

**Town of Southeast, Putnam County, NY**  
**Local Law No. 7 of 2015**

A LOCAL LAW entitled: “A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

**SECTION 1. LEGISLATIVE INTENT**

The Town Board of the Town of Southeast has embarked upon a process of updating its local land use regulations to protect the community character and environmental quality of the Town, and to promote contextual economic development. In 2014, the Town of Southeast updated its comprehensive plan, which had last been updated in 2002.

Following the 2002 Comprehensive Plan, the Town underwent a series of zoning revisions which sought to retain its overall rural character by revising development regulations to reflect existing patterns of low-density residential neighborhoods and to make commercial development more compatible with community character through proper siting criteria and design guidelines. While the zoning regulations were largely successful, particularly in maintaining the more rural residential areas, the commercial regulations created a number of pre-existing non-conforming uses. In the 2014 Comprehensive Plan Update, the Town established a desire to rework the commercial zoning regulations to better balance community character and natural resource protections with the needs of the existing business community and the economic benefits that they bring to the Town.

A common theme emerged through the visioning sessions for the Comprehensive Plan Update as the public discussed the types of uses that should be allowed in the Town’s commercial corridors. The general consensus was that it wasn’t the use that mattered, as much as what it looked like from the public rights of way, and the potential impacts that it could generate (e.g. traffic). As such, the Comprehensive Plan Update recommended that the Town seek to retain and enhance existing commercial development within the Town by legalizing existing uses that are non-polluting in nature and simplifying paths to redevelopment and property improvement. In addition, the Town should maintain and expand design guidelines for commercial properties, while broadening the allowable use categories within the Town to allow uses not previously considered. This Local Law seeks to implement these aspects of the 2014 Comprehensive Plan Update.

**SECTION 2. PROPERTY AFFECTED**

The premises affected by this rezoning are described and generally known as the commercial zoning districts within the Town of Southeast.

**SECTION 3. AMENDMENTS TO ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”**

Section 138-4.B, “Definitions” is hereby amended, in part, to amend the following definitions:

## CRAFT WORKSHOP

A place where artists, artisans, craftsmen, and other skilled tradespeople produce custom-made art or craft products, including but not limited to baskets, cabinets, ceramics, clothing, flower arrangements, jewelry, metalwork, musical instruments, paintings, pottery, sculpture, toys, and weaving.

## OFFICE USES

Floor space generally devoted to administrative, clerical and business uses; call centers; and corporate headquarters and computer facilities; provided that there are no industrial by-products or ground, air or water pollutants not associated with normal building operations. "Office use" shall exclude retail, light manufacturing, industrial, or warehouse uses.

## MOTOR VEHICLE DEALERSHIP

A business primarily engaged in enclosed and accessory outdoor retail sale of new automobiles. The primary use shall include the showroom, interior display and storage of vehicles, offices, interior service and repair, vehicle preparation and repair work, and the sale of parts and accessories for said automobiles. Accessory uses include parking for employees, customers, sales, offices and repair services, and the outside storage of motor vehicles for sale. A motor vehicle dealership shall not include a "Gas Station" or "Junkyard" as defined by Section 138-4.B. A Motor Vehicle Dealership shall not operate a towing service.

## RECREATION, SMALL-SCALE

A business occupying less than 15,000 square feet which, for compensation, offers indoor recreational activities such as dance studios, martial arts studios, arts and crafts studios, musical or theatrical instruction, children's gyms and play centers, and other places of public or private entertainment. Activity facilities shall not include facilities intended primarily for spectator activities, such as, but not limited to stadia and arenas, automotive tracks, bowling alleys, billiard parlors, pool halls, amusement parks, or any use of archery equipment, guns, weaponry or similar equipment that may be used to simulate combat, including equipment that has the capacity to propel a projectile or emit a light and/or laser.

## RESTAURANT

A business enterprise engaged in preparing and serving food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises with take-out food as an accessory use, excluding fast food and fast casual.

## RESTAURANT, FAST-FOOD

A business enterprise primarily engaged in the sale of food and beverages served in disposable containers selected by patrons from a limited line of prepared specialized items, such as but not limited to hamburgers, chicken, pizza, tacos and hot dogs, for consumption either on or off the premises, in a facility where the floor area available for dining is less than 1/2 of the gross floor area, or a major portion of the sales to the public is at a drive-thru, drive-in, or stand-up type counter. The term "fast-food restaurant" shall not include bakeries, delicatessens, ice cream/yogurt parlors or similar types of retail establishments. See also "restaurant" and "restaurant, fast casual."

RESTAURANT, FAST CASUAL - A restaurant serving food for casual dining or take-out, where food is primarily prepared to order. The food may be selected from a standardized menu visible behind the counter where the order is placed and no drive-thru is provided. Although

table service may not be provided, the restaurant provides a comfortable dining atmosphere with tables for patrons. Food is delivered on non-disposable plates, baskets, or similar service ware.

**THEATER/PERFORMING ARTS**

A building or part of a building devoted to showing motion pictures or for dramatic, educational, musical, or other live stage performances and which provides a seat for each patron, but not including outdoor drive-in movie theater or adult uses.

**SECTION 4. AMENDMENTS TO ARTICLE II, “ESTABLISHMENT OF DISTRICTS; MAP”**

Section 138-5, “Districts Enumerated” is hereby amended as follows:

Add:

<b>District</b>	<b>Map Code</b>
Neighborhood Business	NB
Gateway Commercial	GC
Highway Commercial	HC
Special Route 6 Area District	SR-6

Remove:

<b>District</b>	<b>Map Code</b>
Neighborhood Business 1	NB-1
Neighborhood Business 2	NB-2
Gateway Commercial 1	GC-1
Gateway Commercial 2	GC-2
Highway Commercial 1	HC-1

Section 138-6, “Zoning Map” is hereby amended to rezone the following parcels as indicated below and as shown on the attached Proposed Zoning map dated May 28, 2015:

