

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 July 14, 2021 an amendment to Patterson Town Code Chapter 154, entitled “Zoning”, which amendment will incorporate a number of legislative changes to correct scrivener’s errors, and clarify definitions, permitted uses, and allowable accessory uses under the zoning code;

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 August 11, 2021, 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: July 15, 2021

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF PATTERSON

EILEEN FITZPATRICK, TOWN CLERK

TOWN OF PATTERSON  
COUNTY OF PUTNAM, STATE OF NEW YORK

RESOLUTION INTRODUCING  
LOCAL LAW I-2 AND PROVIDING FOR PUBLIC  
NOTICE AND HEARING

**R-0721-06**

INTRODUCED BY: MR. RICHARD WILLIAMS

SECONDED BY: MR. CHARLES COOK

DATE OF CONSIDERATION/ADOPTION: July 14, 2021

BE IT RESOLVED that an amendment to Patterson Town Code Chapter 154, entitled "Zoning", is hereby introduced by Mr. Richard Williams, as Introductory Local Law #I-2 of the year 2021 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 August 11, 2021, 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:	Yes	Councilman Cook:	Yes
Councilman Dandreano:	Yes	Councilman Rogan:	Yes
Councilwoman Smith:	Yes		

VOTE: RESOLUTION CARRIED BY VOTE OF 5 TO 0.

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

I, EILEEN FITZPATRICK, 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 July 14, 2021.

  
EILEEN FITZPATRICK, Town Clerk

Dated: July 15, 2021

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 154-4 (“Definitions.”) of the Town of Patterson Zoning Law is hereby amended to revise the following definitions:

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

GARAGE, PRIVATE- An accessory building, or a portion of a principal building, or a portion of an accessory building permitted pursuant to Section 154-106, with a building area of greater than two hundred and fifty (250) square feet used principally for the storage of motor vehicles as an accessory use, and used exclusively by the occupants of the lot upon which the building is erected and which shall meet the following criteria;

- (1) **an accessory building** shall not exceed in size a bulk area ratio of fifty percent (50%) of the principal dwelling on the lot as measured from the above-ground exterior walls of each structure, and shall not exceed in height the height of the principal structure, or
- (2) when included as a portion of a principal building shall not exceed in area 30% of the livable area of the building. [Amended 9-24-2003 by L.L. No. 6-2003; Amended 11-9-05 by L.L. No. 12 of 2005; Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

FARM, HOBBY - A parcel or lot, containing at least five (5) acres of usable farmland on which activities, typically associated with agriculture or farm operations including the raising of ~~farm animals~~ vegetables, livestock or poultry, are conducted for the enjoyment of the property owner and/or where no profit can be shown in any three out of five successive years. It excludes the raising of swine, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

FARM, LARGE - Any parcel of land containing at least ten (10) acres of usable farmland which is used for gain in agriculture, including the growing of nursery or garden products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of more than two (2) adult swine and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

FARM, SMALL - Any parcel of land containing at least five (5) acres of usable farmland which is used for gain in agriculture as defined in this chapter, including the growing of nursery or garden products, livestock, poultry and dairy products. It includes farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of ~~more than two (2) adult swine~~ and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

~~FARM ANIMAL, LARGE LIVESTOCK~~ - Any animal, whose adult weight generally exceeds one hundred and twenty-five (125) pounds or any ~~fowl exceeding two (2) pounds~~ poultry, which are typically raised outdoors or in a barn or other structure not typically used for residential purposes, including, without limitation, cattle, sheep, horses, goats, llamas, alpacas, swine, reindeer, bison and other domestic animals ordinarily raised or used on a farm. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

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, outdoor backup generators greater than twenty kilowatts and propane tanks with a combined capacity of greater than 250 gallons. Fences and/or walls, shall also be considered a structures. [Amended 5-24-2017 by L.L. 1 of 2017; Amended \_\_ - \_\_ - \_\_ by L.L. \_ of 2021]

**SECTION TWO:** Section 154-4 (“Definitions.”) of the Town of Patterson Zoning Law is hereby amended to add the following definitions:

POULTRY - domesticated fowl, including chickens, turkeys, ducks, geese, ostriches, emus, waterfowl, and game birds (except doves and pigeons) that are typically bred primarily to produce eggs and meat, regardless of whether they are kept or treated as pets. [Added \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

**SECTION THREE:** Section 154-12 (“Corner Lots and Through Lots”) of the Town of Patterson Zoning Law is hereby amended as follows:

Wherever a property boundary is adjacent to a street, the front yard dimensional requirements of this Chapter shall apply to such property boundary, and such property boundary shall not be considered a side or rear yard. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard. Lots with property lines abutting three streets shall be deemed to have three front yards and one rear yard. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

**SECTION FOUR:** Section 154-27. (“Permitted Accessory Uses”) of the Town of Patterson Zoning Law is hereby amended to Add subsection A.17 as follows:

- (17) On a lot of not less than two acres nor more than five acres the raising of not more than six (6) chickens for personal use provided that [**Added** \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]:
- (a) No male chickens (roosters) will be permitted under this section.
  - (b) The chickens shall be provided with a covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;
    - [1] The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird;
    - [2] No covered enclosure or fenced enclosure shall be located in the front yard or side yard, nor shall the henhouse/coop be closer than ten (10) feet to any rear property line of an adjacent property, nor within twenty-five (25) feet of any off-site residential structure.
    - [3] All enclosures shall provide adequate ventilation and natural light. No chicken shall be housed in a structure that has inadequate ventilation and light.
    - [4] Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;
    - [5] All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly;
  - (c) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
  - (d) The on-site sale of eggs or any other chicken products generated is prohibited.

**SECTION FIVE** Section 154-27.B(3) ("Permitted Accessory Uses") of the Town of Patterson Zoning Law is hereby amended as follows:

- (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~~ horses which may be kept on the lot shall be limited to one (1) ~~farm animal~~ horse for each two (2) acres of usable farmland. [**Amended**

-      -      by L.L. No.     -2021]

**SECTION SIX:** Section 154-30.A (“Permitted principal uses”) of the Town of Patterson Zoning Law is hereby amended as follows:

A. Individual retail stores and personal service establishments not exceeding 20,000 square feet or, ~~individual stores providing personal services, except that buildings or sites which may contain two or more retail or service operations shall be considered a retail center not exceeding 50,000 square feet in total. and shall be permitted by special use permit only.~~ [Amended      -      -      by L.L. No.     -2021]

**SECTION SEVEN:** Section 154-34.P (“Commercial Trade Operations”) of the Town of Patterson Zoning Law is hereby amended as follows:

P. Offices of Commercial Trade Operations ~~and Arboriculture Businesses~~ providing that [Added 7-22-2-15 by L.L. No. 3-2015; Amended 5-24-2017 by L.L. 1 of 2017; Amended      -      -      by L.L. No.     -2021]:

- (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, supplies 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 devoted to the commercial trade operation 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 from 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 EIGHT:** Section 154- 43.4 (“Approved Lots”) of the Town of Patterson Zoning Law is hereby amended as follows:

The following lots, each identified by its Tax Map number are hereby designated as being in the Commercial Recreation District without the need for further action by the Town Board [**Amended** \_\_ - \_\_ - \_\_ by L.L. No. \_\_ -2021]:

14.-1-44	<del>14.-1-45</del> (Delete)	14.-1-46
14.-1-47	14.-1-48	14.-1-49
14.-1-50	14.-1-51	13.-3-38

**SECTION NINE:** Section 154- 44.A of the Town of Patterson Zoning Law is hereby amended as follows:

A. No building or structure used for the housing or maintenance of an animal shall be within ~~two hundred~~ (200) one hundred (100) feet of any road or property line.

**SECTION TEN:** Section 154- 44.C of the Town of Patterson Zoning Law is hereby amended as follows:

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

**SECTION ELEVEN:** Section 154-73(27)(a) (“Restaurants, Quality”) of the Town of Patterson Zoning Law is hereby amended as follows:

(a) One (1) parking space for each 75 square feet of gross floor area or major fraction thereof used for such purposes [**Amended** \_\_ - \_\_ - \_\_ by L.L. No. \_\_ -2021].

