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MISCELLANEOUS
& STATE RECORDS

~~COUNTY~~
~~CITY~~ of Catskill
~~TOWN~~
Village

Local Law No. 1 of the year ~~19~~ 2003

A local law to be known as the "Zoning Law of the Village of
(Insert Title)
Catskill"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Catskill as follows:
~~TOWN~~
Village See pages 1-78 annexed hereto.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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41 State Street, Albany, NY 12231-0001

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Village of Catskill, (Greene County) New York

Local Law No. 1 of the year 2003

A local law to be known as the "Zoning Law of the Village of Catskill"

Village of Catskill ZONING REGULATIONS

The following is a revision of the Catskill Zoning Regulations as prepared by the Catskill Village Planning Board. This revision resulted primarily from the recommendations associated with the Town and Village of Catskill Joint Local Waterfront Revitalization Program (LWRP) and provides a means of implementing the Catskill LWRP by the Village. This revision entails a repeal, in its entirety, of the existing Catskill Village Zoning Regulations as amended in 1987 which is replaced with these Zoning Regulations as adopted by local law.

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ARTICLE I

AUTHORITY AND PURPOSES

Section 1.1 - Authority and Purposes

This local law is enacted under the authority of Section 10 of the Municipal Home Rule Law, Section 7 of the Village Law, and Article 42 of the Executive Law of New York State in order to protect and enhance the physical and visual environment of the Village of Catskill and for the protection, control, order, safety, health, and well-being of people and property within the Village of Catskill. In addition, it is the general purpose of the Catskill Village Zoning Regulations that in the interest of protecting and promoting the public health, safety, and well-being of people and property within the Village, the following additional purposes are to be provided for through implementation of the provisions of this local law:

- a. The facilitation of the efficient and adequate provision of public facilities and services;
- b. The provision of privacy for families;
- c. The prevention and reduction of traffic congestion and provision of safe and adequate pedestrian and vehicular traffic access to uses generating large volumes of such traffic;
- d. The maximum protection of residential areas;
- e. consideration of existing uses to minimize the number of non-conforming uses in the village.
- f. The gradual elimination of non-conforming uses;
- g. The protection of business areas by encouraging their use in the rendering of service to residents of the community and region by discouraging their use for industrial purposes and by limiting the size of buildings so as to prevent injury to business which would be caused by over-congestion of traffic and parking;
- h. To protect, preserve, and enhance sensitive environmental areas, prevent soil erosion, sedimentation, and slope failure;
- i. To prevent, to the maximum extent possible, the loss, alteration or diminution of public views of the Hudson River and Catskill Creek and opposite shores;
- j. To prevent activities that will cause water and air pollution;
- k. To promote the policies and purposes of the "*Catskill Local Waterfront Revitalization Program*," including positive development and revitalization of certain areas of the Village's waterfront areas, while ensuring that such revitalization takes place in a manner which is sensitive to the Village's coastal and community resources;
- l. To provide future generations of Village residents with a continuation of those elements and resources of the Village that serve to create a distinct community character and strong sense of place for its residents; and
- m. To encourage an economic stimulus of the Village by providing the standards and procedures for well-designed, comprehensively planned development that

achieves a high standard of site planning and architectural design throughout the Village.

- n. **Maintenance of historic character, property value, and tourism potential through the containment of sprawl, prohibition of indiscriminate lighting, signage, and incompatible new construction and preservation of historic buildings.**
- o. **Preventing or reducing the harmful secondary effects of adult entertainment uses through least restrictive alternatives.**
- p. **Safe provision of personal wireless services, or functional equivalent services, and telecommunication towers consistent with applicable Federal and State regulations, while at the same protecting natural features and aesthetic character of the village.**

There is hereby established a comprehensive zoning plan for the Village of Catskill which plan is set forth in the text and maps that constitute this local law.

ARTICLE II

ZONING DISTRICTS AND ZONING MAPS

Section 2.1 - List of Districts

The Village of Catskill is hereby divided into the following zoning districts: One-Family Residence (R-1); General Residence (R-2); Commercial Residence (R-3); Central Commercial (CC); Commercial (C-1); General Commercial District (C-2); Waterfront District (WD); Waterfront Overlay District (WOD).

Each such district may be designated on the Zoning Map referred to in Section 2.2 and elsewhere in the text of this local law by its symbol only.

Section 2.2 - Zoning Map

- A. **The boundaries of the said districts are hereby established as shown on the "Zoning Map, Village of Catskill" which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this local law.**
- B. There shall exist only one (1) official zoning map which shall be kept in the Office of the Village Clerk and it shall bear the seal of the Village of Catskill, a certification that it is the official zoning map of the Village of Catskill and its date of adoption. Said zoning map, which shows the boundaries of the zoning districts, as well as with all explanatory matter thereon, is herein adopted by reference and declared to be a part of this Local Law.
- C. Copies of said zoning map shall be made from the digital geographic files which were used to create said zoning map and which are archived at the Office of the Greene County Planning Department. Costs of reproduction shall be born by the person, firm, corporation, or

individual requesting said copy. All copies of the map shall be a digital reproduction of the map on file with the Village Clerk of the Village of Catskill. Said digital reproduction shall contain a clause indicating the source of the map as well as the disclaimer indicating that the official zoning map as adopted by the Village of Catskill is on file in the Office of the Village Clerk.

- D. Changes made in zoning district boundaries or other features portrayed on the zoning map under the provisions set forth herein shall be permanently affixed to the zoning map promptly after the amendment has been approved by the Village Board and shall convey information as to the date and nature of the change. No amendment to this Local Law which involves matters portrayed on the zoning map shall become effective until such change and entry has been made on said zoning map and has been attested by the Village Clerk.

Section 2.3 - District Boundaries

In determining the boundaries of district shown on the map, the following rules shall apply:

2.3.1 - Unless otherwise shown, the district boundaries shall be construed to coincide with the centerlines of streets, alleys, parkways, waterways, and main track or tracks of railroads.

2.3.2 - Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

2.3.3 - Unless otherwise shown, such boundaries running parallel to streets shall be construed to be 100 feet back therefrom.

2.3.4 - In all cases where a lot in one ownership is divided by a district boundary and more than 50 percent of the area of such lot lies in the less restricted district, the regulations prescribed by this local law for the less restricted district shall apply to such portion of the more restricted portion of said lot which lies within 30 feet of such district boundary. For purposes of this section, the more restricted district shall be deemed that district which is subject to regulations which either prohibit a particular use to which the remaining portion of said lot is proposed to be devoted, or which regulations require higher standards with respect to set-back, coverage, yards, screening, landscaping and similar requirements.

2.3.5 - In all cases where a district boundary is located not farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.

2.3.6 - In all other cases, where dimensions are not shown on the zoning map, the location of boundaries shall be determined by the use of the scale appearing on such map.

Section 2.4 - Effect of Establishment of Districts

Following the effective date of this local law:

2.4.1 - No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land be designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this local law for the district in which such building or land is located except for such non-conforming buildings and uses as may be provided for under section 6.1.

2.4.2 - No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

2.4.3 - No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this local law for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this local law.

2.4.4 - Nothing contained in this local law shall require any change in the plans, construction, or designated use of a building complying with existing law, a permit for which shall have been duly issued and the construction of which shall have been started before the date of first publication of notice by the Village Board of Trustees of the public hearing on this local law, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall have been completed in accordance with such plans as have been filed within one year from the date of passage of this local law.

ARTICLE III

DISTRICT REGULATIONS

Section 3.1 Schedules of Regulations

The restrictions and controls intended to regulate development in each district are set forth in the schedules that follow (Section 3.2 through Section 3.8 of this Local law). These regulations are supplemented in other sections of this Local law.

Section 3.2 R-1-One Family Residence District

3.2.1 Dimension Requirements

1. Requirements for all portions of this district where public sewers are available:

Minimum Lot Size.....	7,500 square feet
Minimum Lot Width.....	50 feet

Maximum percentage of lot to be occupied	30 percent
Required Yards:	
Front.....	30 feet
rear.....	30 feet
individual side.....	5 feet
Minimum total of both side yards.....	25 feet

2. Requirements for all portions of this district where public sewers are Not available

Minimum Lot Size.....	12,500 square feet
Minimum Lot Width.....	100 feet
Maximum percentage of lot to be occupied	30 percent
Required Yards:	
Front.....	30 feet
rear.....	30 feet
individual side.....	10 feet
Minimum total of both side yards.....	25 feet

3.2.2 Permitted Uses

1. One family detached dwellings, not to exceed one dwelling on each lot and not to include double-wide trailers which are a special use in this zone **or modulars which are a special use in the R-3 zone.**

2. Customary home occupations or professional offices are accessory uses which are conducted by the resident thereon with no more than one non-resident assistant, provided that there be no external evidence of such except an announcement or professional sign not over 2 sq. ft. in area.

3.2.3 Special Uses

Special uses require special permits. (See Section 8.2.2)

1. Municipal parks and playgrounds including customary recreational refreshment and service buildings.

2. Places of worship, including parish houses and religious school buildings, public and private schools, including uses customarily accessory thereto subject to the following requirements:

a. notwithstanding any other provisions contained in this local law, no building shall exceed a height of 42 ft. nor shall the number of stories at any point along the periphery of such building exceed 3.

- b. The sum of all areas covered by all principal and accessory buildings shall not exceed 30 percent (30%) of the area of the lot.
 - c. All parking and service areas shall be screened from the view of all adjoining and neighboring residential properties.
3. The following accessory uses:
- a. Garden house, tool house, playhouse not operated for gain.
 - b. Private garages having a capacity of not more than three passenger automobiles.
4. Public utility rights-of-way, substations, pumping stations and telephone exchanges, necessary to serve areas which include the Village.
5. Conversion of an existing one-family dwelling to be not more than a two-family dwelling.
6. Construction of a residence consisting of a double-wide trailer or modular upon a foundation and a full cellar.

Section 3.3 R-2-General Residence District

3.3.1 Dimension Requirements

1. Requirements for all portions of this district where public sewers are available:
- Minimum Lot Size..... 6,000 square feet*
 - Minimum Lot Width..... 50 feet
 - Maximum percentage of lot to be occupied 30 percent
 - Maximum height of building..... 42 ft./3 stories
 - Required Yards:
 - Front.....25 feet
 - Rear.....30 feet
 - individual side.....5 feet**
 - Minimum total of both side yards.....25 feet
2. Requirements for all portions of this district where public sewers are not available:
- Minimum Lot Size..... 10,000 square feet *
 - Minimum Lot Width..... 50 feet
 - Maximum percentage of lot to be occupied 30 percent
 - Maximum height of building..... 42 ft./3 stories
 - Required Yards:
 - Front.....25 feet
 - rear..... 30 feet

individual side.....10 feet**
Minimum total of both side yards.....25 feet

*Plus 1,000 sq. ft. for the second dwelling unit on the lot, plus, 2,500 sq. ft. for each of the third through seventh dwelling units on the lot, plus 1,500 sq. ft. more for each dwelling unit in excess of seven.

** Multiple dwellings shall have two side yards with a minimum width of 15 ft. each.

3.3.2 Permitted Uses

1. Any use permitted in One-Family "R-1" Districts, in accordance with the requirements of the said district, except that not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 25 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there be access to such office or studio from other than a public hall.

2. Two-Family Dwellings provided that the entire lot occupied by such shall be maintained in single ownership throughout the life of the building.

3.3.3 Special Uses

Special uses require special permits. (See Section 8.2.2)

1. Municipal parks and playgrounds including customary recreational refreshment and service buildings.

2. Places of worship, including parish houses and religious school buildings, public and private schools, including uses customarily accessory thereto subject to the following requirements:

a. Places of worship, including parish houses and schools, may be erected to within 20 ft. of any street line and to within a distance equal to their height of any property line, and may cover not more than 35% of the area of the lot.

b. Notwithstanding any other provisions contained in this local law, no building shall exceed a height of 42 ft. nor shall the number of stories at any point along the periphery of such building exceed 3.

c. The sum of all areas covered by all principal and accessory buildings shall not exceed 30 percent (30%) of the area of the lot.

d. All parking and service areas shall be screened from the view of all adjoining and neighboring residential properties.

3. The following accessory uses:
 - a. Garden house, tool house, playhouse not operated for gain.
 - b. Private garages having a capacity of not more than three passenger automobiles.
4. Multiple Dwellings.
5. Public utility rights-of-way, substations, pumping stations and telephone exchanges, necessary to serve areas which include the Village.
6. Clubs, not operated for gain or profit.
7. Conversion of an existing one-family dwelling into a two-family or multiple dwelling.
8. Construction of a residence consisting of a double-wide trailer or modular upon a foundation and full cellar.

Section 3.4 R-3-Commercial Residence

3.4.1 Dimension Requirements

Minimum Lot Size.....	6,000 square feet
Minimum Lot Width.....	50 feet
Maximum percentage of lot to be occupied	30 percent
Maximum height of building.....	42 ft./3 stories
Required Yards:	
front/rear.....	none
Individual side.....	5 feet*
Minimum total of both side yards.....	25 feet

* Multiple dwellings shall have two side yards with a minimum width of 15 ft. each.

3.4.2 Permitted Uses

1. Any use permitted in One-Family "R-1" Districts, in accordance with the requirements of the said district.
2. Multiple Dwellings provided that the entire lot occupied by such shall be maintained in single ownership throughout the life of the building.
3. Accessory building and accessory uses as set forth for "R-1" Districts.