<b>Tax Identification Number</b>	<b>Current Zoning Designation</b>	<b>New Zoning Designation</b>
57.-1-2	NB-2	NB
57.17-1-8	NB-2	NB
68.5-2-11	NB-2	NB
68.5-2-12	NB-2	NB
68.5-2-18	NB-2	NB
68.5-2-10	NB-2	NB
68.5-2-17	NB-2	NB
68.5-2-16	NB-2	NB
57.17-1-1	NB-2	NB
57.17-1-6	NB-2	NB
57.17-1-10	NB-2	NB
57.17-1-7	NB-2	NB

57.17-1-2	NB-2	NB
57.17-1-5	NB-2	NB
68.5-2-8	NB-2	NB
68.5-2-14	NB-2	NB
68.5-2-13	NB-2	NB
68.5-2-15	NB-2	NB
68.5-2-9	NB-2	NB
57.17-1-9	NB-2	NB
68.-1-5	NB-1 & R-60	NB & R-60
45.16-1-35	NB-1 & R-20	NB & R-20
45.12-1-38	NB-1	NB
45.12-1-32	NB-1	NB
45.12-1-40	NB-1	NB
45.12-1-33	NB-1	NB
45.16-1-24	NB-1	NB
45.16-1-25	NB-1	NB
45.16-1-39	NB-1	NB
45.16-1-38	NB-1	NB
45.16-1-27	NB-1	NB
45.16-1-26	NB-1	NB
45.16-1-37	NB-1	NB
45.16-1-34	NB-1	NB
68.5-2-3	NB-1	NB
68.5-2-29	NB-1	NB
68.5-2-30	NB-1	NB
67.8-1-43	NB-1	NB
68.5-2-25	NB-1	NB
68.5-2-31	NB-1	NB
68.-1-4	NB-1	NB
68.5-2-2	NB-1	NB
67.8-1-41	NB-1	NB
68.5-2-33	NB-1	NB
68.5-2-24	NB-1	NB
68.5-2-5	NB-1	NB
68.5-2-4	NB-1	NB
45.12-1-39	NB-1	NB
78.-1-17	NB-1	NB
68.5-2-6	NB-1	NB
68.5-2-27.-1	NB-1	NB
68.5-2-32	NB-1	NB
68.5-2-26	NB-1	NB
67.8-1-42	NB-1	NB
68.5-2-1	NB-1	NB
68.5-2-27.-2	NB-1	NB
45.-1-2.-1	HC-1 & RC	HC & RC
46.-3-13	HC-1 & RC	HC & RC
56.-1-31	HC-1 & RC	HC & RC
45.-1-3	HC-1 & RC	HC & RC
45.-1-2.-2	HC-1 & RC	HC & RC
45.-2-54	HC-1	HC
46.-1-20	HC-1	HC
45.-2-55	HC-1	HC
45.-2-53	HC-1	HC
45.-2-56	HC-1	HC
46.-1-22	HC-1	HC
56.-1-23.-1	HC-1	HC
45.-1-58	HC-1	HC

45.-2-52	HC-1	HC
46.-1-21	HC-1	HC
56.-1-23.-2	HC-1	HC
56.-1-23.-3.1	HC-1	HC
56.-1-23.-3.2	HC-1	HC
56.-1-23.-3.3	HC-1	HC
68.-1-1	GC-2 & NB-1	SR6 & NB
56.19-1-46	GC-2 & R-60	GC & R-60
67.6-1-31	GC-2 & R-60	GC & R-60
67.6-1-27	GC-2 & R-60	GC & R-60
68.-1-3	GC-2	SR6
68.-2-41	GC-2	SR6
69.13-1-19	GC-2	SR6
68.-2-20	GC-2	SR6
69.13-1-20.-1	GC-2	SR6
68.5-2-20	GC-2	SR6
68.5-2-22	GC-2	SR6
68.-1-2	GC-2	SR6
68.5-2-21	GC-2	SR6
69.13-1-21.1	GC-2	SR6
69.-1-14	GC-2	SR6
69.-1-10	GC-2	SR6
68.-2-46	GC-2	SR6
69.13-1-28	GC-2	SR6
68.-2-16	GC-2	SR6
68.-2-13	GC-2	SR6
68.-2-14	GC-2	SR6
68.5-2-23	GC-2	SR6
68.-2-9	GC-2	SR6
68.-2-12	GC-2	SR6
68.-2-2	GC-2	SR6
68.5-2-19	GC-2	SR6
69.13-1-21.2	GC-2	SR6
69.-1-11.1	GC-2	SR6
69.-1-12	GC-2	SR6
69.-1-11.2	GC-2	SR6
69.-1-13	GC-2	SR6
68.-2-62	GC-2	SR6
69.13-1-26	GC-2	SR6
68.-2-48.1	GC-2	SR6
69.13-1-25	GC-2	SR6
68.-2-47	GC-2	SR6
69.13-1-24	GC-2	SR6
69.13-1-23	GC-2	SR6
68.-2-10	GC-2	SR6
69.13-1-22	GC-2	SR6
68.-2-11	GC-2	SR6
69.13-1-27	GC-2	SR6
68.-2-15	GC-2	SR6
68.-2-58	GC-2	SR6
68.-2-49	GC-2	SR6
68.-2-52	GC-2	SR6
68.-2-53	GC-2	SR6
68.-2-51	GC-2	SR6
68.-2-54	GC-2	SR6
68.-2-56	GC-2	SR6
68.-2-55	GC-2	SR6

