

**RESOLUTION 8:17 - # \_\_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Code local law amendment be made to Town Code Chapter 108, entitled "Taxation," specifically to delete, in their entirety, §§108-17 through 108-23 relating to "Business Investment"; and

WHEREAS, the proposed amendment is annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Town Code is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) requiring no further environmental review; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed amendments for September 21, 2022, at 6:00pm, or as soon thereafter as the matter may come to be heard, in the Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post and provide notice of the public hearing as required by law.

**ARTICLE V**  
**Business Investment**  
**[Adopted 7-17-1996 by L.L. No. 9-1996]**

**§ 108-17. Purpose.**

This article shall allow real property constructed, altered, installed or improved for the purpose of commercial, business or industrial activity to be exempt from taxation, special ad valorem levies and service charges pursuant to Real Property Tax Law § 485-b to the extent hereinafter provided.

**§ 108-18. Computation of exemption.**

Such real property shall be exempt for a period of one year to the extent of 50% of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years; provided, however, that the extent of such exemption shall be decreased by 5% each year during such additional period of nine years. The following table shall illustrate the computation of the tax exemption:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%

**§ 108-19. Qualification for exemption.**

- A. No such exemption shall be granted unless such construction, alteration installation or improvement exceeds the sum of \$10,000.
- B. For the purposes of this article, the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

**§ 108-20. Application.**

Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the State Board. The original of such application shall be filed with the assessor of the Town of Putnam Valley on or before the appropriate

taxable status date. A copy thereof shall be filed with the State Board.

**§ 108-21. Approval of application.**

If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article, he or she shall approve the application, and such real property shall thereafter be exempt from taxation, special ad valorem levies and service charges as herein provided, commencing with the assessment roll prepared after the taxable status date referred to in § 108-20. The assessed value of any exemption granted pursuant to this article shall be entered by the Assessor on the portion of the assessment roll provided for property exempt from taxation.

**§ 108-22. Eligible properties.**

The provisions of this article shall apply to real property used primarily for the buying, selling, storing or developing goods or services, the manufacture or assembly of goods or the processing of raw materials. This article shall not apply to property used primarily for the furnishing of dwelling space or accommodations to either residents or transients other than hotels or motels.

**§ 108-23. Change of use of exempt property.**

In the event that real property granted an exemption pursuant to this article ceases to be used primarily for eligible purposes, the exemption granted pursuant to this article shall cease.

**RESOLUTION 8:17 - # \_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that certain Town Code local law amendments be made to Town Code Chapter 100, entitled "Special Districts," to amend regulations regarding registration of boats and watercraft and seasonal removal of such boats and watercraft from district property, said amendments will make these regulations applicable to all districts; and

WHEREAS, the proposed amendment is annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Town Code is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) requiring no further environmental review; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed amendments for September 21, 2022, at 6:00pm, or as soon thereafter as the matter may come to be heard, in the Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post and provide notice of the public hearing as required by law.

## **Chapter 100**

### **SPECIAL DISTRICTS**

**[HISTORY: Adopted by the Town Board of the Town of Putnam Valley as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Animals — See Ch. 51.**

**Littering and dumping — See Ch. 79.**

**Boats and vessels — See Ch. 58.**

**Solid waste — See Ch. 97.**

## ARTICLE I

**Regulations Applicable to All Districts**

- A. All boats which are authorized to be moored, landed, or stored on District property must first be registered by their owners with the Putnam Valley District Clerk. Upon registration, a numbered tag will be issued by said Clerk which shall be permanently affixed to the bow of the boat. Proof of residence within the District shall be required prior to the issuance of such identification tag.
- B. Boats and watercraft stored or located on District-owned property shall be removed from District-owned property by their respective owners no later than November 1 of each year. Boats and watercraft not removed from District-owned property by November 1, will be deemed abandoned and will be removed by the District and sold or scrapped.
- C. The bathing area and the beach section and any steps, walkways or ramps to the bathing area shall be kept free from boats at all times.

~~ARTICLE I~~ ARTICLE II**Hilltop Estates**

**[Adopted 6-19-1974 by L.L. No. 4-1974 as Ch. 18 of the 1974 Code]**

**§ 100-1. Definitions. [Added 8-20-1975 by L.L. No. 8-1975]**

For the purpose of these regulations, the following terms shall have the meanings indicated:

HOUSEHOLDER — One owning property on which is contained a dwelling conforming with the Building Code of the Town of Putnam Valley.

**§ 100-2. Parking.**

Parking in the Hilltop Estates Improvement District parking lot by property owners shall be by permit only, with one permit issued to each house. Permits shall be issued to residence property owners only. Lot owners shall not receive permits. No motor vehicle without the proper permit shall be permitted to enter the parking area.

**§ 100-3. Use of beach. [Amended 8-20-1975 by L.L. No. 8-1975]**

- A. The beach area shall be used by property owners, their lessees, members of their immediate family and their invitees only.
- B. Only those persons shall be admitted to the beach areas who are properly identified as members of those groups named above. Such identification shall be by token. These tokens shall be distributed as follows: eight tokens for one-family households or 12 tokens for existing two-family households that are so taxed.
- C. Tokens are not transferable.

**§ 100-4. Use of soap.**

No person shall use or apply soap in any form, or for any purpose whatsoever, in the lake

or within the beach areas.

**§ 100-5. Dogs. [Amended 4-15-1998 by L.L. No. 5-1998]**

No dogs or other animals shall be permitted to enter the beach areas or the waters of the lake abutting thereon, except for service dogs and dogs used by law enforcement personnel when actually in such service.

**§ 100-6. Motor or other craft. [Amended 8-20-1975 by L.L. No. 8-1975]**

No owner, operator or occupant of a motor or other craft shall be permitted to land on or to moor to any of the beach property, or to anchor in any of the waters of the lake abutting thereon, except that householders of the improvement district or their lessees shall be, and they hereby are, permitted to moor, land or store their craft on beach property set aside for such purpose. Docking facilities are to be limited to the mooring of one boat per each householder.

**§ 100-7. Beaching boats.**

It is forbidden to leave boats on the beach, out of the water, for overhauling, painting or any other purpose, during the period extending from June 20 to Labor Day. Hilltop Estates Improvement District property owners or their lessees leaving their boats either on the beach area or in the waters abutting thereon do so at their own risk and responsibility.

**§ 100-8. Boat registration and restriction. [Amended 7-21-2010 by L.L. No. 5-2010]**

- A. ~~All boats which are authorized to be moored, landed or stored on beach property pursuant to § 100-6 hereof must first be registered by their owners with the Putnam Valley District Clerk. Upon registration a numbered tag will be issued by said Clerk which shall be permanently affixed to the bow of the boat. Proof of residence within the Hilltop Estates Improve District shall be required prior to the issuance of such identification tag.~~
- B. ~~Boats on District owned property not displaying the tag required under Subsection A hereof shall be removed from District owned property by their respective owners no later than August 15, 2010. Boats not displaying such a tag, and not removed from District owned property by August 15, 2010, will be deemed abandoned and will be removed by the District and sold or scrapped.~~
- C. ~~The bathing area and the beach section from the steps to the bathing area shall be kept free from boats at all times.~~

**§ 100-9-100-8. Littering.**

It is unlawful to litter the beach. All refuse and garbage must be deposited in containers provided therefor.

**§ 100-10 100-9. Real and personal property.**

No person shall destroy, injure, deface, remove, tear down or otherwise interfere with the real or personal property of the improvement district.

**§ 100-11 100-10. Fishing.**

Fishing is forbidden from the beach area or from any property abutting thereon during bathing hours.

**§ 100-12 100-11. Use of facilities. [Added 8-20-1975 by L.L. No. 8-1975]**

Hilltop Lodge and all Hilltop Improvement District property and facilities shall be used by household owners, their lessees, their immediate families and their house guests only.

**§ 100-13 100-12. Operation of motor vehicles. [Added 8-20-1975 by L.L. No. 8-1975]**

It is forbidden to drive in a reckless and careless fashion on any of the roads within the Hilltop Improvement District.



**§ ~~100-14~~ 100-13. Dressing requirements. [Added 8-20-1975 by L.L. No. 8-1975]**

No person shall dress or undress in the open or in any motor or other vehicle on any of the properties within the Hilltop Improvement District.

**§ ~~100-15~~ 100-14. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]**

Any person found guilty of a violation of this article, or any part thereof, or any rule or regulation made thereunder, upon conviction thereof, shall be subject to a fine of not more than \$50 or, in default thereof, imprisonment for not more than 30 days.



~~ARTICLE II~~ ARTICLE III  
**Roaring Brook Lake**

**[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 21 of the 1974 Code]**

**§ 100-16. Water level.<sup>1</sup>**

No person may raise or lower the height of Roaring Brook Lake by removing, replacing or otherwise adjusting or tampering with any board, locks, stones or any other part of the Roaring Brook Lake Dam unless specific authorization for such action is granted by the Town Board.

**§ 100-17. Dam.**

It is hereby declared unlawful for any person to enter upon, walk upon or drive any vehicle upon the Roaring Brook Lake Dam unless specific authorization for such action is granted by the Town Board.

**§ 100-18. Animals.**

No dogs or other animals shall be permitted to enter the beach areas or the waters of the lake abutting thereto.

**§ 100-19. Beach areas to be kept free of boats.**

The beach areas owned and maintained by the district, or the waters of the lake abutting thereto, to a distance from the shore that shall be publicly posted at such beach areas, shall be kept free of boats at all times.

**§ 100-20. Littering.**

No person shall litter the beach areas owned and maintained by the district, nor deposit refuse or garbage in any place other than in the containers provided therefor.

**§ 100-21. Dressing requirements.**

No person shall dress or undress in the open or in any motor or other vehicle on any of the properties owned and maintained by the district.

**§ 100-22. Fishing.**

No person shall fish from the beach areas owned and maintained by the district.

**§ 100-23. Use of beach areas.**

The use of the beach areas shall be restricted to property owners, their lessees and the members of their immediate families and their guests. Only those persons shall be admitted to beach areas who are properly identified as members of those groups named above. Such identification shall be made by token.