4. Retail stores and banks.
5. Personal service stores, such as, but not limited to, barber shops, beauty parlors and tailors.
6. Business, professional or governmental offices.
7. Service establishments, finishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage, repair or service.
8. Restaurants.
9. Public and commercial parking lots and storage garages for passenger automobiles only.

3.4.3 Special Uses

Special uses require special permits. (See Section 8.2.2)

1. Municipal parks and playgrounds including customary recreational refreshment and service buildings.
2. Places of worship, including parish houses and religious school buildings, public and private schools, hospitals and sanitariums for general medical care, including uses customarily accessory thereto subject to the following requirements:
 - a. Places of worship, including parish houses and schools, may be erected to within 20ft. of any street line and to within a distance equal to their height of any property line, and may cover not more than 35% of the area of the lot.
 - b. Notwithstanding any other provisions contained in this local law, no building shall exceed a height of 42 ft. nor shall the number of stories at any point along the periphery of such building exceed 3.
 - c. The sum of all areas covered by all principal and accessory buildings shall not exceed 30 percent (30%) of the area of the lot.
 - d. All parking and service areas shall be screened from the view of all adjoining and neighboring residential properties.
3. The following accessory uses:
 - a. Garden house, tool house, playhouse not operated for gain.
 - b. Private garages having a capacity of not more than three passenger automobiles.

- c. Keeping not more than 4 non-transient roomers or boarders.
- 4. Multiple Dwellings.
 - 5. Public utility rights-of-way, substations, pumping stations and telephone exchanges, necessary to serve areas which include the Village.
 - 6. Clubs, not operated for gain or profit.
 - 7. Conversion of an existing one-family dwelling into a two-family or multiple dwelling.
 - 8. Construction of a residence consisting of a double-wide trailer or modular upon a foundation and a full cellar.

Section 3.5 CC - Central Commercial District

3.5.1 Dimension Requirements

Minimum Lot Size-area sq. ft./width sq. ft.....	no requirement
Minimum Lot Width	no requirement
Maximum percentage of lot to be occupied.....	no requirement
Maximum floor area.....	2.4 times the lot area
Maximum height of building.....	42ft./no story
requirement	
Required Yards.....	no yards are required but if one is established it must be at least 10 ft.

3.5.2 Permitted Uses

- 1. Retail stores and banks.
- 2. Personal service stores, such as, but not limited to, barber shops, beauty parlors and tailors.
- 3. Business, professional or governmental offices.
- 4. Funeral parlors.
- 5. Service establishments, finishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage, repair or service.
- 6. Theaters and restaurants.

7. Outlets and pick-up stations for laundries and cleaning or wearing apparel or household effects on the premises shall be permitted only if non-combustible solvent is used except for the incidental removal of spots with combustible solvent.

8. Newspaper printing, including incidental job printing.

9. Public and commercial parking lots and storage garages for passenger automobiles only.

10. Hospitals for human beings, hotels (including rooming and boarding houses), motels and places of worship.

11. Clubs.

12. Public utility structures.

13. Residential uses: the residential use must not be on the first floor/store front/commercial portion of the building and residential uses must not exceed 65% of total floor area in the building.

3.5.3 Special Use

Special uses require special permits.(See Section 8.2.2)

1. Motor vehicle service stations.

2. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail, exclusively on the premises, provided that an area fully concealed from any street and equal to no more than 20% of the area devoted to retail sales shall be so used and that not more than two employees are engaged in such production or processing, except in newspaper and job printing where 20 employees may be so employed.

3.5.4 Prohibited Uses

1. Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety, is prohibited.

Section 3.6 C - 1 Commercial District

3.6.1 Dimension Requirements

Minimum Lot Size.....	no requirement
Minimum Lot Width.....	no requirement

Maximum percentage of lot to be occupied.....	no requirement
Maximum floor area.....	80 percent of the lot area up to 40% of the lot
Maximum height of building.....	42ft./no story requirement
Required Yards:	
front.....	30 feet
rear.....	30 feet
individual side.....	10 feet
Minimum total of both side yards.....	40 feet

3.6.2 Permitted Uses

1. Any use permitted in Central Commercial "CC" Districts.
2. Cleaning, dyeing or laundry establishments.
3. Research laboratories.
4. Storage or repair garages, used car sales lots, gasoline filling stations; but excluding car wrecking or outdoor storage of wrecked cars or used car parts.
5. Wholesale, storage and warehousing, including the sale of storage of food, fuel and building materials.
6. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises.

3.6.3 Special Uses

Special Uses requires special permits.(See Section 8.2.2)

1. Animal hospital
2. Hotel (including rooming or boarding house) or motel.

3.6.4 Prohibited Use

1. Any use prohibited in the Central Commercial "CC" Districts.

Section 3.7 C - 2 General Commercial District

3.7.1 Dimension Requirements

Minimum Lot Size.....	no requirement
Minimum Lot Width.....	no requirement
Maximum percentage of lot to be occupied.....	no requirement
Maximum floor area.....	80 percent of the lot area up to 40% of the lot
Maximum height of building.....	42ft./no story requirement
Required Yards:	
front.....	30 feet
rear.....	30 feet
individual side.....	10 feet
Minimum total of both side yards.....	40 feet

3.7.2 Permitted Uses

1. Any use permitted in Central Commercial "CC" Districts.
2. Cleaning, dyeing or laundry establishments.
3. Research laboratories.
4. Storage or repair garages, used car sales lots, gasoline filling stations; but excluding car wrecking or outdoor storage of wrecked cars or used car parts.
5. Wholesale, storage and warehousing, including the sale of storage of food, fuel and building materials.
6. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises.

3.7.3 Special Uses

Special Uses requires special permits.(See Section 8.2.2)

1. Adult Uses.
2. Telecommunications Towers.

3. Animal Hospital.
4. Hotel (including rooming or boarding house) or motel.

3.7.4 Prohibited Use

1. Any use prohibited in the Central Commercial "CC" Districts.

Section 3.8 WD - Waterfront District

3.8.1 Purpose of District.

The land and water area of the Catskill Creek corridor represents a unique mix of natural and man-made resources. It has historically played an important role in the development and economy of the Village and the region. Initially developed for shipping, commerce and tourism, it now plays a vital role in the local economy by supporting tourism, recreational boating and fishing. The State designated Significant Fish and Wildlife Habitat, the water quality and the visual character of the corridor, including the trees, bluffs, open water areas and historic structures are the primary elements supporting these activities.

Flooding and stream bank erosion, aggravated by upland and near creek development, runoff and non-point pollution, also impact use of the corridor.

It is the purpose of the Waterfront District to afford priority to compatible, well-designed water dependent uses, achieve suitable public access to the coastal area considering surrounding uses, control development, and protect and enhance the corridor's natural and cultural resources. Further, it is the purpose of the Waterfront District to provide opportunities for more permanent public views and compatible access to Catskill Creek while considering the impacts of public access on immediately surrounding land uses, and to implement the policies and purposes of the Village of Catskill Local Waterfront Revitalization Program.

To the extent possible, structures, storage and parking areas shall be set back from the waterfront, to increase or maintain open space in the Creek corridor, reduce impacts on the Significant Fish and Wildlife Habitat and reduce opportunities for flooding and erosion. Design and siting of structures will make use of area vegetation and topography and will enhance the visual character of the Catskill Creek corridor.

All new uses proposed for the Waterfront District require site plan review by the Planning Board. The Planning Board will at the same time review the proposed use for consistency with the policies and purposes of the Catskill Waterfront Revitalization Program, pursuant to the provisions of the Village of Catskill Waterfront Consistency Review Law. Existing approved site plans shall not be subjected to additional site plan review by the Planning Board unless the site plan is to be changed in some material respect.

3.8.2 Dimension Requirements

Minimum Lot Size for residential uses.....	7,500 square feet,*
Minimum Lot Size for non-residential uses.....	no requirement
Minimum Lot Width.....	50 feet
Maximum lot coverage:.....	45 percent, including all structures or impervious surfaces.
Maximum height of building	35 feet.**
Required Yards	
Rear yard.....	35 feet from mean highwater***
Front yard.....	15 feet
Individual side yard.....	5 feet
Minimum of both side yards.....	15 feet

*Plus 2,500 sq. ft. for each second through seventh dwelling unit on the lot, and 1,500 sq. ft. more for each dwelling unit in excess of seven.

**A maximum increase of 10 feet is available at a rate of 5 feet for each additional 25 feet of setback provided or for dedicated permanent public access. This height incentive bonus shall only apply to those Permitted Uses as identified in Section 3.8.3. (For the definition of permanent public access, see Section 3.8.4)

***Water dependent uses, which require a location on or adjacent to the water, are exempt from this requirement.

3.8.3 Permitted Uses

1. The manufacture, assembly, or repair of marine products such as boats, sails, and hardware.
2. Boat rental facilities.
3. Charter boat and fishing guide operations.
4. Mariculture and aquaculture activities.
5. Fishing/Marine supply stores.
6. Wholesale and retail fish stores.
7. Community centers when part of coastal public access or public recreational access.

8. Municipal parks, playgrounds, and beaches.
9. Scientific, historic, artistic, and educational activities and similar uses which by their nature, require access to coastal waters.
10. Structures needed for navigational purposes.
11. Public park trails, fishing docks and piers, and swimming facilities.
12. Specialty boat facilities, including tour, cruise and dinner boats.
13. Support facilities necessary for successful functioning of above uses, for example, parking areas, snack bars, first aid stations, and short-term storage facilities. To the extent possible, such facilities will be sited inland of the principal use.
14. Municipal public safety uses associated with other uses in this district.
15. Boat launches.

3.8.4 Permitted Use Requirements

1. To the extent possible, all structures except water dependent uses, shall be set back from the water.
2. Structures requiring a waterside location will be the minimum size that will accomplish the intended function.
3. Temporary or moveable structures and permanent structures shall be anchored to resist flooding and erosion and shall be designed and constructed, with appropriate materials utilized, to: minimize impervious surfaces; make use of topography, vegetation, and fencing with natural materials to screen or mitigate structures, parking, and storage areas to maintain or improve the visual character of the Creek corridor; provide opportunity for public access or connect to a planned park or walkways system; and avoid any runoff, non-point source water pollution, or erosion.

4. Meaningful, Permanent Public Access Defined.

Meaningful, permanent public access is defined as safe and unobstructed access to and along the dry, non-tidal or submerged shore areas for all members of the public to provide a public access system to and along portions of the waterfront and/or public rights of way. Such access shall be in the form of a permanent easement or the granting of fee title to the Village of Catskill. The applicant shall pay all costs of preparing and recording the deed, including the fees of the village attorney.

3.8.5 Special Uses.

The following uses are permitted in the Waterfront District subject to the issuance of a special permit by the Zoning Board of Appeals, in accordance with provisions of Article IV - Supplementary Regulations, Section 4.3. In addition, the following uses will be subject to site plan review and the dimension requirements listed in Section 3.8.2.

1. Flooding and erosion protective structures.
2. Annual membership clubs which are water dependent. If such annual membership club also includes a marina or related use such as sale of marine supplies, services, fuel, equipment, etc., the standards applicable for such uses as listed below in F.3 shall apply.
3. Marinas and related uses such as sale of marine supplies, services, fuel, equipment, etc. The following standards shall apply to new marina project proposals as well as projects for expansion of existing marinas:
 - a. All new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, park-like surroundings, toilet facilities, and marine pumpout facilities.
 - b. In evaluating proposals for new marina construction, the Village of Catskill will favor those proposals which involve alternative ways of providing for the needs of boaters. In order of preference, these alternatives are: (1) dry stack facilities with the minimum number of wet slips needed to provide efficient operation, (2) rehabilitation and alteration of existing marinas, (3) open water facilities, or (4) any combination of these three approaches.
 - c. The Zoning Board of Appeals may require a secured bond, or money in escrow, that will be sufficient to hire an independent contractor to complete any conditions imposed, or to effect any limitations, or to restore the project area to its original condition in the event of a failure by the applicant to comply with the conditions or limitations of the special permit. The amount of bonds or escrow posted shall be in the amount of \$5,000 plus \$50 per foot of wet slip.
 - d. Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport, and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. The Village may authorize dredging or other marina activities only on a seasonally restricted basis in the Catskill Creek Significant Fish and Wildlife Habitat. Marinas shall not be permitted in areas that would require frequent

maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.

e. Applicants must demonstrate that there is an adequate water supply to serve all of the projects needs.

f. Sewage pumpout facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pumpout station for every 100 wet slips, or fraction thereof.

g. Adequate restroom facilities for property users will be required to discourage any overboard discharge of sewage from boats in order to protect water quality and to provide a development amenity. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.

h. The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.

i. An ample number of signs must be provided to identify the location of public restrooms and of pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities. Pumpout facilities shall be available to all boaters, regardless of whether they are patrons of the marina.

j. Dedicated parking spaces shall be provided at a minimum rate of 0.60 spaces/slip plus whatever additional spaces are required for employees and required by the zoning for separate retail activities on premises.

k. Rainfall runoff becomes polluted with oils, greases, organic and inorganic wastes, and other potentially harmful substances. It is the intent of the Village of Catskill to limit, to the extent feasible, the introduction of these contaminants into the waters surrounding the Village. Therefore, new parking areas shall utilize porous pavements or other approved measures to reduce rainfall runoff. New marina projects must incorporate best management practices in their design, including but not limited to the following:

- (1) Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
- (2) Runoff from parking lots, maintenance, fueling, and washdown

areas must be treated in a manner that prevents oils, grease, and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.

1. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. Spacing between trash receptacles on all piers and docks shall be suitable for maintaining the premises in a clean and sanitary condition.