68.-2-57	GC-2	SR6
68.-2-3	GC-2	SR6
68.14-1-30	GC-2	SR6
68.-2-60	GC-2	SR6
68.-2-4	GC-2	SR6
68.-2-4	GC-2	SR6
68.-2-69	GC-2	SR6
68.-2-65	GC-2	SR6
68.-2-63	GC-2	SR6
68.-2-61	GC-2	SR6
69.-1-9	GC-2	SR6
68.-2-45	GC-2	SR6
68.-2-42	GC-2	SR6
68.-2-18	GC-2	SR6
68.-2-17	GC-2	SR6
68.-2-44.1	GC-2	SR6
68.-2-43	GC-2	SR6
68.-2-19	GC-2	SR6
68.-2-1	GC-2	SR6
68.-2-44.3	GC-2	SR6
68.-2-44.2	GC-2	SR6
68.-2-48.2	GC-2	SR6
68.-2-70	GC-2	SR6
68.-2-67	GC-2	SR6
69.13-1-20.-2	GC-2	SR6
68.-2-7	GC-2	SR6
68.-2-5	GC-2	SR6
68.-2-4	GC-2	SR6
68.-2-9	GC-2	SR6
68.-2-8	GC-2	SR6
68.-2-6	GC-2	SR6
67.6-1-35	GC-2	GC
56.18-1-22	GC-2	GC
56.18-1-30	GC-2	GC
56.18-1-29	GC-2	GC
56.18-1-26	GC-2	GC
56.18-1-27	GC-2	GC
56.18-1-28	GC-2	GC
67.6-1-25	GC-2	GC
67.6-1-28	GC-2	GC
67.6-1-29	GC-2	GC
67.6-1-30	GC-2	GC
67.6-1-33	GC-2	GC
78.-1-48	GC-1 & R-60 & R-160	GC & R-60 & R-160
78.-1-33	GC-1 & R-160	GC & R-160
78.-1-34	GC-1 & R-160	GC & R-160
78.-1-37	GC-1 & R-160	GC & R-160
67.-1-40	GC-1 & R-160	GC & R-160
78.-1-31	GC-1 & R-160	GC & R-160
78.-1-32	GC-1 & R-160	GC & R-160
78.-1-35	GC-1 & R-160	GC & R-160
78.-1-36	GC-1 & R-160	GC & R-160
77.-1-21	GC-1 & R-160	GC & R-160
56.17-1-4	GC-1	GC
77.20-1-1	GC-1	GC
55.12-1-12	GC-1	GC
56.9-1-5	GC-1	GC

56.-1-10	GC-1	GC
55.12-1-15	GC-1	GC
55.12-1-14	GC-1	GC
56.-1-7	GC-1	GC
56.-1-8	GC-1	GC
56.-1-9	GC-1	GC
56.-1-16	GC-1	GC
56.17-1-10	GC-1	GC
56.18-1-8	GC-1	GC
67.6-1-37	GC-1	GC
56.17-1-5	GC-1	GC
56.18-1-6	GC-1	GC
77.20-1-2	GC-1	GC
77.20-1-3	GC-1	GC
56.18-1-1	GC-1	GC
77.20-1-4	GC-1	GC
77.20-1-5	GC-1	GC
67.6-1-8	GC-1	GC
77.20-1-6	GC-1	GC
77.20-1-10	GC-1	GC
77.20-1-11	GC-1	GC
77.20-1-12	GC-1	GC
77.20-1-13	GC-1	GC
77.20-1-14	GC-1	GC
56.-1-12	GC-1	GC
56.-1-13	GC-1	GC
56.18-1-21	GC-1	GC
56.18-1-23	GC-1	GC
67.6-1-38	GC-1	GC
56.9-1-18	GC-1	GC
55.12-1-18	GC-1	GC
55.12-1-17	GC-1	GC
55.12-1-16	GC-1	GC
56.9-1-17	GC-1	GC
56.9-1-7	GC-1	GC
77.20-1-7	GC-1	GC
77.20-1-8	GC-1	GC
77.20-1-9	GC-1	GC
56.17-1-3	GC-1	GC
56.18-1-24	GC-1	GC
56.18-1-25	GC-1	GC
56.18-1-5	GC-1	GC
56.18-1-4	GC-1	GC
56.18-1-3	GC-1	GC
56.9-1-6	GC-1	GC
56.9-1-5	GC-1	GC
56.-1-6	GC-1	GC
56.-1-11	GC-1	GC
56.-1-14	GC-1	GC
56.-1-15	GC-1	GC
56.17-1-9	GC-1	GC
56.17-1-11	GC-1	GC
56.17-1-7	GC-1	GC
56.18-1-7	GC-1	GC
67.6-1-5	GC-1	GC
67.6-1-40	GC-1	GC
56.9-1-19	GC-1	GC

56.18-1-2	GC-1	GC
56.9-1-17	GC-1	GC
78.-1-38	GC-1	GC
78.-1-39	GC-1	GC
56.9-1-4	GC-1	GC

**SECTION 5. AMENDMENTS TO ARTICLE V, “NONRESIDENTIAL DISTRICTS”**

Section 138-24, “General” the Commercial Zoning Schedule is amended, to replace “Attachment 5, Town of Southeast, Commercial Zoning Schedule” in its entirety with the attached new “Attachment 5, Town of Southeast, Commercial Zoning Schedule.”

**SECTION 6. AMENDMENTS TO ARTICLE IX, “SITE PLAN REVIEW AND APPROVAL”**

**Section 138-41, “Application Procedures,” is hereby amended in part as follows:**

- J. Waiver of required information and parking requirements. Upon a finding by the Planning Board that due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary, the Board may vary or waive such requirements wherever, in the opinion of the Board, such variance or waiver will not have the effect of nullifying the intent and purpose of the site plan submission. The Planning Board is specifically authorized to increase or decrease parking requirements and their construction schedule by up to 15% if specific conditions can be shown to warrant it and those conditions are contained in written findings of the Planning Board pursuant to 138-71.

**Section 138-46.L “Outside Storage” is hereby amended, in part, as follows:**

(2) Any permitted outside storage areas shall not extend into the required yards for setbacks from a property line, street line or residence district boundary line and shall not exceed 5% of the lot area except as permitted below.

(a) Subject to a Conditional Use Permit from the Planning Board, the percent of lot area dedicated to outside storage may be expanded for the following uses. The outside storage areas shall be subject to the conditions of §138-53 of the Code of the Town of Southeast. The Planning Board is hereby permitted to increase the minimum buffer area, require additional plantings, a berm, and/or screening as it deems necessary to limit views of the outside storage areas from public rights of way or adjacent properties, and to protect community character in a manner consistent with the goals and objectives of the Comprehensive Plan.