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1. Editor's Note: Former § 21-11, Boat regulations, which immediately preceded this section, was repealed 8-24-1994 by L.L. No. 7-1994.

**§ 100-23.1. Parking. [Added 6-2-2021 by L.L. No. 3-2021]**

Roaring Brook Lake District owned parking areas shall be restricted to property owners, their lessees, the members of their immediate families and their guests. Any vehicle parked in a Roaring Brook Lake District owned parking lot shall be identified by displaying a numbered Roaring Brook Lake District registration sticker or tag on its windshield, dashboard, or hanging from the rearview mirror. Any vehicle not displaying a Roaring Brook Lake District registration sticker or tag may be removed from District parking lots at the owner's expense. No vehicle shall be parked overnight in an RBL District owned parking lot.

**§ 100-24. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998; 6-2-2021 by L.L. No. 3-2021]**

Any person violating any of the provisions of this article shall be guilty of a violation, and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

~~ARTICLE III~~ ARTICLE IV  
**North View Park District**  
[Adopted 10-15-1975 by L.L. No. 9-1975 (Ch. 22 of the 1974 Code)]

**§ 100-25. Parking at beach entrances.**

All motor and other vehicles are forbidden to park within the two designated entrances of the beach areas at any time.

**§ 100-26. Parking on park and private property.**

Buses and other vehicles carrying picnic parties shall not park upon property of the Park District or upon the lands of the property owners without their consent.

**§ 100-27. Operation of motor vehicles.**

It is forbidden to drive in a reckless and careless fashion on the roads within said Park District.

**§ 100-28. Bicycles on beaches.**

There shall be no bicycle riding in or on beach areas.

**§ 100-29. Use of soap.**

No person shall use or apply soap in any form for any purpose whatever in the lake or within the beach areas.

**§ 100-30. Dogs. [Amended 4-15-1998 by L.L. No. 5-1998]**

It is hereby declared unlawful for dogs to roam at large; nor shall dogs or any other animals be permitted to enter any of the beach areas or the waters of the lake abutting thereon, except for service dogs and dogs used by law enforcement personnel when actually in such service.<sup>2</sup>

**§ 100-31. Destroying or injuring property; signs.**

No person shall destroy, injure, deface, remove, tear down or otherwise interfere with the real or personal property of the Park District. No individual signs may be placed on beach areas.

**§ 100-32. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]**

Any person who shall violate this law is guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

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2. Editor's Note: Former § 22-7, Boat regulations, which immediately followed this section, was repealed 8-21-1994 by L.L. No. 7-1994.

ARTICLE IV ARTICLE V**Lake Peekskill**

[Adopted 8-17-1988 by L.L. No. 5-1988 (Ch. 19 of the 1974 Code)]

**§ 100-33. Beaches.**

- A. Use of beaches. The use of the beach areas and district property giving access to the lake shall be restricted to district property owners, their lessees and their guests and the members of their immediate families and their guests. Only those persons shall be admitted to beach areas who are properly identified as members of those groups named above. Such identification shall be made by token.
- B. Beach rules. The behavior of persons using district beaches and waters shall be governed by district beach regulations adopted by the Town Board. Said regulations may be amended by resolution of the Town Board after public hearing and shall be posted at each district beach.
- C. Dogs. No dogs or any other animals, except guide dogs, are permitted to enter any of the beach areas or the water of the lake abutting thereon.
- D. Motor vehicles and bicycles on beaches. No automobiles or other motorized vehicles may be driven or parked on any district beach. No bicycle shall be ridden on a district beach.
- E. Dressing requirements. No person shall dress or undress on any of the properties of the district except in such bathing house as may be maintained by the district.

**§ 100-34. Depositing materials in lake; feeding fowl; fires.**

- A. <sup>3</sup>Depositing materials in lake. No person shall deposit or throw any litter, foreign matter, chemicals, leaves, yard waste, grass clippings or chemicals in the waters of Lake Peekskill or its inlet or outlet. Any person committing the same shall be subject to penalties as described in Chapter 81, Littering and Dumping, of the Code of the Town of Putnam Valley.
- B. Feeding of Canada geese and other waterfowl. To minimize the introduction of nutrients into the waters of Lake Peekskill by discouraging the presence of Canada geese or other waterfowl at the lake, it is a violation for any person to feed Canada geese or other waterfowl within the Lake Peekskill Improvement District.
- C. Fires. No fires shall be kindled on district property or on the frozen waters of Lake Peekskill without prior approval of the Town Board.

**§ 100-35. Garbage and refuse collection.<sup>4</sup>**

- A. All garbage shall be stored in suitable covered receptacles and shall be placed in covered receptacles at the road by 7:30 a.m. on collection day and removed by the responsible property owner or lessee before the end of the same day.

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3. Editor's Note: Former Subsection A of this section, regarding boats and vessels, which immediately preceded this subsection, was deleted 8-24-1994 by L.L. No. 7-1994.

4. Editor's Note: See Ch. 97, Solid Waste.

- B. Prohibited waste. No person shall use the Lake Peekskill garbage and waste collection system to dispose of toxic or hazardous waste, waste oil, automobile parts or tires, construction or demolition debris, explosives, bathroom fixtures, manufacturing/industrial waste or hospital/medical waste.
- C. Bulk collection. Bulk items weighing more than 40 pounds or more than three feet in length, such as furniture or kitchen appliances, may be left at the road for collection only on the week or weeks designated for district collection of bulk items. The placing of bulk items by the road at other times shall be considered dumping or littering, and persons committing the same shall be subject to penalties as described in Chapter 81, Littering and Dumping, of the Code of the Town of Putnam Valley.
- D. Yard waste. Leaves and small branches will be collected only if placed in biodegradable bags approved by the district. Branches, logs and other yard waste will not be collected. Yard waste shall not be put out for pickup with or included in garbage for regular collection or for bulk collection.
- E. Recyclables. When the district mandates separation of any recyclable materials and makes provisions for separate collection of those materials, failure to separate designated recyclable materials as required will subject the resident to the penalties as provided in § 97-28B of Article III, Recycling, of Chapter 97. The Town Board may mandate separation of recyclable materials by Town Board resolution after public hearing. [Amended 4-15-1998 by L.L. No. 5-1998]

**§ 100-36. (Reserved)<sup>5</sup>**

**§ 100-37. Parking lots.**

- A. Persons using. District parking lots are to be used only by district residents and their guests or by persons using or renting district property for lawful purposes or by persons patronizing commercial, religious or social establishments in Lake Peekskill.
- B. Use of lots. In order to minimize hazards to drivers or persons in the parking lots, district parking lots are to be used only for the temporary parking of cars and not for commercial, social or recreational purposes without Town Board approval.
- C. Overnight parking. No vehicle shall be parked overnight in a district lot without prior notice to the current enforcement authority and without giving a reason for such overnight parking.
- D. Refuse receptacles. Household garbage or household refuse shall not be deposited in refuse receptacles in district parking lots or beaches.

**§ 100-38. Lake Peekskill Community Center.**

The Town Board shall, by resolution, after public hearing, adopt rules and rates for the use of the Lake Peekskill Community Center.

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5. Editor's Note: Former § 100-36, Water system rates and rules, as amended 6-19-2002 by L.L. No. 6-2002, was repealed 5-21-2008 by L.L. No. 3-2008.

**§ 100-39. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]**

Any person who shall violate this article is guilty of a violation and upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.



~~ARTICLE V~~ ARTICLE VI**Abele Park****[Adopted 5-18-1994 by L.L. No. 4-1994]****§ 100-40. Parking restrictions. [Amended 4-15-1998 by L.L. No. 5-1998; 7-21-1999 by L.L. No. 9-1999]**

- A. Motor vehicles shall be permitted to park on the district property only in designated areas as follows:
- (1) Parking Lot A: the parking area on both sides of the private road leading from Cayuga Road at the south end of the district grass beach.
  - (2) Parking Lot B: the parking areas on the east side of Cayuga Road opposite the sand beach.
- B. Any automobile parked in Abele Park District parking lots shall be identified as owned by an Abele Park resident by displaying a numbered Abele Park registration sticker on its windshield or dashboard. Any automobiles not displaying an Abele Park registration sticker shall be removed from district parking lots at the owner's expense.
- C. Motor vehicles displaying an Abele Park District parking permit on the windshield or dashboard shall be permitted to park at the District Parking Lots A and B at night. Overnight parking shall not be permitted on district property without approval by the current enforcement authority.
- D. Buses, trucks or trailers shall not be permitted to park or stand in Parking Lot A.
- E. Buses, trucks or trailers shall be permitted to park or stand in Parking Lot B only.
- F. Each homeowner in the Abele Park District will be issued one automobile sticker to display in or on their vehicle.

**§ 100-41. Driving on district property.**

- A. Automobiles, trucks, motorcycles, recreational vehicles, snowmobiles or other motorized vehicles shall not be driven on district property except as follows:
- (1) In designated parking areas as permitted in § 100-41.
  - (2) On concrete launching ramp.
  - (3) Emergency vehicles, i.e., police, fire, ambulance.
  - (4) Authorized maintenance vehicles.
- B. The use of the concrete launching ramp shall be restricted to vehicles owned by district property owners or their lessees.
- C. Bicycle riding shall be prohibited on district, grass and sand, beaches.

**§ 100-42. Dressing requirements.**

No person shall dress or undress in the open or in any motor or other vehicle on any of the properties within the Park District.

**§ 100-43. Beach rules.**

- A. The behavior of persons using district beaches and waters shall be governed by district beach regulations adopted by the Town Board. Said regulations may be amended by resolution of the Town Board after public hearing and shall be posted at each district beach.
- B. The district beaches may be used at night only by residents or their guests displaying currently valid Abele Park District tokens.

