

TOWN OF PATTERSON
NOTICE OF HEARING

AMENDMENTS TO CHAPTER 154
OF THE PATTERSON TOWN CODE

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Patterson, New York, on April 26, 2017 an amendment to Patterson Town Code Chapter 154, entitled "Zoning", which amendment will incorporate several clarifications to definitions and other sections of the Zoning Code, amend the sign regulations, provide for Bed and Breakfast establishments, and provide for a number of legislative changes;

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Patterson, New York will hold a public hearing on the aforesaid Amendment at the Town Offices, 1142 Route 311, Patterson, New York, on May 24, 2017, at 7:00 p.m. in the evening of that day, or as soon thereafter as may be held, at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: _____

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF PATTERSON

ANTOINETTE KOPECK, TOWN CLERK

TOWN OF PATTERSON

County of Putnam, State of New York

RESOLUTION _____

RESOLUTION INTRODUCING
LOCAL LAW I-1 AND PROVIDING FOR PUBLIC
NOTICE AND HEARING

INTRODUCED BY: _____

SECONDED BY: _____

DATE OF CONSIDERATION/ADOPTION: _____

BE IT RESOLVED that an amendment to Patterson Town Code Chapter 154, entitled "Zoning", is hereby introduced by _____, as Introductory Local Law #I-1 of the year 2017 before the Town Board of the Town of Patterson in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Patterson, New York at 7:00 o'clock P.M. on May 24, 2017, or as soon thereafter as may be heard, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Patterson of said public hearing at least five (5) days prior thereto.

UPON ROLL CALL VOTE:

Supervisor Williams _____

Councilman Burns _____

Councilman Cook _____

Councilman Dandreano _____

Councilman Rogan _____

VOTE: RESOLUTION CARRIED BY VOTE OF _____ TO _____

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

I, ANTOINETTE KOPECK, Town Clerk of the Town of Patterson, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Patterson at a meeting of said Board on _____, 2017.

ANTOINETTE KOPECK, Town Clerk

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

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

SECTION ONE: Section 154-1 (“Authority and purpose. ”) of the Town of Patterson Zoning Law is hereby amended to add Subsections M, N and O:

- M. To encourage clean commercial development in order to provide jobs, and services to the Town’s residents. **[Added __ - __ - __ by L.L. __ of 2017]**
- N. To preserve our rich history for generations to come. **[Added __ - __ - __ by L.L. __ of 2017]**
- O. To encourage the use of sustainable energy practices.

SECTION TWO: Section 156-3. (“Interpretation”) of the Town of Patterson Zoning Law is hereby amended by adding Subsection C as follows:

C. The Town of Patterson may be divided into two or more zoning districts which shall be shown on the Zoning Map. This Zoning Code shall identify each individual principal use that may be permitted in each particular zoning district. Each subparagraph shall be considered a separate and distinct permitted principal use within that zoning district. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site. For those uses permitted in the GB, C-1, CR and I Zoning Districts, multiple principal uses may exist on the same lot, where such use is a permitted use within that Zoning District. **[Added __ - __ - __ by L.L. __ of 2017]**

SECTION THREE: Section 154-4 (“Definitions”) of the Town of Patterson Zoning Law is hereby amended to DELETE the following definitions:

~~ACCESSORY BUILDING - A building or structure that is located on the same lot as the principal building and is incidental to and subordinate in area, extent and purpose to the principal building. [Deleted __ - __ - __ by L.L. No. __]~~

~~AREA, LAND - When referring to the required area per dwelling unit, means the area within the property lines or property boundaries of a lot, exclusive of streets and other public open space. [Deleted __ - __ - __ by L.L. No. __]~~

~~SIGN, TEMPORARY EVENT - Any sign advertising an activity or event for a limited duration, including but not limited to events sponsored by a charity or not-for profit~~

~~organization, tag sales, garage sales, estate sales, flea markets, real-estate open houses, fairs, bazaars, carnivals, birthday parties, non-municipal polls, referenda, and elections, municipal polls, referenda, and elections, and political signs. Sales at retail businesses shall not be considered an activity or event for the purpose of this chapter. [Added 8-14-13 by L.L. No. 5-2013]~~

SECTION FOUR: Section 154-4 (“Definitions”) of the Town of Patterson Zoning Law is hereby amended to add the following definition:

COMMERCIAL VEHICLE - Any vehicle bearing commercial plates and any of the following:

- a. Displays the registrant's name and address permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels
- b. Has business advertisements semi- permanently or permanently attached to the vehicle,
- c. Has been permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property.

HOME DAY CARE - a program caring for children under the age of 16 for more than three hours per day per child in which child day care is provided in a family home by the resident of the home for three to six children.