4. Mooring buoys or facilities subject to the following restrictions:

a. Mooring buoys shall be placed only within an area parallel to and twenty (20) feet inward of the parcel lines extended waterward at right angles from the shoreline, and to a depth necessary for the safe mooring of a boat, not to exceed seventy-five (75) feet from the shoreline or unless it can be clearly demonstrated that additional length from shore is necessary in order to reach adequate water depth for proposed boat mooring.

b. Moorings shall be placed so that objects moored to them, at full swing of their mooring or anchor line, will be no closer than ten (10) feet to the projection of the adjacent property lines from the shoreline, and no more than one hundred (100) feet from the shoreline itself or unless it can be clearly demonstrated that additional length from shore is necessary in order to reach adequate water depth for proposed boat mooring.

c. Moorings shall be placed such that the vessel moored or anchored, at full swing of its mooring or anchor line, will not be within 75 feet of the Federal Navigation Channel of the Hudson River, or within 25 feet of the Federal Navigation Channel of the Catskill Creek or of any Village or State designated channel, fairway, or within 75 feet from any dock or other marine facility within the Harbor Management Area. Adequate separation shall be maintained between all moored and anchored vessels to provide for the safety of persons and property and suitable access to and from vessels.

The Zoning Board of Appeals may require that the applicant submit a copy of any and all application materials submitted to the U.S. Army Corps of Engineers, the Department of Environmental Conservation, or any other agency that requires a permit, license or approval for the proposed use.

3.8.6 Special Use Requirements

1. All of the requirements listed in paragraph 3.8.4 above.

2. Structures will be sited inland as much as possible, to increase open space in the Creek corridor and to minimize exposure to flooding and reduce runoff and non-point source water pollution.
3. Structures will be sited to enhance the visual character and create or maintain views from adjacent streets to the Creek.
4. To the extent feasible, existing vegetation, especially trees greater than six (6) inches in diameter at four (4) feet above the ground, will be maintained and augmented by plantings of species native to the region.

3.8.7 Zoning Use Incentives

1. Additional Uses Allowed.

In order to recognize that the Catskill Creek waterfront area is attractive for a variety of uses which are not water dependent while at the same time achieving the goals of the Catskill Local Waterfront Revitalization Program, the following uses proposed as new uses are allowed in the Waterfront District subject to the issuance of a special permit by the Zoning Board of Appeals, in accordance with the provisions of Article IV- Supplementary Regulations, Section 4.3, whenever the owner provides funding (2% of total project cost) to the Village Waterfront Trust Fund or dedicates meaningful, permanent public access (see definition at 3.8.4(4)) (such determination shall be made by the Planning Board as part of site plan approval) along, and where appropriate, across the property to the dry shore area. Further, any of the uses permitted by right as listed in Section 3.8.3 above, may be allowed in conjunction with any of the uses listed below. In addition, the following uses will be subject to site plan review and the requirements listed in Section 3.8.6.

- a. Restaurants;
- b. Hotels, motels, or bed and breakfast inns, including conference and resort facilities;
- c. Retail stores; and
- d. **Townhouses** and **one** family dwelling residential uses.

2. Funds in Lieu of Public Access

In instances where the applicant seeking approval of the incentive uses listed in this subdivision does not provide meaningful, permanent public access, the applicant as a

alternative, may satisfy the access provisions by providing funds in lieu of access, paid to a Village Waterfront Trust Fund for the purposes listed below.

- a. Within the coastal area an Integrated System of Public Access and Recreation as identified in Section IV of the Catskill Local Waterfront Revitalization Program (LWRP) and *The Catskill Public Access and Recreation Master Plan*.
- b. Revitalization of Catskill Point for public recreation as identified in Section IV of the Catskill LWRP.
- c. Expansion and Improvements to Dutchmen's Landing Riverfront Park as identified in Section IV of the Catskill LWRP.
- d. High School Property Improvements - Park, Fishing Pier, and Boat Launch Project as identified in Section IV of the Catskill LWRP.
- e. Water Street Improvements as identified in Section IV of the Catskill LWRP.

Section 3.9 WOD - Waterfront Overlay District

3.9.1 Purpose of District.

The land and water area of Catskill's Hudson River waterfront represents a unique mix of natural and man-made resources. It has historically played an important role in the development, economy, and cultural heritage of the Village and the region. The State designated Significant Fish and Wildlife Habitat (Ramshorn Marsh), the water quality, the visual, scenic, and cultural character, including the trees, bluffs, open water areas, and historic structures are the primary elements supporting these activities.

It is the purpose of the Waterfront Overlay District to afford priority to waterfront-compatible, well-designed uses, achieve public access to the coastal area, control development, and protect and enhance the Hudson River waterfront's natural, scenic, and cultural resources. Further, it is the purpose of the Waterfront Overlay District to provide opportunities for permanent public views and access to the Hudson River and to implement the policies and purposes of the Village of Catskill Local Waterfront Revitalization Program.

To the extent possible, structures, storage and parking areas shall be set back from the waterfront, to increase or maintain open space on the Hudson River waterfront area, reduce impacts on the Significant Fish and Wildlife Habitat and reduce opportunities for flooding and erosion. Design and siting of structures will make use of area vegetation and topography and will enhance the visual, scenic and cultural character of the Hudson River waterfront area.

All uses proposed in the Waterfront Overlay District shall require site plan review and approval by the Planning Board. The Planning Board will at the same time review the proposed use for

consistency with the policies and purposes of the Catskill Waterfront Revitalization Program, pursuant to the provisions of the Catskill Local Consistency Law. The Waterfront Overlay District is an overlay zone which imposes conditions and standards in addition to those of the underlying district. When there is a conflict between the provisions of the Waterfront Overlay District and the provisions of the underlying zoning district, the more restrictive shall apply. The following regulations shall apply to all activities within the Waterfront Overlay District.

3.9.2 Regulated Activities.

No person shall conduct any of the following specific regulated activities within the Waterfront Overlay District unless such person has first applied for and obtained site plan approval from the Planning Board, and where appropriate a special permit, and a building permit from the code enforcement officer pursuant to the requirements of this law. (Other permits may be necessary from State or federal agencies pursuant to the requirements of other State and federal laws.)

1. Clearing of more than 30% of any property within the district, including clearing activities related to providing equipment access on the site. The 30% threshold shall not be exceeded by segmentation of clearing activities over time.
2. The construction or placement of any sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.
3. Filling, cutting or excavating activities.
4. Discharge of stormwater and/or construction and placement of stormwater runoff systems.
5. Any form of draining, dredging, excavation or removal of any natural materials directly or indirectly from zoned wetlands (as identified on the Village of Catskill Zoning Map).
6. Any form of dumping, filling or depositing any material either directly or indirectly within a zoned wetland as identified on the New York State Wetlands Map or Federal Wetlands as delineated by United States Army Corp of Engineers.
7. The erection or placement of any structures, roads or any manmade materials within a zoned wetland as identified on the New York State Wetlands Map or Federal Wetlands as delineated by United States Army Corp of Engineers, other than customary property posting signs.
8. Any form of pollution, including, but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes into a zoned wetland as identified on the New York State Wetlands Map or Federal Wetlands as delineated by United States Army Corp of Engineers.

9. Any activity which impairs the natural function of zoned wetlands as identified on the New York State Wetlands Map or Federal Wetlands as delineated by United States Army Corp of Engineers., whether located within the wetland or not.

10. Any activity or use of land which, based on a determination by the Village Planning Board materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil.

11. The construction, modification or restoration of erosion protection structures.

3.9.3 Development Standards/Conditions

Approval to undertake any activity within the Waterfront Overlay District shall not be issued by the Village Planning Board and Code Enforcement Officer unless the applicant can adequately demonstrate to the Planning Board's satisfaction that:

1. All proposed buildings and structures are to be clustered together to the maximum extent possible, where appropriate, and depending on the nature of the proposed activity, to ensure that the surrounding visual/natural environment is maintained as much as possible, to retain the quality and extent of views from adjacent public streets through the property to the Hudson River, to save open space, and to provide visual organization to the development. The adequacy and appropriateness of clustering shall be determined by the Planning Board.

2. The proposed activity will in no way at present or at any time in the future, adversely affect the following:

- a. Soil stability;
- b. Velocity of surface water runoff;
- c. Existing drainage systems;
- d. Natural characteristics of a watercourse; and
- e. Watercourse flood carrying capacities.

3. When a shoreline location for a structure or activity is sought the applicant shall adequately demonstrate that the proposed activity:

- a. is reasonable or necessary, when alternatives to the proposed activity and the extent to which the activity requires a shoreline location are considered;

- b. will not be likely to cause a measurable increase in erosion at the proposed site or at other locations; and
 - c. prevents, or minimizes to the extent possible, adverse impacts on existing natural protective features and their functions, existing erosion protection structures, or other natural resources, including, but not limited to significant coastal fish and wildlife habitats and wetlands.
4. Excavation or cuts made to bluffs in order to provide shoreline access shall only be permitted where such activities involve bluff cuts made in directions that take advantage of the natural contours of the land or are at oblique angles to the shoreline in order to minimize erosion, control runoff, and protect scenic resources. The slope of such a bluff cut shall not be steeper than 1:6 and the side slopes must not be steeper than 1:3, if not terraced or otherwise structurally stabilized. Side slopes and other disturbed on-roadway areas must be stabilized with vegetation or other approved physical means. Completed paths, accessways, or roadways must be stabilized and appropriate drainage provided.
 5. The stability of soils will be maintained or increased to adequately support any construction thereon, or to support any landscaping, or other allowed activities.
 6. No proposed activity will cause uncontrolled erosion or slipping of soil, or cause sediment to be discharged into the Hudson River, Catskill Creek or associated wetlands.
 7. Plant life located outside of the minimum area that needs to be disturbed for carrying on approved activities should not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any harmful effects and in order to maintain the natural resource and scenic characteristics of the Hudson River coastal area. All existing trees over six (6) inches in diameter, measured four and one half (4 1/2') feet above the base of the trunk, are to be retained to the maximum extent possible. However, acceptable forest management practices shall be allowed subject to Planning Board review and approval.
 8. Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute surface waters, or cause damage to, or flooding of property. Drainage systems shall be designed and located to ensure slope stability. Best management practices shall be used to prevent erosion and the introduction of runoff contaminants from entering the waters surrounding the Village.
 9. Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.
 10. Appropriate scales, forms and materials shall be used to ensure that all buildings and other structures are compatible with and add interest to the landscape. More specifically, the design of all structures are to be compatible with that of surrounding structures.

Compatibility shall be determined by a review of proposed (1) use of materials, (2) scale, (3) mass, (4) height, (5) color, (6) texture, and (7) location of the structure or structures on the site. To properly blend with the surrounding visual/natural environment, structures should be neutral or earth tones and natural materials such as wood, stone or brick should be used.

3.9.4 Dimension Requirements:

Maximum percentage of lot to be occupied 30%, including all structures and/or impervious surfaces.

Required Yards

Front yard..... 30 feet.
 Rear yard..... 100 feet from mean high water

the Water-dependent uses which require a location on or adjacent to water are exempt from this requirement.

Individual side..... 10 feet

3.9.5 Permitted Uses.

All uses permitted in the underlying zoning district are allowed in the Waterfront Overlay District, subject to the applicable standards of this Waterfront Overlay District and subject to site plan review and approval.

3.9.6 Accessory Uses.

In addition to the accessory uses identified in the underlying zoning district, the following accessory uses are allowed subject to the following requirements.

1. Swimming pools, subject to the provisions of Section 4.9 of the Village of Catskill Zoning Regulations.
2. Fencing, subject to the dimension requirements of the Waterfront Overlay District and Section 4.8 of the Village of Catskill Zoning Regulations.
3. Sheds, cabanas or similar accessory structures, subject to those dimensional requirements.
4. Tennis Courts and other similar outdoor recreational facilities as determined by the Village Code Enforcement Officer, provided that such uses are clearly incidental to the primary residential or principal use on the property, and provided that such uses comply with the dimension requirements.

3.9.7 Special Uses.

All special uses permitted in the underlying zoning district are allowed in the Waterfront Overlay District subject to the applicable standards of this Waterfront Overlay District, issuance of a special permit in accordance with the provisions of Article VIII, Section 8.2.2, and subject to site plan review and approval in accordance with the provisions of Article IV, Section 4.3.

ARTICLE IV

SUPPLEMENTARY REGULATIONS

Section 4.1 Obstructions to Vision at Street Intersections.

At all street intersections in all Residence Districts no obstruction to vision (other than an official governmental traffic control sign or device existing building, post, columnar tree) exceeding 18 inches in height above street level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 40 feet distant from their point of intersection.

Section 4.2. Trailers, Double-Wide Trailers or Modulars.

The storage or parking and use of a trailer by any person or persons for a period of time in excess of twenty-four (24) hours is hereby prohibited, except that such storage or parking may be conducted in garages or in the rear or side yard of such lot not nearer than eight feet to the side or rear lot line, and further provided that such trailer is not placed in use and the doors thereof are kept securely locked.

Double-wide trailers and modulars shall be permitted as long as they are constructed upon foundations designed by an architect or professional engineer and approved by the Code Enforcement Officer. Any construction upon a slab is hereby prohibited. Only full foundation and full cellars are permitted.

Section 4.3 Site Plan Review by the Planning Board

4.3.1. Purpose - The purpose of this Section is to evaluate various land uses that may cause a conflict with coastal area policies, natural site conditions, existing development, and community character, thereby minimizing the adverse effects concerning the health, safety, and general welfare of Village residents.