**§ 100-44. Tokens.**

- A. The use of the beach areas and district property giving access to the lake shall be restricted to district property owners, their lessees and their guests and the members of their immediate families and their guests. Only those persons shall be admitted to the beach areas who are properly identified as members of those groups named above. Such identifications shall be made by token.
- B. The District Clerk or other person holding a similar office shall be the official custodian of the tokens, and it shall be the District Clerk's duty to keep a record of the number of tokens issued and names of the persons to whom issued.
- C. No more than two tokens shall be allotted to each separate vacant lot owner within the district and no more than eight tokens shall be allotted for each residence within the district. If any person or persons or corporation owns both vacant lots and a residence in said district, such person or persons or corporation shall not be entitled to receive any additional tokens by reason of the ownership of such vacant lot or lots.
- D. The owner or owners of record of a lot or residence shall be deemed the proper persons to whom the tokens shall be delivered by the District Clerk.
- E. The sale, transfer or other disposition of these tokens shall be prohibited, and no rights shall accrue to the vendee or transferee thereof.

**§ 100-45. Protection of waters.**

- A. Use of soap. No person shall use or apply soap in any form for any purpose whatever in the lake or within the beach areas.
- B. Depositing materials in lake. No person shall deposit or throw any litter, foreign matter, leaves, yard waste, grass clippings or chemicals in the waters of Lake Oscawana, its inlet(s) or outlet(s). Any person committing same shall be subject to penalties as described in Chapter 79, Littering and Dumping, of the Code of the Town of Putnam Valley.
- C. Feeding of Canada geese and other waterfowl. To minimize the introduction of nutrients into the waters of Lake Oscawana by discouraging the presence of Canada

geese or other waterfowl at the lake, it is a violation for any person to feed Canada geese or other waterfowl within the Abele Park Improvement District.

**§ 100-46. Dogs. [Amended 4-15-1998 by L.L. No. 5-1998]**

No dogs or any other animals, except service dogs and dogs used by law enforcement personnel when actually in such service, are permitted to enter any of the beach areas or the water of the lake abutting thereon.

**§ 100-47. Boat regulations. [Amended 8-24-1994 by L.L. No. 7-1994; 7-21-1999 by L.L. No. 9-1999]**

- A. The following designated dock space shall be available to property owners in the Abele Park District:<sup>6</sup>
- (1) Between the Northwest Point of the Park District grassy beach area to the easterly property line common to the Park District and property belonging to Edelman's.
  - (2) The east side of the launching ramp of the Park District sandy beach.
- B. Boats stored on land must be stored east of the utility shed on the sandy beach.
- C. Ownership.
- (1) Any dock or other structure erected on Park District property shall become the property of the Park District.
  - (2) An authorization to use dock space is not transferable.
- D. Each property owner of the Park District shall be assigned a specific dock space for his/her personal use and enjoyment, which dock space may be transferred by the authorized user, who in addition will be responsible for the expense of maintenance of the dock space and shall keep said dock space in a clean and orderly and attractive condition.
- E. Dock space shall be assigned on a first-come-first-served basis. Any property owner or lessee wishing to sign up for dock space shall contact the Beach Committee in writing. The Beach Committee shall maintain a waiting list.
- F. Assigned dock space must be occupied overnight on a regular basis by a boat registered to or owned by a property owner or lessee to whom the space is assigned. If a dock space is not so used, the authorization to use that dock space shall be revoked and the dock space shall be assigned, by the Beach Committee, to the first property owner or lessee on the waiting list.
- G. By no later than May 31 of each year, notices shall be sent by the Beach Committee to all persons assigned docks that are in disrepair requiring that repairs commence no later than July 4 of that calendar year. In the event that required repairs are not commenced prior to July 4, authorization to use that dock space shall be revoked,

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6. Editor's Note: Former Subsection A of this section, dealing with landing or mooring on beach property, which immediately preceded this subsection, was repealed 8-24-1994 by L.L. No. 7-1994.

and the dock space shall be assigned to the first property owner or lessee on the waiting list.

- H. Any boat or water vehicle moored or stored on the Abele Park District property shall be identified as owned by an Abele Park resident or lessee by displaying a numbered Abele Park registration sticker on said boat. Any boat or water vehicle not displaying said registration sticker will be removed from district property at the owner's expense.

**§ 100-48. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]**

Any person who shall violate this article is guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

**RESOLUTION 8:17 - # \_\_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §165-36(FF)(3) to add paintball and air soft activities as uses under recreation, sports, and entertainment facilities subject to additional standards for particular special use permits; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency and will conduct the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law,

**§ 165-36. Additional standards for particular special use permits.**

A. Accessory apartments.

- (1) Eligibility for conversion. The following criteria shall be applied by the Planning Board in considering the conversion of an existing single-family dwelling to an existing single-family with an accessory apartment.
  - (a) The Planning Board may consider granting a special use permit for the conversion of a single-family dwelling to a single-family dwelling with an accessory apartment in any residential zoning district, except where enforceable deed covenants prohibit the same.
  - (b) A special use permit shall not be granted for any parcel with an area of less than 1/2 acre.
  - (c) A special use permit may be granted for the conversion of a one-family dwelling, provided that the certificate of occupancy was issued at least five years prior to the date of application, and provided that no additional living space exceeding 10% of the prior living space was added within the last five years, and provided that no additions have been made without appropriate building permits.
- (2) Conditions for approval.
  - (a) The owner shall reside in one of the two dwelling units, which shall be the owner's principal residence. The owner's dwelling unit may not be seasonally rented to another person or used for any other purpose.
  - (b) There shall be no more than two dwelling units on a single parcel of land.
  - (c) The conversion shall be limited to one building, which shall be the principal building on the property. If an addition is proposed, the addition may not exceed 10% of the square footage of the existing single foundation, and the 10% may not be exceeded while an accessory apartment permit is in effect for the premises. After a special use permit has been granted, no building permit may be issued for additional living space unless a variance has been granted by the Zoning Board of Appeals. Other provisions of this chapter permitting the expansion of nonconforming structures shall not apply to properties with special use permits for accessory apartments.
  - (d) Smoke detectors shall be hard-lined installed in each dwelling unit, and each detector shall be wired so that all detectors in the structure shall sound when one detector is activated. The Planning Board may require additional fire safety measures recommended by the Fire Inspector.
  - (e) The accessory unit shall be self-contained, with a separate entrance and separate cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).

- (f) Only one entrance shall be in the front of the building, if practical.
- (g) Number of bedrooms:
  - [1] Where a parcel is one acre or more, the two dwelling units shall not contain a total of more than five bedrooms, unless the existing single-family dwelling has more than five bedrooms and is assessed as such, in which case the existing number of bedrooms may not be exceeded as the total for both units.
  - [2] On parcels of more than 1/2 acre and less than one acre, the two dwelling units shall not contain a total of more than four bedrooms.
- (h) Off-street parking spaces or garages for a minimum of four cars shall be provided and maintained within the applicant's property for the term of the special use permit.
- (i) Unless a parcel is served by a year-round central community/municipal water supply and by a central community/municipal sewer system, the following conditions shall be met:
  - [1] The septic system shall comply with the present requirements of the Sanitary Code of the County of Putnam. Where records are inadequate to demonstrate this compliance, certification of a licensed engineer or architect attesting to said compliance shall be required.
  - [2] The application shall be accompanied by proof that the septic tank on the premises has been pumped out and cleaned by a licensed septic tank cleaner within the previous 12 months.
  - [3] The application shall be accompanied by a water quality report attesting to a satisfactory potable untreated water sample. The water sample shall have been collected and analyzed by an accredited laboratory, and the analysis shall include testing for disinfectants as well as coliform bacteria.
  - [4] No part of any septic system shall be located within the controlled area of any lake, pond, stream, brook or source of water supply.
- (j) No home business or trade or any other nonresidential use shall be permitted in either dwelling.
- (k) The accessory unit shall not endanger the health, safety or general welfare of the community.
- (3) Term of accessory apartment temporary special use permits. [**Amended 6-26-2002 by L.L. No. 7-2002**]
  - (a) A special use permit shall be granted for a period of three years and may be renewed every three years thereafter.

- (b) A temporary special use permit for an accessory apartment and any renewal of such permit shall terminate on the transfer of title to the premises or upon the failure of the permittee(s) to continue to occupy the premises as a principal residence.
  - (c) Upon the transfer of title of a residence whose previous owner held a valid special use permit, the permit shall terminate. Thereafter, the tenant shall have 90 days to relocate. The second kitchen shall be removed by the owner within 60 days after the tenant leaves, and the house shall revert to single-family status. Should the new owner intend to live in the structure and to continue to maintain a second dwelling unit therein, the new owner shall apply to the Code Enforcement Officer for a special use permit within 90 days of the transfer of property. The Code Enforcement Officer may issue a new permit as if it were a renewal of an existing permit without interruption.
- (4) Renewal of temporary special use permits.
- (a) At least 30 days prior to the expiration of the special use permit, the owner shall apply to the Code Enforcement Officer for renewal of the permit, which the Code Enforcement Officer may grant, provided that:
    - [1] The Inspector finds that the owner has continued to adhere to every required condition laid down in the granting of the expiring permit.
    - [2] The applicant has submitted a satisfactory water quality test performed in the same manner as the initial testing required.
    - [3] The applicant has submitted proof that the septic tank on the premises has been cleaned by a licensed septic tank cleaner during the term of the expiring permit, and the Code Enforcement Officer has found no evidence of a defective septic system.
  - (b) Where an owner fails to apply for a renewal or, in the case of a transfer of property, the new owner fails to apply for a new permit within the time limits specified herein, the special use permit shall terminate, and any new application for a special permit on the same premises shall conform to all conditions set forth in this article for an original application.

B. Adult day care, nursing homes and rest homes.

- (1) The lot area shall be a minimum of five acres with a minimum frontage applicable to the specific base zoning district but in no case less than 100 feet of road frontage.
- (2) The maximum total coverage of all principal and accessory buildings combined shall not exceed 15% of the total area of the lot.
- (3) A minimum distance of 60 feet shall be provided between all buildings as measured from the points where such buildings are nearest to one another.