REGIONAL RETAIL CENTER - A site designed to lease, rent or sell commercial space to multiple businesses that offer the sale of general merchandise, food and/or personal services to consumers and which provides a total building area of greater than 75,000 square feet. Businesses in the Center must be open to the public, or permit membership that is open and available to the general public. A Regional Retail Center may also include one or more retail stores or wholesale clubs characterized by a large amount of floor space (generally more than 50,000 square feet), that offer a wide array of general merchandise, and/or full service grocery sales. They may also include as accessory to the retail store, indoor/outdoor garden center and the sale of related merchandise, vision center, bakery, personal services, automotive products for sale including but not limited to tires, lubricants, wipers, batteries, which may also include on-site installation, pharmacy, alcoholic beverage sales, and fast food sales. These large retail stores may include exterior drive-through and pick up areas for goods, which may or may not be ordered on the internet. [Added __ - __ - __ by L.L. No. __ of 2017]

SIGN, ROADSIDE - A sign placed within the right-of-way of any street or common driveway, or within twenty-five feet of the center of any road or traveled way. [__ - __ - __ by L.L. No. __ -2017]

SECTION FIVE: The following definitions in Section 154-4 (“Definitions”) of the Town of Patterson Zoning Law are hereby repealed and replaced with the following:

ACCESSORY USE - A use that is located on the same lot as the principal use, is customarily

associated with, is incidental to and is subordinate in area, extent and purpose to the principal use. **[Amended __-__-__ by L.L. __ of 2017]**

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

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

AUTOMOTIVE DEALERSHIP - A commercial business that sells or leases new or used motorcycles, automobiles, vans or trucks and may include an interior showroom, outdoor storage and display of vehicles, and as an accessory use the repair and maintenance of vehicles that are similar in nature to those for sale or lease at the site. **[Amended __-__-__ by L.L. No. __]**

COMMERCIAL TRADE OPERATION - A service related business conducted by a skilled artisan, where the service provided is conducted off-site and is representative of and shall include, painting contractors, carpenters, plumbers, electricians and landscapers, tile contractors, security installers, but shall not include businesses similar to general contractors whose primary business is earthwork. A commercial trade operation shall not include the exterior warehousing of vehicles, equipment, or materials.

CONFERENCE CENTER - A parcel including the buildings thereon which is non-sectarian, is not involved in the promotion of any specific purpose, agenda or goal and is open to the public for general conferences, seminars and other special events, held predominantly indoors, such as is typical of a reunion, wedding or bar mitzvah.

HOSPITAL - A place providing overnight accommodations for temporary occupation by the sick or injured used for the purpose of diagnosis, medical treatment or other care of ailments, and other health related activities such as day surgeries, emergency care, or wellness and prevention programs. **[Amended __-__-__ by L.L. No. __ of 2017]**

LOT AREA - The total horizontal area included within lot lines exclusive of streets and other public open space. **[Amended __-__-__ by L.L. No. __]**

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

levels or with decks three (3) feet or more above grade shall, however, be considered as part of structural coverage. Structures entirely located more than two (2) feet below the ground, including

SIGN, RESIDENCE BUSINESS - A sign indicating the name and profession or occupation of a resident of the same lot, provided the profession or occupation so indicated is one of those specified in Article I, §154-4 (home occupation), of this chapter.

STRUCTURE - Anything constructed or erected which has, or would normally be expected to have a permanent or semi-permanent location on or in the ground or attachment to something having a permanent or semi-permanent location on or in the ground, including patios, decks, stairs and other improved areas intended as a central location for recreation or leisure activities. Fences and/or walls, shall also be considered a structures. [**Amended** __ - __ - __ **by L.L. No.** __]

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

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

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

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

(c) Emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* spp.), reed (*Phragmites communis*), wildrice (*Zizania aquatica*), bur reeds (*Sparaganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*), water plantain (*Alisma plantagoaquatica*), skunk cabbage (*Symplocarpus foetidus*) and false hellebore

(*Veratrum viride*).

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

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

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

(g) Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* spp.), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), pitcher plant (*Sarracenia purpurea*) and cranberries (*Vaccinium macrocarpon* and *Vaccinium oxycoccos*).

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

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

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

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

(5) Soil types that are poorly drained, very poorly drained, alluvial or floodplain soils, as defined by the United States Department of Agriculture Soil Conservation Service and the Putnam County Soil and Water Conservation District, which exhibit characteristics typical of a wetland soil such as gleying, redox depletion or mottling,

including but not limited to the following classifications [**Amended 11-15-06 by L.L. 10 of 2006**] :

- (a) Carlisle muck (Ce).
- (b) Fluvaquents (FL).
- (c) Ipswich muck (Ip).
- (d) Palms muck (Pa).
- (e) Palms and Carlisle soils, ponded (Pc).
- (f) Ridgeberry loam with zero-to-three-percent slopes (RdA).
- (g) Ridgeberry loam 3-8% slopes (RdB)
- (h) Ridgeberry loam 2-8% slopes, very stony (RgB)
- (i) Raynham silt loam (Ra)
- (j) Fredon silt loam (Fr.)
- (k) Sun series.
- (l) Udorthents, wet substratum (Uc).
- (m) Leicester.

SECTION SIX: Section 154-15 (“Fences, Stone Walls and Masonry Walls.”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

A. Except as otherwise provided herein, fences, stone walls or masonry walls or a combination thereof shall not be more than six (6) feet in height measured from ground level to the highest point of any portion of the fence.

(1) Fences, stone walls or masonry walls or a combination thereof placed within forty (40) feet of a lot’s frontage shall not be more than four (4) feet in height measured from ground level to the highest point of any portion of the fence.

a) Fences or walls placed along a State or County Road may be six (6) feet in height so long as the fence or wall is set back a minimum of 10 feet from the front property line.

(2) A trellis, or similar architectural element defining an entrance, and not exceeding seven (7) feet in height for a six foot fence may be permitted at not more

than two gateways through the fence or wall.

