulation of traffic and as necessary to indicate specific traffic and/or parking regulations applying to the site.
 - (5) One (1) on-premise sign, either freestanding or attached, in connection with any residential building in a zoning district for permitted professional offices or home occupations, not exceeding two (2) square feet, six feet in height, and setback ten (10) feet from the highway right-of-way. Such sign shall state the name and vocation only. The sign and sign structure shall be made of wood, stone, metal (but not aluminum), or any wood-like material. Freestanding signs shall be placed within ten feet of the driveway or walkway leading from the public road to the residence.
 - (9) Temporary non-illuminated "For Sale," "For Rent," real estate signs and signs of similar nature, concerning the premises upon which the sign is located: in a residential zoning district, one (1) sign not exceeding four (4) square feet per side; and in a business or industrial zoning district, one (1) sign not exceeding six (6) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease, or rental of the premises. No more than two (2) temporary non-illuminated real estate "Open House" directional signs not exceeding four (4)

square feet in size per sign face and not exceeding ten (10) square feet overall (including a maximum of two faces and support legs) may be placed at street corners to direct traffic to the house for sale and may not be left overnight. All such signs shall be no more than (4) feet in height.

- (10) One (1) temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign does not exceed fifteen (15) square feet and is setback at least ten (10) feet from the public right-of-way. Such signs shall be no greater than 6 feet in height and shall be made of wood.
- (11) Non-illuminated window signs and posters not exceeding four (4) square feet and limited to one (1) sign per business. One (1) non-illuminated "Open/Closed" sign per business not exceeding four (4) square feet is permitted in addition to the one (1) window sign.
- (12) Holiday decorations, including lighting displayed in season.
- (13) At gasoline stations:
 - (a) Integral attached price signs on gasoline pumps.
 - Remove (b) and (c)
- (14) Temporary directional signs for meetings, conventions and other public assemblies, not exceeding two (2) square feet and to be removed within three days following the meeting, convention or public assembly.
- (16) Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) feet in the business districts, provided that:
 - (a) Placement shall not exceed twenty-one (21) days.
 - (b) The names and addresses of the sponsor, or organization, responsible for removal are identified.
 - (c) No political posters, banners, promotional devices, or similar signs shall be placed within the public right-of-way.
 - (d) Persons or organizations wishing to display any political posters, banners, promotional devices or similar signs must first file with the Town Clerk a statement of proposed locations for such posters, banners, and promotional devices indicating the date(s) that such signs shall be in place and the name and phone number of the person or organization responsible for their removal immediately following the twenty-one (21) day period. If it shall be found, upon inspection by any town official, that such removal has not, in fact, been completed at every location, the responsible person, firm or corporation, as the case may be, shall be liable to a fine of not more than two-hundred-fifty (\$250) dollars.
- (17) Public telephone identification signs.
- (18) Handicap accessible parking access signs and pavement markings which meet Department of Transportation standards and dimensional requirements.
- (19) Signs customarily incident to municipal buildings and structures, parks and playgrounds.

B. Prohibitions.

- (2) Neon signs and electronic variable message displays shall not be permitted.
- (6) No advertising message shall be extended over more than one (1) sign.
- (8) No string lighting is permitted in any commercial district, except as allowed in Section 138-75 (A)(12).

C. Sign permit required.

(1) Temporary signs

- (a) All signs of a temporary nature, except as otherwise provided by this Article, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in business or industrial districts nor eight (8) square feet in residential districts, nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public. Temporary signs may not be illuminated. No more than one such temporary sign shall be permitted per lot at any given time. Sales at retail businesses shall not be considered an activity or event and temporary signs for sales at retail businesses shall be restricted to sixteen (16) square feet and shall be displayed for a period not to exceed two (2) weeks beginning on the actual start date of the sale.
- (c) A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer, and/or contractor, not exceeding sixteen (16) square feet may be erected on property being developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of fifteen (15) feet from the property line or attached to the building face. Such a sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years. Such a sign shall not exceed four feet in height.