- (4) There shall be provided a minimum of 1,600 square feet of lot area for each patient bed.
  - (5) All facilities shall be accessible to the physically challenged.
  - (6) The facility shall be operated in full compliance with all requirements of the State of New York.
  - (7) A special use permit for an adult day care, nursing home or rest home shall be valid for a period of four years.
- C. <sup>1</sup>Antiques stores.
- (1) The Planning Board may restrict outdoor display of merchandise.
  - (2) No furniture stripping shall be permitted on the premises.
- D. Artistic studio.
- (1) A schedule of activities and maximum capacity must be submitted at the time of application.
  - (2) A detailed exterior and interior layout plan shall be submitted at the time of application.
  - (3) The Planning Board may restrict hours of operation.
- E. Assembly of component parts.
- (1) There shall be no manufacturing of goods from raw materials.
  - (2) Assembly shall entail no noise, dust, odors, vibrations, fumes or smoke that would degrade air quality or create a nuisance for neighboring properties.
- F. Athletic clubs, health clubs and health spas.
- (1) A detailed exterior and interior layout plan shall be submitted at the time of application.
  - (2) A schedule of activities and maximum capacities must be submitted at the time of application.
  - (3) Demonstration by the applicant that potential traffic generation shall be within the reasonable capacity of the existing or planned road or street providing access and that traffic circulation, exit and entrance drives are laid out to minimize traffic hazards and nuisances.
  - (4) Demonstration by the applicant that the club and/or spa will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size

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1. Editor's Note: Former Subsection C, Animal husbandry, was repealed 8-19-2009 by L.L. No. 8-2009. This local law also redesignated former Subsections D through OO as Subsections C through NN, respectively.

for the use.

- G. Automotive rentals, sales, repairs, service, gas station and detailing.
- (1) Detailed plans for the disposal of all petroleum products, solvents, radiator fluid and the like shall accompany the application to the Planning Board for a special use permit.
  - (2) Drive-through car washes are prohibited.
- H. Bed-and-breakfast establishments and boardinghouses.
- (1) A detailed exterior and interior layout plan shall be submitted at the time of application.
  - (2) Bed-and-breakfast establishments and boardinghouses in residential zoning districts may display an advertising sign in conformity with Article XII of this chapter.
  - (3) Putnam County Health Department and any other required licenses, permits or approvals.
  - (4) A special use permit for a bed-and-breakfast establishment or boardinghouse shall be valid for a period of four years.
- I. Camp.
- (1) Any camp shall have a minimum size adequate for the facilities proposed.
  - (2) No building, structure, temporary shelter, parking or loading area shall be located within 200 feet from any street or adjoining property line.
  - (3) In order to minimize noise, the Planning Board may require buffers around property lines and landscaping or sound-absorbing structures.
- J. Catering. See "restaurants, general/fast-food."
- K. Child day care, nurseries and preschools.
- (1) Child day care, nurseries and preschools shall be duly licensed as required by the State of New York and the County of Putnam.
  - (2) Such facilities shall include an outdoor play area of a size, design and location suitable for the specific use of and for the number of children attending the facility.
  - (3) A special use permit for child day care, nurseries and preschools shall be valid for a period of four years.
- L. Clubhouse or lodge.
- (1) Hours of operation may be restricted to minimize nuisances in the neighborhood where such clubhouse or lodge is situated.

- (2) When situated in a residential neighborhood, landscaping and structures may be required to baffle noise.
- M. Cocktail lounges and bars. The Planning Board may restrict hours of operation and hours of entertainment in a cocktail lounge or bar.
- N. Commercial kennels.
- (1) Commercial kennels are permitted, provided that the runs are a minimum of 400 feet from any property line.
  - (2) Runs or pens shall be a minimum of 200 feet from any watercourse, body of water, wetland or source of drinking water.
  - (3) The Planning Board may require the planting of vegetation or the erection of sound-absorbing structures to minimize any noise nuisance in the neighborhood.
  - (4) A special use permit for a commercial kennel shall be valid for a period of four years.
- O. Commercial stables and riding academies.
- (1) Commercial stables and riding academies are permitted, provided that such use is on a lot that is two times the area required in the base zoning district.
  - (2) No building or pens for the housing of livestock are located within 100 feet of any property line, street line, body of water, watercourse, wetland or drinking water source.
  - (3) The Planning Board may further regulate the following:
    - (a) Number of animals maintained in relation to the size of the lot and the kind of animals kept.
    - (b) Fencing required.
    - (c) Storage of feed.
    - (d) Storage and disposal of animal waste.
  - (4) Lot coverage of all structures shall not exceed 10% of the lot with the exception of the Preservation District (PD) where the lot coverage of all structures shall not exceed 2% of the lot.
- P. Communication tower (excluding ham/amateur radio).
- (1) The location and construction of any communication tower shall be such as not to endanger the public or surrounding property. A right-of-way of sufficient width shall be required to permit the safe construction and maintenance of the antennae line and to prevent any hazard to the surrounding property.

- (2) Suitable fencing or landscaping around the tower base may be required when, in the opinion of the approving authority, it is necessary to protect the public or conserve the values of surrounding property.
  - (3) Said facility shall comply with all setback regulations for a principal structure.
  - (4) No tower, excluding ham/amateur radio, shall exceed 100 feet in height, except when the required front, rear and side setbacks are each increased by two feet for each one foot of the antennae excess.
- Q. Community residential facilities. In accordance with the purposes of this article and in furtherance of the policy of the State of New York to deinstitutionalize those who cannot be cared for in their natural homes by placing them in small, dispersed group-living facilities, which are designed to give an outwardly similar appearance to other family dwelling units in the community, the following special use permit regulations shall be applied:
- (1) Said facility shall be set up in size, appearance and structure to bear the general character of a family unit in a relatively permanent household. As such, it shall not permit transients or transient living, nor shall it be established in an institutional-type arrangement. Said facility shall be headed by a full-time sleep-in householder or householders, who provide on-site supervision for the residents and any other supervision provided by applicable law or governmental regulations.
  - (2) Said facility shall have a maximum occupancy of 14 persons, excluding full-time, sleep-in householders(s) or supervisors.
  - (3) For purposes of furthering the state's dispersal and deinstitutionalization policy, to prevent the concentration of community residential facilities in any one area and to preserve the social as well as the physical character of the residential living environment of the town, no community residential facility shall be established if any portion of the lot in which said facility is situated is within 2,000 feet of any portion of any other lot whether said lot is within or without the Town of Putnam Valley, on which another group-living type use is situated. Moreover, in no event shall more than one such facility be located in any structure or in any group of structures on a given lot.
  - (4) Said facility shall conform with and shall be maintained in accordance with the overall character and appearance of the surrounding residential area. No sign that advertises the use or occupancy of said home shall be erected.
  - (5) Any applicant for a special use permit for a community residential facility shall submit the following information to the Planning Board along with the application for the special use permit:
    - (a) The governmental authorization to operate said facility.
    - (b) A description of the proposed facility, the number of and approximate ages and, if applicable, the disability of persons to be accommodated and

the number and qualifications of resident adult supervisory personnel.

- (c) A vicinity map indicating the location of the proposed facility in relation to other existing community residential facilities or other similar types of care facilities within a radius of one mile of the subject site, as made after reference from and a review of the Code Enforcement Officer's registry of community residential facilities.
  - (6) The Code Enforcement Officer shall maintain an up-to-date register of all community residential facilities in the town.
  - (7) Any change in the nature, size or type of the operation of any approved facility shall be subject to a complete new application for a special use permit, in accordance with the same standards and procedures as required for the original application.
  - (8) A special use permit for a community residential facility shall be valid for a period of four years.
- R. Delivery/messenger service. There shall be a sufficient portion of the lot area devoted to on-site parking and loading facilities.
- S. Driving ranges (golf).
- (1) Any golf driving range shall have a minimum size of 15 acres.
  - (2) No building, structure or temporary shelter shall be located within 100 feet from any street or adjoining property line. Golf tees shall be located no less than 100 feet from the project property line.
  - (3) No storage of fertilizer shall be within 100 feet of any street line or property line or within 100 feet from any body of water, watercourse, wetland or drinking water source.
  - (4) Suitable screening, landscaping or fencing shall be provided to protect adjacent properties from physical damage, noise, glare of lights or other similar nuisances.
  - (5) Signs announcing the name of the facility shall be subject to the regulations contained in Article XII of this chapter.
- T. On-site dry-cleaning establishments.
- (1) The applicant shall submit the following information: cleaning process to be done on site, cleaning process to be done off site and storage of chemicals to be used on site.
  - (2) The applicant shall also submit details on estimated water usage, water conservation measures, water purification and disposal of waste.
  - (3) The Code Enforcement Officer must, as part of the special use permit conditions, require yearly reviews of the dry-cleaning establishment

operations.

- (4) A special use permit for a dry-cleaning establishment shall be valid for a period of four years.
- U. Storefront dry-cleaning establishments. Any on-premise dry cleaning shall result in the immediate suspension of a special use permit pending a public hearing on its revocation.
- V. Educational or philanthropic uses by nonprofit organizations and houses of worship. **[Amended 4-19-2006 by L.L. No. 3-2006]**
- (1) Such use shall be located on a lot having an area that is at least two times the minimum lot area in the base zoning district.
  - (2) Recreation areas may be required based upon the nature of the school and the ages, needs and numbers of the students.
  - (3) Setbacks greater than those in the base zoning district may be required.
  - (4) Special attention shall be paid to internal traffic controls, vehicular circulation and to the hazards created by the movement of school buses.
  - (5) The total lot coverage of all buildings shall not exceed 15% of the lot area.
- W. Exterminating services.
- (1) Applications for a special use permit shall be accompanied by complete plans for the safe storage of chemicals to be used.
  - (2) A complete listing of all chemicals stored on the premises and any hazards associated with their exposure to heat, fire or water shall be kept on file in the office of the Fire Inspector.
- X. Forestry management and timber harvesting. Special conditions for forestry practices and timber management are as laid down in Chapter 140, Forestry, of the Code of the Town of Putnam Valley.
- Y. Golf courses and country clubs, including driving ranges, recreational facilities and accessory buildings:
- (1) Lot size:
    - (a) Any country club or recreational establishment having a golf course shall have a minimum size of 100 acres.
    - (b) Any country club or recreational establishment without a golf course shall have a minimum size adequate for the facilities proposed.
  - (2) No building, structure, temporary shelter, parking or loading area shall be located within 200 feet from any street or adjoining property line. Golf tees shall be located no closer than 100 feet from the project property line.