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

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

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

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

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

D. A building permit or certificate of occupancy shall not be required for the erection or construction of any fence or non-structural wall that does not exceed the height requirements of subsection A. Any fence exceeding the height restriction of subsection A, above regardless of any variance, or any wall more than four feet in height used to stabilize grade or retain an embankment shall first obtain a building permit from the Town's Building Department.

E. The limitation on the maximum height of a wall shall not apply to a wall whose purpose is that of retaining an embankment or a wall intended to serve such other structural purpose, provided that the design and location of the wall is shown on a site plan approved by the Patterson Planning Board.

SECTION SEVEN: Section 154-16 ("Temporary permits for carnivals") of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

Nothing in these regulations shall prevent a church, school, or volunteer fire department from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven (7) days, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes, excepting that prior to the event taking place a public assembly permit shall be issued by the Town Board when so required by Chapter 51, and in accordance to the requirements thereof. **[Amended __-__-__ by L.L. No. __]**

SECTION EIGHT: Section 154-17 ("Construction Trailers") of the Town of Patterson

Zoning Law is hereby amended to ADD subsection B as follows:

B. Storage trailers may be placed on a residential property during renovation of all or part of the principal residential dwelling for a period of not more than 6 months in a location approved by the Director of Codes Enforcement. [Added __ - __ - __ by L.L. No. __]

SECTION NINE: Section 154-20 (“. Required street frontage/ driveways”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-20. Required street frontage/ driveways. [Amended __ - __ - __ by L.L. No. __]

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

B. Each principal structure shall be accessible from an improved driveway, the terminus of which shall be located within 20 feet of the principal structure.

SECTION TEN: Section 154-21.B (“Notification by Sign”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

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

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

SECTION ELEVEN: Section 154-22.2 (“Tents and Canopies”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-22.2 Tents and Canopies. [Added 11-15-06 by L.L. 10 of 2006 Amended __ - __ - __ by L.L. No. __]

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

membrane structure or canopy.

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

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

D. This section shall not apply to awnings attached to a principal or accessory structure, nor permanent or semi-permanent tents used as summer tents, or for storage or other purposes. **Amended __-__-__ by L.L. No __-2017]**

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

SECTION TWELVE: Section 154-27 (“Permitted accessory uses.”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-27. Permitted accessory uses.

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

(1) Home Day Care

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

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

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

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

(3) The harboring of animals, when the animals are kept as household pets and owned by a legal occupant of the residence, and if dogs or cats, or other mammals, or reptiles have an adult weight that does not typically exceed one hundred twenty-five (125) pounds, or if fowl have a typical adult weight of less than two (2) pounds. Furthermore, the total number of such pets above the age of six (6) months shall not exceed three (3) for each classification, or ten (10) in aggregate, except that the total permitted number of dogs above the age of six

months shall not exceed four dogs if at least one of the four dogs is a guide dog, hearing dog, service dog, working search dog or therapy dog, as such dogs are defined in § 108 of the Agriculture and Markets Law of the State of New York. [**Amended 1-10-2007 by L.L. No.1-2007; amended __-__-__ by L.L. __ of 2017.**]

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

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

(6) A hobby farm as defined herein.

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

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

(9) A small building with a first floor area greater than 290 square feet, principally constructed of wood, stone or a cementitious material, or a combination of these materials, whose primary use is for a workshop or the storage of yard equipment and/or non-hazardous material, either of which is intended for use solely on the parcel on which the building is located and subject to the following restrictions [**Amended __-__-__ by L.L. No. __ of 2017**]:

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

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

(c) the building will not exceed in size, a bulk area ratio in cubic feet of fifty percent (50%) of the principal dwelling on the lot as measured by the length, width and height of each structure from the above-ground exterior walls, and does not exceed in height the height of the principal structure, and shall substantially resemble the principal building in architecture [**Amended 11-9-05 by L.L. No. 12 of 2005; amended __-__-__ by L.L. No. __ of 2017**];

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

(10) The storage of one (1) commercial vehicle of not greater than one (1) ton capacity, as determined by the manufacturer's classification of the vehicle, whether ½ ton, 3/4 ton, 1 ton or larger, when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage either permanent or semipermanent in nature. **[Amended __-__-__ by L.L. No. __ of 2017]**

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

(12) Other accessory structures not otherwise listed in this subsection including, but not limited to garden, utility or storage sheds, playhouses, pools, outdoor fireplaces tennis courts, satellite dishes, tent-like structures or structures for the storage of equipment for the personal use of the residents of the premises subject to the following conditions **[Amended 11-15-06 by L.L. 10 of 2006; __-__-__ by L.L. No. __-2017]** :

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

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

(c) they shall not exceed 96 inches in height, except for garden, utility or storage sheds which shall not exceed 144 inches in height **[Amended __-__-__ by L.L. No. __ of 2017]**.

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

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

(13) On a private pond or lake, landings and docks, provided they are located at least ten (10) feet from any side lot line and do not extend over the water more than thirty (30) feet beyond the mean shoreline. Further, any new landings or dock or changes made to an existing landing or dock other than routine maintenance shall be subject to the requirements of §154-18.