4.3.2. Authority - The power to approve, approve with modifications, or disapprove site plans as required by this legislation is vested in the Planning Board.

4.3.3. Required Approval - Site plan review and approval shall be required prior to the

issuance of a building permit for new building construction, expansion in exterior building dimensions, or a change in use for all uses in the Waterfront District, Waterfront Overlay District, Highway Commercial District, Central Commercial District, **and General Commercial District** as well as for buildings containing more than three dwelling units in the General Residence District, and places of worship, including parish houses and religious schools, hospitals, and sanitariums for general medical care, including uses customarily accessory thereto.

Site plan review and approval will not be required for proposed actions involving normal and routine building maintenance, unless the Village Code Enforcement Officer determines that such proposed activity is of such a nature that site plan review should occur and would serve to benefit the public interest of the Village and of the neighborhood where such activity is proposed.

4.3.4. Concept Plan Conference - A conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant should provide the following:

(a) A statement and rough sketch showing the location and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site; anticipated changes in the site's existing topography and natural features; and, where applicable, measures and features to comply with applicable state and/or local freshwater wetlands regulations and with flood hazard and federal flood insurance regulations.

(b) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, waterbodies, shorelines (with high-water line), easements and other pertinent features.

(c) A topographic or contour map of adequate scale and detail to show site topography.

4.3.5. Application Requirements - a request for site plan approval shall be made in writing to the Planning Board and accompanied by the required application review fee. Three copies of the application shall be accompanied by information contained on the following checklist. The Board may, at its discretion, waive any requirements on the following checklist which are clearly not relevant to the proposed use and site:

(a) An area map showing that portion of the applicant's property under consideration for development; any adjacent parcels owned by the applicant; and all properties, their

ownership, uses thereon, subdivisions, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of applicant's property.

(b) A site plan shall include the following information:

1. Title of drawing, including name and address of applicant.
2. North arrow, scale, and date.
3. Boundaries of the project plotted to scale of not more than one hundred (100) feet to one (1) inch.
4. Existing natural features such as watercourses, waterbodies, wetlands, wooded areas, and individual large trees. Features to be retained should be noted.
5. Floodplain boundaries as determined by the Federal Emergency Management Agency.
6. Existing and proposed contours at intervals of not more than five (5) feet of elevation.
7. Location of proposed lands uses and their areas in acres and location, proposed use, dimensions and height of all buildings and other structures.
8. Location of outdoor storage and description of materials to be stored.
9. Location, design, and construction materials of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences, and easements, whether public or private.
10. Location and description of all proposed waterfront public access/recreation provisions.
11. Description of sewage disposal and water supply systems and location, design, and construction of such facilities.
12. Location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.
13. Location and proposed development of buffer areas and other landscaping. General landscaping plan and planting schedule.
14. Location of all parking and truck-loading areas, internal circulation

pattern, and ingress and egress drives.

15. Provision for pedestrian access including public and private sidewalks.
16. Location, design, and size of all signs and lighting facilities.
17. The approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds, and other permanent open space.
18. Building orientation and site design for energy efficiency.
19. Location and design of all energy distribution facilities, including electrical, gas, and solar energy.
20. Description and location of erosion control measures including proposed location of sediment sink/settling pond and interceptor swales, etc.
21. Location and design for stormwater management facilities.
22. Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.
23. The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
24. An estimated project construction schedule.
25. Record of application for an approval status of all necessary permits from federal, State, and county officials.
26. Identification of any federal, State, or county permits required for project execution.
27. Evidence of compliance with the State Environmental Quality Review Act, if applicable, including determinations and findings.
28. The Planning Board may require such additional information that appears necessary for a complete assessment of the project.

4.3.6. Planning Board Review Considerations - Planning Board review of the site plan shall include, but not be limited to, the following considerations:

- (a) Adequacy and arrangement of vehicular traffic access and circulation.
- (b) Location, arrangement, appearance, and sufficiency of off-street parking and loading.
- (c) Location, arrangements, size, and design of buildings, lighting, and signs.
- (d) Relationship of the various uses to one another and their scale.
- (e) Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise deterring buffer between adjacent uses and adjoining lands.
- (f) Adequacy of stormwater, sanitary waste disposal, and water supply.
- (g) Compatibility of development with natural features of the site and with surrounding land uses.
- (h) Adequacy of floodproofing and prevention measures consistent with flood hazard prevention district regulations.
- (i) Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources of adequate sunlight for use by solar energy systems.
- (j) Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands, and wooded areas including measures to prevent disruption and pollution of fish and wildlife habitats, freshwater wetlands and coastal waters by construction activities, stormwater runoff, septic and sewage systems and any other activity on the site.
- (k) Adequacy of pedestrian access, circulation, convenience, and safety.
- (l) Extent to which the proposal promotes and facilitates public access and waterside recreation where appropriate and feasible, and avoidance of obstruction of public or semi-public access to the waterfront. This assumes greater importance for proposed uses which are not water dependent.
- (m) Maximum avoidance of the destruction, damage, or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
- (n) Maximum avoidance of clear cutting of trees and adequacy of measures to protect and preserve as much mature vegetation as possible on the site, including but not limited to trees of six inches or more diameter at four and one half (4 1/2) feet above the ground.

- (o) Adequacy of drainage facilities and measures taken to insure that there will be no measurable increase in runoff from the site, during or after construction.
- (p) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of local and area scenic quality, adjacent fish and wildlife habitats, freshwater wetlands, and coastal waters.
- (q) Extent to which structure height and bulk do not disrupt natural topography and are compatible with the site and the adjacent sites, and do not detract from the natural visual quality.
- (r) Adequacy of measures to minimize flooding and erosion hazards through non-structural means, long-term structural measures, and appropriate siting of structures.
- (s) Adequacy of measures to protect surface waters and groundwaters from direct and indirect pollution and from overuse.
- (t) Adequacy of site restoration scheduled to follow construction.
- (u) Adequacy of measures to protect and avoid disturbance of sites recognized as being of local historical, architectural or archaeological importance on or adjacent to the site.

In their review of a site plan, the Planning Board may consult with the Code Enforcement Officer, Zoning Board of Appeals, other local and county officials, and its designated private consultants, in addition to representatives of federal and State agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation, New York State Department of State, and the U.S. Army Corps of Engineers.

4.3.7 Waiver of Site Plan Submission Criteria - Where it is deemed appropriate, the Village Planning Board may waive any submission criteria requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Such waiver may be exercised by the Planning Board in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan. The Planning Board shall make a written finding or a statement on the record stating the reasons that the regulations were waived.

4.3.8. Public Hearing - Upon the Planning Board's certification that the site plan application is complete and satisfactory, the Planning Board may conduct a public hearing on the site plan application. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be scheduled within sixty-two (62) days from the time of Planning Board certification that the application is complete. For the

purpose of this Law, the submission date shall be taken as the date of the first regular Planning Board meeting following submission of the preliminary site plan to the Code Enforcement Officer. Notice of the public hearing (if one is held) shall be mailed to the applicant at least ten (10) days before such hearing. The public hearing (if one is held) shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Village. The applicant shall be required to notify any property owners within three hundred (300) feet of the subject property by registered mail, certified mail or personal service at least ten (10) days prior to the public hearing. The homes and addresses of the owners of the properties as shown on the latest available Village tax rolls may be used for mailing purposes. Proof of mailing in accordance with these provisions shall be deemed good and sufficient service.

4.3.9. Planning Board Action - Within sixty-two (62) days after a public hearing (if one is held), or within sixty-two (62) days after Planning Board certification of an application for site plan approval being complete, if no public hearing is held, the Planning Board shall render a decision. If no decision is made within said sixty-two (62) day period, the site plan shall be considered approved, unless the time for making a decision is extended by mutual consent of the applicant and the Planning Board. The written decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

A. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.

B. Upon disapproval, the Planning Board shall so inform the Code Enforcement Officer and he shall deny a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

C. Specifications for improvement shown on the site plan shall be those set forth in these Zoning Regulations and in other ordinances, local laws, rules, and regulations, or in construction specifications of the Village of Catskill.

4.3.10. Required Referral - Prior to taking action on the site plan application, the Planning Board shall refer the site plan application to the Greene County Planning Board for an advisory review and a report in accordance with the NYS General Municipal Law.

4.3.11 Integration of Procedures - Whenever the particular circumstances of a proposed development require compliance with either another procedure in this article, the requirements of the State Environmental Quality Review Act, the Planning Board may integrate, if it deems appropriate and to the extent of its authority under law, site plan review, as required by this article, with the procedural and/or submission requirements for

such other compliance. Such integration of procedures may require, upon mutual written consent of the Planning Board and the applicant, reasonable modification of the time schedules otherwise stated in this article or in said related regulations or requirements.

4.3.12. Site Plan Application Review Fees - A Site Plan Application Review Fee, as established by the Village Board from time to time, shall accompany every site plan review application submitted to the Planning Board for review.

4.3.13. Reimbursable Costs - Reasonable costs incurred by the Planning Board for private consultation fees of a planner, engineer or attorney or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, together with the cost of advertising any needed public hearing.

Section 4.4. Off-Street Parking Requirements

4.4.1. Two or More Uses on Same Lot. Except as specified hereinafter, where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements, if any, for each individual use on the lot; in the case of two or more establishments on the same lot or on contiguous lots, the Planning Board may approve the joint use of parking space, the total capacity of which is less than the sum of the spaces required for each, and using the same driveways giving access thereto; provided the said Board finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments, and provided such approval of such joint use shall be automatically terminated upon the termination of the operation of any such establishments.

4.4.2. Layout and Location of Off-Street Parking Facilities.

(a) The required off-street parking facilities for structures and land uses which are developed in conformity with the requirements of this local law shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots.

(b) When submitted to the Code Enforcement Officer for a building permit, the plans for any new building or any replacement or reconstruction of an existing building shall show specifically the location and size of the off-street parking facilities required to comply with any applicable requirements hereof, and the means of access to such space from the public streets or highways.

(c) Each required space, exclusive of drives and aisles, shall be not less than 10 feet wide if outdoors. Each parking space shall have direct access from a public way. Except as may be otherwise provided, required off-street parking facilities may be enclosed in a structure or may be located in the open, provided that all required parking facilities shall be graded, surfaced, drained

and maintained to the extent necessary to avoid nuisances of dust, erosion, or excessive water from across public ways. Upon a determination by the Planning board that the required number of parking spaces would be greatly in excess of the need therefor of a particular use on a given lot, the said Board may waive the requirement that such spaces be surfaced to the extent that it may deem the number required to exceed the actual need therefore.

4.4.3. Operation and Maintenance of Off-Street Parking Facilities

Required off-street parking facilities shall be maintained throughout the life of any use or structure which the said facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times for the use of those persons who are employed at or make use of, such structures and uses, except when dedicated to, and accepted by the Village as public parking areas.

4.4.4. Effect of Parking Requirements

Effect of Parking Requirements on Existing Uses, Structures and land uses in existence, or for which building permits shall have been approved, on the effective date of this Local law, shall not be subject to the requirements for off-street parking spaces set forth in this local law, provided that any parking facilities now existing to serve such structures or uses shall not, in the future, be reduced, except as they exceed such requirements. Required parking facilities for such structures or uses, as well as for any future enlargement or extension thereof, shall, however, be provided as a condition for the issuance of any building permit for such enlargement or extension. In case of practical difficulty or unnecessary hardship arising out of this requirement, the Board of Appeals shall require only such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming, but shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or extension and shall not permit reduction or elimination of whatever quantity of parking may already be in existence unless it is in excess of such requirement; provided that nothing herein shall be deemed to limit any power of the said Board that is conferred by law. Required off-street parking facilities which, after development, are dedicated to, and accepted by the Village, shall be deemed to continue to serve the uses or structures for which they were originally provided.

4.4.5. Off-Street Parking

Off-Street Parking Spaces Required. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each building which, after the date this Local law becomes effective, is erected, enlarged or altered for use for any of the following uses:

*Use & Parking
Spaces Required*

Single Family Dwelling:

Two Spaces

Multiple Family Dwellings:

Enough spaces for the parking at one time of not less than 1 1/2 times as many passenger vehicles as there are dwelling units on the lot. Wherever space is provided for the parking of ten or more vehicles in the open, such spaces shall be screened by a substantial solid wall or fence or thick hedge, 6 feet in height above the average finished grade of the parking area. No outdoor parking space shall be located in any front yard or within 3 feet of any lot line in side or rear yards.

Dwelling used as doctor's or dentist's office: Five spaces.

Dwelling used as professional office other than by a doctor or dentist or in which there is conducted a home occupation: Three spaces

Church: One space for each 4 seats.

Clubs: One space for each 5 members.

Schools: Four spaces for each classroom or one for each 4 seats in auditorium, whichever is the greater number.

Retail business or service establishment (other than a gasoline filling station): One space for each 300 sq. ft. of floor area.

Hotel, motel, boarding or rooming house: One space for each guest room, plus one for each 600 sq. ft. of non-rentable floor space, exclusive of basements or cellars.

Offices: One space for each 300 sq. ft. of building floor area.

Restaurant or similar establishments dispensing food and/or drink; One space for each 100 sq. ft. of floor area devoted to patron use.

Theater, auditorium, place of public assembly: One space for each 4 seats.

Skating rink, dance hall, gymnasium, billiard hall, other place of amusement, the capacity of which is not measurable in terms of seats: One space for each 200 sq. ft. of floor area devoted to patron use.