- (3) No fertilizer shall be stored within 100 feet of any street line or property line or within 100 feet from any body of water, watercourse, wetland or drinking water source.
- (4) The clubhouse shall be subject to a site plan and architectural review and shall be compatible with the surrounding area.
- (5) The maximum coverage of the site by all buildings or structures shall be no greater than 5% of the gross site area, except in Preservation (PD) District.
- (6) There shall be no more than one sign facing each public street, announcing the name of the facility. Such sign shall be nonmoving and, if lighted, shall be indirectly lit.

Z. Home business or trade.

- (1) Home business or trade shall occupy not more than 25% of the floor area of the principal structure on the site.
- (2) Advertising signs shall be subject to the regulations in Article XII of this chapter.
- (3) Merchandise, products and other materials shall not be stored or displayed outside.
- (4) Parking for said home business or trade shall comply with Article X of this chapter.
- (5) Home business or trade shall be incidental to the residential use of the premises and shall be carried on by a resident therein with not more than three nonresident assistants.
- (6) Home business or trade shall not create noise, dust, odors, vibrations, fumes or smoke readily discernible at the exterior boundaries of the parcel on which such home business or trade is situated, nor create any electrical disturbance adversely affecting the operation of any equipment located in any dwelling unit or on property not owned by the person conducting such home business.
- (7) No more than two commercial vehicles may be parked or stored on the premises and shall be garaged or screened from the property lines. However, if such storage will not detract from the residential character of the neighborhood, the Planning Board may permit the parking or storage of a greater number of commercial vehicles.
- (8) Home business or trade shall be permitted without a special use permit, provided that all of the following conditions are met:
  - (a) No nonresident is employed on the premises.
  - (b) No more than one commercial vehicle is used, garaged or parked on the premises.

- (c) No equipment, tools or materials used in the business are stored outside.
- (d) The business does not create noise, odors or traffic problems.

AA. Hospital.

- (1) No hospital shall be operated within the Town unless it is in full compliance with all of the requirements of the State of New York.
- (2) Special attention shall be paid to internal traffic controls, vehicular circulation, delivery entrances and to the hazards created by the movement of emergency vehicles.
- (3) A plan for the disposal of all hospital waste shall be submitted to the Planning Board, which may require regular reports of its continued compliance with the approved plan.

BB. Hotels, motels and inns.

- (1) Hotels, motels and inns are permitted for the accommodation of transient overnight guests for stays of not more than 30 consecutive days.
- (2) The owner or operator shall hold a valid license issued annually by the Town Clerk and shall be in full compliance with the regulations of the Putnam County Department of Health.
- (3) A detailed exterior and interior layout plan shall be submitted at the time of application.

CC. On-site laundromats and laundries.

- (1) The Planning Board may require well-yield testing to demonstrate the availability of adequate water supply and ensure that water usage and disposal by the proposed facility will not adversely impact the water supply of water users in the vicinity.
- (2) The Planning Board may limit the hours of operation.

DD. Storefront laundromats and laundries. Any on-premises dry cleaning or laundering shall result in the immediate suspension of a special use permit pending a public hearing on its revocation.

EE. Photography studios and printing establishments.

- (1) An application for a special use permit for a photography studio or printing facility shall be accompanied by full disclosure of the anticipated use of toxic substances and solvents in the operation as well as a plan for their disposal.
- (2) The Planning Board may limit the hours of operation of a printing establishment.

FF. Recreation, sports and entertainment facilities.



- (1) In order to minimize noise, the Planning Board may require buffers around property lines and landscaping or sound-absorbing structures.
- (2) Trails or racing tracks for motorized vehicles of any kind are prohibited.
- (3) "War games" are prohibited. Paintball and air soft activities are permitted with special use permit on parcels that are a minimum of ten (10) contiguous acres in size, excluding Town wetlands or sensitive habitat areas.

GG. Research laboratories and facilities.

- (1) The Planning Board may require well-yield testing to demonstrate the availability of adequate water supply and ensure that water usage and disposal by the proposed facility will not adversely impact the water supply of water users in the vicinity.
- (2) An application for a special use permit shall be accompanied by full disclosure of the anticipated use of toxic substances and solvents in the operation as well as a plan for their disposal.
- (3) A complete listing of all chemicals stored on the premises and any hazards associated with their exposure to heat, fire or water shall be kept on file in the office of the Fire Inspector.

HH. General and fast-food restaurants.

- (1) The Planning Board may limit the hours of operation and the hours of entertainment of any restaurant located in a residential zoning district.
- (2) Restaurants shall be certified by the Fire Inspector as being in full compliance with firesafety regulations.
- (3) The applicant shall submit a plan for the maintenance and disposal of all waste.

II. Roadside stands.

- (1) The Planning Board may require the removal of roadside structures when not in use.
- (2) The location of a roadside stand shall not create traffic hazards, shall have adequate sight distance and shall allow adequate and safe parking for customers on the site.
- (3) A special use permit for a roadside stand shall be valid for a period of four years.

JJ. Sales of construction and building materials.

- (1) The outdoor storage area shall not be located within 20 feet from any residence.
- (2) Material stored outdoors shall not be stored more than 15 feet high.

- (3) There shall be a sufficient portion of the lot area devoted to on-site parking and loading facilities in accordance with Article X of this chapter.

## KK. Schools and educational institutions.

- (1) Schools shall be certified by the Fire Inspector as being in compliance with firesafety regulations.
- (2) Recreation areas may be required based upon the nature of the school and the ages, needs and numbers of the students.
- (3) Setbacks greater than those in the base zoning district may be required.
- (4) Special attention shall be paid to internal traffic controls, vehicular circulation and to the hazards created by the movement of school buses.
- (5) New York State and Putnam County Health Department's approval and other required licenses.

## LL. Shopping center or mini mall.

- (1) The Planning Board may require special measures to assure groundwater recharge.
- (2) Outdoor display of merchandise may be limited.
- (3) Hours of operation may be regulated by the Planning Board.

## MM. Local utility service. See Article XIII.

## NN. Veterinary hospitals.

- (1) Veterinary hospitals are permitted, provided that the runs or pens are a minimum of 400 feet from any property line.
- (2) Runs or pens shall be a minimum of 200 feet from any watercourse, body of water, wetland or source of drinking water.
- (3) The Planning Board may require the planting of vegetation or the erection of sound-absorbing structures to minimize any noise nuisance in the neighborhood.
- (4) New York State, Putnam County Health Department and other required licenses, permits or approvals shall be required.
- (5) A plan for the disposal of all hospital waste shall be submitted to the Planning Board, which may require regular reports of its continued compliance with the approved plan.
- (6) A special use permit for a veterinary hospital shall be valid for a period of four years.<sup>2</sup>

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2. Editor's Note: Former Subsection PP, Senior citizen multifamily residential, added 6-5-2002 by L.L. No. 3-2002, which immediately followed this subsection, was repealed 11-17-2004 by L.L. No. 6-2004.

**RESOLUTION 8:17 - # \_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §§165-38(C)(2), (3) and (9) relating to off-street parking standards for retail and personal service establishments, home office or occupation and warehouses, wholesale businesses and office buildings (not primarily serving customers or clients on the premises) and establishments for the manufacture or assembly of goods ; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

ARTICLE XI  
**Off-Street Parking and Loading**

**§ 165-38. Off-street parking.**

- A. Off-street parking shall be provided for all buildings hereafter erected and all premises hereafter developed. Such parking shall be designed to accommodate the motor vehicles of all occupants, employees, residents, customers and other persons normally expected to visit or use such premises at any one time, and in accordance with the standards hereinafter specified. Parking areas, except those located at private single-family residences, shall be provided with an all-weather surface.
- B. Parking facilities shall be located on the same lot or the use or structure which they serve or, with the approval of the Planning Board, in another location which is not more than 400 feet distant from such use or structure.
- C. Off-street parking shall be provided in the following minimum amounts for the following uses:
- (1) Residential. A minimum of two parking spaces shall be provided for every single-family dwelling and four spaces for a dwelling with an accessory apartment. Parking spaces for multifamily developments shall be as prescribed in this article.
  - (2) Retail and personal service establishments. A minimum of one parking space shall be provided for every ~~100~~ 250 square feet of customer service area, excluding utility and storage areas.
  - (3) Home office or occupation. A minimum of one parking space shall be provided for every ~~200~~ 250 square feet of floor area devoted to business or office.
  - (4) Home business or trade. A minimum of one parking space shall be provided for every 200 square feet of floor area devoted to the business or office, one space per employee, plus one space per vehicle owned or leased by the business which is being used in conjunction with the business.
  - (5) Professional office. A minimum of one parking space shall be provided for every ~~200~~ 250 square feet of floor space devoted to business, office or professional use, excluding utility and storage areas.
  - (6) Public assembly. One parking space shall be provided for every three seats for churches, theaters, restaurants, recreation and public assembly halls.
  - (7) Hotels and motels. One parking space shall be provided for each guest unit.
  - (8) Planned commercial. Establishments in the planned commercial district and research laboratories and other places of employment shall provide one space for every two persons regularly employed.

- (9) Warehouses, wholesale business and office buildings (not primarily serving customers or clients on the premises) and establishments for the manufacture or assembly of goods. One parking space shall be provided for each 1,000 square feet of gross floor area.

**§ 165-39. Multiple uses on same premises.**

Where two or more uses are on the same premises, off-street parking shall be provided for each use in accordance with the above standards.

**§ 165-40. Permitting authority.**

The Planning Board may impose additional requirements for parking and loading.

**§ 165-41. Performance standards.**

Land uses, structures and parking facilities shall comply with the performance standards as listed in § 165-73 of this chapter.