Use	Maximum Lot Area dedicated to Outside Storage
General Business	25%
Landscape Nursery and Commercial Greenhouses	65% dedicated to live plant material (e.g. annuals, perennials, trees, and shrubs) and 10% dedicated to dry storage (e.g. mulch, gravel, and fencing materials), for a total outside storage area of 75%
Light Manufacturing	25%
Offsite New Vehicle Storage for Automobile Dealership	50%

**SECTION 7. AMENDMENTS TO ARTICLE X, “SPECIAL PERMITS AND CONDITIONAL USES”**

**Section 138-52, “Procedure for special permits,” is hereby amended in part as follows:**

- C. Requirements or conditions imposed by this chapter for any special permit use shall not be waived or reduced by the Town Board and shall be considered to be the minimum requirements for any authorization hereunder, except that the Town Board may authorize further application and action by the Board of Appeals. Special permits shall be deemed to be indefinite authorization unless otherwise specified in the approval thereof, but in any case shall expire within 18 months of the date of approval unless a valid site plan approval is in place or a building permit has been issued for the special permit use. Such permit may be extended on separate application to the Town Board.

**Add: Section 138-63.8, “Special Route 6 Area District.”**

- A. All applications for development within the Special Route 6 Area District shall require site plan approval in compliance with Article IX, “Site Plan Review and Approval.”
- B. Design guidelines. The Planning Board, when considering design elements relevant to the site plan and Conditional Use Permit, and the Town Board, when considering overall design of a project relevant to the Special Permit, shall consider the application’s conformance to the following Design Guidelines in considering approval or denial of the application.

- (1) Site Design

- (a) Building Location

- [1] Buildings shall be oriented on-site to avoid disturbance to sensitive natural and topographic features to the maximum extent practicable while presenting a “public face” to major roads and public trailways.
    - [2] Multiple buildings on a single site shall be oriented to achieve a unified character for the site. Individual buildings shall not be isolated by large expanses of parking lots in order to encourage safe pedestrian movement within the site.

- (b) Site Access

- [1] Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created. Interconnections between properties and/or shared driveways shall be provided wherever possible. Where new development is proposed next to vacant land a stub end street shall be provided to allow for a future connection between the properties. Driveway entrances on Route 6, where provided, shall be spaced a minimum of 300 feet apart. Driveways shall not exceed 30 feet in width at the street line

unless a greater width is required by the County of Putnam or State of New York.

(c) Screening

- [1] Outside storage, and the overnight parking of vehicles or trucks shall be screened from public view by a landscaped berm, evergreen landscaping, and/or fencing to the greatest extent practicable. In reviewing the proposed screening, the Planning Board and ARB should consider the following:
  - a. Width of area between the road and the parking area, and the suitability of fencing versus a berm or other landscaping;
  - b. Potential damage from road salt and/or plowing during the winter months;
  - c. The long-term viability of the proposed plantings for a particular location; and
  - d. A mix of deciduous and evergreen plantings may be preferable for certain locations.
- [2] Chain link fencing with plastic privacy slats or similar shall be prohibited.
- [3] All applications for redevelopment or amended site plan approval for properties with existing outside storage areas shall be required to screen and/or relocate outside storage areas to the portions of the property least visible from public roadways, public trailways, or residential properties. The Town/Planning Board may require the reduction in the square feet of outside storage to accommodate appropriate screening measures such as landscaped berms.

(d) Parking Lots

- [1] All required parking shall be provided in parking areas that are designed and laid out to avoid uninterrupted stretches of paved surfaces. Parking areas may be separated from each other by drive aisles, pedestrian walkways, stormwater management facilities, or landscaped areas. Parking areas to the rear or side of buildings are preferred to parking areas in front of (between the major street and any side of) a building. Rear entrances to tenant spaces shall be considered in the overall site design process. Underground or structured parking may be considered and shall not be included in Gross Floor Area.
- [2] Parking areas shall have a minimum 8-foot wide, curbed planting island around the perimeter with appropriate gaps for vehicular access. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic

flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shade-less expanse of a large parking area. Planted bio-swailes may be substituted for raised parking islands.

- [3] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight (8) feet in width within the parking area between every second parking module (defined as a 60-foot-wide area containing two rows of parking separated by a drive aisle).
- [4] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.
- [5] At least one tree, not less than three (3) inches in caliper measured three (3) feet above ground level at time of planting, shall be provided within a planting island for each ten (10) parking spaces in the parking area.
- [6] Bicycle parking racks shall be provided in a location no further than 200 feet from a building entrance and not to the rear of any building.
- [7] Where feasible and appropriate, connections to the Putnam County Trailway shall be provided.

(e) Circulation to Adjoining Parcels

- [1] Where any use adjoins another parcel with existing commercial development every opportunity for connecting parking areas and/or driveways shall be explored to avoid separate curb-cuts onto major roads.
- [2] Where any use adjoins a vacant commercially-zoned parcel a stub driveway shall be established in a location conducive to creating a future internal connection point.

(f) Pedestrian Environment

- [1] Pedestrian-scale public spaces (pedestrian walkway, square, or plaza) shall be integrated into the overall site plan to provide meaningful circulation and seating areas.
- [2] Pedestrian amenities such as seating or dining areas, fountains, gazebos, kiosks, or other such features shall be provided in any square or plaza. Amenities associated with public transit or bicycle use (bus waiting shelter, information kiosk with bus schedule, bicycle racks, or taxi waiting area) shall be incorporated into public spaces on the site.
- [3] Building(s) shall be designed to have a front façade that has at least one (1) principal functional entry from a pedestrian walkway, square, or plaza.

- [4] No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.
- [5] Pedestrian walkways, squares, or plazas shall provide continuous pedestrian flow throughout the site and shall provide protected access through a designated crosswalk or walkway between building entrances and all parking areas.
- [6] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.
- [7] Pedestrian walkways and other surface areas of paving material shall offer a variety of pigments and textures that are in harmony with nearby buildings and other paved surfaces and are safe for pedestrian traffic, including the handicapped. Pervious surfaces shall be used wherever practicable to minimize the need for stormwater infrastructure.

(g) Loading & Refuse Collection Areas

- [1] All loading and refuse collection areas shall be screened from public views from primary driveways and pedestrian walkways, squares, or plazas and shall not be located along the front façade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.

