

Town of Southeast, Putnam County, NY

Local Law No. ____ of 2007

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 local land use regulations to protect the community character and environmental quality of the Town.

The Town of Southeast Comprehensive Plan notes that new commercial development, especially along gateway corridors, if not properly designed, may have negative impacts on water quality, traffic flow, and community character.

In recognition of this, the Town Board has embarked on a series of zoning text and map amendments to adjust permitted uses and intensity of uses within commercial districts throughout the Town “to more clearly define areas of commercial development that are consistent with community character” (Comprehensive Plan, p. 7-5).

The Comprehensive Plan specifically identifies special treatment of new uses in the following areas to protect water quality and community character:

- Route 22 north of Milltown Road—New commercial uses here would promote this area as the main shopping district within the Town. Design guidelines should be established to ensure the visual appeal of this gateway area.
- Route 6 east and west of the Village of Brewster—New development would be limited in scale due to watershed constraints. Design guidelines should be established to ensure the visual appeal of this gateway area.

The Town Board created the new Gateway Commercial-1 and Gateway Commercial-2 zoning districts specifically to implement the vision set forth in the Comprehensive Plan for these corridors. Additional recommendations contained in the Comprehensive Plan relevant to commercial development include:

- Update the zoning code to include design standards to ensure that larger retail facilities (“big box retail”) do not dominate the surrounding character of commercial or residential districts. Include site design and landscaping standards to lessen the visual impact of these types of uses.
- Clarify the allowed uses and lot dimension standards within the commercial zoning districts along Route 22 and Route 6 to define areas of appropriate commercial development.
- 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.

- Create design guidelines for future commercial development along Route 6 to enhance this corridor’s function as a gateway into the community.

This Local Law, among other unrelated amendments to the Zoning Code, creates Design Guidelines that shall apply to all new Large Retail Establishments, as such uses are defined by the proposed amendments to the Zoning Code, in the HC-1 and GC-2 Zoning Districts. It is the intent of this Local Law that the Planning Board, when considering an application for Site Plan approval, and the Town Board, when considering an application for Special Permit approval, shall consider the application’s conformance to these Design Guidelines in considering approval or denial of the application.

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

Add: “Large Retail Establishments — “Any wholesale or retail establishment or group of such establishments (that may include other non-wholesale or non-retail uses) on one or more tax parcels and developed as a single shopping center by virtue of common access, adjacency, common ownership, or timing of development with a total gross floor area of 50,000 square feet or more.”

Retail use. “Stores and shops, occupying less than 50,000 square feet of space, where goods are sold primarily at retail. Such sales are primarily made directly to the ultimate consumer and include goods such as food, beverage and clothing, excluding lumberyards, restaurants and fast food. Outside storage of goods for such use permitted only with special permit.”

Section 3. Amendments to Article II, “Establishments of Districts; Map”

Section 138-6, “Zoning Map”

Rezone parcels 77.-1-22 and 88.8-1-1 from GC-1 to ED

Rezone parcels 56.-1-24 and 56.-1-25 from R-40 to ED

Rezone parcel 45.12-1-39 from R-20 to NB-1

Rezone parcels 56.18-1-21, 56.18-1-23, 56.18-1-24, 56.18-1-25, 67.6-1-8, 67.6-1-37, 67.6-1-38, and 67.6-1-40 from GC-2 to GC-1

Rezone parcels 56.17-1-1, 67.5-1-4, 67.5-1-5, 67.5-1-6, and 67.6-1-4 from GC-1 to R-60

Section 4. 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:

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

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

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

Section 5. Amendments to Article IX, “Site Plan Review and Approval”

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

138.41.E(2)[2][n]: An aerial photograph at a scale of no less than one (1) inch to two-hundred (200) feet showing the project site and surrounding areas within three-hundred (300) feet of the property.

138.41.E(2)[6]:Photo-Simulation/Rendering Requirement. For any application involving new construction or significant exterior modifications to an existing structure, to assist in review and understanding of a proposed application, the Planning Board shall require the applicant to submit a photo-simulation or 3-D rendering or model of the proposed project, in context with the proposed grading and landscaping.

Section 6. Amendments to Article X, “Special Permits and Conditional Uses”

Add: Section 138.63.4, “Large Retail Establishments.”

Large Scale Establishments may be permitted by the Town Board in the HC-1 and GC-2 Districts subject to the following requirements:

- A. Any parcel shall consist of not less than 35 acres and have access via a state or county road; and
- B. Any retail use in connection with any zoning lot shall be limited to a floor area ratio (FAR) not to exceed 0.15. All other dimensional standards for any parcel shall be the same as those contained in the Commercial Zoning Schedule for the HC-1 and GC-2 zones except as they are superseded by the Town of Southeast Design Guidelines for Large Retail Establishments; and
- C. Design guidelines. All Large Retail Establishments shall comply with the following Town of Southeast Design Guidelines for Large Retail Establishments. The Planning Board, when considering the site plan, and the Town Board, when considering the Special Permit, shall consider the application’s conformance to these Design Guidelines in considering approval or denial of the application.

Drawing L-1 shows a schematic layout for a Large Retail Establishment showing, in general, a number of the design elements contained in these Design Guidelines. Users of the Design Guidelines shall refer to this drawing and other drawings for clarification of the guidelines but not as a prescriptive site or building design. Table 1 provides a listing of preferred native plant species.

(1) Site Design

(a) Buffers

- [1] All Large Retail Establishments shall include a 75-foot minimum Environmental Conservation Buffer vegetated buffer along the entire frontage with the exception of areas necessary for ingress or egress from the site. Stormwater management features may be included in the Environmental Conservation Buffer as long as the margins of any such feature are planted with

vegetation that will reach an appropriate height for screening proposed uses within ten (10) years.

- [2] An Environmental Conservation Buffer of at least 50 feet in width shall be provided along side and rear property lines. Where a Large Retail Establishment abuts a Residential Zoning District, a minimum 100-foot Environmental Conservation Buffer shall be provided along the boundary line, unless the Town Board determines that a larger buffer is required.
- [3] Existing mature vegetation shall be retained where feasible within the Environmental Conservation Buffers and within the interior of the site.
- [4] New vegetation shall be planted to create a mix of species. Native species or species known to be tolerant to urban stressors (see Table 1) are preferred to non-native species; although non-native ornamental species may be used as accents.
- [5] If any significant habitat is found on-site, no disturbance shall occur within that area or within 100 feet of the area.
- [6] A vegetated berm not less than 3 feet in height and 6 feet in width at its top may be used where existing mature vegetation would not provide adequate screening.

(b) Building Location (see below for further Guidelines on "Building Design")

- [1] Buildings shall be oriented on-site to avoid disturbance to sensitive natural and topographic features to the maximum extent practicable while presenting a "public face" to major roads.
- [2] Multiple buildings on a single site shall be oriented to achieve a unified character for the site. Individual buildings shall not be isolated by large expanses of parking lots in order to encourage safe pedestrian movement within the site.

(c) Site Access

- [1] Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created. A minimum of two (2) driveways shall be provided. Driveway entrances shall be spaced a minimum of 300 feet apart. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the County of Putnam or State of New York.