**RESOLUTION 8:17 - # \_\_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §§165-38(C)(2), (3) and (9) relating to off-street parking standards for retail and personal service establishments, home office or occupation and warehouses, wholesale businesses and office buildings (not primarily serving customers or clients on the premises) and establishments for the manufacture or assembly of goods ; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

**§ 165-26. Ground and Surface Water Protection (WP) District.**

- A. Purpose and intent. The protection of the Town's lakes, ponds, reservoirs, wetlands, streams, drinking water, and watershed areas from surface water and groundwater contamination is essential to the proper maintenance of the quality and quantity of water in the Town and surrounding communities. It is, therefore, necessary to protect these areas from development encroachment, erosion and water pollution from surface or subsurface runoff. **[Amended 6-20-2018 by L.L. No. 2-2018]**
- B. Applicability of regulations. These regulations shall apply to all structures, parcels of land, and uses identified as Aquifer Protection Zones, Flood Zones, and/or Watershed Areas on the December 12, 2006, Ground and Surface Water Protection (WP) District Map, a copy of which map is on file with the Town Planning Department and the Town Clerk, and all areas within the City of Peekskill and New York City watershed areas. **[Amended 6-5-2002 by L.L. No. 5-2002; 6-20-2018 by L.L. No. 2-2018]**
- C. Permitted uses and structures. All uses which are permitted in the base zoning district are permitted in the Ground and Surface Water Protection (WP) District unless otherwise identified in Subsection E of this section.
- D. Environmental Management District permit.
- (1) Within the Ground and Surface Water Protection (WP) District, each use below requires the issuance of a Ground and Surface Water Protection District permit by the Planning Board prior to an application being filed with the Putnam County Department of Health. **[Amended 6-5-2002 by L.L. No. 5-2002]**
- (a) On-site sewage disposal systems, including installation of new septic systems that discharge more than 100 gallons of wastewater per acre per day or expansions of existing septic systems that discharge more than 100 gallons of wastewater per acre per day as determined by the Town Planner/Engineer. Septic systems associated with the construction of new single-family residences on lots larger than 1.5 acres are excluded from this requirement.
- (b) The use of common septic fields or sewage treatment plants for residential or commercial development. In any case:
- [1] Common wastewater treatment plants with surface discharge must provide tertiary treatment and the effluent must meet the water standards established by the EPA and/or New York State Department of Environmental Conservation, whichever is stricter.
- [2] The total number of bedrooms allowed in a project involving common sewage treatment plants with surface discharge will be limited to a number whose water demand is less than the aquifer recharge rate generated by the gross project area in a one in 30 dry year.



- (c) The handling and storage of road salt and de-icers, provided that structural and nonstructural measures are implemented to prevent leachate contamination. Such measures may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention/retention basins, filters, separators or other de-icers and other management practices.
  - (2) The Planning Board may attach such conditions and safeguards to any environmental management district permit as are, in its opinion, necessary to ensure satisfactory performance to all applicable standards and requirements. Such conditions may include, but are not limited to, monitoring wells and the requirement of additional setbacks from sewage disposal systems to down-gradient property lines.
- E. Prohibited uses. The following uses shall be prohibited within the Ground and Surface Water Protection (WP) District:
- (1) The disposal of hazardous materials or solid waste, as defined by the New York State Department of Environmental Conservation.
  - (2) The treatment of hazardous materials, but not including rehabilitation programs authorized by a government agency for treating on-site existing hazardous materials.
  - (3) On-site dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.
  - (4) Printing and photo-processing establishments.
  - (5) Furniture and finish-stripping establishments.
  - (6) Oil, gasoline or hazardous material pipelines.
  - (7) Uses otherwise allowed in the district that may discharge hazardous materials into the ground- or surface water.
  - (8) Automotive service and/or repair stations and garages.
  - (9) Bulk storage of home heating oil in underground storage tanks. For new home construction, heating oil tanks should be installed above ground or in a basement with an impervious floor, such as concrete. Existing underground home heating oil tanks may remain in place but may be replaced only by aboveground installation or in a basement with an impervious floor, such as concrete. **[Added 6-5-2002 by L.L. No. 5-2002]**
  - (10) Regular and continuous use of pesticides, herbicides, nonorganic fertilizers or other hazardous substances. **[Added 6-5-2002 by L.L. No. 5-2002]**
  - (11) The storage and/or dispensing of petroleum-based fuels in any form, as a commercial enterprise, including but not limited to motor vehicle fuels, and whether or not located in fixed tanks on site or mobile delivery vehicles for

transfer and dispensing off site. Delivery of petroleum-based fuels to consumers within the Ground and Surface Water Protection District from locations outside the district is not prohibited. **[Added 6-1-2005 by L.L. No. 2-2005; amended 4-19-2006 by L.L. No. 2-2006]**

F. Development approval criteria.

- (1) Applications for an environmental management district permit pursuant to this section shall include an assessment of the impact the proposed use or structure may have on ground- and surface water conditions. The purpose of this analysis is to demonstrate that no activities will be conducted upon the property that will result in surface water pollution or groundwater infiltration. The analysis shall be prepared by a professional hydrologist, geologist, licensed engineer or qualified professional and shall be paid for by the applicant.
- (2) Unless served by central water and sewer facilities, no subdivision or site plan approvals shall be granted without findings by the Putnam County Department of Health that, based upon sufficient information on soils, geology and hydrology, the installation of on-site well and/or septic disposal systems, if properly installed and maintained, would not be likely to have an adverse impact upon the surrounding ground- or surface water quality or supply and that there is sufficient area or suitable soils for future extension or replacement of initial septic disposal systems.

G. Well permits. **[Added 6-5-2002 by L.L. No. 5-2002]**

- (1) Permits for new wells in Putnam Valley for the purpose of maintaining an accurate and up-to-date database on water quantity and water quality shall be required.
- (2) No building permit for the construction of a single-family residence shall be issued unless a well permit issued by the Building Inspector has been obtained. Such permit shall be issued upon payment of the fee established therefor. No certificate of occupancy shall be issued until the builder has filed with the Building Department a copy of the well log for such well.
- (3) No building permit associated with expansion of a residence that requires a new well or redrilling an existing well shall be issued unless a well permit issued by the Building Inspector has been obtained. No certificate of occupancy shall be issued until the builder has filed with the Building Department a copy of the well log for such well.
- (4) The Planning Board shall maintain a Town of Putnam Valley Well Location Map, which shall be updated annually.

**RESOLUTION 8:17 - # \_\_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §§165-111(B) & 165-113(B)(5) relating to the definition of "Solar Energy Systems for Private/Residential" and its applicability to Ground-mounted solar energy systems (GMSES) for private/residential use and Planning Board review thereof; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency and will conduct the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law/ .....

ARTICLE XXIV  
**Solar Energy Systems**  
 [Added 7-21-2021 by L.L. No. 5-2021]

**§ 165-111. Solar energy systems.**

A. Purpose. Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this article is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in certain zoning districts when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BUILDING-INTEGRATED PHOTOVOLTAIC PRODUCT (BIPV)** — A building product that incorporates photovoltaic modules and functions as a component of the building envelope, which includes photovoltaic siding, photovoltaic canopies and awnings, photovoltaic shingles and other photovoltaic roof coverings.

**BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM** — A solar energy system that uses building-integrated photovoltaic products.

**COMMERCIAL SOLAR ENERGY SYSTEM** — A solar energy system designed to produce electricity for off-site energy consumption, which is operated as a commercial or nonprofit activity. Commercial solar energy systems include net-metered systems that are designed to produce more than 110% of the average yearly energy requirements for the property on which the solar energy system is located.

**GROUND-MOUNTED SYSTEM** — A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

**LEGALLY PERMITTED STRUCTURES** — Principal and accessory structures permitted under the current Zoning Code for which a certificate of occupancy or a certificate of compliance has been issued or structures which do not require a certificate of occupancy or certificate of compliance because they were created before building permits were required or otherwise do not require the certificate. The determination of whether a structure requires a certificate of occupancy or certificate of compliance shall be made by the Zoning Administrator.

**ROOF-MOUNTED SYSTEM** — A solar panel or panels located on a roof of a legally permitted principal use or accessory structure.

**SOLAR ENERGY EQUIPMENT** — Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy, not including solar panels.

**SOLAR ENERGY SYSTEM** — An electrical generating system composed of a combination of both solar panels and solar energy equipment.

SOLAR ENERGY SYSTEMS FOR PRIVATE/RESIDENTIAL — Any solar panel collection system or array utilized for the on-site consumption of a business or residence that does not generate more than 5 25 KWh of electrical power in total.

SOLAR PANEL — A device capable of collecting and converting solar energy into electrical energy.

**§ 165-112. Safety requirements.**

- A. All solar energy systems shall comply with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code established pursuant to New York Executive Law § 381, Subdivision 2 (New York State Uniform Code).
- B. In the event that the New York State Uniform Code contains more restrictive regulations covering solar energy systems than those noted in this section and the regulations conflict, then the New York State Uniform Code regulations shall prevail.

**§ 165-113. Solar energy systems for private/residential use.**

- A. Roof-mounted systems. Roof-mounted solar energy systems for private/residential (RMSES) are permitted as an accessory use in all zoning districts when attached to a legally permitted structure, as defined in § 165-111B above, subject to the requirements set forth in this section:
  - (1) Height. RMSES shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building-mounted mechanical devices or equipment pursuant to the Zoning Code.
  - (2) Setback. RMSES are subject to the setback requirements of the underlying zoning district. Any RMSES to be placed on principal or accessory structures which do not meet the setback requirements, whether such structures are permitted pursuant to the grant of a variance from the setback requirements or are preexisting nonconforming, shall apply to the Zoning Board of Appeals for a special use permit from this requirement to ensure that there is no adverse impact to neighboring properties.
  - (3) Aesthetics. Solar installation shall incorporate the following design requirements:
    - (a) Solar energy equipment shall be installed inside walls and attic spaces, where practical, to reduce the visual impact. If solar energy equipment is visible from a public right-of-way, it shall match the color scheme of the underlying structure to the extent possible. Marking of electrical equipment shall be in accordance with the Uniform Code, the NEC or other applicable codes.

- (b) Roof-mounted solar panels facing the front yard must be mounted at

approximately the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of any panel.