(h) Storage of Merchandise

- [1] Any areas intended for storage or display of merchandise shall be identified on the site plan and shall be approved by the Town/Planning Board as part of the special permit/site plan review process. The storage or display area shall be clearly delineated on the property through pavement treatments, landscaping, and/or fencing.
- [2] No merchandise shall be displayed or stored on the sidewalk.
- [3] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.

(2) Building Design

- (a) Buildings may be one (1) or two (2) stories to a maximum height of 30 feet. Vertical elements such as clocktowers, cupolas, parapets, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height.
- (b) Building Facades & Materials
  - [1] Buildings shall be of high-quality design and materials.
  - [2] Building facades shall present a varied appearance at street level and be designed to give individual identity to each

building and/or use as well as to help achieve the planned pedestrian scale using features such as:

- a. The height of cornices, lintels and sill levels, articulated floor levels and other horizontal building features.
- b. The spacing and proportion of columns, piers and other elements of the basic structural grid.
- c. The spacing and proportion of window and door openings, bays or other aspects of building fenestration.
- d. Colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.

[3] Blank wall exposures shall be limited. No ground-level façade shall have blank (without doors or windows) walls longer than 50 feet along any pedestrian walkway, square, or plaza. Public art installations such as murals are exempt from this requirement.

[4] The design of building facades shall reflect the scale of existing or planned building development through modulation of vertical and horizontal elements by features such as:

- a. Variation in roof heights.
- b. Changes in the predominant wall plane and/or in facade elements such as window openings and balconies.
- c. Use of horizontal projections or recesses in the building facade such as bay windows, cornices, balustrades, etc.
- d. Use of pitched roofs and other roof elements such as cross gables, dormer windows, turrets, and clocktowers to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.

[5] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their front facade.

[6] Building facades shall be architecturally articulated horizontally so that there are breaks in the façade plane where building entrances, windows, or landscaped areas may be located.

[7] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, roof- or eave-lines, or second-story windows may be used to define the pedestrian scale. (Any awning, roof, or eave that extends above a pedestrian walkway, square, or plaza shall have a minimum clear height (height from sidewalk to the bottom of any awning, roof, or eave) of eight (8) feet six (6) inches and a maximum clear height of ten (10) feet

above the sidewalk and shall extend beyond the building face a minimum of five (5) feet).

- [8] All buildings shall have an appropriate rhythm of entrances and windows consistent with the overall size of the building and orientation to any pedestrian walkways, squares, or plazas.
- [9] Exterior cladding shall be consistent with the overall building style and shall include a variety of colors and textures to help articulate the main facades.

(c) Building Roofs

- [1] Fully-enclosed gabled roofs (minimum pitch of 8:12) are preferred to flat roofs with parapets. On larger buildings a variety of roof-lines shall be used to break up the horizontal extent of the building. Where parapets are used, the parapet shall be provided along each façade. Parapet height is limited to ten (10) feet above the flat roof.
- [2] Where flat roofs are required due to building size, roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the table below for a minimum of 75 percent of the roof surface shall be used or a green roof on at least 50 percent of the roof area shall be used.

Roof Type	Slope	SRI
Low-Sloped Roof	$\leq 2:12$	78
Steep-Sloped Roof	$> 2:12$	29

(d) Building Materials

- [1] While synthetic materials may be acceptable, natural building materials including, but not limited to, clapboard and shingle siding, brick, stone, glass, or glass block are preferred and encouraged over synthetic materials. Generic, unadorned Concrete Masonry Units (CMUs) shall not be used as a primary exposed building material on any facade. CMUs with any type of variegated surface (e.g., Architectural Block or Split-Faced CMUs) are permitted but shall not comprise the majority of the surface area of any one facade.
- [2] Treatment of the sides and rear of proposed buildings shall be in a manner substantially consistent in appearance, amenity and quality of materials to the treatment given to their street frontage.
- [3] Windows and doors shall be trimmed with wood or stone a minimum of four (4) inches in width.

(e) Mechanical Equipment

[1] All HVAC or similar equipment shall be screened from ground-level views and views from any roads or adjoining properties at a higher elevation.

- (3) The Town/Planning Board may require the inclusion of any of the foregoing conditions in a declaration of restrictive covenants executed in recordable form and to be recorded by the applicant/owner as a condition of any Special/Conditional Use Permit approval.

Add: Section 138-63.9, "Motor Vehicle Dealership."

A motor vehicle dealership shall be subject to the following special permit conditions:

- A. Motor vehicle dealerships in existence prior to 2004 shall be considered legally pre-existing non-conforming. Improvements to said dealerships shall be required to comply with the following criteria to the greatest extent practicable given the existing lot size, road frontage, and other dimensional constraints.
- B. Motor vehicle dealerships shall be designed and constructed in accordance with dimensional criteria in the Commercial Zoning Schedule applicable to the zone, except for the following:
  - a. The minimum lot size shall be fifteen (15.0) acres.
  - b. A minimum 50 foot wide landscaped buffer shall be provided in the front, rear, and side yards. Vehicle parking and storage shall be prohibited within the 50 foot buffer.
  - c. A minimum of 10% of the parking lot and vehicle storage area shall be landscaped. The 50 foot wide buffer shall not contribute towards this requirement. Bio-swales and rain gardens within landscaped islands may be counted towards this requirement.
- C. No exterior public address systems shall be permitted.
- D. No exterior display of banners, pennants, ribbons, dancing tube signs, or similar temporary advertising materials shall be permitted.
- E. Employee parking shall be designated and provided on-site. Parking areas designated for employees shall not be used for vehicle storage, repair or finishing work, display or customer parking.
- F. Customer parking shall be designated and provided on-site. Parking areas designated for customers shall not be used for vehicle storage, repair or finishing work, display or employee parking.
- G. All employee parking and on-site motor vehicle storage shall be located in the rear of the building and shall be screened from adjacent properties and public rights of way.
- H. Outdoor vehicle display areas shall be designated on the site plan. Vehicle display areas should be landscaped, and should not be part of the customer parking area. Metal vehicle display ramps or similar movable vehicle display devices are prohibited. Vehicle display areas are not permitted within the 50 foot buffer.