(d) Parking Lots

- [1] Large Retail Establishments that have more than 10 percent Gross Leasable Area in dining or entertainment uses shall use the Urban Land Institute Shared Parking methodology to calculate appropriate parking requirements in place of the required 4.0 spaces per 1,000 square feet of Gross Floor Area.
- [2] Any parking spaces provided above the required number shall be in a separate parking area utilizing a pervious paving technique (see Drawing L-1). Alternatively, additional parking areas may be "land-banked" for future development depending on use.

**Table 1
Preferred Plant Species**

Common Name	Latin Name
TREES	
Within Perimeter Buffers	
Black Alder	Alnus glutinosa
Black Gum	Nyssa sylvatica
Red Maple	Acer rubrum
River Birch	Betula nigra
Swamp White Oak	Quercus bicolor
Sycamore	Platanus occidentalis
In Parking Lot Islands with Pedestrian Walkways	
Red Maple	Acer rubrum
In Parking Lot Islands without Pedestrian Walkways	
Red Maple	Acer rubrum
River birch	Betula nigra
SHRUBS	
Arrowwood Viburnum	Viburnum dentatum
Buttonbush	Cephalanthus occidentalis
Red Chokeberry	Aronia arbutifolia
Redosier Dogwood	Cornus sericea
Winterberry	Ilex verticillata
HERBACEOUS PLANTS	
Blue Flag Iris	Iris versicolor
Boneset	Eupatorium perfoliatum
Broomsedge	Andropogon virginicus
Cardinal Flower	Lobelia cardinalis
Common Three Square	Scirpus pungens
Dense Blazing Star	Liatris cardinalis
Great Blue Lobelia	Lobelia siphilitica
Joe Pye Weed	Eupatorium fistulosum
Lance-leaved Coreopsis	Coreopsis lanceolata
New York Ironweed	Veronia noveboracensis
Obedient Plant	Physostegia Virginia
Sweet Flag	Acorus calamus
Soft Rust	Juncus effuses
Switchgrass	Panicum virgatum

- [3] All required parking shall be provided in parking areas that are designed and laid out to avoid uninterrupted stretches of paved surfaces. Parking areas may be separated from each other by drive aisles, pedestrian walkways, stormwater management facilities, or landscaped areas (see Drawing L-1). Parking areas to the rear or side of buildings are preferred to parking areas in front of (between the major street and any side of) a building. Rear entrances to tenant spaces shall be considered in the overall site design process. Underground or structured parking may be considered.
- [4] Individual parking stalls shall be eight (8) feet by eighteen (18) feet except as required to meet Americans with Disabilities Act (ADA) requirements.
- [5] Parking areas shall have a minimum 10-foot wide, curbed planting island around the perimeter with appropriate gaps for vehicular access. Such raised planting

islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Planted bio-swales may be substituted for raised parking islands (see Drawings LD-4, LD-5, and LD-6).

- [6] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight (8) feet in width within the parking area between every second parking module (defined as a 60-foot-wide area containing two rows of parking separated by a drive aisle).
- [7] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.
- [8] Twenty-five (25) percent of calculated required parking shall be provided in a designated employee-only parking area that utilizes a pervious paving technique. Where possible, this parking area shall be located to the rear of any building(s).
- [9] Twenty-five (25) percent of calculated required parking shall be provided in an overflow area that shall be physically separated from other parking areas by lawn or other vegetated area.
- [10] At least one tree, not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting, shall be provided within a planting island for each ten (10) parking spaces in the parking area (see Drawing LD-3).
- [11] Bicycle parking racks providing space for at least five (5) percent of the total required parking shall be provided in a location no further than 200 feet from a building entrance and not to the rear of any building.

(e) Circulation to Adjoining Parcels

- [1] Where a Large Retail Establishment adjoins another parcel with existing commercial development every opportunity for connecting parking areas and/or driveways shall be explored to avoid separate curb-cuts onto major roads.
- [2] Where a Large Retail Establishment adjoins a vacant commercially-zoned parcel a stub driveway shall be established in a location conducive to creating a future internal connection point.

(f) Pedestrian Environment

- [1] Pedestrian-scale public spaces (pedestrian walkway, square, or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.
- [2] Pedestrian amenities such as seating or dining areas, fountains, gazebos, kiosks, or other such features shall be provided in any square or plaza. Amenities associated with public transit or bicycle use (bus waiting shelter, information kiosk with bus schedule, bicycle racks, or taxi waiting area) shall be incorporated into public spaces on the site.

- [3] A pedestrian walkway shall be a minimum of ten (10) feet in width and shall have street trees planted forty (40) feet on center at a minimum (not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting) (see Drawing LD-3). Pedestrian walkways offering access between buildings and/or providing access to rear parking areas are not required to have planting areas or street trees.
- [4] A square or plaza shall be a minimum of thirty (30) feet in any dimension and shall include a vegetated area covering a minimum of fifty (50) percent of the total area when any one linear dimension of the square or plaza equals or exceeds fifty (50) feet (see Drawings L-2, L-3, and LD-1). (Pedestrian walkways shall not be required to meet this standard).
- [5] Building(s) shall be designed to have a front façade that has a principal functional entry from a pedestrian walkway, square, or plaza.
- [6] All ground-level facades that face a pedestrian walkway, square, or plaza shall have transparent glass on at least 33 percent of the ground-level façade. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.
- [7] Pedestrian walkways, squares, or plazas shall provide continuous pedestrian flow throughout the site and shall provide protected access between building entrances and all parking areas.
- [8] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.
- [9] Pedestrian walkways and other surface areas of paving material shall offer a variety of pigments and textures that are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.

(g) Loading & Refuse Collection Areas

- [1] All loading and refuse collection areas shall be screened from public views from primary driveways and pedestrian walkways, squares, or plazas and shall not be located along the front façade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.

(h) Signage

- [1] All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of the Zoning Code.

(i) Lighting

[1] A site lighting plan shall be provided in conformance with Article XIII of the Zoning Code. Pedestrian-scale lighting fixtures shall be provided in parking areas and along pedestrian walkways and in squares or plazas.

(i) Storage of Merchandise

[1] No merchandise shall be stored or displayed outside of any building.

[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.

(2) Building Design

(a) Building Size

[1] Large single-use buildings are to be avoided. Where a large single-use tenant is considered, the same building shall include several smaller uses to balance the scale of the larger use and to facilitate improved design. In all cases, all buildings shall comply with the design parameters set forth herein.

(b) Building Height

[1] Buildings may be one (1) or two (2) stories to a maximum height of 35 feet. Vertical elements such as clocktowers, cupolas, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height (see Drawing LD-2).

(c) Building Style

[1] Buildings shall be designed to be compatible with buildings in the surrounding area, but in all cases shall be of high-quality design and materials. Colonial or Classic design style is considered appropriate for any location within the Town of Southeast. Examples of the types of architecture compatible with the Town's vision are shown in the attached Typology of Architecture pages. These images are not prescriptive but do show what is preferred.

(d) Building Facades & Materials

[1] Building facades shall present a varied appearance at street level and be designed to give individual identity to each building and/or use as well as to help achieve the planned pedestrian scale using features such as:

- The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features.
- The spacing and proportion of columns, piers and other elements of the basic structural grid.
- The spacing and proportion of window and door openings, bays or other aspects of building fenestration.
- Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.