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

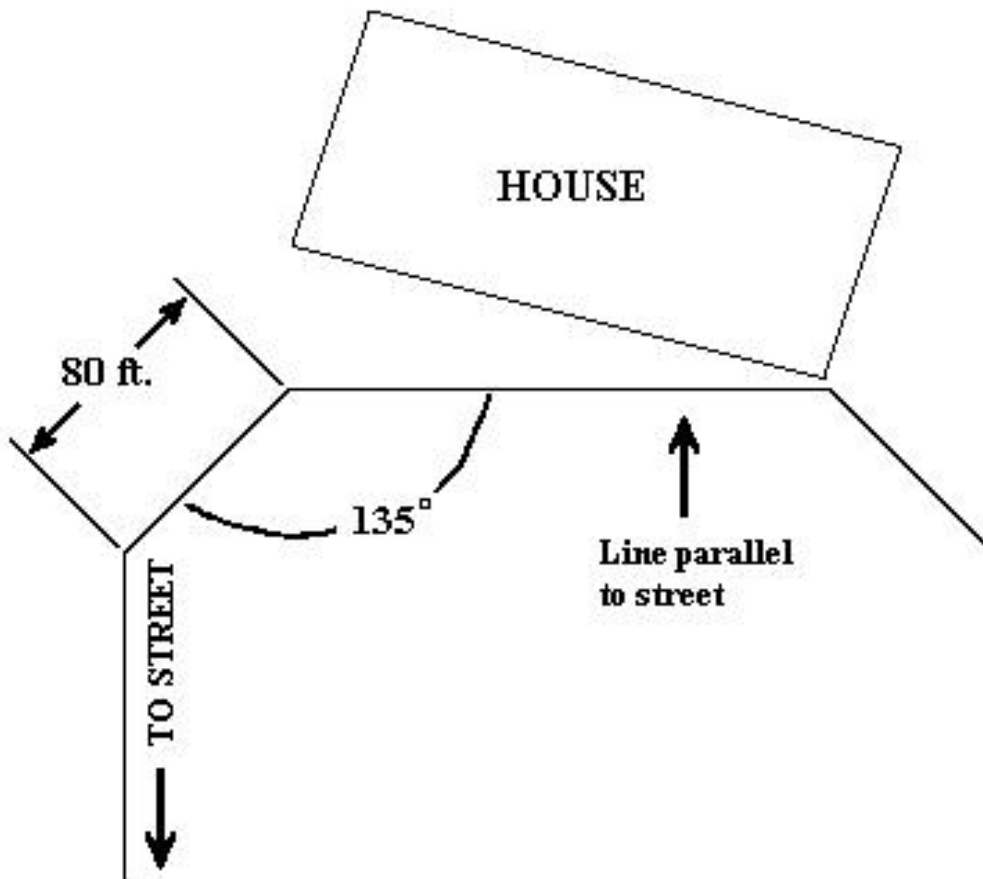
(15) Fences which meet the requirements of §154-15.

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

B. The following additional conditions are imposed:

- (1) No farm structure or building, or structure or building for the housing of any permitted farm-type animal, nor the storage of manure or other odor- or dust-producing substance shall be permitted within one hundred (100) feet of any property line.
- (2) All swimming pools shall be enclosed with a minimum four-foot-high chain link fence, or its equivalent, which shall be kept locked when not in use.
- (3) On a minimum lot size of at least three (3) full acres or on a small farm or on a hobby farm, the maximum number of large farm animals which may be kept on the lot shall be limited to one (1) farm animal for each two (2) acres of usable farmland.
- (4) No garage or accessory structure or other large man-made object, other than an fence, a stone wall, a masonry wall, or decorative objects less than seventy-two (72) inches in height shall be placed in the area created by a line parallel with the street which extends through the front corner of the principal structure closest to the street, whose length is equal to the greatest width of the principal structure, and which extends equally across the front of the principal structure, thence extending from the end of the line on an angle of 135 degrees for a distance of eighty (80) feet, and thence running parallel with the side yard line to the front yard line (See Figure 1, below). This subsection shall not apply to barns or farm structures pursuant to §154-44(E). **[Amended __ - __ - __ by L.L. No. __ of 2017]**
- (5) On a lot of ten or more acres an outdoor furnace may be permitted providing that it shall not be located within two hundred (200) feet of any property line.
- (6) Any alterations on the grade of in individual lot must be done in conformance with Chapter 133 “Stormwater, Soil Erosion and Sediment Control”, and §79-11 for any fill placed on the property in quantities greater than 11 cubic yards. [Added __ - __ - __ by L.L. No. 2017]

Figure No.1



SECTION THIRTEEN: Section 154-28 (“Approval of site plan”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-28. Approval of site plan. [Amended 11-15-2006 by L.L. No. 10-2006]

A. All permitted principal and accessory uses, or any nonconforming non-residential use, or any changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV. [Amended __-__-__ by L.L. No. __ of 2017]

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall

not constitute a change in use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of 2006]**

SECTION FOURTEEN: Section 154-34.P (“Permitted principal uses, Offices of Commercial Trade Operations and Arboriculture Businesses”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-34. Permitted principal uses. [Amended 10-27-2010 by L.L. No. 6-2010]

P. Offices of Commercial Trade Operations and Arboriculture Businesses providing that **[Added 7-22-2-15 by L.L. No. 3-2015; amended __-__-__ by L.L. No. __ of 2017]:**