- (c) Solar panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way. If topography makes this requirement impractical, then the Zoning Administrator shall make the determination relating to the enforcement of this provision.
  - (d) Solar panels shall be constructed of a material designed to minimize glare and shall be roof mounted in a manner to minimize impact to any neighboring property. In no way will a rooftop solar installation be permitted where snow or rain runoff will adversely affect public safety or adjacent property.
- (4) The applicant shall complete the Putnam Valley unified solar permit application, which shall be developed and approved by the Building Inspector. Applications for RMSES shall be submitted to and approved by the Building Inspector in accordance with the standards and conditions set forth in this chapter and the NYS Building and Fire Prevention Code.
- B. Ground-mounted systems. Ground mounted-solar energy systems for private/residential use (GMSES) are permitted as an accessory use, and the installations will be treated as accessory structures in all zoning districts, subject to the requirements set forth in this section, as well as all other requirements set forth in the Town Code applicable to such use:
- (1) All ground-mounted solar panels in residential districts shall be installed in the side yard or rear yard.
  - (2) Setback. Ground-mounted solar panels are subject to setback requirements of the underlying zoning district; provided, however, that in zoning districts which have a minimum lot size of three acres or more, a minimum setback of 100 feet from any property line is required.
  - (3) Height. Solar panels are restricted to a height of 12 feet from the ground under the solar panel to the highest point of the solar panel or racking structure, whichever is greater.
  - (4) Lot coverage. The total surface area of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations. If the supporting structure of a ground-mounted solar energy system is solid or in any way blocks the ability for rain to reach the ground, then the entire structure shall be included in the impervious surface calculations. In no event shall the GMSP system have a lot coverage of more than 5,000 square feet.
  - (5) Planning Board review and approval. All non-residential/private GMSES, as defined by this Chapter, shall be subject to site plan review and approval by the Planning Board. The Planning Board shall consider the location, siting, screening, neighborhood or viewshed impacts, stormwater runoff and other environmental impacts. Applications shall include the location of residences

on all adjoining properties. Negative environmental



impacts, including clearing of existing trees, shall be avoided, to the extent possible, in the siting.

- (6) Verification of utility notification. Each applicant shall submit a copy of their application to the public electrical utility. Foreseeable infrastructure upgrades shall be documented and submitted and shall be subject to approval by the Planning Board. No building permit will issue for a solar energy system designed for commercial power generation (e.g., power for wholesale or retail sales).
- (7) The application shall set forth the name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- (8) All applications shall include plans, acceptable to the consulting engineer for the Planning Board, showing the layout of the solar energy system. All equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.
- (9) Screening. GMSES shall be screened with perimeter plantings, to consist of evergreen plantings having a minimum height of four feet at the time of installation, and shall be placed in a manner to alleviate any visual impact from the systems to either public roads or neighboring properties. The screening shall be maintained at all times and shall be replaced as soon as practicable if damaged or destroyed for any reason. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to viewshed and screening requirements.
- (10) If the Planning Board determines that a landscape buffer will not provide adequate screening, then the Planning Board may require a ground-mounted system to be fully screened from adjacent properties and roads by fencing or a combination of fencing and evergreen and deciduous plantings. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the ground-mounted system from adjacent properties. Said screening shall be subject to the prior review and approval of the Planning Board to ensure compliance with this requirement. The Planning Board has the authority to take the physical characteristics of the site into consideration as they relate to viewshed and screening requirements.
- (11) Ground-mounted systems shall be placed in such a way to balance the benefit to the property owner with adverse impacts to neighboring properties. The Planning Board has authority to increase the setback requirements where there is an adverse impact to neighboring properties.

#### C. Installation requirements.

- (1) All solar energy system installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation requirements, and industry standards. Prior to operation, the electrical

connections must be inspected by the Town Building Department and by an appropriate electrical inspection person or agency, as approved by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

- (2) Connection to the public utility grid system must be accomplished without additional infrastructure in the public right-of-way necessary to connect such system to the grid. Any new connecting lines on premises to connect the public right-of-way shall be placed underground. Infrastructure required, by the utility, for utility interconnection located in the utility right-of-way and upgrades to an existing overhead utility service drop is permitted.
  - (3) When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of Putnam County and other applicable laws and regulations.
  - (4) Warning signs. All warning signs and equipment markings for the solar energy systems shall be in accordance with the New York State Uniform Code, the NEC and the NFPA.
- D. Commercial solar energy systems. Due to the potential for negative impacts to neighborhood character and to other environmental resources from commercial activity related to energy generation, supply and transmission in residential zones, commercial solar energy systems are strictly prohibited in all residential and CD and PD Zoning Districts in the Town. Commercial solar energy systems shall be permitted only as a special permit use in CC-1 and CC-2 Zoning Districts. Commercial solar energy systems shall be subject to the following requirements (in addition to the requirements for a special permit application and site plan review):
- (1) Height and setback requirements. Commercial solar energy systems shall adhere to the height and setback requirements of the underlying zoning district. Additional restrictions and setback requirements may be imposed during the Planning Board site plan permit process at the sole discretion of the Planning Board.
  - (2) Lot coverage. Solar installations as a principal use shall be subject to lot coverage regulations in all districts where permitted. However, in no event shall the lot coverage of the commercial solar energy system exceed seven acres, the maximum building area permitted for a structure in the zoning district, or 10% of the lot area, whichever is less.
  - (3) All commercial solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the Planning Board during the site plan process.
  - (4) In addition to the above restrictions, the following requirements shall apply:

- (a) Verification of utility notification. The applicant shall submit a copy of the electrical utility's application with the initial Town application. Required utility infrastructure upgrades shall be documented and submitted and shall be deemed part of the site plan approval required by the Planning Board. No building permit will be issued until such time that the electrical utility has provided approval, preliminary or otherwise. Utility equipment in the right-of-way is exempt from this provision. A commercial solar energy system to be connected to the utility grid shall provide a proof of concept letter from the local utility company acknowledging the commercial solar energy system will be interconnected to the utility grid in order to sell electricity to the public utility entity.
- (b) The applicant shall submit the name, address and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- (c) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the projects, including easements and other agreements, shall be submitted.
- (d) Site plan approvals required pursuant to Town Code § 165-28.
- (e) Plans of the solar installation showing the layout of the system which are acceptable to the engineering consultant to the Planning Board shall be submitted.
- (f) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (g) Property operation and maintenance plan. A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, fence inspection and any needed repairs, etc.
- (h) Height restrictions. The maximum height for ground-mounted commercial solar energy systems shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking, whichever is greater.
- (i) Design standards.
  - [1] Screening. A ground-mounted commercial solar energy system shall be screened with perimeter planting, to consist of evergreen plantings, having a minimum height of four feet at the time of installation, and shall be set back as determined by the Planning Board in a manner to minimize the visual impact of the commercial solar energy system upon neighboring properties, public roads and

public areas.

- [2] A landscape buffer shall be provided around all equipment and solar panels to provide screening from adjacent properties and roads. The Planning Board has the authority to take the physical characteristics of the site into consideration as they relate to viewshed and screening requirements.
- [3] Ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant natural fauna, or pervious pavers when approved by the Planning Board.
- [4] Any new roadways within the site shall be constructed of pervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- [5] All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- [6] All commercial solar energy system facilities shall be designed and located in order to prevent reflective glare toward any inhabited building and adjacent properties as well as public roads.
- [7] All mechanical equipment of a commercial system, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening in accordance with the landscaping provisions of this chapter.
- [8] Commercial solar energy systems must meet the safety regulations as set forth in § 165-112 above and must be kept in good repair and condition.

(5) Signs.

- (a) A sign not to exceed eight square feet shall be attached to the fence adjacent to the main access gate and shall list the facility name, owner and phone number.
- (b) A clearly visible warning sign must be placed at the base of all pad-mounted transformers and substations, clearly marked "Danger," and list all voltages present.

(6) Abandonment.

- (a) All applications for commercial solar energy systems shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the structure. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, or

other approved method of addressing the solar energy system's end of life, as determined by the Town Engineer, to ensure removal of the solar energy system or facility or structure in accordance with the decommissioning plan described below. The form of the guarantee must be reviewed and approved by the Town Engineer and Town Attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a solar energy system production facility or structure, a demolition permit for removal activities shall be obtained from the Town.

- (b) If the applicant ceases operation of the solar energy system or structure for a period of 18 months or begins but does not complete construction of the project within 18 months after receiving final site plan approval, the applicant will submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:
  - [1] Removal of aboveground and below-ground equipment structures and foundations.
  - [2] Restoration of the surface grade and soil after removal of equipment.
  - [3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
  - [4] The plan shall include a time frame for a completion of site restoration work.
- (c) In the event that construction of the solar energy system or structure has been started but is not completed and functioning within 18 months of the issuance of the final site plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.
- (d) Upon cessation of activity of a fully constructed solar energy system or structure for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning. Within 180 days of notice being served, the owner and/or operator can either restore the system to equal to 80% of approved capacity or implement the decommissioning plan or provide a restoration plan for the unused portion of the solar energy system.
- (e) If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period, and restore the site as required, the Town may, at its own expense, provide for the

restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

**RESOLUTION 8:17 - # \_\_\_\_ OF 2022**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §165-25(B) relating to the applicability of regulations in the Hillside Management District, to delete reference to the "Hillside Management District (HM) Overly Map, which is no longer applicable; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the words underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency and will conduct the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law;

ARTICLE VII  
**Environmental Management District Regulations**

**§ 165-22. Purpose.**

- A. Environmental Management Districts may consist of one or more of the following overlay districts: Wetlands and Watercourse (W) District, Hillside Management (HM) District and Ground and Surface Water Protection (WP) District. These districts were created to provide regulations for certain special aspects of land use and development as they pertain to public safety, environmental protection and the preservation of scenic and cultural resources. An Environmental Management District shall function as an overlay zone and shall be used in combination with the base zoning districts. If there is any conflict between the requirements of the overlay zone and the base district, the more restrictive requirement shall apply.
- B. In considering any special permit, site plan, project development plan or subdivision plan, the Planning Board shall, to the maximum extent practicable, maintain the areas delineated in an Environmental Management District as perpetual open space, directing allowable development into those areas not mapped within the district.

