

Proposed Local Law Number 02-2020 as Revised July 7, 2020

1. A new Section 165-20 shall be added to the Town Code stating:

“1. The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

“Upon receipt of a complete set of development approval plans (residential districts) or site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment ("CCE") for its review and recommendations. If the Planning Board determines not to refer a set of development approval plans or site plans to the CCE for review and recommendation, it shall promptly notify the CCE of such decision.”

4. That Town Code Section 161-7(B)(1) shall be amended to state:

“In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the Planning Board. If the approving authority determines not to refer an application to the CCE for review and report, it shall promptly notify the CCE of such decision.”

5. That the following sections of Town Code Article VIIA entitled “Special Provisions for County Agricultural District Properties” shall be amended as follows:

§ 165-26.1 is hereby stricken in its entirety and replaced with the following:

“Purpose. The purpose of this Article VIIA is to create an Agricultural District Overlay Zone which provides special regulations with respect to properties located in agricultural districts created under Article 25-AA of the New York State Agriculture and Markets Law and § 283-a of the New York State Town Law, in recognition of § 305-a(1) of the Agriculture and Markets Law (hereinafter referred to as the “AG District Overlay Zone.”

§ 165-26.2 is stricken in its entirety and replaced with the following:

“Districts

A. The following overlay zoning district is hereby created:

Zoning District Name	Abbreviated Designation
Agricultural District Overlay Zone	AG

B. Properties falling within the Agricultural District (AG) overlay zone shall be those properties included within the County Agricultural District under Article 25-AA of the New York State Agriculture and Markets Law. The Agricultural (AG) District shall be an overlay zone corresponding to and including only those properties so designated. Removal or withdrawal of a property from the County Agricultural District shall result in that property's being located in the base zoning district in effect as of the date of removal or withdrawal.”

§ 165-26.3 is stricken in its entirety and replaced with the following:

“Permitted Uses: bulk and site development plan regulations:

A. AG Agricultural Overlay District.

- (1) Permitted uses: farm operations as defined in Agriculture and Markets Law § 301(11);
- (2) Special permit uses: bed-and-breakfasts, commercial stables, camps and outdoor recreational facilities.
- (3) Accessory uses: residential uses to house the owner of the farm operation, his/her immediate family, and those exclusively employed by him/her in connection with the farm operation.
- (4) Lot and bulk regulations.
 - (a) All lots shall contain at least the minimum size required to be included in the County Agricultural District; all principal and accessory structures other than fences and walls shall be no closer than 50 feet to any lot line; all structures designed for the housing, care and/or feeding of livestock shall be no closer than 100 feet to any lot line; and no structure (except for silos) shall exceed 35 feet in height.
 - (b) Any lot which lawfully existed on the effective date of enactment of this Article VIIA, which fails to meet the minimum lot area requirement of a lot, shall be considered a legal nonconforming lot and may be employed for farm operations subject to all other dimensional regulations specified herein. Any abutting nonconforming lot(s) located in the AG District, which is/are owned by the same owner or owners, shall be considered as one merged lot for the purposes of this chapter.
- (5) Site development plan review in agricultural districts. Activities which comprise farm operations in agricultural districts shall be subject to the site development plan approval procedures outlined in this Subsection A(5), rather than §§ 165-16 or 165-21 of this Code, unless the proposed activity poses a threat to public health or safety, including ground and surface water, in which case the provisions of §§ 165-16 and/or 165-21, shall apply to the fullest extent authorized by Ag and Markets law 8 Article 25-AA.

(a) Site development plan submission requirements:

- [1] Application form, required fees and escrow.
- [2] A scaled drawing of the site and location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways, prepared by a New York State licensed architect, engineer, or land surveyor.
- [3] Existing contours showing elevations at two-foot intervals.
- [4] Illustration of regulated wetlands, wetland buffers, water bodies and/or watercourses and buffers associated with the water bodies and/or watercourses delineated in accordance with Chapter 144 of the Putnam Valley Town Code.
- [5] Illustration of existing and proposed water supply and sewage disposal systems.
- [6] Proposed location and arrangement of buildings and structures on site, including means of ingress and egress, parking, circulation of traffic, and signage, exterior dimensions of buildings and structures along with any available blueprints, plans or drawings.
- [7] A description of the project including the intended use of the land and proposed buildings, structures, signs and any anticipated changes in the existing topography and natural features of the site to accommodate the changes. The application shall also include a certified copy of the County approval for the admission of the property into the Agricultural District and the application submitted to the County such admission/review.
- [8] A soil erosion and sediment control plan shall be prepared in conformance with state requirements and Chapter 155 of the Code of the Town of Putnam Valley to the fullest extent under Ag and Markets Law Article 8 25-AA.
- [9] A stormwater pollution prevention plan under Chapter 102 of the Putnam Valley Town Code to the fullest extent authorized under Ag and Markets Law Article 8 25-AA.
- [10] Additional information as required by the Planning Board.

(b) Procedure:

- [1] Application shall be submitted to the Planning Board and shall be placed on the next available agenda.
- [2] An application will be deemed complete when all the information and documentation required under Subsection 5(a) above has been received and reviewed by the Planning Board.
- [3] The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant,

all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

[4] The Planning Board shall approve the proposed farm operation upon the applicant's demonstrating that:

[a] The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law § 301(11) and conforms to the farm operations represented in the application for admission/renewal to the Agricultural District and all terms and conditions of such approval.

[b] The proposed project complies with the requirements of paragraph 2(a) and does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, water bodies, and/or groundwater.

[5] The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this section, it shall issue its decision no later than 30 days after such public hearing.

[6] The Planning Board may impose reasonable conditions upon the approval.”

§ 165-26.4 is hereby stricken.

S 165-26.5 is stricken and replaced with the following:

“Future Subdivisions:

Future subdivisions of all lots now or hereafter included within the AG District shall be subject to the following criteria and shall require Planning Board approval under the procedures applicable to lots outside the AG District.

A. The maximum number of lots into which any AG lot may be subdivided may not exceed that number of lots into which the AG lot could have been subdivided prior to that lot's inclusion in the AG District. This calculation shall be made by the Planning Board based on submission of requisite documentation provided by the applicant prior to any site disturbance, shall be certified by the Town's planning, engineering and wetland consultants, and shall be filed with the Town Clerk.

B. Where the above calculations cannot be made because an AG parcel has already been disturbed to facilitate farm operations, all lots resulting from any future subdivisions of that parcel shall conform to the bulk requirements of the CD Zoning District, except that no lot shall contain fewer than 10 acres of net lot area.”

A new 165-26.6 shall be added to ARTICLE VII of the Town Code stating as follows:

“Future Zoning and Building Requirements”

Parcels and buildings which are no longer included in the County Agricultural District must comply with the base zoning district requirements and the New York State Building Code in effect as of the date the property is no longer included the County Agricultural District.”

Town Code Section 165-16B is hereby amended to add a new subsection (5) stating as follows:

“Any farm operation in PD, CD, R-1, R-2, and R-3 Zoning Districts, except for those properties located in the Agricultural Overlay District (AG) regulated under Section 165-26 of the Town Zoning Code.”

6. A new Town Code Section 120-11.1 is hereby added to state as follows:

“No Recreation Vehicle, as same shall be defined in the Town Zoning Code, shall be parked on a Town highway for a period of more than 24 hours during any month, and no Recreation Vehicle shall be used as living quarters while parked on a Town Highway”.

Town Code Section 165-27 J(2) is hereby amended to strike the words “or side yard”.

7. **A New Town Code Section 165-65.1 is hereby added to state:**

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

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