[2] Blank wall exposures shall be limited. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian

walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.

- [3] The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:
 - Variation in roof heights.
 - Changes in the predominant wall plane and/or in facade elements such as window openings and balconies.
 - Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc.
 - Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.
- [4] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their front facade.
- [5] Building facades shall be architecturally articulated horizontally so that there are breaks in the façade plane where building entrances, windows, or landscaped areas may be located.
- [6] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, roof- or eave-lines, or second-story windows may be used to define the pedestrian scale. (Any awning, roof, or eave that extends above a pedestrian walkway, square, or plaza shall have a minimum clear height (height from sidewalk to the bottom of any awning, roof, or eave) of eight (8) feet six (6) inches and a maximum clear height of ten (10) feet above the sidewalk and shall extend beyond the building face a minimum of five (5) feet).
- [7] All buildings shall have an appropriate rhythm of entrances and windows consistent with the overall size of the building and orientation to any pedestrian walkways, squares, or plazas.
- [8] Exterior cladding shall be consistent with the overall building style and shall include a variety of colors and textures to help articulate the main facades.

(e) Building Roofs

- [1] Fully-enclosed gabled roofs (minimum pitch of 8:12) are preferred to flat roofs with parapets. On larger buildings a variety of roof-lines shall be used to break up the horizontal extent of the building. Where parapets are used, the parapet shall be provided along each façade. Parapet height is limited to ten (10) feet above the flat roof.
- [2] Where flat roofs are required due to building size, roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the table below for a minimum of 75 percent of the roof surface shall be used or a green roof on at least 50 percent of the roof area shall be used.

Roof Type	Slope	SRI
Low-Sloped Roof	≤ 2:12	78
Steep-Sloped Roof	> 2:12	29

(f) Building Materials

- [1] Natural building products including, but not limited to, clapboard and shingle siding, brick, or stone is preferred over synthetic materials. Concrete-block shall not be used as a primary exposed building material.
- [2] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.
- [3] Windows and doors shall be trimmed with wood or stone a minimum of four (4) inches in width.

(g) Mechanical Equipment

- [1] All HVAC or similar equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.

D. The developer shall provide adequate proof to the Town Board, prior to the issuance of any certificate of occupancy, that the developer has contracted with a private security company for the purpose of patrolling the premises for the safety and security of its customers, employees and businesses invitees and to ensure that the premises do not become a focal point for loitering or vagrancy. Such contract, or replacements thereof, shall remain in full force and effect during the occupancy of any premises developed hereunder. Failure to adequately maintain security services for the premises shall result in the revocation of any certificate of occupancy by the Town of Southeast; and

E. The Town Board may require the inclusion of any of the foregoing conditions in a declaration of restrictive covenants executed in recordable form and to be recorded by the applicant/owner as a condition of any Special Permit approval.

Section 7. Create Section 138.63.5 "Retail"

Retail uses are subject to the following building design guidelines:

- A. Maximum building height: 2 stories not to exceed 35 feet.
- B. Maximum gross floor area for any one parcel: 49,999 square feet.
- C. All applications shall submit site plans and building elevations to the Architectural Review Board.
- D. Buildings shall be harmonious and compatible with neighboring structures in terms of the following exterior design elements.

- (1) The nature and use of surface materials. Natural building products including, but not limited to, clapboard and shingle siding, brick, or stone is preferred over synthetic materials.
 - (2) The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features.
 - (3) The spacing and proportion of columns, piers and other elements of the basic structural grid.
 - (4) The spacing and proportion of window and door openings, bays or other aspects of building fenestration.
 - (5) Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.
 - (6) Treatment, screening and/or enclosure of all utility and mechanical installations. All HVAC equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.
 - (7) 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.
- E. Building facades shall present a varied appearance at street level and be designed to give individual identity to each building and/or use as well as to help achieve the planned pedestrian scale. Blank wall exposure shall be limited.
- F. The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:
- (1) Variation in roof heights.
 - (2) Changes in the predominant wall plane and/or in facade elements such as window openings and balconies.
 - (3) Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc.
 - (4) Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.
 - (5) To encourage use of an articulated roof line, building height shall be measured to the top of the main building roof and shall not include decorative roof elements (such as gables, dormers, turrets, clocktowers, or mansards). Decorative roof elements may not exceed ten (10) feet in height above the main building roof.
- G. Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.
- H. A coordinated landscape plan shall be prepared by all applicants before the Planning Board incorporating the landscape treatment of open spaces, walkways, access roads and

parking areas (see §138-50) into a cohesive and integrated design. Attractively landscaped open spaces, plazas and recreational areas, designed as gathering places and intended for maximum usability by on-site users and workers, shall be provided in appropriate locations. All open spaces, pedestrian walkways, parking areas and access drives shall be planned as an integral part of the overall site design, properly relating to existing and proposed buildings.

- I. The coordinated landscape plan shall include a mix of shade trees and other plant materials, such as ground cover and shrubs, with proper regard to factors such as micro-climate, function of area, existing plantings and required maintenance in determining the species, scale and planting pattern. Native species are preferred; however, non-native ornamental species may be considered if their hardiness to urban conditions makes them the preferred species over a similar native species.
- J. Walkways and other surface areas of paving material shall offer a variety of pigments and textures which are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.
- K. Walkways shall be planted with regularly spaced salt-tolerant shade trees selected with regard to the scale of the area in which they are located as well as the height and spacing of street lighting.
- L. All landscaping as shown on the approved site plan shall be maintained in a healthy growing condition throughout the duration of the use or uses being served. Any plants not so maintained shall be replaced by the property owner with healthy, new plants of comparable size, type and quality at the beginning of the next immediately following growing season.
- M. All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of the Zoning Code.
- N. All signs must comply with the provisions in Article XII of the Zoning Code.
- O. Outdoor lighting shall comply with Article XVII of the Zoning Code.

Section 8. Amendments to Article XI, "Off-Street Parking and Loading"

- C. Retail stores and shops, personal and business services, ~~offices and banks~~: one space for each ~~200~~ 250 square feet of gross floor area, ~~ground coverage of the lot by the building, and the following additional spaces which shall be located on the same lot with the building:~~
 - (1) ~~One space for each 200 square feet of floor area, including basements, in excess of such ground coverage and used for the retail sale of goods on the premises; and~~
 - (2) ~~One space for each 250 square feet of floor area, including basements, in excess of such ground coverage and used for other than the retail sale of goods on the premises, but excluding basements used only for storage, supporting services and utility services that are ancillary to uses on other floors of the building.~~

J. Offices: one space for each 250 square feet of gross floor area.

K. Banks: one space for each 333 square feet of gross floor area.

Section 9. Amendments to Article XIII, “Administration and Enforcement”

Section 138-86. Field changes.

- A. During construction, the Town Engineer may authorize or require, at his own determination or upon the request of the applicant, minor adjustments to the approved site plan when such adjustments are necessary in light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the spirit and intent of the approved site plan. Any adjustment that requires the removal of any structure or any group of trees (defined as 10 to 20 trees within an area of 500 square feet) identified to remain on the approved plan shall not be considered a minor adjustment and shall require amended site plan approval by the Planning Board prior to commencement of any such modifications.
- B. At the request of the Town Engineer or the Building Inspector, where unforeseen conditions are encountered which require any material change to an approved site development plan, the removal of any structure or group of trees (defined as 10 to 20 trees within an area of 500 square feet) indicated to remain on the approved plan, or where the developer wishes to modify the approved plan for other reasons, an amended site plan shall be filed with the Planning Board for review in accordance with the same procedures required for initial applications.