Bowling Alley: Three spaces for each alley.

Manufacturing and storage establishments: One space for each 150 sq. ft. of floor area but in no event less than one space per each two employees for which the building is designed.

Uses Not Listed: Number of spaces as determined by the Zoning Board of Appeals to be needed to prevent frequent parking on the street by persons visiting or connected with each such use.

4.4.6. Off-Street Loading

All loading and unloading connected with any use shall be performed entirely on the lot.

Section 4.5. Height.

No building or structure shall have a greater number of stories nor have an aggregate height of a greater number of feet than is permitted in the district in which building or structure is located, except as noted elsewhere in this local law.

In residential districts, chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the height provision provided they occupy not more than 20% of the areas of the roof of the building of which they are a part.

In the Highway Commercial and the Central Commercial districts where a lot has frontage on two or more streets or other public ways, if related to the curb level, the height limitation shall apply only as measured from such curb level along the street or way with a higher elevation above sea level. When penthouses, bulkheads, etc., are over twelve feet high or cover more than twenty percent of the roof area, measurements must be taken to the top of such penthouses, or bulkheads. All penthouses, bulkheads, etc., must be ten feet back of the front and rear walls of the building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building.

Section 4.6. Yards

All uses permitted by this local law shall be designed and constructed so that yards are provided with the minimum depths that are listed in the Zoning Schedules.

4.6.1. Exceptions.

Excepting in the residence districts. Cornices or Cantilevered Roofs may project not more than two (2) feet, and belt courses, window sills and other ornamental features may project not more than six (6) inches into a required yard. Fences or walls not over six (6) feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall not be more than one quarter solid. Fences or walls with a height in excess of six (6) feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the building on the lot) shall not project within fifteen (15) feet of a street line or four feet of a property line. No one family or two-family dwelling need have a front yard greater than the average set-back of two or more existing dwellings located within 300 feet on each side of the said dwelling, on the same side of the street and within the

same block and the same district.

Section 4.7. Signs

4.7.1 Billboards.

1. (A.) **Purpose; Intent.** The purpose of this chapter is to promote the public health, welfare and safety by regulating existing and proposed off-premises advertising signs of all types within the Village of Catskill. This chapter is intended to protect property values, create a more attractive business and tourist climate, enhance and protect the physical appearance and historic character of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended to reduce distractions and obstructions that may adversely affect traffic safety, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, protect green space, and trees, and to maintain the generally high level of the community's appearance and attractiveness.
- (B.) (1) **No new billboards shall be constructed or permitted.**
2. **Amortization of Billboards.**
 - (a) **All billboards existing within the boundaries of the Village of Catskill at the time of the adoption of this section shall be removed within a period of three (3) years from the date of adoption of this section.**
 - (b) **Any owner of a billboard subject to removal under this section may apply to the Planning Board for an extension of up to an additional three (3) years of the period within which the structure must be removed, or other such period as is necessary to comply with the laws of New York. A determination on such application shall be within the discretion of the Planning Board. In making such a determination, the Planning Board shall consider the owner's initial investment, the term of ownership, the depreciated value of the structure, and any other relevant evidence supplied by the applicant. The Planning Board may also unilaterally extend the period within which the structure may be removed in order to comply with the laws of New York.**
3. **Prior to the issuance of any extension the Planning Board shall require the applicant to provide the Village of Catskill with adequate security to ensure prompt and continuous compliance with the requirements of this law, such security being in the form of a letter of credit or client fund account, to be held by the Village during the period of time that the billboard shall be permitted.**

The amount of such security in whatever form shall be equal to the full estimate cost of the removal of the structure and sign. The amount of such security shall be determined by the Planning Board prior to issuance of the special use extension.

- 4. No billboards shall contain obscene material.**
- 5. All posts, stanchions or structures on which a billboard is mounted or affixed shall be removed at the same time as the removal of the billboard.**

4.7.2 Residential Districts

In the One-Family Residence, General Residence, and Commercial Residence Districts, signs shall be limited as follows:

- (a) One name plate or professional sign with an area of not over two square foot;
- (b) One temporary sign advertising the sale or rental of the premises on which such sign is situated, with an area of not over 4 sq. ft. provided such sign is located on the front wall of a building or, if free standing, then not nearer than 25 feet to any street line and 15 feet to any property line; and
- (c) One bulletin board or other announcement sign for educational or religious institutions with an area of not over 12 sq. ft. provided such sign is located not nearer than 25 feet to any street, or property line, or attached to the building if closer.
- (d) Flashing, moving, or intermittently illuminated signs or advertising devises are prohibited.

4.7.3 Commercial District

In the Central Commercial District, signs shall be limited as follows:

A. Free Standing Signs

- (1) Where a building is set back at least 15 feet from the street, one free-standing sign shall be permitted on each frontage of a property on a public street. No part of any free-standing sign or its support shall be located within six feet of any building or extend beyond any street line.
- (2) The area of free-standing signs shall not exceed 50 square feet per sign.
- (3) No part of any free-standing sign shall be higher than 18 feet above grade.

(4) Flashing, moving or intermittently illuminated signs or advertising devices are prohibited.

B. All other signs

(1) Not more than one such sign shall be permitted for each tenant on the premises on each wall fronting on a street.

(2) The aggregate area, in square feet, of all signs on any wall shall not be greater than two times in length in feet of such wall.

(3) Such sign or signs shall be parallel to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches beyond the face of the wall to which applied nor any distance beyond the building in any other direction;

(4) No sign shall exceed three feet in height.

(5) Flashing, moving or intermittently illuminated signs or advertising devices are prohibited.

(6) In addition to the aforementioned sign on the face of the building, one overhanging sign perpendicular to the building shall be permitted on the premises. The aggregate area of such sign shall not exceed nine (9) square feet and no side shall exceed four (4) feet. Such overhanging signs must be situated so as to provide a minimum 8' clearance over the sidewalk to permit safe pedestrian passage and shall not protrude more than 5' from the face of the building. Prior to installation, any such sign must be approved by the Code Enforcement Officer and must be designed and installed in compliance with these and all other applicable regulations of the Village of Catskill. An application for approval shall provide a clear sketch of the sign, including dimensions and notes describing materials to be used, installation and height, and sign colors. Sign colors should be in keeping with the historic nature of the village (no florescent colors). If the code enforcement Officer disapproves of a proposed sign, the applicant may request review by the Zoning Board of Appeals by filing for a variance.

(7) Temporary signs made of cardboard or paper, or similar impermanent materials may not be placed on the outside of any building for a period of more than 5 days in any calendar year.

(8) A lawfully existing non-conforming sign, when once removed, shall be replaced only with a sign conforming to these regulations.

(9) When a business or establishment is not in operation for a period of three months, the owner of the building shall remove any sign be non-conforming or conforming. Thereafter, any sign placed upon said premises will conform to these regulations.

(10) In the Central Commercial District, all existing non-conforming signs shall be removed and replaced with conforming signs within three years from the effective date hereof unless such replacement is required earlier pursuant to the terms contained hereinabove.

Section 4.8 Fences.

In Residential Districts fences or garden walls and walks shall be subject to the issuance of a building permit. If a fence or other structure is deemed by the Code Enforcement Officer to be designed primarily to cause annoyance or damage to an adjoining owner, in no case will it be permitted. Maximum height of fencing is 6 feet.

Section 4.9 Swimming Pools.

Swimming Pools shall be subject to the following requirements:

- (a) The edge of the pool shall be kept a distance of not less than 20 feet from all property lines;
- (b) If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties by foliage or a fence or wall; and
- (c) A safety fence as required to meet the NYS Code requirement.

Section 4.10 Enclosed Activity.

In all Commercial Districts all permitted uses and all storage accessory thereto, other than off-street parking, used car lots, and gasoline pumps, shall be carried on in buildings fully enclosed on all sides.

Section 4.11 Adult Uses.

Adult entertainment shall be permitted only in General Commercial District (C-2) subject to the conditions contained herein. No adult use shall be permitted except upon the issuance of a special permit by the Zoning Board of Appeals including any conditions as said Board may determine are appropriate in connection therewith.

Application for a special use permit under this Article shall comply with and be governed by the requirements of Sections 8.2.2. and 8.3 of the Village of Catskill Zoning Law.

4.11.1 Standards for Special Use Permit.

The following standards shall control the location and operation of adult entertainment use:

- a) No more than one adult entertainment use shall be permitted on any lot, and no such use shall be permitted within seven hundred fifty feet (750) feet of any other such use.

- b) No adult entertainment shall be permitted in any building used in whole or in part for residential purposes.
- c) No adult entertainment use shall be permitted on any lot that is located within seven hundred fifty (750) feet of any lot used for residential purpose.
- d) No adult entertainment use shall be permitted on any lot that is located within seven hundred fifty (750) feet of any lot on which is located a school, place of worship, cemetery, counseling or psychiatric treatment facility, community center, day care center, public park, playing field, bike path, or other area in which large numbers of minors regularly congregate.
- d) No adult entertainment use shall be permitted within seven hundred fifty (750) feet of any school bus stop.
- e) Adult entertainment uses shall comply with all other requirements of the Law of the Village of Catskill, as well as all applicable Town, County, State, and Federal Laws and regulations.
- f) All building openings, including doorways, windows, etc., shall be located, covered, or screened in such manner as to prevent a view into the adult entertainment use from any public street, sidewalk, or parking area.
- g) As a condition to the issuance of a special use permit for any such adult entertainment use, there shall be a restriction that no person under the age of eighteen (18) years shall be permitted into or on the premises.
- h) As further condition of the approval of any adult entertainment use, there shall be no outdoor display or advertising of any kind, other than one business identification sign complying with all signage requirements set forth in the Village Zoning Law. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to any sexual act or any part of the anatomy, from any public way or from any other property. This provision shall apply to any display, decoration, sign, show, window or other opening.
- i) It shall be unlawful to operate an adult entertainment use between the hours of 11:00 p.m. and 9:00 a.m.

4.11.2 Definitions.

Adult Bookstore – An establishment having 25% or more of its stock in trade books, magazines, periodicals, recording films, video tapes/cassettes, or other viewing materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or sexual anatomical areas, and which establishment excludes minors by

reason of age.

Adult Entertainment Cabaret – An establishment that presents topless and/or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainers, and excludes minors by reason of age.

Adult Entertainment Uses – Any use constituting an adult bookstore, adult motion picture theater, adult entertainment cabaret, adult motel or massage establishment, as these terms are defined herein.

Adult Motel – A motel that is open to the public generally and makes available to its patrons in their rooms films, slide shows, or video tapes which, if presented in a public movie theater, would exclude minors by reason of age.

Adult Motion Picture Theater – An establishment presenting material distinguished or characterized by primary emphasis on matter depicting, describing, or relating to sexual activities or sexual anatomical areas for observation by patrons, and which establishment excludes minors by reason of age.

Massage Establishment – An establishment where massages are administered, excluding hospitals, nursing homes, medical clinics, offices of health care practitioners duly licensed in which massages are administered to the scalp, the face, the neck, or the shoulder.

4.12 Telecommunications Towers.

4.12.1 Applicability of Standards and Procedures.

- A. No telecommunication tower as defined in this law shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these standards and procedures. No existing structure shall be modified to serve as a telecommunication tower unless in conformity with these standards and procedures.
- B. Telecommunication Towers shall be a special use in General Commercial District, and on any village parcel where a telecommunication tower, other than an amateur radio tower, legally exist.
- C. The maximum permitted height of a communication tower, monopole or any structure constructed for the purpose of locating antennas or telecommunications devices, shall be as follows:
 - 1) Eighty-five feet (85') for a single user or operator.
 - 2) Ninety-five feet (95') for two users or operators; and

- 3) A maximum height of one hundred and thirty five (135') for up to five (5) users or operators. The applicant must demonstrate to the satisfaction of the Zoning Board of Appeals that the proposed height and bulk of a communication or broadcast tower or monopole is the minimum height and bulk necessary to provided service to meet the applicant's communication needs within the Village's boundaries and the visual or aesthetic impact has been minimized to the greatest extent practicable.

Notwithstanding the above, the Zoning Board of Appeals may, in it's discretion and where same shall encourage co-location, require that the height of the tower be increased, up to the maximum height allowable herein. The applicant shall present a long-range conceptual plan for other sites in the vicinity of the proposed facility site to illustrate the effect of variations in tower height and bulk on the number, location and co-location of additional antennas, towers and facilities.

4.12.2 Shared Use of Existing Tall Structures or Existing or Approved Towers

At all times, shared use of existing tall structures (for example municipal water tower, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers shall be strongly preferred to the construction of new towers.

- A. An applicant proposing to share use of an existing tall structure or existing or approved tower shall be required to submit:
 - (i) a completed application for site plan review.
 - (ii) documentation of intent from the owner of the existing facility to allow shared use.
 - (iii) a site plan. The site plan shall show all existing and proposed structures and improvements including roads, buildings, tower (s), guy wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. In cases where shared use of an existing tall structure is proposed, any methods used to conceal this modification of the existing facility, shall be indicated on the site plan.
 - (iv) a report of a licensed professional engineer certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, or existing or approved tower, and explaining what modifications, if any, will be required in order to certify to the above.
 - (v) a complete long form EAF.

(vi) a copy of its Federal Communications Commission (FCC) license.

- B. If, after public hearing, any applicant proposing to share use of an existing tall structure, or existing or approved tower, submits complete and satisfactory documentation in accordance with subsection 4.12.2 above, and if modifications indicated according to subsection 4.12.2 are deemed insignificant by the Zoning Board of Appeals, the Zoning Board of Appeals shall grant a special use permit without further review under the section. If the Zoning Board of Appeals determines that any modifications indicated are significant, it may require further review according to section 4.12.7.