**SECTION TWELVE:** Section 154-73(28)(a) (“Restaurants, Fast Food”) of the Town of Patterson Zoning Law is hereby amended as follows:

(a) One (1) parking space for each 100 square feet of gross floor area or major fraction thereof used for such purposes. [Amended 9-12-2018 by L.L. No. 5-2018; Amended \_\_-\_\_-\_\_ by L.L. No. \_\_-2021]

**SECTION THIRTEEN:** Section 154-74 (“Minimum Construction Standards.”) of the Town of Patterson Zoning Law is hereby amended to add:

**§ 154-74. Minimum construction standards [Amended \_\_-\_\_-\_\_ by L.L. No. \_\_-2021].**

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

A. One- and two-family residences .

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

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

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

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

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

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

B. All other uses. [Amended 5-24-2017 by L.L. 1 of 2017]



- (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.

C. All driveways must;

- (1) intersect the road at a ninety degree angle.
- (2) demonstrate that there is adequate site distance and safe stopping distance available in both directions.
- (3) be free of obstructions, overhead bars which limit height, or curves in the driveway that would prevent fire apparatus accessibility.

**SECTION FOURTEEN:** Section 154-76.A (“Uses for which approval required.”) of the Town of Patterson Zoning Law is hereby amended as follows:

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 non-residential use of the land including 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 for which a use variance has been issued non-residential use in any district, signs in any district, or 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. [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021]

**SECTION FIFTEEN:** Section 154-105.A(18) (“Accessory Apartments”) of the Town of Patterson Zoning Law is hereby added as follows:

- (18). There shall be only one principal residential dwelling and one accessory apartment permitted on a lot.

**SECTION SIXTEEN:** Section 154-106 (“Accessory Residential Buildings”) of the Town of Patterson Zoning Law is hereby amended as follows:

**§ 154-106. Accessory Residential Buildings [Amended \_\_ - \_\_ - \_\_ by L.L. No. \_\_-2021].**

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 [Amended 5-24-2017 by L.L. 1 of 2017]:

- A. The building shall be used as an accessory use to a detached one-family dwelling only.
- B. The building, including any garage space, is used solely, and in its entirety, for the purpose of providing living quarters for the residents thereof.
- 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. Any space used as a private garage shall remain subordinate in area to the livable floor area, but in no case shall the garage space in the building exceed 500 square feet. 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.
- H. The maximum height of the accessory building shall not exceed 80% of the height of the principal building.

**SECTION SEVENTEEN:** Section 154-107.2 (“Veterinary Service. ”) of the Town of Patterson Zoning Law is hereby added as follows:

**§ 154- 107.2. Veterinary Service. (Added - - by L.L. of 2021)**

On a lot of five (5) acres or more, a special use permit may be granted by the Planning Board, after a public hearing, within the area defined has the Hamlet of Patterson to allow a veterinary service provided that:

- A. The veterinary service may only be located on a lot that has an existing legal conforming or nonconforming single family residence on the lot which shall continue to be used as a single family residence.
- B. The veterinary service shall be owned and operated by not more than two veterinarians, with at least one whom shall own and be a resident(s) of the property on which the veterinary service will be located.

- C. The architecture of all the buildings on the site shall maintain a residential or farm-like appearance.
- D. The office, reception, exam room and other areas used to provide veterinary services may be located within in the main residence or within an accessory building. The area of the building used for veterinary services shall not exceed thirty-five percent of the floor area of the principal residential building whether located in the principal building or accessory building.
- E. Access provided to the veterinary service shall be from a State or County road.
- F. There shall be no outdoor pens, kennels or dog runs associated with, or used by the veterinary service.
- G. In addition to the veterinarians, there shall be not more than one technician and one secretary present and working on site at any given time.
- H. Site plan approval pursuant to Article XV will also be required.

**SECTION EIGHTEEN:** The Zoning Map of the Town of Patterson is amended as follows:

“Lands identified as Tax Map No. 4.-1-8 shall be placed in the C-1 zoning district.”

Dated: July 14, 2021

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

EILEEN FITZPATRICK, TOWN CLERK