- (1) Access shall be from a State Highway or shared commercial driveway with an entrance on a State Highway.
- (2) There shall be no outdoor storage of work vehicles, equipment or product except as provided herein. All work vehicles, equipment, vehicle or equipment maintenance and activities of the business conducted on the site shall be located in the principal building, or an accessory building. A single small outdoor concrete storage bins may be permitted for the temporary storage and transfer of yard waste generated by the occupant of the site, provided that it is placed to the rear of any principal building, that it is not visible from the road and that it does not exceed 12' feet wide by 12' deep by 12' high. The Planning Board may grant a waiver on the size of the bin to increase the size by not more than twenty-five percent, provided that there is no visual impact to the street or surrounding area.
- (3) Vehicle or equipment maintenance shall only be performed on vehicles or equipment owned by the business occupying the site, and shall only occur inside a building.
- (4) Only one principal building shall be permitted on the site which shall meet all the architectural standards of §154-81, and shall not have the appearance of an industrial warehouse.
- (5) Any accessory buildings shall be to the rear of the principal structure and shall be suitably screened from the street or any property with a residential use.
- (6) Any manufacturing, converting, altering, finishing or fabrication of products conducted on the site shall be accessory to the principal use of the property for office and equipment storage.
- (7) Excepting for the driveway providing access to the site, there shall be no impervious surface or fence within 65' of any highway right of way. The Planning Board may require landscaping to be provided in this area in order to maintain an attractive streetscape.

(8) All other requirements of Chapter 154 shall apply.

SECTION FIFTEEN: Section 154-35 (“Permitted accessory uses”) of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-35. Permitted accessory uses.

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

A. Except as otherwise prohibited or restricted for research and development uses, manufacturing or assembly of those items solely incidental to the use of the premises as a retail operation, excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor, or obnoxious waste. **[Amended 10-27-2010 by L.L. No. 6-2010]**

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

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

D. Fences.

E. Lighting facilities.

F. Except as otherwise prohibited or restricted for research and development uses, warehousing of goods on the site which are incidental to the permitted principal use thereon, or for operations which have received a special permit. The warehouse portion of the use shall not exceed 35% of the area of the premises. **[Amended 10-27-2010 by L.L. No. 6-2010]**

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

H. The storage of not more than 2 commercial vehicles directly associated with and used by a Greenhouse or nursery business, or the storage of not more than 8 commercial delivery vehicles directly associated with, and used by a Business Office use of a parcel where such vehicles are stored more than 100' from any road, are located to the rear of any principal building and are adequately screened so as not to be visible from the road providing access to the parcel. **[Added __ - __ - __ by L.L. __ of 2017]**

I. Small engine, or equipment repair associated with a retail operation. **[Added __ - __ - __ by L.L. __ of 2017]** .

SECTION SIXTEEN: Section 154-65.G of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

G. All road-side signs erected under this Article shall provide on the sign the contact name and phone number of the person who is responsible for placing and removing the sign. The phone number shall be a minimum of one-half inches in height. Any directional or road-side sign which does not include a phone number shall be deemed (i) abandoned, and (ii) roadside litter and may be removed by any Town employee. [Amended __ - __ - __ by L.L. No. __ of 2017]

SECTION SEVENTEEN: Section 154-66 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-66. Exempt signs. [Amended __ - __ - __ by L.L. No. __ of 2017]

A. The following signs may be erected, subject to the provisions of §154-65, without a permit issued by the Town of Patterson, when located outside of the right of way of any street, or more than 25' from the centerline of any road:

- (1) Historical markers, tablets and statues; memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of wood, bronze, stainless steel or similar material; and emblems installed by governmental agencies: not exceeding 12 square feet.
- (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (3) On-premises directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs when approved by the Planning Board unless otherwise required by law. Such signs shall be non-illuminated and shall not exceed two square feet per face and mounted height not exceeding six feet to the top of the sign. Business names and personal names shall not be allowed on these signs, 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.
- (4) Non-illuminated warning, private drive, posted or no-trespassing signs, not exceeding two square feet per face.
- (5) House number meeting the requirements of Chapter 112.
- (6) Name plates identifying residents, mounted on homes, apartments or mailboxes, not exceeding 96 square inches in area.
- (7) One one non-illuminated "Open/Closed" sign per business not exceeding three square feet is permitted.
- (8) Holiday decorations, including lighting displayed in season.

- (9) At gasoline stations: integral attached price signs on gasoline pumps.
- (10) Public telephone identification signs.
- (11) Handicap-accessible parking access signs and pavement markings which meet Department of Transportation standards and dimensional requirements.
- (12) Signs on property not used for commercial purposes, placed thereon by the owner thereof which convey an opinion of the owner.

SECTION EIGHTEEN: Section 154-67 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-67. Temporary Road-side signs. [Amended __ - __ - __ by L.L. No. __ of 2017]

- A. Temporary road-side signs not exceeding 3 square feet in area and which fully comply with the requirements of Section 154-65 shall be permitted for a period not exceeding six weeks prior to the activity or event, or exceeding four days after the activity or event.
- B. Temporary road-side signs erected parallel to the traveled way exceeding 3 square feet, but not larger than 25 square feet in area and which fully comply with the requirements of Section 154-65 shall be permitted for a period not exceeding three weeks prior to the activity or event nor exceeding four days after the activity or event. The maximum number of signs per event shall be eight (8).