4.12.3 New Communication Tower

The Zoning Board of Appeals may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance (both within and outside of this municipality) of the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

4.12.4 Shared Usage of an Existing Tower Site for New Tower

Where shared use of existing tall structures, and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with section 4.12.2 above. Any new telecommunication tower proposed for an existing tower site shall also be subject to the requirements of section 4.12.3 through section 4.12.21 below.

4.12.5 New Tower at a New Location

The Zoning Board of Appeals may consider a new telecommunication tower on a site not previously developed with an existing tower when an applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical, and submits a report as described in section 4.12.3 above; and when the Zoning Board of Appeals determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation, any proposed new telecommunication tower shall also be subject to the requirements of section 4.12.3 through section 4.12.21 below.

4.12.6 Future Shared Use of New Towers

The applicant may be required to design a proposed new telecommunication tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Zoning Board of Appeals a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers or users in the future. This letter, which shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new tower owner and his/her successors in interest to:

- A. Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
- B. Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers or users.
- C. Allow shared use of the new tower if another telecommunications provider or user agrees in writing to pay charges.
- D. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rate share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

4.12.7 Special Use Standards

Submission Requirements

- A. An applicant proposing a new tower shall meet all the requirements for a special use permit under section 8.2.2 and 8.3. In addition to those items required by Section 8.2.2 and 8.3, the applicant shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads as well as meet all the requirements of section 4.12.8 through 4.12.22.
- B. Supporting Documentation – The Zoning Board of Appeals shall require that the applicant include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Zoning Board of Appeals shall also require a copy of the applicant's Federal Communications Commission (FCC) license. Applicant shall be required to submit radio frequency coverage plots for the proposed facility and all the nearest existing facility to the north, south, east and west.

4.12.8 Lot Size and Setbacks

All propose telecommunication towers and accessory structures shall be setback from abutting parcels, established hiking trails, recorded rights of way, and street lines an distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

- A. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements.
- B. Telecommunication Towers shall be located with a minimum setback from any property line equal to one and one-half (1 ½) times the height of the tower, or one hundred (100) feet, whichever is greater.

4.12.9 Visual Impact Assessment

The Zoning Board of Appeals shall require the applicant to undertake a visual impact assessment of any proposed new tower, or any proposed modification of an existing tower, unless the modification is deemed by the Zoning Board of Appeals to be insignificant. The visual impact assessment shall include:

- A. A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.
- B. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the town including, but not limited to, state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Zoning Board of Appeals shall determine the appropriate key sites at a pre-submission conference with the applicant.
- C. Assessment of alternative tower designs and color schemes, as described in Section 2.110 below.
- D. Assessment of the visual impact of the tower base, guy wires, and accessory buildings from abutting properties and streets. All utilities servicing facility shall be located underground.
- E. The structure shall be sited behind ridge lines.

4.12.10 New Tower Design.

Alternative designs shall be considered for new towers, including lattice and single pole structure. The design of proposed new tower shall comply with the following:

- A. The Zoning Board of Appeals may require that any new tower be designed to accommodate future shared use by other telecommunications providers and users.
- B. Unless specifically required by other regulations, all towers shall have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact. If a painted finish is required, said painted finish shall thereafter be maintained and repainted as required to minimize the visual impact.
- C. The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation. Under unique circumstances, the Zoning Board of Appeals at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
- D. The Zoning Board of Appeals may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.
- E. Accessory structures and attachments to towers shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
- F. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to; company name, phone numbers, banners, and streamers.

4.12.11 Existing Vegetation.

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to site plan approval.

4.12.12 Screening.

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

4.12.13 Access

Adequate emergency and service access plans shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

4.12.14 Parking

Parking shall be provided to assure adequate emergency and service access. The Zoning Board of Appeals shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.

4.12.15 Fencing

Sites of proposed new towers and sites where modifications to existing towers are proposed, shall be adequately enclosed by a fence, design of which shall be approved by the Planning Board, unless the applicant demonstrates to the Zoning Board of Appeals, that such measures are unnecessary to ensure the security of the facility. The Zoning Board of Appeals may require signage to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

4.12.16 Removal

The applicant shall submit to the Zoning Board of Appeals a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the tower. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from any site within four (4) months of such notification. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations, shall be a violation of this Local Law and shall be punishable according to Section 12.

4.12.17 Intermunicipal Notification for New Towers

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, the Zoning Board of Appeals shall require that

- A. An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders the Village of Catskill, and the Greene County Planning Board. Notification shall include the exact location of the

proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.

- B. Documentation of this notification shall be submitted to the Zoning Board of Appeals at the time of application.

4.12.18 Notification of Nearby Landowners

The applicant shall be required to mail notice directly to all land owners whose property is abutting or located within five hundred (500) feet of the property line of the parcel on which a new tower is proposed at least ten (10) days prior to any public hearing. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Zoning Board of Appeals prior to the public hearing.

4.12.19 General Public Liability Insurance

A policy of General Public Liability Insurance shall be obtained by the applicant at the time that site plan review is approved. The policy shall be obtained from an insurance company licensed to do business in the State of New York. The policy shall be in the amount of at least \$3,000,000.00 per occurrence. A certificate of insurance shall be presented to the Zoning Board of Appeals at the time of final approval, showing the Village of Catskill named as an additional insured. Said insurance coverage shall be maintained until such time as the telecommunication tower has been removed.

4.12.20 Authority to Impose Conditions

The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication tower special use or site plan.

Removal Upon Abandonment: Such conditions shall include provisions for dismantling and removal of towers and accessory facilities upon abandonment of use. The terms of any approval for a communication tower and facilities, shall require the applicant to deposit with the Village an amount in escrow a sum of money sufficient to remove the tower, antenna and associated facilities. Such amount shall be arrived at based upon the recommendation of the Village's engineer and other appropriate professionals, including the applicant's engineer. Said funds shall be deposited in a separate, interest bearing account and shall not be utilized for any purpose except as herein state. The interest earned on said funds, upon the written request of the applicant, be returned to applicant on an annual basis or be utilized by the applicant for the maintenance of the tower and facility. The village shall review the sufficiency of the amount in escrow to complete the removal of the tower and facility and shall require a further or additional

amount to be deposited in the event a determination is made that same is necessary based upon the recommendation of the Town's engineer and other appropriate professionals including the owner/operator's engineer. The village shall not utilize the escrow funds herein to remove the tower and facility unless the same has been abandoned and the applicant or its successors in interest failed to remove the facility after more than thirty (30) days following a written demand by the Village to do so. The owner, applicant and/or its affiliate shall be liable for all applicable penalties and fines independent of any amount remaining in escrow.

In the event that the use of a communication or broadcast tower and facilities has been discontinued for a period of one-hundred-and-twenty (120) consecutive days or more, or the owner/operator notifies the Village of its intention to discontinue its use thereof, the facility shall be deemed to be abandoned. If there are two or more operators of users of a communication or broadcast tower facility, then this provision shall become effective only when all users have discontinued use of said facility. The Building Inspector shall make a periodic inspection of the premises, at least annually. The Building Inspector shall make a determination of the date of abandonment and shall request documentation from the owner or operator or the facility regarding usage within five (5) business days of the determination of abandonment.

4.12.21 No Spec Towers

Any and all approvals which the Zoning Board of Appeals may grant are contingent on the applicant providing contracts with carriers prior to the commencement of construction.

4.12.22 Reimbursement of Review Costs

The applicant shall be required to establish an escrow account to reimburse the Village of Catskill for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a communication or broadcast tower and facility. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost to erect the proposed tower and facility but in no case shall be less than \$3,000 or an amount estimated by the Zoning Board of Appeals to be reasonable and necessary to cover the cost of review to be incurred by the Village. An estimate of the approximate costs of review services shall be provided by all necessary reviewing professionals assisting the Village in such reviews. The village shall submit an itemized bill to the applicant at least twenty days prior to any deduction of such amount billed from the escrow account and shall engage in a good faith effort to settle any dispute which may arise regarding such replenishment of the escrow account shall be refunded to the applicant within thirty days of the submission any payment of final bills by the Village and payment in full of all application and approval fees.

ARTICLE V

REVIEW OF HISTORIC PROPERTIES

5.1. Purpose and Scope of Review.

To conserve, protect, enhance and preserve historic sites which are listed on, contribute to, nominated for or eligible for inclusion on the National, State or County Registers of Historic Places or have been identified by the Village of Catskill as being historically significant and/or locally important, the Planning Board shall review the herein identified historic properties prior to the issuance of a building permit, demolition permit, certificate of occupancy, addition or reduction of existing square footage, alteration of windows, doors, siding, facade, or other exterior historical details. The Planning Board shall also review the development of any properties which are substantially contiguous to, or across the street from, a herein identified historic property, provided that the proposed development is first time construction or a change of use, and not the alteration of, or addition to, an existing structure.

5.2 Phased Review.

The herein identified Planning Board review of actions associated with historic properties shall be phased in such a fashion that two (2) years following the date of adoption and filing of this local law, all historic structures or districts which are listed on, or nominated for inclusion on, or eligible for the National, State or County Registers of Historic Places, or have been identified by the Village of Catskill as being historically significant and/or locally important, shall be eligible for review as follows:

(a) For one (1) year, and beyond, following the date of adoption and filing of this local law, the herein identified Planning Board review of actions associated with historic properties shall apply to all historic structures or districts which are listed on, contribute to, nominated for or eligible for inclusion on, the National, State or County Registers of Historic Places, or have been identified by the Village of Catskill as being historically significant and/or locally important that are located within the Village's CC-Central Commercial, WD-Waterfront, and R3-Commercial Residence Zoning Districts.

(b) From the end of the first year, and beyond, following the date of adoption and filing of this local law, the herein identified Planning Board review of actions associated with historic properties shall apply to all historic structures or districts which are listed on, contribute to or nominated for or eligible inclusion on, the National, State or County Registers of Historic Places, or have been identified by the Village of Catskill as being historically significant and/or locally important that are located within the Village's R1-One Family Residence Zoning District.

(c) Beginning with the end of the second year, and beyond, following the date of adoption and filing of this local law, the herein identified Planning Board review of

actions associated with historic properties shall apply to all historic structures or districts which are listed on, contribute to, or nominated for or eligible for inclusion on, the National, State or County Registers of Historic Places, or have been identified by the Village of Catskill as being historically significant and/or locally important that are located within the Village's R2-General Residence Zoning District.

5.3 Planning Board Review.

(A) The review of actions associated with historic properties involving the herein identified historic resources shall follow the Village's Site Plan Review Procedures (Section 4.3.) with the addition of the following guidelines to assure the compatibility of the proposed construction/alteration or demolition with the historic structure and/or the character of the surrounding historic properties:

- a. the general design, character and appropriateness to the property of the proposed alteration, new construction, or demolition;
- b. the scale of the proposed alteration, new construction, or demolition in relation to the property itself, surrounding properties, and the neighborhood;
- c. the general appearance of the proposed alteration, new construction, or demolition and its relationship to the other properties in the neighborhood;
- d. visual compatibility with neighboring historic properties or landmarks, including the proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setbacks; and
- e. the importance of historic, architectural or other features to the significance of the property.

The review of the historic structure shall be consistent with the State Environmental Quality Review Act (SEQRA).

(B) When passing upon an application for demolition, the Planning Board shall require a showing by the applicant that the preservation of the building constitutes a hardship as defined below, or that the building is a non-contributing structure in the historic district.

At the **public hearing**, the **Planning Board** may take testimony and entertain the submission of written evidence from any person, relating to the following:

- (a) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

- (b) Any listing of property for sale or rent, price asked and offers received, if any, within the previous two years;
- (c) Assessed value of the property according to the two most recent assessments;
- (d) Real estate taxes for the previous two years;
- (e) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
- (f) **The economic feasibility of rehabilitation or reuse of the existing structure on the property;**
- (g) For income-producing property, the annual gross income from the property for the previous two years, itemized operating, and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period; and
- (h) Any other information considered necessary by the **Planning Board** in order to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

The applicant shall prove the existence of hardship by establishing that:

- (a) The property is incapable of earning a reasonable return;
- (b) The property cannot be adapted for any use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (c) Reasonable efforts to find a purchaser interested in acquiring the property for rehabilitation and preservation have been made and have failed.

Reasonable return for a residential property is defined as (a) return of investment or (b) fair market value as determined by a competent appraiser or appraisers, whichever is lower.

In deciding upon such application for demolition or removal, the **Planning Board** may consider whether the owner has created his/her own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

Throughout the hardship procedures, the applicant should consult local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

(C) The **Planning Board** shall render its written decision and findings within 60 days following the conclusion of the hearing unless extended by mutual agreement between the applicant and the **Planning Board**. In those instances when a hearing is not held, the Board of Appeal's written decision and findings shall be rendered within 60 days of receipt of an application. In the case of an approval of the application for a Certificate of Economic Hardship, the **Planning Board** shall be empowered to impose reasonable conditions upon the applicant to insure that the activity is conducted consistent with the spirit and intent of this local law. A copy of the decision shall be sent to the applicant by mail and a copy filed with the Village Clerk's Office and the Secretary of the Village Planning Board.

