

Town of Southeast, Putnam County, NY
Local Law No. __ of 2021

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 recently adopted the Route 22 Master Plan, which is an update to the 2007 Route 22 Master Plan and an addendum to the Town’s 2014 Comprehensive Plan Update. Route 22 is a gateway to the Town of Southeast and a major north-south transportation and commercial corridor within the Hudson Valley Region. The Route 22 Master Plan establishes a long-term vision for the Route 22 corridor and is intended to serve as a “blueprint” for future development along Route 22. The Master Plan establishes criteria and design guidelines for the location, design, and orientation of pedestrian improvements, landscaping, stormwater management, and bike and vehicular infrastructure. The purpose of this local law is to implement the zoning recommendations of the Route 22 Master Plan.

SECTION 2. PROPERTY AFFECTED

The premises affected by this rezoning are described and generally known as the Route 22 Corridor within the Town of Southeast from the terminus of Interstate 684 to the Patterson Town Line.

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

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

CURB-SIDE PICK-UP

A designated parking space or drive-up window from which phone, mobile-application, or website take-out orders are picked-up by customers or delivery service providers. Curb-side pick-up windows shall be for pick-up only.

LIVE/WORK BUILDING

A non age-restricted building which includes a commercial component attached to living quarters occupied by a person or persons, at least one of whom owns or works in the attached commercial component.

MOTOR VEHICLE DEALERSHIP

A business primarily engaged in enclosed and accessory outdoor retail sale of new or certified pre-owned 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.

RESTAURANT, FAST CASUAL

A restaurant serving food for casual dining, curb-side pick-up, 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-through 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.

SELF-STORAGE

Storage of domestic or household objects in individual, fully enclosed storage spaces ~~and outdoor storage of vehicles and boats in a screened enclosure in a facility~~ accessible to the general public for a fee.

SELF-STORAGE FACILITY

A building or group of buildings ~~in a controlled access and fenced compound~~ that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' business and household goods or contractors' supplies.

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

Section 138-5, “Districts Enumerated” is hereby amended, in part, to add a new Rural Commercial 2 (RC-2) Zoning District as follows:

District	Map Code
Rural Commercial 2	RC-2

Section 138-6, “Zoning Map” is hereby amended to rezone the following parcels as indicated below:

Tax Identification Number	Acres	Current Zoning Designation	New Zoning Designation
57.-1-7.-101	0.03	SR22	RMF
57.-1-7.-102	0.02	SR22	RMF
57.-1-7.-103	0.02	SR22	RMF

57.-1-7.-1037	0.04	SR22	RMF
57.-1-7.-1038	0.02	SR22	RMF
57.-1-7.-1039	0.02	SR22	RMF
57.-1-7.-104	0.02	SR22	RMF
57.-1-7.-1040	0.04	SR22	RMF
57.-1-7.-1141	0.03	SR22	RMF
57.-1-7.-1142	0.02	SR22	RMF
57.-1-7.-1143	0.02	SR22	RMF
57.-1-7.-1144	0.03	SR22	RMF
57.-1-7.-1245	0.03	SR22	RMF
57.-1-7.-1246	0.02	SR22	RMF
57.-1-7.-1247	0.02	SR22	RMF
57.-1-7.-1248	0.03	SR22	RMF
57.-1-7.-1349	0.04	SR22	RMF
57.-1-7.-1350	0.04	SR22	RMF
57.-1-7.-205	0.03	SR22	RMF
57.-1-7.-206	0.02	SR22	RMF
57.-1-7.-207	0.02	SR22	RMF
57.-1-7.-208	0.04	SR22	RMF
57.-1-7.-309	0.03	SR22	RMF
57.-1-7.-310	0.02	SR22	RMF
57.-1-7.-311	0.02	SR22	RMF
57.-1-7.-312	0.03	SR22	RMF
57.-1-7.-413	0.04	SR22	RMF
57.-1-7.-414	0.02	SR22	RMF
57.-1-7.-415	0.02	SR22	RMF
57.-1-7.-416	0.03	SR22	RMF
57.-1-7.-517	0.04	SR22	RMF
57.-1-7.-518	0.02	SR22	RMF
57.-1-7.-519	0.02	SR22	RMF
57.-1-7.-520	0.04	SR22	RMF
57.-1-7.-625	0.03	SR22	RMF
57.-1-7.-626	0.02	SR22	RMF
57.-1-7.-627	0.02	SR22	RMF
57.-1-7.-628	0.04	SR22	RMF
57.-1-7.-721	0.03	SR22	RMF
57.-1-7.-722	0.02	SR22	RMF
57.-1-7.-723	0.02	SR22	RMF
57.-1-7.-724	0.04	SR22	RMF
57.-1-7.-829	0.03	SR22	RMF
57.-1-7.-830	0.02	SR22	RMF
57.-1-7.-831	0.02	SR22	RMF
57.-1-7.-832	0.04	SR22	RMF
57.-1-7.-933	0.03	SR22	RMF
57.-1-7.-934	0.02	SR22	RMF
57.-1-7.-935	0.02	SR22	RMF
57.-1-7.-936	0.04	SR22	RMF
57.-1-5	10.35	OP-1	SR22
57.-1-6	4.56	OP-1	SR22
57.-1-13	21.00	OP-1	SR22
57.-1-14	3.66	OP-1	SR22