SECTION NINETEEN: Section 154-67.1.A of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

154-67.1 Commercial signs for real estate, “financing by” and contractor signs. [Amended __ - __ - __ by L.L. No. __ of 2017]

- A. In any zoning district signs advertising the sale or lease of a property may be erected on the property affected as follows:
 - (1) A sign or signs not exceeding in aggregate six (6) square feet in area and set back located outside of the right of way of any street, or more than 25' from the centerline of any road, advertising the sale or lease of the premises on which such sign is displayed. Real estate signs with an area not exceeding six (6) square feet do not require approval of the Town Planner or Planning Board.
 - (2) A real estate sign or signs advertising the sale or lease of the property on which it or they are located, which individually, or in aggregate, exceed six (6) square feet in total area, but do not exceed sixteen (16) square feet individually, or thirty-two (32) square feet if placed in a V-shaped configuration with an angle of not greater than ninety degrees may be

allowed for a period of not more than one (1) year, renewable one (1) year at a time. Any such sign shall be located outside of the right of way of any street, or more than 25' from the centerline of any road, and shall advertise only the sale or lease of the premises on which such sign is displayed.

(3) A contractor's sign of not more than nine (9) square feet in area when displayed on the premises under construction and for a period not to exceed eight (8) months. Contractor's signs in conformance with this Chapter do not require Planning Board approval.

SECTION TWENTY: Section 154-68 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-68. Permanent signs in residence districts.

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

(1) Bulletin boards and signs of not more than twelve (12) square feet on the premises of churches, schools and similar nonprofit institutions advertising community events or activities related to the use of each premises, and which may or may not be a part of the architecture of the building. Signs permitted under this section shall be subject to Planning Board approval.

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

(3) A free standing sign advertising a use, activity or business for which a special use permit has been issued by the Zoning Board of Appeals. **[Added 11-15-06 by L.L. 10 of 2006]** The total area of signs advertising a use of the premises in accordance with a special permit use approved by the Zoning Board of Appeals shall not exceed twenty (20) square feet. Signs permitted under this section shall be subject to Planning Board approval.

(4) One on-premises sign, either freestanding or attached, in connection with any residential building in a zoning district for a permitted home occupation operated on such premises, not exceeding two square feet, not exceeding a mounted height of four feet to the top of the sign, and located outside of the right of way of any street, or more than 25' from the centerline of any road. Such sign shall state the name and vocation only. The sign and sign structure shall be made of wood, stone, metal (but not polished aluminum), or any wood-like material. Sign colors shall be limited to black, brown, white, gray, dark green, dark blue and dark red. Freestanding signs shall be placed within 10 feet of the driveway or walkway leading from the public road to the residence. **[Amended __ - __ - __ by L.L. No. __ of 2017]**

B. All freestanding or temporary signs shall be erected on appropriate supports and shall not be

located on trees, utility poles or fences.

C. No sign shall be illuminated by exposed incandescent or fluorescent light, nor illuminated by neon lighting and all signs shall be nonanimated, nonflashing and emit no glare, nor include any moving or loose attachments.

SECTION TWENTY-ONE: Section 154-68.1 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-68.1 Permanent signs in business districts.

A. All signs permitted under § 154-68.2 shall require approval of the Planning Board prior to their erection, and the location of any permanent signs shall be shown on any site plan required pursuant Article XV.

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

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

(2) Free Standing Signs for any permitted principal use. Only one (1) freestanding sign advertising the use or uses of the premises on which it is located shall be permitted, and it shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line. [Amended __ - __ - __ by L.L. No. __]

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

C. Temporary retail signs [Amended __ - __ - __ by L.L. No. __ of 2017]

(1) The Planning Department may permit the erection of one (1) temporary sign advertising the future opening of a business, provided that the sign shall be located on the same parcel as the business, and provided that the business shall have received all approvals

necessary to open, other than a certificate of occupancy. A temporary sign shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street or highway line or project closer than ten (10) feet to any side or rear property line. The duration that a temporary sign may be erected shall be established by the Planning Department, however in no instance shall a temporary sign be permitted for a period of greater than 90 days.

(2) A retail business may place without the need of a permit, not more than one building mounted or window sign not exceeding 20 square feet or four free-standing signs of not more than 4 square feet advertising a special sales event provided that:

- a) the sign or signs are erected not more than two weeks prior to the date of the event and are removed not more than two days after the event, but in no case shall be erected for more than three weeks.
- b) shall not be directly illuminated
- c) the signs are placed only on the property owned or leased by the retail business for which the sale is being advertised.

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

(1) Building mounted signs.

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

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

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

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

(e) The maximum size of any individual sign shall not exceed twenty (20) feet

in length or exceed two-hundred (200) sq.ft. in area.

- (f) The maximum height of any building mounted sign shall be the lower of;
 - i. five feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;
 - ii. three feet above the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

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

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

- i. The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel shall be 25 sq. ft.
- ii. The maximum area of any freestanding sign permitted pursuant to subsection (2)b. shall be one-hundred and eighty (180) square feet.

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

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

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

E. Regional Retail Center. Any sign erected on a parcel for which a special use permit has been issued for a Regional Retail Center pursuant to §154-111 shall meet the following requirements **[Amended __ - __ - __ by L.L. No. __ of 2017]**:

(1) Building mounted sign.

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

located.

(b) The total aggregate of signs visible on the exterior of the building, including those mounted on the exterior of the building, and those mounted or hung in a window shall not exceed in area the following dimensions:

[1] For the storefront, 1.75 square feet for each linear foot of storefront.