(2) Permanent Signs

- (a) Within any zoning district, the following permanent signs may be erected; provided, however, that this subsection shall not serve to expand the number of signs otherwise allowed, pursuant to Subsection C(3) on business and industrial districts:

- [1] Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs, or societies may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding ten (10) square feet may be erected for each entrance on a different street or highway. Such a sign shall not exceed four (4) feet in height.
- [2] For multiple dwellings or apartment developments, one (1) sign advertising availability of several dwelling units, not exceeding ten (10) square feet, may be erected. One such sign shall be permitted for each entrance on a different street or highway. Such a sign shall not exceed four (4) feet in height.

- [3] Recreational areas, day camps, golf clubs, ski areas, and other similar facilities permitted by the Zoning Chapter shall, in all zones be permitted one (1) sign, not exceeding ten (10) square feet. Such a sign shall not exceed four (4) feet in height.
- [4] Signs necessary for the identification, operation or production of a public utility, not exceeding ten (10) square feet, may be erected on the premises of such a public utility. Such a sign shall not exceed four (4) feet in height.
- [5] For non-residential uses within a residential district, one free standing sign or one wall sign not to exceed four (4) square feet in area and not to exceed six (6) feet in height.

(b) Signs permitted in residential districts with a sign permit.

- [1] Freestanding signs to identify a unified residential development. A maximum of two such signs are permitted per access drive provided that each sign faces in different directions. Such signs shall not exceed thirty-two (32) square feet in area and not exceed six (6) feet in height. All such signs must be constructed of wood or wood-like material and may be externally illuminated in accordance with section 138-76(5).

(c) Within business and industrial districts, the following permanent sign provisions shall apply:

- [1] On any parcel within the Highway Commercial HC-1 District or the Highway Commercial HC-2 District:
 - i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of fifty (50) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use upon which sign is attached); such maximum horizontal dimension or length shall not exceed thirty (30) feet; and such wall sign shall not exceed a maximum vertical dimension of fifteen (15) percent of the building front or face wall upon which the sign is attached; such maximum vertical dimension shall not exceed four feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
 - ii. Freestanding signs:
 - (a) If the business is set back fifty (50) feet or less from the roadway either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed sixteen (16) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed sixteen (16) square feet in addition to a wall sign as set forth in subsection (i).

- (c) Where groups of three (3) or more businesses are located together in a shopping center or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding (40) square feet in addition to wall signs as set forth in subsection (i).
- (d) No freestanding signs shall exceed fifteen (15) feet in height.

[2] On any parcel in the Office Park OP-1 District, Office Park OP-2 District, Office Park OP-3 District, and Economic Development ED District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of thirty (30) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which sign is attached; such maximum horizontal dimension or length shall not exceed fifteen (15) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed three (3) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
- ii. Free standing signs:
 - (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed sixteen (16) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed ten (10) square feet in addition to a wall sign as set forth in subsection (i).
 - (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding thirty (30) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.
 - (d) No freestanding signs shall exceed ten (10) feet in height.

[3] On any parcel in the Neighborhood Business NB-1 District or Neighborhood Business NB-2 District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of twenty (20) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which

sign is attached; such maximum horizontal dimension or length shall not exceed ten (10) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed two (2) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.

- ii. Free standing signs:
 - (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed ten (10) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed ten (10) square feet in addition to a wall sign as set forth in subsection (i).
 - (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common freestanding sign shall be permitted not exceeding twenty (20) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.
 - (d) No freestanding signs shall exceed eight (8) feet in height.

[4] On any parcel in the Gateway Commercial GC-1 District, Gateway Commercial GC-2 District or Rural Commercial RC District:

- i. One wall sign per business, provided that such wall sign shall not exceed a maximum horizontal dimension or length of twenty (20) percent of the building front or face wall (for the purpose of this section, the building front or face wall shall be measured as the horizontal and vertical dimension of the exterior wall of the occupied space for a given business use) upon which sign is attached; such maximum horizontal dimension or length shall not exceed ten (10) feet; and such wall sign shall not exceed a maximum vertical dimension of ten (10) percent of the building front or face wall upon which sign is attached; such maximum vertical dimension shall not exceed two (2) feet. Notwithstanding the above, a minimum area of eighteen (18) square feet shall be permitted.
- ii. Free standing signs:
 - (a) If the business is set back 50 feet or less from the roadway, either one wall sign (as set forth in subsection (i)) or one freestanding sign is permitted. Any freestanding sign shall not exceed four (4) square feet.
 - (b) If the business is set back more than fifty (50) feet from the roadway, one freestanding sign is permitted not to exceed four (4) square feet in addition to a wall sign as set forth in subsection (i).
 - (c) Where two (2) or more businesses are located together in a single building, shopping center, or business park and such businesses are set back one-hundred (100) feet or more from the roadway, one common