Section 10. Delete Article XVII, “Conditional Rezoning Affecting Certain Premises” in its entirety.

Section 11. Article XVIII, “Outdoor Lighting,” is renumbered to Article XVII.

Section 12. 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 13. Effective Date

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

Typology of Architecture Southeast Design Guidelines

Building Style

- *Classic or Colonial* style architecture
- Compatible with buildings in surrounding area
- High quality design

Building Size

- Avoid large, single-use buildings
- Include several smaller uses in a large building; balance scale of larger use

Building Facades & Materials

- Varied appearance; facade unique to each building
- Create visual interest: Columns, Cornices, Piers, Bay Windows, Pitched Roofs, Clock-towers, Dormer windows, Balustrades

- Define Pedestrian scale: Arcades, Awnings, Roof & Eave-Lines

- Variation in roof heights

- Exterior cladding consistent with building style

- Variety colors & textures

- Natural Building Materials: Shingle siding, Clapboard, Brick & Stone

- Vary the predominant wall plane with façade elements; Window openings & Balconies

Architectural Styles



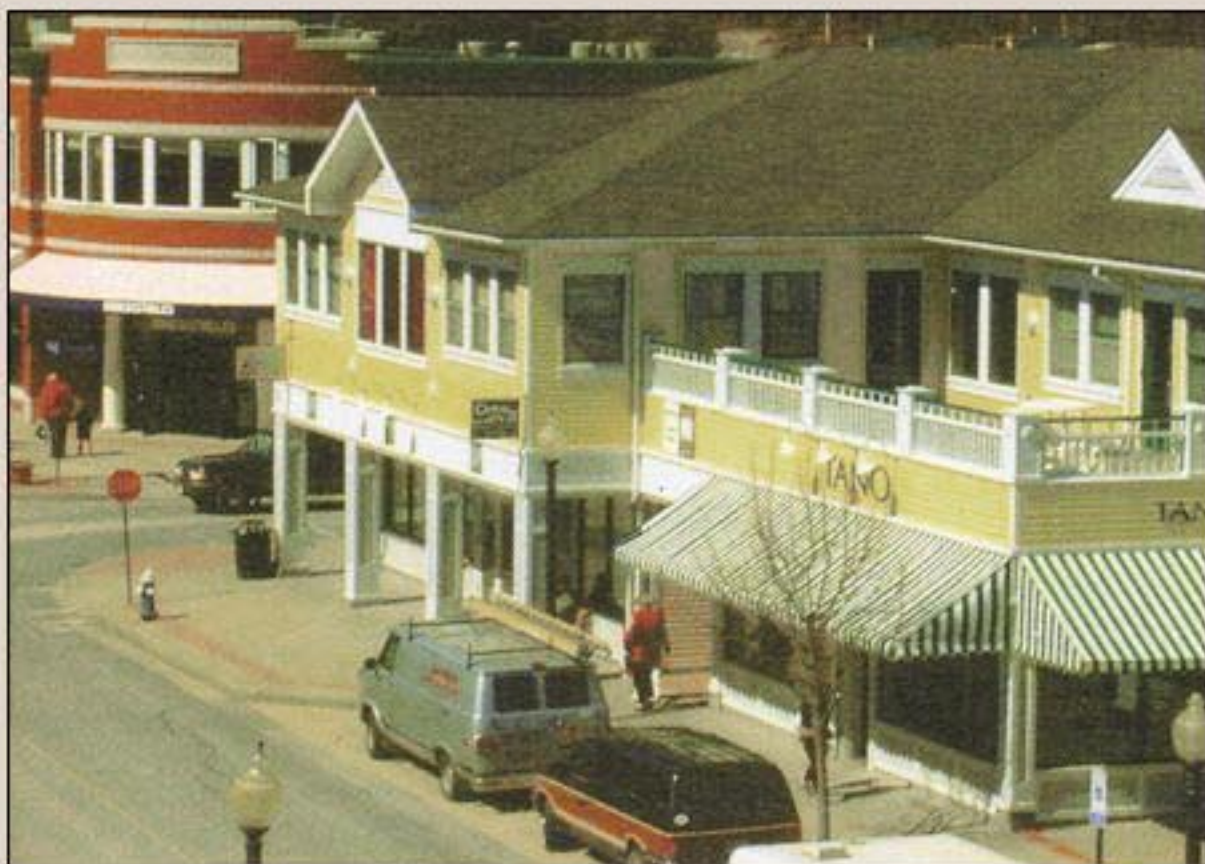
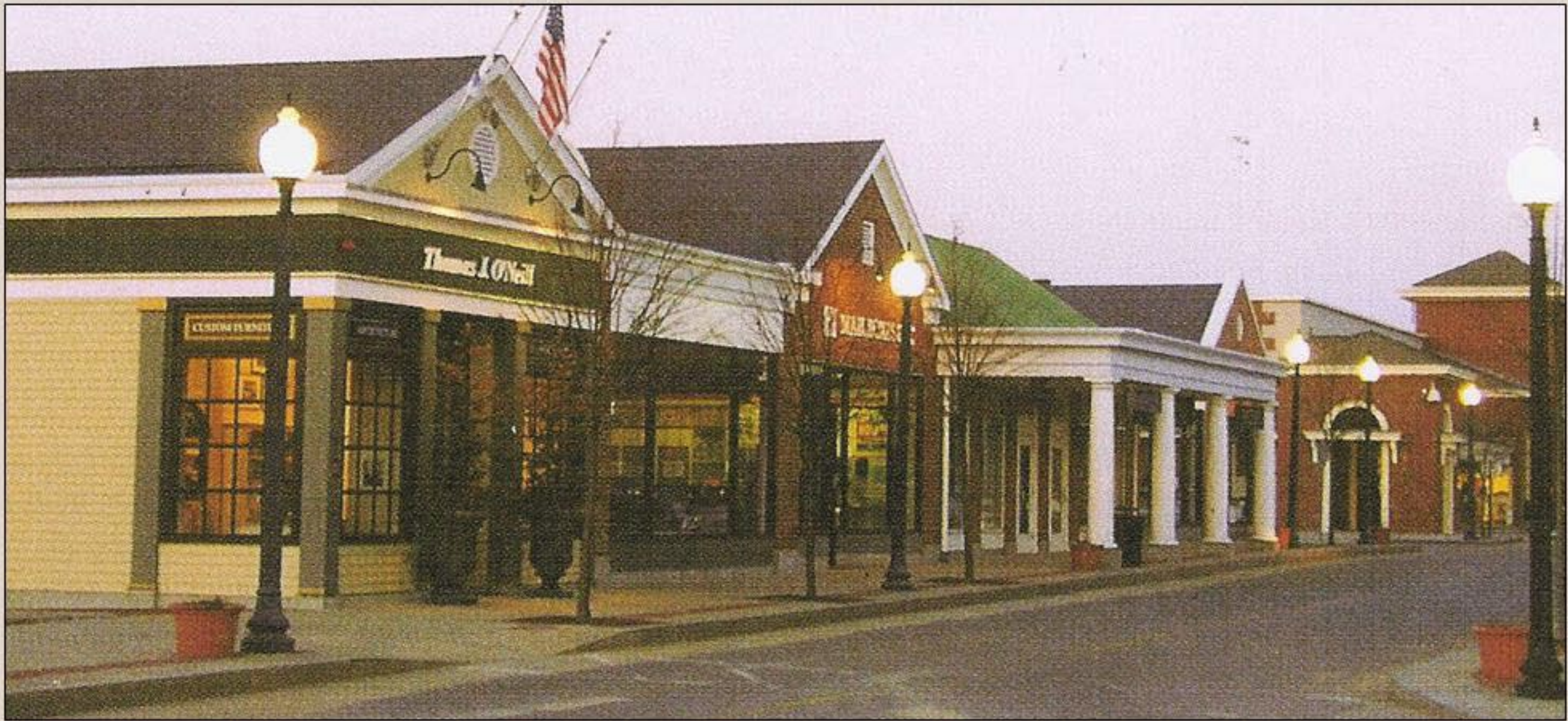
Colonial Revival