[2] For each side of the building which faces and is visible from a Interstate, State or County road, 0.75 square foot for each linear foot of storefront .

[3] For any side of the building which does not meet the requirements of Subsections [1] and [2], above, 0.2 square foot for each linear foot of storefront

[4] Fuel dispensing areas shall be permitted a single sign on each face of the canopy not exceeding 1 square foot for each linear foot of the face on which the sign will be placed.

[5] The there shall be only one storefront per building which shall be the side of the building from which a majority of the parking for the building is derived.

(c) The area of any individual building-mounted sign shall not exceed:

[1] 250 square feet for stores less than 75,000 square feet,

[2] 500 square feet for stores greater than 75,000 square feet,

[3] 9 square feet for any sign which projects horizontally from any portion of a building.

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

(e) The maximum length of any individual sign shall not exceed:

[1] 30 feet for stores less than 75,000 square feet,

[2] 40 feet for stores between 75,001 square feet and 125,000 square feet,

[3] 50 feet for stores greater than 125,001 square feet.

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

[1] for flat roof buildings two feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;

[2] for pitched roof buildings two feet below the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

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

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

[1] The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel shall be 25 sq. ft.

[2] The maximum area of any freestanding sign permitted pursuant to subsection (2).b. shall be three hundred and fifty (350) square feet.

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

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

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

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

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

SECTION TWENTY-TWO: Section 154-70.C of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

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

SECTION TWENTY-THREE: Section 154-74.B of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-74. Minimum construction standards.

B. All other uses.

- (1) Foundation course: six (6) inches Type 4 (NYS DOT Item 304.05 or 304.14M)
- (2) Asphalt binder course: two and one-half (2 ½) inches Type 3 (NYSDOT Item 304.13 or 403.138902M).
- (3) Asphalt top course: one and one-half (1 ½) inches Type 6 (NYS DOT Item 304.16 or 403.178202M F2).
- (4) Driveway and general access way grades shall not exceed a grade of 3% for the initial 25' from the road, and thereafter ten percent (10%) in grade at any point. **[Amended __ - __ - __ by L.L. No. __]**

SECTION TWENTY-FOUR: Section 154-76 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-76. Uses for which approval required.[Amended __ - __ - __ by L.L. No. __]

A. Site plan approval by the Planning Board is required for the use of land or the issuance of building permits pertaining to such use, for any permitted use in the I, C-1, CR or GB zoning district, any use permitted by special use permit unless otherwise excepted, any non-residential use in any district, signs in any district, for any nonconforming use changed in accordance with Article XII of

this chapter, except a one- or two-family residence on a lawfully existing lot created prior to the adoption of this Chapter.

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

(1) Site plan approval shall not be required for any individual accessory building with a building coverage of less than 400 square feet, nor any fence which conforms to the dimensional requirements of this Chapter, either of which are located on a residential lot for which site plan approval must otherwise be obtained.

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

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

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

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

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

(4) An appeal of any decision of the Town Planner regarding a change of the size or location of an improvement shown on a site plan approved pursuant to Subsection B(3) by any party aggrieved by this subsection shall be to the Planning Board.

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

SECTION TWENTY-FIVE: Section 154-90.F of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-90. Application for permit.

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

SECTION TWENTY-SIX: Section 154-93.C of the Town of Patterson Zoning Law is hereby repealed:

§ 154-93. Standards and guidelines for determination.[Amended __ - __ - __ by L.L. No. __]

~~C. Said Board may require as a condition of the issuance of any special permit that it shall be periodically renewed, or said Board may issue a temporary special permit subject to adequate guaranties that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by said Board, provided that any such renewal or extension shall be subject to the same procedure as specified herein for the original issuance of the special permit involved and in conformity with the aforesaid standards.~~

SECTION TWENTY-SEVEN: Section 154-96.B of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-96. Churches, parish houses and convents.

B. A special use permit may be granted, after public hearing by the Board of Appeals, in any district for a place of public worship provided that:

- (1) The lot area size and setbacks conform to all the requirements of the district in which it is located, except that in the Residential District RPL-10, the minimum lot area shall be twenty thousand (20,000) square feet.
- (2) The lot frontage shall conform to the requirement of the district in which it is located, but it shall be no less than one hundred (100) feet.
- (3) Said frontage and access for the lot shall be on a state or county road, which road shall have sufficient design capacity to accept the additional traffic and/or shall not cause, or further deteriorate an unsafe traffic condition.
- (4) The maximum of the lot which may be covered by impervious surface shall be sixty-five percent (65%).
- (5) Adequate parking, based on the standards enumerated in § 154-73. Any parking areas and access drives shall be suitably screened from any adjacent residential areas with a vegetative buffer of no less than fifty (50) feet.
- (6) The architecture design of the building exterior shall be similar to, and compliment

the surrounding residential neighborhood.

(7) Adequate water and sewage disposal can be provided on the parcel to accommodate the proposed activities.

(8) For any special use permit issued, site plan approval, pursuant to §154-75 shall also be required.

(9) The proposed activity for which a special use permit has been issued pursuant to this Section shall not cause or result in a reduction in the total assessed value of the Town by more than five (5) percent.