5.4 Demolition of Unsafe Structures

Nothing contained herein shall in any way affect the Village of Catskill's rights and responsibilities as set forth in Local Law Number Two of 1994, entitled: "Local Law Prohibiting Unsafe Buildings Within the Village of Catskill" and, specifically, the Village of Catskill shall not be required to comply with the provisions herein of § 5.2. - Demolition of Historic Properties, in the event it causes the repair or removal of unsafe buildings or structures as referred to in said Local Law Number Two of 1994.

5.5. Maintenance and Repair.

Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any structure or exterior architectural feature of a herein identified structure which does not involve a change in design or change the outward appearance.

5.6. State of Disrepair.

No owner or person with an interest in real property herein identified shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or structural component, or deterioration of structural component or member, whether exterior or interior.

Examples of such deterioration include, but are not limited to:

- (1) Deterioration of exterior walls, chimneys, roofs, porches, steps and trim;
- (2) Deterioration of vertical or horizontal supports, including beams, joists, foundations and footings; and
- (3) Ineffective waterproofing, maintenance or repair of exterior walls, roofs, or foundations, including broken windows or doors.

A serious state of disrepair shall include deterioration of any structure of feature so as to create a public nuisance or to create a hazardous condition.

ARTICLE VI

NON-CONFORMING BUILDINGS AND USES

Section 6.1. Non-Conforming Buildings and Uses.

The following provisions shall apply to all building and uses existing on the effective date of this local law, which buildings and uses do not conform to the requirements set forth in this local law to all buildings and uses that become non-conforming by reason of any subsequent amendment to this local law and the zoning map which is a part thereof and to all conforming buildings housing non-conforming uses.

Section 6.1.1.1.

The right to continue a non-conforming use of buildings or open land shall run with the land indefinitely, subject to the following conditions:

- (a) Shall not be enlarged, extended or placed on a different portion of the lot or parcel of land occupied by such uses on or after the effective date of these zoning regulations, nor shall any external evidence of such use be increased by any means whatsoever, except when the Zoning Board of Appeals shall determine that a proposed new non-conforming use requires less restrictive enforcement of this provision and is more desirable under this zoning law than the prior non-conforming use in relation to the neighborhood, and especially the most immediate area surrounding the non-conforming use;
- (b) Shall not be changed to another non-conforming use without a special permit from the Zoning Board of Appeals, as provided in Article VIII hereof, and then only to a use which, in the discretion of said Board, is of the same or a more restrictive nature, except when the Zoning Board of Appeals shall determine that a proposed new non-conforming use requires less restrictive enforcement of this provision and is more desirable under this zoning law than the prior non-conforming use in relation to the neighborhood, and especially the most immediate area surrounding the non-conforming use.
- (c) Shall not be re-established if such use has been discontinued for any reason for a period of ONE YEAR, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so; and
- (d) Shall not be construed to benefit any structure or use which was, on the effective date of this local law, non-conforming under a previous zoning ordinance and such non-conformity was created during such previous zoning ordinance and had not been approved or permitted in accordance with procedures contained in such ordinance.

6.1.1.2.

Except as provided in paragraph 6.1.1.4. below, no building which houses a non-conforming use shall be:

- (a) Structurally altered or enlarged; or
- (b) Moved to another location where such use would be non-conforming; or
- (c) Restored to other than a conforming use after damage from any cause, except such buildings may be restored, but not enlarged, and the non-conforming use reinstated within one year of such damage; if the restoration of such building is not completed within said one year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.

6.1.1.3.

Normal maintenance and repair, structural alteration in and moving, reconstruction or enlargement of a building which does not house a non-conforming use, but is non-conforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum lot coverage, or similar requirements not related to use, is permitted if the same does not increase the degree of, or create any new non-conformity with such regulations in such building.

6.1.1.4.

Nothing in this Article shall be deemed to prevent normal maintenance and repair of any building, or the carrying out upon the issuance of a building permit of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Code Enforcement Officer shall state the precise reason why such alterations were deemed necessary.

ARTICLE VII

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Section 7.1. Building Permits.

No building or structure in any district shall be erected, demolished, or structurally altered without a building permit issued upon application to the Village Code Enforcement Officer. No building permit shall be issued unless the proposed construction, action, or use is in full conformity with all the provisions of the Village of Catskill Zoning Regulations; or approved under the prior zoning regulations and the prior approval has been implemented to such a degree that the approval has become vested. Implementation would include construction of roadways,

water systems, drainage systems, sewage systems, and other material improvements within the approved project premises.

7.1.1. Every application for a building permit shall be accompanied by the required fee as established from time to time by the Village Board and, except in the case of alterations which do not affect the exterior of a building, by a scale plot plan showing:

7.1.1.1. The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected, or if the lot on which it is situated if an existing building;

7.1.1.2. The block and lot numbers as they appear on the official village tax map, if any;

7.1.1.3. The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing building on the same lot;

7.1.1.4. The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot;

7.1.1.5. The existing and intended use of all building, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate; and

7.1.1.6. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this local law.

Application for the construction of new buildings shall be accompanied by an accurate survey prepared by a licensed engineer or land surveyor. The Code Enforcement Officer may, in his discretion, waive the requirement of a survey when it is established to his satisfaction that the proposed building satisfies all set back and similar requirements imposed by this local law.

7.1.2. No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street approved to the satisfaction of the Planning Board.

7.1.3. No building permit shall be issued for the construction or alteration of any building costing \$20,000 or more, or, when in the judgment of the Code Enforcement Officer, the proposed improvements are sufficiently extensive as to involve structural components of the building or substantially rehabilitate the entire structure, unless the plans and specifications therefor are prepared by, and stamped with, the seal of a registered architect or a licensed professional engineer. The Code Enforcement Officer may waive the requirement of an architect's plans when, in his judgment because of the use of "packaged" products or otherwise, an independent evaluation of structural integrity does not require such plans.

7.1.4. No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board except in conformity with the plans approved by the said Board.

7.1.5. No building permit shall be issued for a building to be used for any use in a zoning district where such use is allowed by special permit of the Zoning Board of Appeals unless and until such special permit has been duly issued by the appropriate board.

7.1.6. The application and all supporting documentation shall be made in triplicate. On issuance of a building permit, the Code Enforcement Officer shall return one copy of all documents filed to the applicant.

7.1.7. If a building permit is denied, the Code Enforcement Officer shall state in writing the reasons for such denial.

7.1.8. Posting of the Building Permit. A copy of the Building Permit will be posted at the building site by the applicant.

Section 7.2. Certificate of Occupancy.

The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Code Enforcement Officer.

a. Occupancy and use of a building hereafter erected, structurally altered or moved or in which there has been any change in use

7.2.1. No certificate of occupancy shall be issued for any use of a building or of land allowed by special permit of the Zoning Board of Appeals unless and until such special permit has been duly issued by the appropriate board. Every certificate of occupancy for which a special permit has been issued or in connection with which a variance has been granted shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.

7.2.2. Application for a certificate of occupancy, on a form furnished by the Code Enforcement Officer for a new building or for an existing building which has been altered, shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this local law and in the case of a new building shall be accompanied by an accurate survey prepared by a licensed land surveyor showing the location of all buildings as built. Such certificate shall be issued within 10 days after receipt of said application, but only providing all requirements of all applicable codes or local laws in effect are complied with.

7.2.3. If the proposed use is in conformity with the provisions of this local law and of all other applicable laws and ordinances, a certificate of occupancy shall be issued by the Code Enforcement Officer within 10 days after receipt of a written application therefore.

7.2.4. Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee as set by the Village Board of Trustees. Copies of such certificate will be made available upon payment of \$1.00 per copy.

7.2.5. Every application for a certificate of occupancy shall state that the building or the proposed use of a building and land complies with all applicable provisions of this local law.

7.2.6. A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building to which it applies.

7.2.7. Upon written request by the owner, and upon payment of the required fee, the Code Enforcement Officer shall, after inspection, issue a certificate of occupancy for any building or use thereof existing at the time of the adoption of this local law, certifying such use (including the number of employees), and whether or not the same and the building conforms to the provisions of this local law.

7.2.8. A record of all certificates of occupancy shall be kept in the office of the Code Enforcement Officer and copies shall be furnished on request, to any agency of the Village or to any persons having a proprietary or tenancy interest in the building or land affected upon payment of a fee as set by the Village Board of Trustees.

ARTICLE VIII

ZONING BOARD OF APPEALS

Section 8.1. Creation, Appointment, and Organization.

There shall be a Zoning Board of Appeals of five members pursuant to the provision of the Village Law. The members of the Zoning Board shall be appointed by the Village Board of Trustees.

Section 8.2. Powers and Duties.

The Board of Appeals shall have all the powers and duties prescribed by law and by this local law, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the said Board that is conferred by law:

8.2.1. Interpretation.

Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of the Zoning Regulations, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

8.2.2. Variances and Special Use Permits.

To authorize, upon appeal in specific cases, such variance from the terms of this local law as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of carrying out of the strict letter of these Zoning Regulations, subject to terms and conditions to be fixed by the Board; provided however that no such variance shall be granted unless the Board finds the conditions specified below for Use Variances or Area Variances have been met:

Use variances.

(a) The Board of Appeals, on appeal from the decision of determination of the Code Enforcement Officer, shall have the power to grant use variances, which is an authorization for the use of land for a purpose which is otherwise not allowed or is prohibited by these Zoning Regulations.

(b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have cause unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that:

(1) under applicable zoning regulations the applicant is deprived of all, economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created; no hardship shall be considered self-created because of the transfer of ownership of a non-conforming use solely because of such transfer.

(c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Area variances.

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances,

which is an authorization for the use of land in a manner which is not allowed by the dimensional or physical requirements of these Zoning Regulations.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. The Board of Appeals will grant no variances on a parcel with existing code violations.

Special Use Permits

- (a) The Zoning Board of Appeals shall have power to authorize the issuance of special use permits by the Code Enforcement Officer in all zoning districts.
- (b) On application, and after public notice and hearing, the Zoning Board of Appeals

shall have the power to authorize the issuance of special use permits by the Code Enforcement Officer for any of the uses for which these zoning regulations require, in the district in which such use is proposed to be located. In authorizing the issuance of a special use permit, the Zoning Board of Appeals shall take into consideration the public health, safety, and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives:

1. That all proposed structures, equipment or material shall be readily accessible for fire and police protection;
2. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning district classification of such properties;
3. That in addition to the above, in the case of any use located in, or directly adjacent to, a residential district:
 - a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and
 - b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
4. In authorizing the issuance of a special use permit, it shall be the duty of the Zoning Board of Appeals to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this local law.

The Zoning Board of Appeals may require special use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination by the Code Enforcement Officer to the effect that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In

all cases a period of 60 days shall be granted the applicant for full compliance prior to revocation of the said permit. Any uses for which a special use permit may be granted shall be deemed to be a conforming use in the district in which such use is located provided that:

- a. The provision in this local law under which such permit was issued is still in effect;
- b. Such permit was issued in conformity with the provisions of this local law; and
- c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

5. **Additional Standards for Certain Special Uses.**

- a. **Multiple Dwellings:** The minimum lot area for such use shall be 80,000 square feet and the minimum lot width shall be 200 feet. There shall be a minimum of 2,000 square feet of lot area for each dwelling unit. The minimum side yard shall be 20 feet. The minimum rear yard shall be 40 feet.
- b. **Conversions of One Family Dwellings:** Structures to be covered must contain not less than 2,000 square feet of livable floor area. No dwelling unit so created shall contain less than 500 square feet of livable floor area.
- c. **Motor Vehicle Service Stations:**
 - (1) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than 10 feet from any property line and shall be so laid out as to avoid the necessity of any vehicle entering the property to back out across any public right of way or portion thereof.
 - (2) Vehicle lifts or pits, dismantled and disabled automobiles or used cars for sale and all parts or supplies shall be located within a building enclosed on all sides.
 - (3) All service or repair of motor vehicles, other than such minor servicing as the change of tires or the sale of gasoline

or oil, shall be conducted in a building fully enclosed on all

- (4) The storage of gasoline or inflammable oils in bulk shall be located fully underground and not nearer than 35 feet from any property line other than the street line.
- (5) No gasoline pumps shall be located nearer than 15 feet to any street line.
- (6) No building permit for a proposed motor vehicle service station shall be issued within a distance of 200 feet of any school, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons, the said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises are located.

Section 8.3. Procedure.

The foregoing powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the following procedure:

- 8.3.1.** A public hearing shall be held by said Board on every appeal and application made to it.
- 8.3.2.** A notice of such hearing and of the substance of the appeal or application shall be given by publication in the official newspaper at least five (5) days before the date of such hearing. A notice of such hearing shall also be transmitted to the applicant. The applicant shall be required to notify any property owners within 300 feet of the subject property by registered mail, certified mail or personal service at least ten (10) days prior to the hearing date, and shall, on or before the date of the hearing, file with the Board a verified statement that such property owners were so notified. The names and address of the owners of the properties as shown on the latest available Village tax rolls may be used for mailing purposes. Proof of timely mailing in accordance with these provisions shall be deemed good and sufficient service. Should the Board deem an area beyond 300 feet of the subject property to be affected, it may require the notification of property owners within not more than 500 feet of said property.
- 8.3.3.** If the land involved in an appeal or application lies within 500 feet of the boundary of another municipality, the applicant shall also transmit to the municipal clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Village.