Classical



Typology of Architecture
Southeast Design Guidelines



Drawing name: W:\Projects\Southeast\CADD\Drawings\Southeast.base.m-color.dwg Thu, 24 Aug 2006 - 10:30am



Project Name
SOUTHEAST

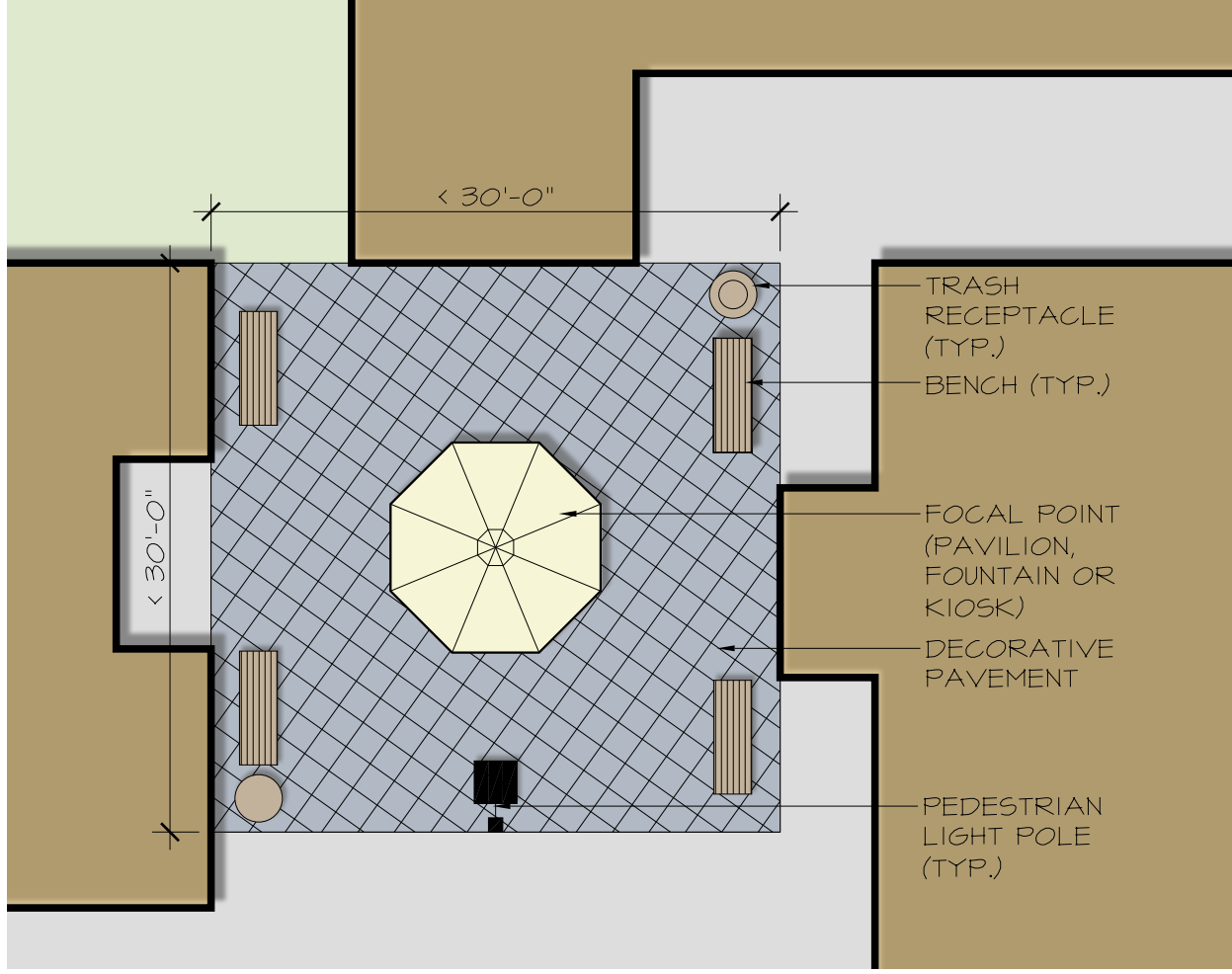
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**CONCEPTUAL
DESIGN GUIDELINES
PLAN**

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Revisions	Scale Not to scale	Sheet No. L-1
	Date August 8, 2006	
	Drawn By KMF	



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Project Name

**SOUTHEAST
 DESIGN GUIDELINES**

Title

PLAZA PLAN 'A'