57.-1-15	1.36	OP-1	SR22
57.-1-16	0.64	OP-1	SR22
57.-1-17	7.49	OP-1	SR22
57.-2-29	2.85	OP-1	SR22
57.-2-30	4.91	OP-1	SR22
46.-1-20	0.24	HC	SR22
46.-1-21	0.94	HC	SR22
46.-1-22	0.34	HC	SR22
46.-3-14	2.55	RC	HC
46.-3-15	2.22	RC	HC
46.-3-16	6.08	RC	HC
46.-3-17	21.09	RC	OP-1
46.-3-18	2.7	RC	OP-1
46.-3-19	0.96	RC	OP-1
46.-3-20	1.13	RC	OP-1
46.-3-21	0.94	RC	OP-1
46.-5-5	2.59	RC	OP-1
46.-5-6	1.74	RC	OP-1
46.-4-18	0.69	RC	RC-2
46.-4-19	0.83	RC	RC-2
46.-4-20	2.51	RC	RC-2
46.-4-21	1.92	RC	RC-2
46.-4-22	1.33	RC	RC-2
46.-4-23	1.07	RC	RC-2

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

Chapter 138 Attachment 5, “Town of Southeast Commercial Zoning Schedule,” is hereby amended, in part, to add the following uses:

District	Permitted Principal Uses (see Notes G, N, <u>W</u>, and <u>X</u> and <u>W</u>)	Permitted Accessory Uses (see Notes F, H and M)	Special Permit Uses	Conditional Uses (See Notes Q, S)
SR22			Live/Work Restaurant, fast-food Self-storage Motor vehicle dealership	Animal hospital Doggie daycare General business Research labs Theater/performing arts
HC			Restaurant, fast-food Self-storage	
RC	Single family residential			

Chapter 138 Attachment 5, “Town of Southeast Commercial Zoning Schedule,” is hereby amended, in part, to add a new RC-2 Zoning District:

District	Permitted Principal Uses (see Notes G, N, W, and X)	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			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	Open Space Requirements (percentage of lot)	Stories	Feet	Front (feet)	Side (feet)	Rear (feet)
RC-2	Craft workshop	Outside storage	Cemetery	Bed-and-breakfast/country inn	80	250	250	250	50	25	25	25%	0.25	55%	45%	3	45	25	15	15
	General business	Private utilities	Hotel/motel/conference facility	Equestrian center	See Note D				See Note C See Note D			See Note P					See Note D See Note E			
	Nursery	Restaurant	Kennels and animal hospitals	Farm use																
	Office	Retail	Public utilities	Telecommunications																
	Restaurant	Personal services	Senior housing	Towers and facilities																
	Recreation	Professional services	Research labs																	
	Single family residential		Wood mill																	

Chapter 138 Attachment 5, “Town of Southeast Commercial Zoning Schedule,” is hereby amended, in part, as follows:

* All special permit uses are subject to site plan and architectural review by the Planning Board/Architectural Review Board, except as otherwise set forth in this chapter, ~~and architectural review by the Architectural Review Board.~~

Note F: Permitted accessory uses are not to exceed 20% of the total gross floor area of permitted space for all uses, except as noted herein. ~~except outside storage, which shall not exceed 5% of the lot area except as otherwise provided in Article IX, § 138-46L.~~ Outside storage shall not exceed 5% of the lot area except as otherwise provided in Article IX, § 138-46L. Accessory residential in the SR22 Zoning District shall not exceed 40% of the gross floor area.

Chapter 138 Attachment 5, “Town of Southeast Commercial Zoning Schedule,” is hereby amended, in part, to add a new Note X:

Note X: In the RC and RC-2 Zoning Districts single family residential uses are permitted at the same density as the R-160 Zoning District.