**§ 165-23. Designation. [Amended 6-20-2018 by L.L. No. 2-2018]**

Environmental Management Districts shall be designated by means of the following methods, which may be used alone or in any combination:

- A. By showing additional boundary lines and zone designations on the Official Zoning Map.
- B. By using a separate Environmental Management District Overlay Map(s).
- C. By describing Environmental Management Districts and regulations in the text of this article.

**§ 165-24. Wetlands and Watercourse (W) Overlay District.**

- A. Purpose and intent. The purpose and intent of the Wetlands and Watercourses (W) Overlay District is to implement programs and policies of the Master Plan and Chapter 144, Freshwater Wetlands, of the Code of the Town of Putnam Valley, as they relate to preserving resources for flood protection, erosion control, wildlife habitat, pollution treatment, open space, groundwater and surface water quality, recreation and other benefits associated therewith.
- B. Applicable regulations. The law regulating and controlling activity in and around freshwater wetlands, watercourses and water bodies is Chapter 144, Freshwater Wetlands, of the Code of the Town of Putnam Valley.

**§ 165-25. Hillside Management (HM) District.**

- A. Purpose and intent.



- (1) The purpose and intent of the Hillside Management (HM) District is to implement the programs and policies of the Master Plan, as they relate to protecting designated ridgelines and steeply sloped areas from erosion and maintaining the natural character and amenity of hillsides and ridgelines as a scenic resource of the town.
  - (2) In reviewing plans for development in hillside areas and along designated ridgelines, the Planning Board shall act to ensure the attainment of the following objectives:
    - (a) The preservation of natural topographic features and appearances by means of land sculpturing so as to blend any manmade or manufactured slope into the natural topography.
    - (b) The retention of major natural skyline profiles so as to avoid abrupt changes in grade.
    - (c) The retention of major natural topographic features, such as drainage swales, steep slopes, watershed areas, floodplain, view corridors and scenic vistas.
    - (d) The preservation and enhancement of prominent landmark features, such as natural rock outcroppings, prominent trees and plants, other areas of special natural beauty and stone walls and structures.
    - (e) The design and arrangement of building sites, utilizing increased lot sizes, greater setbacks and setback variations and reduced residential densities on steeper terrain so as to limit the extent of grading alterations.
    - (f) The utilization of clustered sites and buildings in areas with extreme topographical features so as to reduce grading alterations on slopes.
    - (g) The utilization of varying setbacks, building heights, innovative building techniques and compatible building forms and materials which serve to blend all buildings into the terrain.
    - (h) The utilization of building designs, locations and arrangements which serve to avoid a continuous intrusive skyline effect and which afford view, privacy and protection.
    - (i) The preservation and introduction of plants so as to protect slopes from soil erosion and minimize the visual effects of grading and construction on hillside areas.
    - (j) The utilization of driveway and road designs and improvements which serve to minimize grading alterations and harmonize with the natural contours and character of the hillside.
- B. Applicability of regulations. The provisions of this section shall apply to all steep sloped areas ~~and designated ridgelines~~ within the town. For the purpose of this section, steeply sloped areas shall mean all properties in the Town which have a

slope of 20% or more on any existing or proposed parcel, or portion of a parcel, or portion of a parcel proposed for development. ~~Designated ridgelines shall mean these areas identified on the Hillside Management District (HM) Overlay Map that are of significant value in defining the topographical profile of the town.~~ The law regulating and controlling activity in a Hillside Management (HM) District is Chapter 155, Soil Erosion and Sediment Control, of the Code of the Town of Putnam Valley.

- C. Permitted uses and structures. The uses and structures permitted in the Hillside Management (HM) District shall be as permitted in the underlying base district.
- D. Special use permit. The uses and structures permitted in the Hillside Management (HM) District subject to the approval of a special use permit shall be as permitted in the underlying base district.
- E. Development requirements. Prior to the issuance of a grading permit or a building permit or the approval of a subdivision or development approval plan or site plan for any parcel of land located within a Hillside Management (HM) District, the applicant shall submit development plans to the Planning Board.
- F. Additional requirements. The Planning Board may require:
  - (1) Increased width of road, driveway or access areas.
  - (2) Retaining walls.
  - (3) Guide rails.
  - (4) Macadam or equal paved surfaces.
  - (5) Any other requirements the Planning Board deems necessary.

#### **§ 165-26. Ground and Surface Water Protection (WP) District.**

- A. Purpose and intent. The protection of the Town's lakes, ponds, reservoirs, wetlands, streams, drinking water, and watershed areas from surface water and groundwater contamination is essential to the proper maintenance of the quality and quantity of water in the Town and surrounding communities. It is, therefore, necessary to protect these areas from development encroachment, erosion and water pollution from surface or subsurface runoff. **[Amended 6-20-2018 by L.L. No. 2-2018]**
- B. Applicability of regulations. These regulations shall apply to all structures, parcels of land, and uses identified as Aquifer Protection Zones, Flood Zones, and/or Watershed Areas on the December 12, 2006, Ground and Surface Water Protection (WP) District Map, a copy of which map is on file with the Town Planning Department and the Town Clerk, and all areas within the City of Peekskill and New York City watershed areas. **[Amended 6-5-2002 by L.L. No. 5-2002; 6-20-2018 by L.L. No. 2-2018]**
- C. Permitted uses and structures. All uses which are permitted in the base zoning district are permitted in the Ground and Surface Water Protection (WP) District

unless otherwise identified in Subsection E of this section.

D. Environmental Management District permit.

(1) Within the Ground and Surface Water Protection (WP) District, each use below requires the issuance of a Ground and Surface Water Protection District permit by the Planning Board prior to an application being filed with the Putnam County Department of Health. **[Amended 6-5-2002 by L.L. No. 5-2002]**

(a) On-site sewage disposal systems, including installation of new septic systems that discharge more than 100 gallons of wastewater per acre per day or expansions of existing septic systems that discharge more than 100 gallons of wastewater per acre per day as determined by the Town Planner/Engineer. Septic systems associated with the construction of new single-family residences on lots larger than 1.5 acres are excluded from this requirement.

(b) The use of common septic fields or sewage treatment plants for residential or commercial development. In any case:

[1] Common wastewater treatment plants with surface discharge must provide tertiary treatment and the effluent must meet the water standards established by the EPA and/or New York State Department of Environmental Conservation, whichever is stricter.

[2] The total number of bedrooms allowed in a project involving common sewage treatment plants with surface discharge will be limited to a number whose water demand is less than the aquifer recharge rate generated by the gross project area in a one in 30 dry year.

(c) The handling and storage of road salt and de-icers, provided that structural and nonstructural measures are implemented to prevent leachate contamination. Such measures may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention/retention basins, filters, separators or other de-icers and other management practices.

(2) The Planning Board may attach such conditions and safeguards to any environmental management district permit as are, in its opinion, necessary to ensure satisfactory performance to all applicable standards and requirements. Such conditions may include, but are not limited to, monitoring wells and the requirement of additional setbacks from sewage disposal systems to down-gradient property lines.

E. Prohibited uses. The following uses shall be prohibited within the Ground and Surface Water Protection (WP) District:

(1) The disposal of hazardous materials or solid waste, as defined by the New

York State Department of Environmental Conservation.

- (2) The treatment of hazardous materials, but not including rehabilitation programs authorized by a government agency for treating on-site existing hazardous materials.
- (3) Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.
- (4) Printing and photo-processing establishments.
- (5) Furniture and finish-stripping establishments.
- (6) Oil, gasoline or hazardous material pipelines.
- (7) Uses otherwise allowed in the district that may discharge hazardous materials into the ground- or surface water.
- (8) Automotive service and/or repair stations and garages.
- (9) Bulk storage of home heating oil in underground storage tanks. For new home construction, heating oil tanks should be installed above ground or in a basement with an impervious floor, such as concrete. Existing underground home heating oil tanks may remain in place but may be replaced only by aboveground installation or in a basement with an impervious floor, such as concrete. **[Added 6-5-2002 by L.L. No. 5-2002]**
- (10) Regular and continuous use of pesticides, herbicides, nonorganic fertilizers or other hazardous substances. **[Added 6-5-2002 by L.L. No. 5-2002]**
- (11) The storage and/or dispensing of petroleum-based fuels in any form, as a commercial enterprise, including but not limited to motor vehicle fuels, and whether or not located in fixed tanks on site or mobile delivery vehicles for transfer and dispensing off site. Delivery of petroleum-based fuels to consumers within the Ground and Surface Water Protection District from locations outside the district is not prohibited. **[Added 6-1-2005 by L.L. No. 2-2005; amended 4-19-2006 by L.L. No. 2-2006]**

F. Development approval criteria.

- (1) Applications for an environmental management district permit pursuant to this section shall include an assessment of the impact the proposed use or structure may have on ground- and surface water conditions. The purpose of this analysis is to demonstrate that no activities will be conducted upon the property that will result in surface water pollution or groundwater infiltration. The analysis shall be prepared by a professional hydrologist, geologist, licensed engineer or qualified professional and shall be paid for by the applicant.
- (2) Unless served by central water and sewer facilities, no subdivision or site plan approvals shall be granted without findings by the Putnam County Department

of Health that, based upon sufficient information on soils, geology and hydrology, the installation of on-site well and/or septic disposal systems, if properly installed and maintained, would not be likely to have an adverse impact upon the surrounding ground- or surface water quality or supply and that there is sufficient area or suitable soils for future extension or replacement of initial septic disposal systems.

G. Well permits. **[Added 6-5-2002 by L.L. No. 5-2002]**

- (1) Permits for new wells in Putnam Valley for the purpose of maintaining an accurate and up-to-date database on water quantity and water quality shall be required.
- (2) No building permit for the construction of a single-family residence shall be issued unless a well permit issued by the Building Inspector has been obtained. Such permit shall be issued upon payment of the fee established therefor. No certificate of occupancy shall be issued until the builder has filed with the Building Department a copy of the well log for such well.
- (3) No building permit associated with expansion of a residence that requires a new well or redrilling an existing well shall be issued unless a well permit issued by the Building Inspector has been obtained. No certificate of occupancy shall be issued until the builder has filed with the Building Department a copy of the well log for such well.
- (4) The Planning Board shall maintain a Town of Putnam Valley Well Location Map, which shall be updated annually.