- I. Off-site new motor vehicle storage shall be permitted subject to the following conditions:
  - a. The primary lot on which the motor vehicle dealership is located is less than 5 acres.
  - b. Off-site new motor vehicle storage shall be subject to the regulations outlined in the Commercial Zoning Schedule that are applicable to the zoning district in which the off-site lot is located, and shall be regulated as “Outside Storage.”
  - c. Off-site new motor vehicle storage shall be within 0.5 miles of the motor vehicle dealership location.
  - d. Such off-site new motor vehicle storage shall not be used for vehicle display or customer interaction.
  - e. Off-site new motor vehicle storage shall be suitably screened from public view through landscaping, berms, and/or fencing. Chain link fencing with plastic privacy slats or similar shall be prohibited.
  - f. Off-site storage of used or pre-owned vehicles is prohibited.
- J. The hours of loading and unloading of vehicles shall be determined by the Town Board. All loading and unloading shall occur on the subject site and not in or on the public right-of-way.
- K. Vehicles to be repaired or serviced shall not be parked or stored on any street or public right-of-way.

**SECTION 8. AMENDMENTS TO ARTICLE XI “OFFSTREET PARKING AND LOADING”**

Section 138-65, “Definitions” is hereby amended, in part, as follows:

**ONE PARKING SPACE**

Constitutes an area having the following minimum unobstructed width and having such slope and unobstructed shape, vertical clearance and access as to accommodate one automobile as follows:

- A. Nine feet wide and to accommodate an automobile 18 feet in length.
- B. Handicapped parking spaces shall be provided in accordance with the Americans with Disabilities Act.

Section 138-71, “Modification of standards” is hereby amended, in part, as follows:

The Planning Board, in connection with its action on a site plan, may approve modification of off-street parking and loading standards as follows:

- A. Number. The Planning Board may authorize off-street parking and/or loading spaces up to 15% less in number than specified in §§ 138-67 and 138-69 if the Board determines that the following standards and conditions are met:
  - (1) The number of spaces provided on the plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land

and buildings and other structures specified in the application for a building permit and certificate of occupancy.

- (2) There is sufficient and suitable area on the lot to provide the full number of spaces specified in §§ 138-67 and 138-69 in accordance with all other requirements of this chapter.
  - (3) The authorization of such spaces, less in number, is applicable only to the particular use or occupancy of land and buildings and other structures specified in such application, and approval of the site plan shall be null and void in the event that such use or occupancy is changed to another use or occupancy.
- B. Overnight parking of vehicles associated with a principal permitted use. If the general health, safety and welfare of the residents of the Town of Southeast or the performance standards as expressed in § 138-12 are better served by the indoor parking of vehicles associated with a principal use, then the Planning Board should have the power to mandate such indoor parking.

#### **SECTION 9. AMENDMENTS TO ARTICLE XVII, “OUTDOOR LIGHTING”**

Section 138-98, “Lighting regulations” is hereby amended, in part, as follows:

- A. Light trespass. Any outdoor lighting in any zoning district (residential or commercial) shall be arranged in such a way that no direct glare is cast toward any highway or adjacent property, and luminary devices shall be hooded and/or arranged so that the source of the illumination is not visible from such public rights-of-way or other properties.
- (1) All new light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below.
    - (a) At the lot lines of the subject property, illumination from the light fixtures shall not exceed 0.1 footcandles on residentially-zoned property or 0.5 footcandles on non-residentially-zoned property, measured in a vertical plane.
    - (b) Outdoor light fixtures shall be directed so that there will be no direct beams of light or emissions onto adjacent property. Light fixtures near adjacent property may require additional shielding devices to prevent light trespass.
    - (c) This section does not apply to temporary decorative lighting that is installed for a period of one month or less per year.
    - (d) Where exterior lights abut sensitive natural areas such as wetlands and wooded areas, shielding shall be installed to prevent light spillover from reaching these sensitive natural areas.
    - (e) Other upward-directed architectural, landscape and decorative lighting shall not be visible above the building roof line, tree, or other structure which is being illuminated.
- B. Site lighting shall be reduced to a minimum level to maintain site security at the close of business and shall be controlled by motion detectors to minimize light pollution.

- C. Use of energy efficient and cost-saving bulbs, such as compact fluorescent (CFL) and light-emitting diode (LED), shall be encouraged.
- D. Lighting plan.
  - (1) An outdoor lighting plan, including all exterior building mounted lights, all pole-mounted lights, all sign lights, and all ground-mounted lights, shall be submitted to the Planning Board as part of site plan review pursuant to § 138-41.E(2)(c)[2][d]. Any modification to an approved lighting plan, whether or not other modifications to the approved site plan are being considered requires review and approval by the Planning Board.
  - (2) The lighting plan shall include, at a minimum:
    - (a) Safety or functional justification for all proposed outdoor lighting fixtures, whether on buildings, poles, or any other structure.
    - (b) How the proposed fixtures will minimize off-site light spillage.
    - (c) Hours of operation of individual lighting fixtures or systems.
    - (d) Analysis of light spillage view sheds from all surrounding developed and undeveloped property.
    - (e) Specifications of all proposed fixtures, including light intensity ratings and coverage ratings.
    - (f) Illuminance values for all developed portions of the site in footcandles (Fc), including the following calculated values: average, maximum, minimum, average:minimum ratio, maximum:minimum ratio. Average illuminance values shall only be calculated for developed portions of the property. Any portion of the property to remain undeveloped shall not be illuminated.
    - (g) An estimate of annual energy savings in kilowatt-hours (kwh) and dollars resulting from the use of timing systems and lower-intensity fixtures.
  - (3) Lighting plans shall be prepared in accordance with the guidelines established in the most recent edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
  - (4) The lighting plan shall account for all off-site lighting (e.g., adjacent properties, streetlighting) that may increase minimum, maximum, or average values.
  - (5) The lighting plan shall be prepared in coordination with the site plan and landscaping plan to take into account any structures or landscaping that may affect light distribution across the site.
  - (6) Any lighting plan for banks or automatic teller machines must conform to the New York State ATM Safety Act as administered by the New York State Department of Financial Services.
- E. Sign lighting shall only be permitted pursuant to Article XII of this chapter.
- F. In all districts, flashing, intermittent, moving or chaser lights or lighting of varying intensity shall be prohibited.