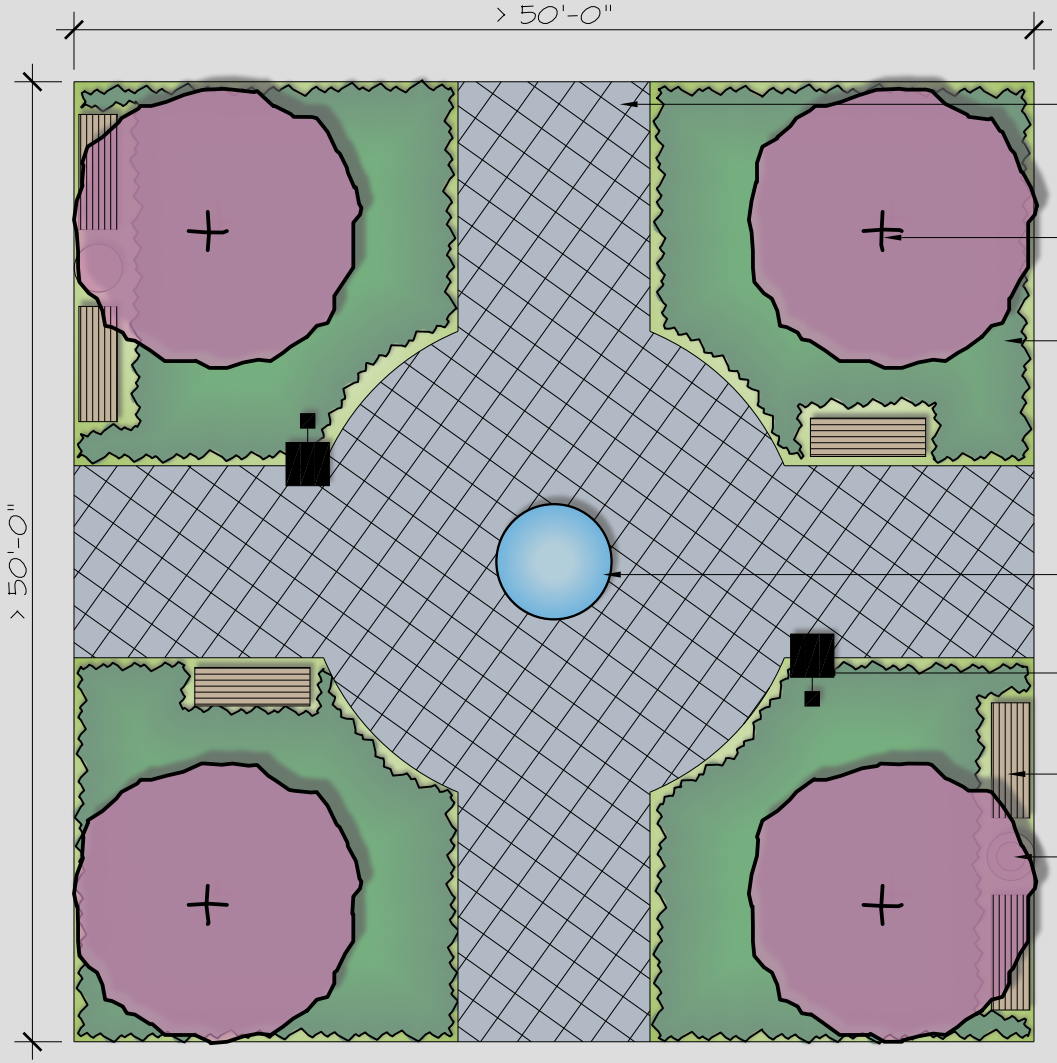
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Drawn By
 BW

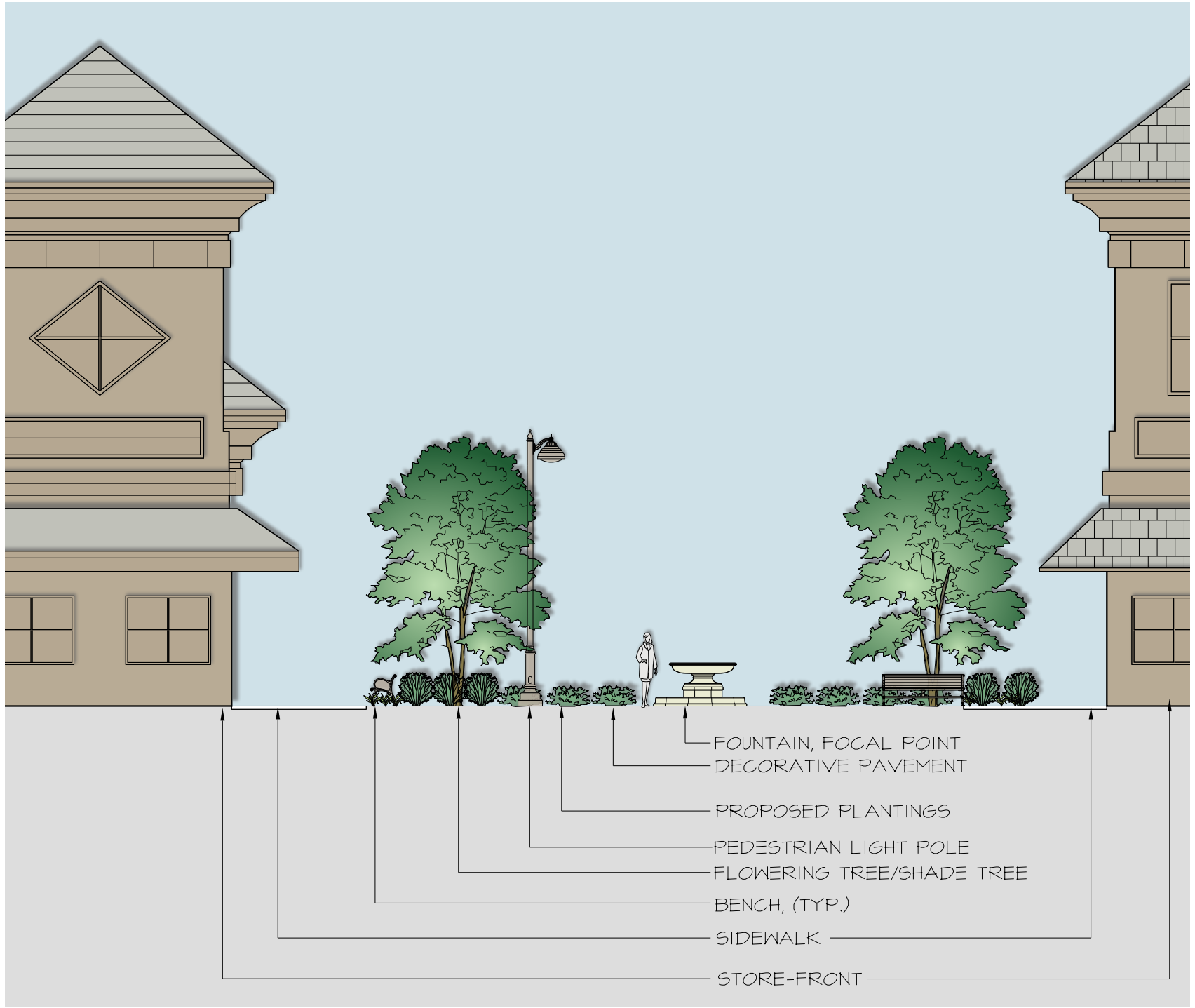
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L-2



- DECORATIVE PAVEMENT
- STREET TREE (TYP.)
- PROPOSED PLANTINGS (TYP.)
- FOCAL POINT (FOUNTAIN OR STATUE)
- PEDESTRIAN LIGHT POLE (TYP.)
- BENCH (TYP.)
- TRASH RECEPTACLE (TYP.)