- 8.3.4.** At least 10 days before the date of any public hearing the secretary of the Board of Appeals shall transmit to the secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Board of Appeals an advisory on said appeal or application at any time prior to the rendering of a decision.
- 8.3.5.** Unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance, such variance shall become null and void.
- 8.3.6.** All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board, and shall be accompanied by a fee set by the Village Board of Trustees as well as payment for the cost of publication.
- 8.3.7.** Every appeal or application shall refer to the specific provision of the Zoning Regulations involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- 8.3.8.** Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the Board of Appeals shall be by resolution and each such resolution shall be filed by case number together with all documents pertaining thereto. The Board of Appeals shall notify the Board of Trustees, Planning Board and the Code Enforcement Officer of its decision in each case. In addition, the decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, a copy thereof mailed to the applicant, and a copy provided to the Village Planning Board.
- 8.3.9.** An application for a variance or special use permit which has been denied by the Board of Appeals may not be re-submitted for a period of three (3) years from the date of the decision of the Board of Appeals' containing such denial.
- 8.3.10.** All the provisions of these Zoning Regulations relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of these Zoning Regulations and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in these Zoning Regulations have been substantially observed no applicant or appellant shall be deprived of the right of application or appeal.

ARTICLE IX
AMENDMENTS

Section 9.1. Amendments.

This local law or any part thereof, may be amended, supplemented or repealed, from time to time, by the Board of Trustees on its own motion or on petition, as provided in Article 7 of the Village Law. Every such proposed amendment shall be referred by the Board of Trustees to the Planning Board for a report before the public hearing. Unless the Planning Board fails to render such report within sixty (60) days after the next regularly scheduled meeting of such Board following the time of such referral, the Board of Trustees shall not take action on any such amendment without a recommendation from the Planning Board.

9.1.1. Report of Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

9.1.1.1. Concerning a proposed amendment to or change in the text of the local law:

- (a) whether such change is consistent with the aims and principles embodied in the local law as to the particular district concerned;
- (b) which areas and establishments in the Village will be directly affected by such change and in what way they will be affected;
- (c) the indirect implications of such change in its effect on other regulations; and
- (d) whether such proposed amendment is consistent with the aims of the comprehensive plan of the Village.

9.1.1.2. Concerning the proposed amendment involving a change in the Zoning Map:

- (a) whether the uses permitted by the proposed change would be appropriate in the area concerned;
- (b) whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change;
- (c) whether the proposed change is in accord with any existing or proposed plans in the vicinity;

(d) the effect of the proposed amendment upon the growth of the Village as envisaged by the comprehensive plan; and

(e) whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

9.1.2. Each petition for a zoning amendment shall be accompanied by a fee to cover cost of advertising payable to Village clerk upon the filing thereof. No fee shall be required for petitions filed in favor of, or against, a pending application.

9.1.3. By resolution adopted at a stated meeting the Board of Trustees shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with the provisions of Section 178 of the Village Law.

9.1.4. All notices of public hearings shall specify:

(a) The nature of any proposed amendment;

(b) The land or district affected; and

(c) The date when, and the place where, the public hearing will be held.

9.1.5. In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of Section 179 of the Village Law.

9.1.6. In all cases where the Board of Trustees shall approve an amendment of the zoning map, the said Board shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the Village.

ARTICLE X

INTERPRETATION

Section 10.1. Interpretation.

In their interpretation and application, the provisions of this local law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this local law to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended

by this local law, to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this local law imposes a greater restriction upon the use of a building or premises, or requires larger open spaces than are imposed or required by any other statute, local law, rule, regulation or permit, or by any easement, or agreement, the provisions of this local law shall control.

In the event of conflict in the terminology of any section or part thereof of this local law, the more restrictive provisions shall control.

ARTICLE XI

DEFINITIONS

Section 11.1. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this local law, have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Area Variance - The authorization by the Catskill Village Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the Village of Catskill Zoning Regulations.

Basement - A story in a building, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street and the floor level of which is below finished grade at any point on the periphery of the building.

Billboard - A sign greater than 10 square feet in area of the type commonly known as a billboard, which directs attention to a business, commodity, service, entertainment or attraction, **either commercial or non-commercial in nature**, sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Building - Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above same as if no building was present; the term "building" shall include the term "structure" as well as the following:

- (a) Signs;
- (b) Fences;
- (c) Walls, other than retaining walls projecting above the ground not more than 3 feet at the high ground level and not more than 6 1/2 feet at the lower ground level,

(d) Radio and television antennae, except for such antennae installed on the roof of a "building" and extending not more than fifteen feet above the highest level of the roof of such "building", and

(e) Pergolas, porches, outdoor bins and other similar "structures."

Building Accessory - a building detached from and subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Cellar - Any space in a building the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street.

Condominium - A single real property parcel with each unit owner having a right in common with other unit owners to use common elements of the parcel but with separate ownership of each individual dwelling unit.

Court, Inner - An open space enclosed on all sides by exterior walls of a building.

Court, Outer - An open space enclosed on three sides by exterior walls of a building.

Court, Outer, Depth of - The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

Court, Outer, Width of - the linear dimension of the unenclosed side of the court.

Curb Level - The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

Double-Wide Trailer (Sectional Manufactured Home) - A home built in two or more sections in accordance with the Federal Department of Housing Code and constructed on a frame so as to have the ability to be placed on a full foundation. Also known as double-wide mobile home or manufactured home.

Dwelling, One-Family - A detached building containing one dwelling unit only.

Dwelling, Two-Family-A detached building containing two dwelling units only.

Dwelling, Multiple - A building or portion thereof containing three or more dwelling units.

Dwelling Unit - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or

porches) or cooking sanitary facilities common with any other "dwelling unit." A boarding or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

Family - A householder plus one (1) or more persons related by blood, marriage, adoption, or foster care living together as a family in a single housekeeping unit sharing kitchen facilities; or a group of persons headed by a householder caring for a reasonable number of individuals in a family manner which is the functional equivalent of a family. A householder is an individual who resides in a dwelling unit and who owns, rents, or otherwise has legal possession of such unit. The foregoing are distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, or hotel.

Floor Area - The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

Floor Area, Livable - All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, heater rooms and basements having a window area of less than 20 percent of the square foot area of the room and of unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as principal rooms, utility rooms, bathrooms, and all closets and hallways opening directly into and appurtenant to, any rooms within the dwelling unit; and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to ceiling level for over 50 percent of the area of such attic space.

Garden Apartment - A low-level apartment building or building complex surrounded by lawns, trees, shrubbery or gardens.

Height - (a) For building the front wall of which is within 5 feet of the street; the vertical distance in feet and in stories measured from the curb level to the highest level of the roof surface of roofs the slope of which is not more than one inch vertical to one foot horizontal or the main point between the eaves and the highest point of the roof if the roof is of any other type.

(b) For buildings located in their entirety more than five feet from the street line, the "height" in feet and in stories shall be established by the Code Enforcement Officer in such a way that no building shall be prevented from attaining at least at one point the maximum "height" permitted in the district in which such building is proposed to be erected, such "height" to be measured above the elevation of the finished grade abutting such building at that point.

(c) For one or two-family dwellings; the vertical distance from the average level of the finished grade along the wall or walls of the building facing the street to the highest level of the roof surface of roofs the slope of which is not more than one inch vertical to one foot horizontal

or the main point between the eaves and the highest point of the roof if the roof is any other type.

Hotel - A building where meals and lodging are provided for travelers, transients and other individuals.

Lot - Any parcel of land, not necessarily coincident with a lot or lots shown on a map or record which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

Lot, Corner - A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot, Depth - The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot, Line - Any boundary of a lot other than a street line.

Lot, Line, Rear - The lot line generally opposite to the street line.

Lot, Width - The width of a lot measured along a line drawn parallel to the street line through the point of construction nearest to the street line.

Modular Home - A home constructed in sections and built in accordance with the New York State Modular Housing Code and assembled upon a foundation wall.

Motel - A roadside hotel or a group of furnished cabins providing accommodations for motorists and their vehicles.

Non-Conforming Building or Use - A building or use that does not conform to all the regulations prescribed for the district in which it is situated with the exception or regulations for height, lot area, lot width, lot depth, yards, location of accessory building, maximum coverage, off-street parking, usable open space, courts, and maximum intensity of use.

Parking Space - a paved or surfaced space which, exclusive of driveways and turning areas, is ten feet wide by twenty feet long and which is accessible and available at all hours for the parking of one passenger car.

Sign - Any letter, word, model, banner, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction or directive. If any letter or word on an existing sign is changed, such change will result in the

creation of a new sign which shall be subject to all provisions set forth in Section 4.7 hereof.

Sign, Area - Sign area shall be measured as follows:

(a) when such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.

(b) when such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter of which such sign consists may be inscribed.

The word "sign" includes the word "billboard," but does not include the flag, pennant or insignia of a nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

Story - That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of one finished floor and the level of the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Story, Half - Any space partially within the roof framing, where the clear height of not more than 50 percent of such space between the top of the floor beams and structural ceiling level is 7 feet 6 inches or more.

Street - Any public street, court, place, square, lane or way set aside or used as a right of way for common street purposes.

Street Line - The dividing line between a lot and a street.

Structural Alteration - Any change in the supporting members of a building.

Swimming Pool - Any pool larger than 100 square feet and with a depth of two feet or more, whether above or below ground level.

Telecommunications Tower- Any structure greater than thirty-five (35) feet in height, which is capable of receiving and/or transmitting signals (for the purpose of communications).

Town House - A single family dwelling with one or more shared walls, sometimes called a row house or a single family attached dwelling.

Trailer - Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include such vehicles if mounted on temporary or

permanent foundations with the wheels removed, and shall also include single-wide manufactured homes build in accordance with the Federal Department of House Code and constructed on a frame so as to have the ability to be placed on a slab.

Usable Open Space - An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25 percent is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided such space is available and accessible to all the said occupants by means of access other than stairs.

Use, Accessory - A use customarily incidental and subordinate to the main use on a lot, whether such "accessory use" be conducted in a principal or accessory building.

Use Variance - The authorization by the Catskill Village Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the Village of Catskill Zoning Regulations.

Yard, Front - An unoccupied ground area between the front boundary line of the property and a line abutting and parallel to the front of the building thereon.

Yard, Rear - An unoccupied ground area between the rear boundary line of the property and a line abutting and parallel to the back of the building thereon.

Yard, Side - An unoccupied ground area between the side boundary line of the property and a line abutting and parallel to the side of the building thereon and closest thereto.

ARTICLE XII

ENFORCEMENT, VIOLATIONS, AND PENALTIES

Section 12.1. Enforcement.

12.1.1. It shall be the duty of the Code Enforcement Officer, who shall be appointed by the Board of Trustees, to enforce the provisions of this local law and of all rules, conditions and requirements adopted or specified pursuant thereto.

12.1.2. Where a building permit has been issued the Code Enforcement Officer or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at any reasonable hour in the course of their duties. He shall maintain files of all applications for building permits and plans submitted therewith and for certificates of occupancy and records of all building permits and certificates of occupancy issued by him, which files and records shall be

open to public inspection.

12.1.3. Said Code Enforcement Officer shall keep a record of every written complaint of a violation of any of the provisions of this local law, and of the action taken consequent on each such complaint, which records shall be public records. He shall report to the Board of Trustees, at intervals of not greater than one month, summarizing for the period since his last previous report all building permits and certificates of occupancy issued by him and all complaints of violations and the action taken by him consequent thereon.

12.2. Violations and Penalties.

Violation of this local law shall constitute a Class B misdemeanor under the Penal Law and shall subject the violator to fines and imprisonment, or both. Violation may also subject the violator to civil proceedings for all of the remedies specified in §7-714 of the Village Law. The Village may proceed by criminal action or civil action, or both, and shall not be deemed to have elected a remedy by proceeding in either manner.

It shall be the duty and responsibility of all Village officials immediately upon becoming aware of a violation of any of the terms of this local law or the provisions of any rule or regulation promulgated for its implementation, to notify the Code Enforcement Officer and the Village Attorney of the violation. It shall be the obligation of the Code Enforcement Officer and the Village Attorney to take appropriate legal action to rectify the violation.

Liability under this local law shall extend to any owner, general agent, architect, engineer, builder, or contractor of a building or premises or part thereof where such violation has been committed or shall exist. Each and every week that any such violation continues shall constitute a separate offense. In any enforcement proceeding, the Village be entitled to recover all costs and fees incurred therein, including reasonable attorney's fees. all costs and fees reimbursable pursuant to law.

Nothing in this local law shall prevent any property owner or resident of the Village, the Village itself, any board or agency of the Village or any person residing on or owning property outside the village, from availing themselves of any lawful remedy in preventing or abating any violation or any provision of this local law; provided, in the case of property owners or residents within or outside of the Village, such person must be able to establish standing to proceed before the court.

Section 12.3. Enforcement Against Contractors.

In the event that a contractor shall proceed with the construction, renovation, alteration or improvement of any property within the Village without first having obtained a building permit covering the work to be performed, the contractor shall be guilty of a violation of this local law and subject to the penalties set forth in Section 12.2 hereof. Each day of work upon the job

shall constitute a separate offense.

ARTICLE XIII

SEVERABILITY

Section 13.1. Severability.

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE XIV

EFFECTIVE DATE

Section 14.1.

This local law shall be effective immediately upon its being adopted by the Board of Trustees of the Village of Catskill and upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Last Revised 03/25/03

CV~Zoning

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of ~~19~~ 2003 of the ~~(County)(City)(Town)~~ (Village) of Catskill was duly passed by the Board of Trustees on March 24, 2003 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Carolyn A. Pardey

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 3/31/03

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

D. Theodore

Signature

Village attorney

Title

~~County~~
~~City~~ of Catskill
~~Town~~
Village

Date: March 31, 2003