- G. Recreational sports facility lighting shall comply with Illuminating Engineering Society of North America (IESNA) recommendations and shall be shielded whenever possible (see “Special Regulations” Section 8.).
- H. Except as otherwise required by New York State or federal law for specific uses such as ATMs or gasoline stations, lighting in all commercial zoning districts shall be required to comply with the following:
  - (1) Unshielded wall packs and floodlights are prohibited.
  - (2) All other outdoor lighting shall use shielded lighting fixtures.
  - (3) All floodlight types of fixtures shall be permanently affixed in the approved position.
  - (4) Illuminance requirements. Outdoor Lighting where required or permitted by this ordinance, shall have intensities and uniformity ratios in accordance with the illumination levels listed in the following table:

<b>Horizontal footcandles on site</b>			
Max	Ave	Min	U. Ratio
5.0	3.6	0.0	4:1

**SECTION 10. VALIDITY**

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

**SECTION 11. EFFECTIVE DATE**

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

ZONING  
138 Attachment 5  
Town of Southeast  
Commercial Zoning Schedule

District	Permitted Principal Uses (see Notes G, N, and W)	Permitted Accessory Uses (see Notes F, H, and M)	Special Permit Uses	Conditional Uses (See Notes Q, S)	Minimum Lot Size				Minimum Yards			Maximum Coverage			Open Space Requirements (percentage of lot)	Maximum Height		Parking Setback			
					Square Feet (thousands)	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Building Coverage	Floor Area Ratio	Lot Coverage		Stories	Feet	Front (feet)	Side (feet)	Rear (feet)	
NB	Bed and Breakfast/Country Inn Office Personal services Professional services Recreation, small-scale Retail Restaurant Restaurant, fast casual	Private utilities Residence	General business Public utilities Motor vehicle dealership Senior Housing Theater/performing arts	Outside Storage Telecommunications towers and facilities	10 (20)	50 (90)	50 (100)	50 (100)	35 35	35 35	35	15%	0.4	45%	55%	2	30	15	10	10	
					See Note A				See Note B								See Note E				
ED	Craft Workshop General business Nursery Office Professional services Recreation Restaurant Theater/performing arts	Outside storage Private utilities	Kennels and animal hospitals Motor vehicle service stations Parking facility Public utilities Wood Mill	Light manufacturing Research labs Telecommunications towers and facilities Warehouse	80	200	200	200	100	50	75	15%	0.3	45%	55%	2	35	25	15	15	
					See Note B				See Note C								See Note E				
OP-1	Craft Workshop General business Office Personal services Professional services Research labs	Outside storage Private utilities Retail Warehouse	Hotel/motel/conference facility Kennels and animal hospitals Public utilities Wood Mill	Light Manufacturing Nursery Recreation Restaurant Telecommunications towers and facilities Warehouse	120	250	250	250	100	50	50	25%	0.25		55%	45%	3	45	50	25	25
					See Note D				See Note C See Note D			See Note P					See Note D See Note E				
OP-2	Bed and Breakfast/Country Inn Equestrian center Farm use General business Office Personal services Professional services Theater/performing arts	Outside storage Private utilities Retail Warehouse	Hotel/motel/conference facility Kennels and animal hospitals Public utilities Senior Housing	Light Manufacturing Nursery Recreation Research labs Restaurant Telecommunications towers and facilities Warehouse	200	400	400	400	100	50	50	25%	0.25		55%	45%	3	45	50	25	25
					See Note D				See Note C See Note D			See Note P					See Note D See Note E				
OP-3	Bed and Breakfast/Country Inn Equestrian center Farm use Offices Personal services Professional services Residential, including single-family detached and single-family attached (see Note K) Theater/performing arts	Outside storage Private utilities	Hotel/motel/conference facility Kennels and animal hospitals Light manufacturing Public utilities Senior Housing	Recreation Research Labs Retail Restaurant Telecommunications towers and facilities	100	400	400	400	100	50	50	25%	0.25		55%	45%	3	45	50	25	25
					See Note I See Note L				See Note C See Note D			See Note J					See Note D See Note E				

ZONING

District	Permitted Principal Uses (see Notes G, N, and W)	Permitted Accessory Uses (see Notes F, H, and M)	Special Permit Uses	Conditional Uses (See Notes Q, S)	Minimum Lot Size				Minimum Yards			Maximum Coverage			Open Space Requirements (percentage of lot)	Maximum Height		Parking Setback		
					Square Feet (thousands)	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Building Coverage	Floor Area Ratio	Lot Coverage		Stories	Feet	Front (feet)	Side (feet)	Rear (feet)
GC	Bed and Breakfast/Country Inn Office Personal services Professional services Restaurant Theater/performing arts	Outside storage Private utilities	Public utilities Senior Housing	General Business Recreation Retail Telecommunications towers and facilities	10	50	50	50	35	35	35	15%	0.4	45%	55%	2	30	15	10	10
SR6		Outside storage Private utilities	Hotel/motel/conference facility Kennels and animal hospitals Large retail establishments Motor vehicle dealership Public utilities Senior housing Wood Mill	Bed and Breakfast/Country Inn General Business Nursery Office Personal services Professional services Recreation Restaurant Restaurant, fast casual Retail Theater/performing arts Telecommunications towers and facilities	30	25	50	50	35	35	35	15%	0.4	45%	55%	2	30	20	10	10
HC	Bed and Breakfast/Country Inn Equestrian center General business Nursery Office Personal services Professional services Restaurant Restaurant, fast casual Recreation Theater/performing arts	Outside storage Private utilities Residence	Adult uses, nightclubs, pawnshops, pool or billiard halls, and tattoo parlors Car wash Hotel/motel/conference facility Kennels and animal hospitals Large retail establishments Motor vehicle service stations Public utilities Senior Housing	Retail Telecommunications towers and facilities	40	150	150	150	50	35	35	15%	0.3	45%	55%	2	35	25	15	15
SR22		Private utilities Residence	Large retail establishments Recreation Senior Housing	Bed and Breakfast/Country Inn Office Outside Storage Retail Personal services Professional services Restaurant Restaurant, fast casual Telecommunications towers and facilities																
RC	Craft Workshop Nursery Office Restaurant Recreation Kennel (see Note T)	Outside storage Private utilities Restaurant Retail Personal services Professional services	Cemetery Hotel/motel/conference facility Kennels and animal hospitals Public utilities Senior Housing Research labs Wood Mill	Bed and Breakfast/Country Inn Equestrian center Farm use Telecommunication towers and facilities	200	400	400	400	100	100	100	15%	0.15	45%	55%	3	35	100	100	100