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

Section 138-50.1, “Landscape Standards for Route 22” is hereby added as follows:

- A. Objective. The Route 22 Corridor from the terminus of Interstate 684 to the Patterson Town line is a gateway to the Town of Southeast. A consistent landscaping approach is an important solution to tie the disparate architecture along Route 22 together.
- B. Rural Zone. The rural zones are defined as the segments of Route 22 from the terminus of Interstate 684 to its intersection with Milltown Road and the northernmost intersection with Old Doansburg Road to the Patterson Town line. Within the rural zones an emphasis should be placed on preserving and enhancing the rural landscape. Landscaping should incorporate the following features:
 - (1) Native trees, shrubs, and wildflowers.
 - (2) Maintain stone walls.
- C. Transitional Zone. The transitional zones are defined as the segment of Route 22 from its intersection with Milltown Road to its intersection with Clocktower Commons Drive, and its intersection with Route 312 to its northernmost intersection with Old Doansburg Road. Within the transitional zones an emphasis should be placed on connecting outlying residential areas to the commercial core. Landscaping should incorporate the following features:
 - (1) Introduce sidewalks and pedestrian amenities to connect residential areas to commercial areas where feasible.
 - (2) Maintain a landscaped buffer between sidewalks and Route 22 where feasible.
 - (3) Formal entrance plantings at driveways on Route 22.

D. Commercial Zone. The commercial zone is defined as the segment of Route 22 from its intersection with Clocktower Commons Drive to its intersection with Route 312. Within the commercial zone an emphasis should be place on the pedestrian experience.

Landscaping should incorporate the following features:

- (1) Require sidewalks and pedestrian connections between developments.
- (2) Maintain a landscaped buffer between sidewalks and Route 22 where feasible.
- (3) Formal entrance plantings at driveways on Route 22, including the use of annuals and seasonal displays.
- (4) No more than 25% of a property's road frontage may be stormwater management basins.
- (5) Street trees at regular intervals, and no less than 2.5" caliper at the time of planting.

E. Guiderails. Where necessary, all guiderails should be steel-backed timber.

F. Preferred plantings.

(1) Trees.

- (a) American Elm – *Umus americana* (Princeton or Valley Forge)
- (b) Honey Locust – *Geditsia triacanthos*
- (c) Linden – *Tilia americana*
- (d) Red Maple – *Acer rubrum*
- (e) White Oak – *Quercus alba*

(2) Preferred native shrubs and small trees.

- (a) Bayberry – *Myrica pensylvanica*
- (b) Blueberry Highbush – *Vaccinium corymbosum*
- (c) Chokeberry – *Aronia*
- (d) Hydrangeas – *Hydrangea querifolia* or *Hydrangea macrophylla*
- (e) Inkberry – *Ilex glabra*
- (f) Junipers – *Juniperus Bar Harbor* or *Juniperus communis*
- (g) Ninebark – *Hysocarpus*
- (h) Redbud – *Cercis canadensis*
- (i) Serviceberry – *Amelanchier laevis*
- (j) Summersweet – *Clethra alnifolia*
- (k) Winterberry – *Ilex verticillate*
- (l) Witch Hazel – *Hamamelis x intermedia*

(3) Preferred non-native ornamental shrubs.

- (a) Lilac – *Syringa pubescens* 'Miss Kim' or *Syringa meyeri* 'Palibin'
- (b) Mugo Pine – *Pinus mugo*

- (4) Preferred native perennials.
 - (a) Aster (New York or New England) – *Aster nova-belgii or novae angliae*
 - (b) Bee Balm – *Monarda*
 - (c) Black-Eyed Susan – *Rudbeckia*
 - (d) Bluestar – *Amsonia tabernaemontana*
 - (e) Cone Flower – *Echinacea*
 - (f) Coral Bells – *Heuchera americana*
 - (g) Goldenrod – *Solidago*
 - (h) Yarrow – *Achillea millefolium*
- (5) Preferred non-native perennials.
 - (a) Day Lily – *Hemerocallis fulva*
 - (b) Russian Sage – *Salvia yangii*

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

A new Section 138-56.3, “Live/Work Buildings” is hereby added as follows:

Live/Work buildings are subject to the following supplementary requirements:

- A. All Live/Work units shall be a studio or one-bedroom units.
- B. Each Live/Work unit must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub, and appropriate venting.
- C. Each Live/Work unit must be individually equipped with a kitchen consisting of a sink, non-portable stove, oven and refrigerator.
- D. The commercial component shall be a minimum of 60% of the gross floor area of the total development.
- E. Direct access between living and working areas must be provided.

A new Section 138-60.2, “Self-Storage Facilities” is hereby added as follows:

Self-storage buildings are subject to the following supplementary requirements:

- A. All buildings shall be of masonry or wood-frame construction on that portion of the building which faces on the street.
- B. Building colors shall be earth-toned.
- C. All self-storage units shall be accessible from the interior of the building. Exterior overhead garage style doors for individual storage units are prohibited.
- D. A minimum of 25% of the façade shall be translucent windows.
- E. Garage doors for individual storage units shall not be visible through exterior windows.