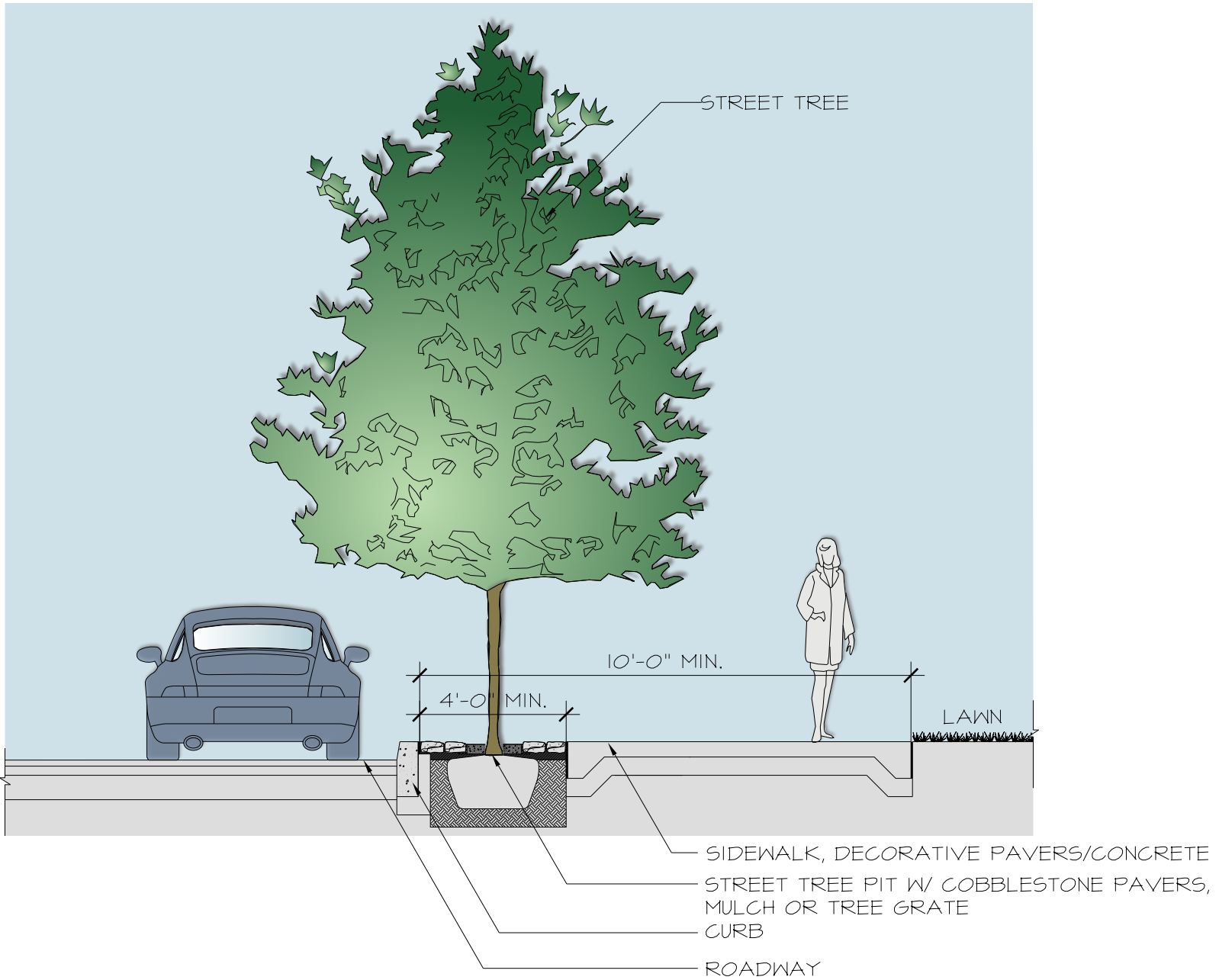
 Imbiano · Quigley Landscape Architects 326 Bedford Road Bedford Hills, New York 10507 iqlandarch@aol.com	Project Name SOUTHEAST DESIGN GUIDELINES		Scale 1"=10'-0"	Sheet No. L-3
	Title PLAZA PLAN 'B'		Date August 31, 2006	Drawn By BW



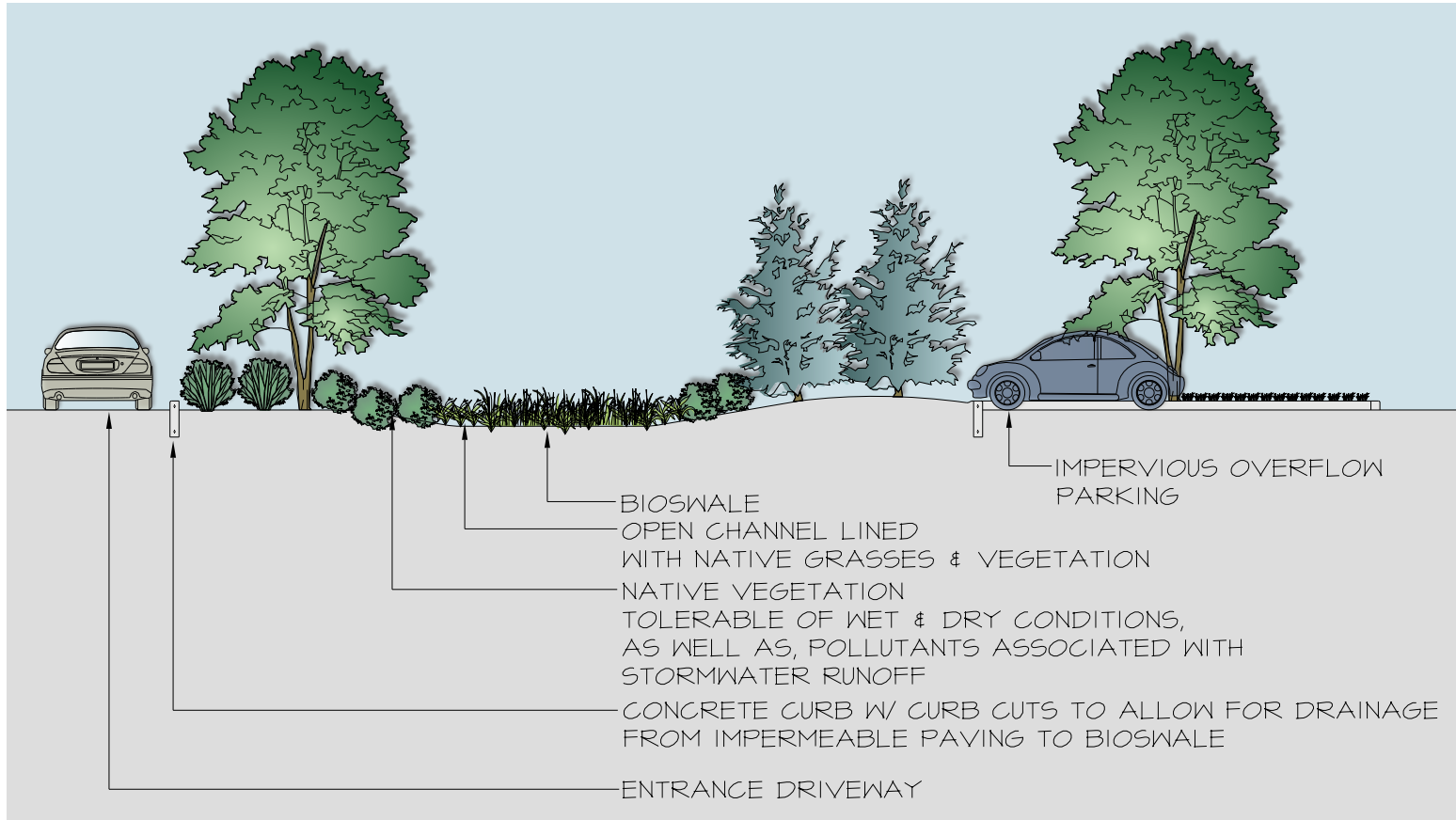
LD-1 PLAZA SECTION
 SCALE: 1"=10'-0"