ZONING

<p><b>NOTES:</b></p> <p>* All special permit uses are subject to site plan review by the Planning Board, except as otherwise set forth in this Chapter, and architectural review by the Architectural Review Board.</p> <p>Note A: Requirements in parentheses refer to residential use.</p> <p>Note B: Property lines may be eliminated if firewalls and access are provided.</p> <p>Note C: In ED and OP Zones, the fifty-foot setback is a minimum distance required for a state highway or a residence district boundary line.</p> <p>Note D: Lot frontage, front yard and front yard parking setback requirements may be reduced by up to 50% for interior site roads as part of the planned development or a campus park or any street or road other than a state or county road or highway.</p> <p>Note E: Side and rear parking setbacks shall be doubled if the zoning lot is directly adjacent to a resident district.</p> <p>Note F: Permitted accessory uses are not to exceed 20% of the total gross floor area of permitted space for all uses, except outside storage, which shall not exceed 5% of the lot area except as otherwise provided in Article IX, § 138-46.L.</p> <p>Note G: Institutional uses (i.e., public buildings; schools, including business schools; day-care centers; and churches) are permitted in all commercial zones.</p> <p>Note H: Private utilities are allowed as necessary uses for the support of building containing principal permitted uses.</p> <p>Note I: In the OP-MU Zone, permitted principal uses under special permit, retail/service shall not exceed 5% of the total permitted commercial development area.</p> <p>Note J: In the OP-MU Zone, a floor area ration of 0.15 shall not be exceeded without a transportation district in place or until the road improvements necessary to accommodate the additional development are made.</p> <p>Note K: In the OP-MU Zone, permitted principal uses, residential use shall not exceed 50% of the total lot area. An open space area, suitably planted and screened, shall be provided on the site consisting of not less than 200 feet between any principal building on a residential lot and any principal building on a commercial lot. Nothing herein shall be deemed to prohibit interior site roads to penetrate such buffer zone.</p> <p>Note L: In the OP-MU Zone, minimum lot size shall be the minimum lot size necessary to qualify for OP-MU mixed-use development treatment. In addition, for rezoning purposes, such lot must be currently zoned OP to be considered for rezoning to OP-MU. Resubdivision of the commercially developed portion of such district shall be governed by the area standards established for OP District. Resubdivision of the residentially developed portions of such district shall be governed by the provisions of the Residence R-20 District of this chapter.</p> <p>Note M: For any use requiring a special permit, all accessory uses are required to be included in the special permit request. Mixed uses are permitted subject to special permit approval.</p> <p>Note N: Mixed uses are permitted in the commercial zone where each of the uses is listed as a permitted principal or conditional use. Where the mix of uses includes permitted principal and conditional uses, the conditional use permit criteria shall prevail.</p> <p>Note O: In the OP-MU Zone, parking requirements for office use shall be provided in accordance with § 138-67H.</p> <p>Note P: Developments where storage and warehouse space comprises more than 1/3 of the total of the proposed floor area, a floor area ratio (FAR) not to exceed 0.3 shall be permitted; and in cases where the floor space devoted to warehouse/storage exceeds 2/3 of the total proposed floor area, a FAR not to exceed 0.35 shall be permitted.</p>	<p>Note Q: Telecommunications towers and facilities are permitted as a conditional use subject to Planning Board review and the general and special requirements of Article X and those special conditional use standards specifically set forth in § 138-54.1, including but not limited to specific requirements for maximum tower height. The bulk requirements for telecommunications towers and facilities shall be as follows. Yard setbacks shall be required in addition to the setback related to tower height; see Article X, § 138-54.1E(2) and (4).</p> <p>(a) Minimum lot area: 5 acres.</p> <p>(b) Minimum lot width: 300 feet.</p> <p>(c) Required front yard depth/setback: 100 feet.</p> <p>(d) Required side/total setback: 75 feet/100 feet.</p> <p>(e) Required side and rear setback: 100 feet.</p> <p>Note R: An environmental conservation buffer of 50 feet in width shall be provided on all lots within the Rural Commercial (RC) Zoning District.</p> <p>Note S: Outside storage is permitted as a conditional use subject to Planning Board review, Article IX, § 138-46.L, and the general and special conditions of Article X. Outside storage shall only be permitted as an accessory use and shall not exceed 5% of the lot area. Outside storage areas shall be clearly delineated on the site plan. The bulk requirements shall be as follows. Where conflicts between the requirements below conflict with provisions elsewhere in the Code, the more restrictive conditions shall prevail.</p> <p>(a) Minimum lot area: five acres.</p> <p>(b) Minimum lot width: 400 feet.</p> <p>(c) Minimum lot depth: 400 feet.</p> <p>(d) Required front yard setback: 100 feet.</p> <p>(e) Required side and rear yard setback from a residential zoning district: 50 feet.</p> <p>Note T: A kennel shall be a permitted principal use in an RC District, and not subject to additional special permit requirements of this chapter, provided that the kennel is located on parcel of land consisting of not less than five acres, abuts an interstate highway right-of-way and is owned or operated by a not-for-profit humane society or society for the prevention of cruelty to animals which is duly organized and existing under the laws of the state of New York.</p> <p>Note U: A hotel, motel or conference facility may be a maximum of 4 stories or 50 feet in height.</p> <p>Note V: Upon a finding by the Planning Board, that due to special conditions peculiar to a site, the clustering of a project into a portion of a site most suitable for development would minimize potential impacts on natural resources, wetlands, watercourses, or reservoirs, and would not have a negative effect on community character or traffic and transportation, the Board may reduce the minimum yard and parking setbacks by up to 50%.</p> <p>Note W: Small-scale recreation uses are permitted in any commercial zoning district that Recreation uses are permitted.</p>
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