SECTION TWENTY-EIGHT: Section 154-102 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

~~§ 154-102. Tenting areas:~~

§ 154-102 Bed & Breakfast [Added __ - __ - __ by L.L. No. __]

A. The purpose of this chapter is to authorize and regulate the establishment and operation of Bed-and-Breakfast Inns in the Town of Patterson and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

B. A Special Use Permit may be granted by the Planning Board for the operation of Bed-and-Breakfast Inn within the area designated as the Hamlet of Patterson.

C. Site plan approval pursuant to Article XV shall also be required prior to the operation of a Bed- and-Breakfast Inn. The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the Planning Board.

D. An application for a special use permit for a bed and breakfast shall be made on the forms approved by the Town of Patterson and shall include the following information.

- 1) All information required pursuant to §154-79.
- 2) Location, design and size of all existing and proposed signs and outdoor lighting facilities.
- 3) A detailed floor plan of all buildings on the site.

E. The owner of the property used as a Bed-and-Breakfast Inn must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer. Should the owner of the property fail to reside on the property for a period of 90 days, the Special Use Permit shall be revoked, and considered null and void. The owner occupied portion of the principal building shall

not be less than 30% of the livable floor area of the building, not including any common kitchen area.

F. The parcel improved by the Bed-and-Breakfast Inn shall provide not less than two off-street parking spaces for the members of the owner's family residing in the Bed-and-Breakfast Inn, and one (1) off-street parking space per room or unit that may be available for rent.

G. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.

H. The maximum number of bedrooms available for rent shall be six (6). The number of paying guests accommodated per night shall not exceed eighteen (18). Further, no guest shall stay for a period of time in excess of fourteen (14) consecutive days, or a maximum of 28 days in any one year period. Documentation verifying the length of stay of each guest, such as a registration ledger or receipts, will be made available to the Code Enforcement Officer or the Building Department upon request. Registration ledgers or receipts shall be maintained for a period of not less than three years.

I. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be property installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.

J. The Bed-and-Breakfast Inn shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended.(Combined from "L") The Code Enforcement Officer shall be given such access to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.

K. A single exterior freestanding or building mounted sign may be established on the site of the Bed-and-Breakfast Inn. Said sign shall not exceed nine (9) square feet in area. No freestanding sign shall be located less than fifteen (15) feet from the front property line nor less than five (5) feet from the side property line. The sign shall be as unobtrusive as reasonably possible and may be illuminated by no more than two (2) seventy-five-watt light bulbs which shall be shielded so as to prevent glare, and shall contain no information other than identification of the premises as the named Bed-and-Breakfast Inn.

L. Minimum lot size on which a bed-and-breakfast may be permitted is two acres.

M. Minimum house size in which a bed-and-breakfast may be permitted is two thousand five hundred (2,500) square feet.

N. Minimum size for any bedroom shall be not less than 144 square feet and shall have a minimum of one bathroom for each unit available for rent.

O. Except for coffee makers, cooking facilities shall be restricted from use in guest bedrooms.

P. Guest rooms may not be used as legal residences in order to enroll children into a school district.

Q. No more than ~~one~~ two employees shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.

R. A common gathering area such as a parlor, dining or living room shall be maintained for guest use.

S. The Planning Board shall have the right to impose and include much other and additional conditions as it may deem necessary to effectuate the purpose of this chapter.

T. One additional Bed & Breakfast rental with not more than two bedrooms may be permitted in an accessory building on the property.

U. Bed and Breakfast Inns shall be screened from any residential property so that activities conducted on the site are not easily visible from adjacent residential properties.

V. Due to their proximity to adjacent residential properties and other sensitive receptors, one or more of the activities associated with the land use permitted under this section may be limited by the Planning Board in their time of operation, or restricted in other ways, in order to minimize or avoid the potential to cause a public or private nuisance. In making this determination imposing limits on one or more of the activities, the Planning Board will evaluate the potential effects caused by outdoor lighting, noise, traffic, air quality and odors associated with the proposed activities.

SECTION TWENTY-NINE: Section 154-106 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-106. Accessory Buildings.

A single accessory building for residential occupancy may be permitted by special use permit in the R-1, R-2 or R-4 zoning districts, provided that:

A. The building shall be used as an accessory use to a detached one-family dwelling only.

B. The building is used solely, and in its entirety, for the purpose of providing living quarters.

C. The parcel of property containing the structure is five or more acres.

D. The maximum size of the accessory building shall be 1/3 the size of the principal building, as measured by the total floor area, including non-habitable space, of each building, however in no case shall the building exceed 1,250 in livable floor area. In addition, the architectural character of the accessory building shall be similar in character to that of the principal building.

E. The principal dwelling shall be occupied by the owner of the property on which the accessory dwelling is constructed.

F. The Zoning Board of Appeals shall determine that suitable facilities exist for yard space, sanitary facilities and potable water.

G. Suitable access and parking shall be provided which shall be constructed in accordance with the standards of this Chapter.

SECTION THIRTY: Section 154-117 of the Town of Patterson Zoning Law is hereby repealed and replaced with the following:

§ 154-117. Interpretation of provisions.

On appeal from any order, requirement, decision or determination made by an administrative official, board or agency of the town, the Board of Appeals shall have the authority to decide any question involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary or the effective application of this chapter on any individual parcel.

SECTION THIRTY-ONE. This local law shall take effect immediately.

Dated: May 25, 2017

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

ANTOINETTE KOPECK, TOWN CLERK