LD-2 ARCHITECTURAL & SIDEWALK SECTION
 SCALE: 1"=10'-0"



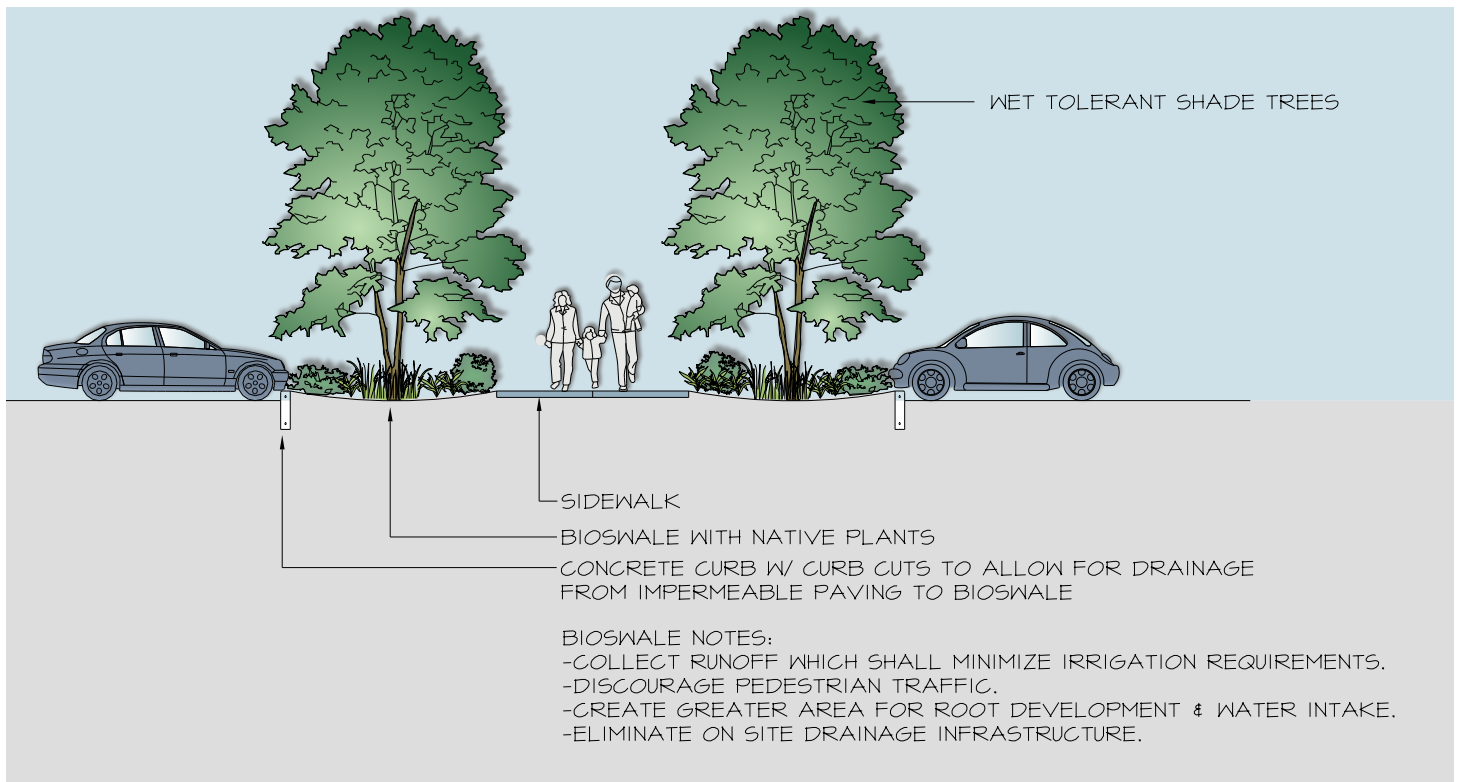
LD-3 **SIDEWALK & STREET TREE SECTION**
 SCALE: 1/4"=1'-0"



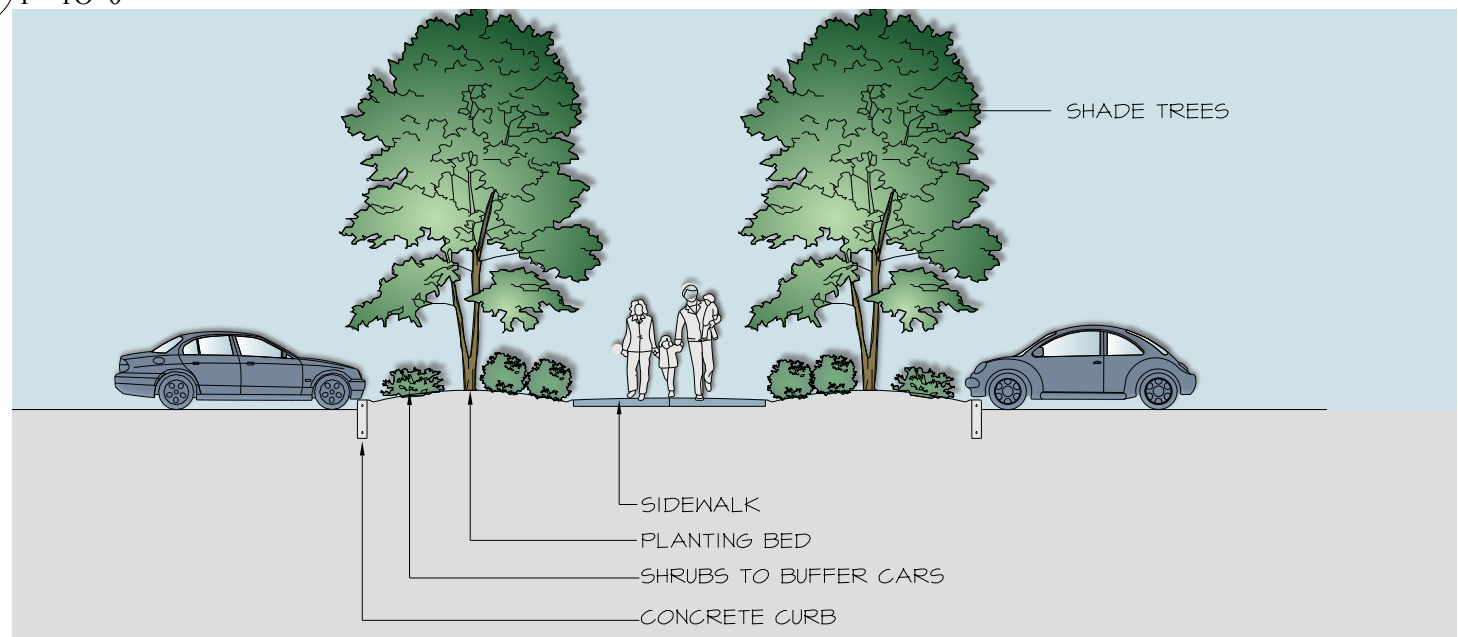
BIORETENTION ISLAND SECTION

LD-4

SCALE: 1"=10'-0"



LD-5 BIOSWALE W/ WALKWAY
 1"=10'-0"



LD-6 PLANTING ISLAND W/ PEDESTRIAN WALKWAY
 1"=10'-0"