freestanding sign shall be permitted not exceeding twenty (20) square feet in addition to wall signs as set forth in subsection (i). No additional freestanding signs are permitted.

(d) No freestanding signs shall exceed eight (8) feet in height.

[5] On parcels on which two or more commercial businesses are located, all signs on the parcel shall be coordinated in material, shape, lettering, color and/or decorative elements.

[6] Representational signs shall not project in any direction more than four (4) feet beyond the principle structure to which they are attached and shall not exceed fifteen (15) square feet.

D. Nonconforming signs. In the event that a sign lawfully erected prior to the effective date of this Article does not conform to the provisions and standards of this Article, then such sign shall be modified to conform or be removed according to the following regulations:

(1) Any permanent nonconforming sign that serves as a primary business shall be modified or replaced by its owners to comply or be removed within seven (7) years of the effective date of this Article or any amendments thereto. Any owner who elects to replace a nonconforming sign within three (3) years of the effective date of this Article shall have any fee associated with application and approval of the replacement sign waived. Any sign with an electronic variable message display used solely for purposes of displaying time, temperature, and public service messages which is lawfully in existence and in use on the effective date hereof shall be exempt from this provision. Any nonconforming temporary or prohibited sign shall be removed immediately upon adoption of this Article.

Section 138-76, "Construction standards" is amended, in part, to read:

B. Specific regulations to sign types. The following additional conditions shall apply unless otherwise specified elsewhere in a local law:

(3) Freestanding signs.

(c) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

(d) Freestanding signs shall not be located within, or project into or over, any pedestrian walkway or driveway if the sign could interfere with safe vertical or horizontal clearance to pedestrians or vehicles.

(g) At the base of all ground-signs, landscaping of live ground cover shall be planted and maintained at the base of the supporting structure equal to twice the area of one face of the sign, shielding all utility boxes and structures.

(4) Other signs:
Remove: (a)[3]

- (5) Illumination of signs
 - (a) External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign. Internally illuminated signs (e.g., box signs, back-lit signs) are not permitted in any district except within the HC-1 and HC-2 Zoning districts where internally illuminated wall signs are permitted where groups of three (3) or more businesses are located in a shopping center or business park and such businesses are set back one-hundred (100) feet or more from the roadway. Internally illuminated freestanding signs are not permitted in any district.
 - (b) Light sources (e.g. light bulbs) used for externally illuminated signs shall not be visible within 100 feet of any residential zoning district.
 - (c) Electrical raceways and conduits shall be placed so that they are not within public view.
 - (d) No outdoor sign shall be illuminated by a light source directed at the sign from the interior of any building or store.
 - (e) No sign shall contain flashing, intermittent, rotating, or moving lights.
- (6) Sign Material. The permitted materials used for the construction of signs varies by zoning district.
 - (a) On any parcel within the Highway Commercial HC-1 District or Highway Commercial HC-2 District, signs are permitted to be constructed of wood, metal (excluding aluminum), stone, and/or plastic.
 - (b) On any parcel in the Office Park OP-1 District, Office Park OP-2 District, Office Park OP-3 District, or ED District, signs are permitted to be constructed of wood, wood-like material, metal(excluding aluminum), and/or stone.
 - (c) On any parcel in the Neighborhood Business NB-1 District, Neighborhood Business NB-2 District, Rural Commercial, Gateway Commercial GC-1, Gateway Commercial GC-2, and all residential zoning districts, signs shall be constructed of wood or a wood-like material.

Section 138-77, "Design Guidelines" is amended to read:

A. The Architectural Review Board shall use the following guidelines in review of sign applications:

- 1. The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them. Each building has a character based on its age and the quality of the original design. Signs should be made of the appropriate materials and complement the design.
- 2. Sign size and dimensions shall be proportionate to the size and dimensions of the building, site and setting. The Zoning Ordinance sets maximum allowances.
- 3. Sign design should reflect consistency, simplicity, neatness, and minimum wording.
- 4. The business name should be the largest lettering. Any subsidiary message, if used, should be smaller than the business name.
- 5. A name that does not describe the goods or services should have a subsidiary explanatory message.

6. Sign colors should be limited in number and should be compatible with the façade. More sign colors may be allowed in cases of extraordinary design and creativity. In most circumstances, dark backgrounds for signs are preferred over light backgrounds.
7. Creative use of high quality materials should be encouraged.
8. If multiple signs are to be placed on a site, all signs should follow a coordinated theme.
9. No more than two typefaces should be used on any one sign.
10. No Day Glo, luminous or sparkling colors shall be used.

Section 10. Creation of Article XVIII, “Outdoor Lighting”

Article XVIII, “Outdoor Lighting” is created and reads:

Section 138-103, “Purpose”

This chapter regulates and restricts the location, construction and use of artificial lighting in both commercial and residential zoning districts in order to promote and protect the public health, safety, and welfare by regulating outdoor lighting of all types. It is intended to protect property values, create a more attractive residential and economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the Town, and provide a more enjoyable and pleasing community.

Section 138-104, “Lighting Regulations”

- A. Any outdoor lighting in any zoning district (residential or commercial) shall be arranged in such a way that no direct glare is cast toward any highway or adjacent property, and luminary devices shall be hooded and/or arranged so that the source of the illumination is not visible from such public rights of way or other properties.
- B. Site lighting shall be reduced to a minimum level to maintain site security at the close of business and shall be controlled by motion detectors to minimize light pollution.
- C. Lighting Plan
 1. An outdoor lighting plan including all exterior building-mounted lights, all pole-mounted lights, all sign lights, and all ground-mounted lights shall be submitted to the Planning Board as part of Site Plan Review pursuant to §138-41.E(2)(c)[2][d]. Any modification to an approved lighting plan, whether or not other modifications to the approved site plan are being considered requires review and approval by the Planning Board.
 2. The lighting plan shall include, at a minimum:
 - a. Safety or functional justification for all proposed outdoor lighting fixtures whether on buildings, poles, or any other structure.
 - b. How the proposed fixtures will minimize off-site light spillage.
 - c. Hours of operation of individual lighting fixtures or systems.
 - d. Analysis of light spillage view sheds from all surrounding developed and undeveloped property.
 - e. Specifications of all proposed fixtures including light intensity ratings and coverage ratings.

- f. Illuminance values for all developed portions of the site in footcandles (Fc) including the following calculated values: average, maximum, minimum, average:minimum ratio, maximum:minimum ratio. Average illuminance values shall only be calculated for developed portions of the property. Any portion of the property to remain undeveloped shall not be illuminated.
 - g. An estimate of annual energy savings in kilowatt-hours (kWh) and dollars resulting from the use of timing systems and lower intensity fixtures.
 - 3. Lighting plans shall be prepared in accordance with the guidelines established in the most recent edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
 - 4. The lighting plan shall account for all off-site lighting (e.g., adjacent properties, street lighting) that may increase minimum, maximum, or average values.
 - 5. The lighting plan shall be prepared in coordination with the site plan and landscaping plan to take into account any structures or landscaping that may affect light distribution across the site.
 - 6. Any lighting plan for banks or automatic teller machines must conform to the New York State ATM Safety Act as administered by the New York State Banking Department.
- D. Sign lighting shall only be permitted pursuant to Article XII of this chapter.
- E. In all districts, flashing, intermittent, moving or chaser lights or lighting of varying intensity shall be prohibited.

Section 138-105, "Pre-existing non-conforming sites"

- A. All approved and/or constructed commercial projects within the town shall submit a lighting plan to the Planning Board in compliance with §138-104.C within six (6) months of the adoption of this Article.
- B. The Planning Board may require modification of existing site lighting on any pre-existing non-conforming site to meet the requirements of this Article.

Section 11. Validity

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

Section 12. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Attachment A. Zoning Map

Attachment B. Sketch D