- F. Loading docks shall not face the primary street and shall be buffered from neighboring properties with fencing, a berm, and/or landscaping.
- G. No outdoor storage shall be permitted.
- H. Hours of operation shall be regulated by the special use permit and shall be noted on the site plan.
- I. Appropriate buffers between any component of the proposed use and adjoining properties, given the proposed use, the use of adjoining parcels, and the natural topography and vegetative cover, shall be established by the special use permit and shall be identified on the site plan.

Section 138-61, Fast-food eating establishments, is hereby amended in part as follows:

Fast-food eating establishments, as defined in Article I of this chapter under "restaurant, fast-food," shall be subject to the following supplementary requirements:

- A. No fast-food business shall be located within ~~1,000 feet of any other fast food business or within~~ 200 feet of a residential district line ~~or property line of a school or church~~. Said ~~1,000~~ 200 feet shall be measured from the nearest point of the building used or proposed for fast food.
- B. Adequate receptacles shall be provided for the deposit of all waste materials and the same shall be screened with planting or fencing from all adjacent property and streets.
- C. The Planning Board may limit lighting, signage or other outside activity such as drive-in services that would cause an adverse impact on adjacent nearby residential properties.
- D. The design of any fast-food establishment shall include materials and design elements in context with the Town's community character. The Planning Board/Architectural Review Board shall have the authority to request revisions to prototypical designs to ensure continued consistency of the Town's character and to avoid "placeless" architecture created by repetitive or iconic design.
- E. All applications for new drive-throughs shall be required to prepare a traffic impact analysis, including a queuing analysis, and traffic mitigation plan. Drive-throughs on Route 22 north of Interstate 684 shall have access to a fully signalized intersection. A new traffic signal may be installed if a traffic signal warrant study determines that a traffic signal is warranted and the New York State Department of Transportation grants approvals for the traffic signal. Unless signalized, entrances on Route 22 shall be right-turn in and right-turn out only with signage and striping to restrict left-turn access. Access to the signalized intersection can be provided via access easements across adjacent properties or through driveway exits onto County or Town roads that have a signalized intersection with Route 22.

Section 138-63.6, Special Route 22 Area District, is hereby amended in part as follows:

- A. All applications for development within the Special Route 22 Area District shall require site plan approval in compliance with Article IX, Site Plan Review and Approval, and shall require conditional use or special permit approval from the Planning or Town Board, respectively, in compliance with this section. The provisions of § 138-63.5, Retail, are specifically superseded by this section for any retail use proposed in the

Special Route 22 Area District but remain in effect for any retail use proposed in any other zoning district.

- B. Dimensional standards. All new construction shall be designed to be consistent with the Route 22 Area Master Plan and Aerial View, but in no case shall overall floor area ratio for a parcel exceed 0.15, and building height shall not exceed ~~35~~45 feet. The Planning Board for conditional use permits or the Town Board for special permits may allow a ~~single~~ anchor tenants exceeding 50,000 square feet in gross floor area, subject to the provisions of § 138-63.6C(2)(a)[1], when the ~~Town~~ Board determines that such a use will be necessary to ensure the viability of commercial activity within the Special Route 22 Area District. Such a larger use may only be considered as part of an integrated master plan that implements a substantial majority of the Route 22 Area Master Plan.
- C. Design guidelines. All uses within the Special Route 22 Area District shall be consistent with the design intent of the Route 22 Area Master Plan Conceptual Building Elevations and Conceptual Streetscape to the greatest extent practicable given natural resources constraints. In addition, 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. In any case where any provision within these design guidelines appears to conflict with the Route 22 Area Master Plan drawings, the Town Board shall have the sole authority to consider which provision shall apply.

(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.
- [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. Driveway entrances on Route 22, 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.
- [2] Implementation of the Special Route 22 Area District shall follow the Route 22 Collector Road Alignment as indicated in the Town of Southeast Comprehensive Plan.

(c) Parking lots.

- [1] Parking rates shall be calculated using the Urban Land Institute Shared Parking Methodology to calculate appropriate parking requirements for proposed uses.
- [2] Any parking spaces provided above the required number shall be in a separate parking area utilizing a pervious paving technique. Alternatively, additional parking areas may be "land-banked" for future development depending on use.
- [3] 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.
- [4] Individual parking stalls shall be nine feet by 18 feet, except as required to meet Americans with Disabilities Act (ADA) requirements. Parking stalls in employee parking areas may be eight feet by 18 feet.
- [5] Parking areas shall have a minimum ten-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 shadeless expanse of a large parking area. Planted bioswales may be substituted for raised parking islands.
- [6] Large parking areas of 50 spaces or more shall have additional planting islands a minimum of eight feet in width within the parking area between every second parking module (defined as a sixty-foot-wide area containing two rows of parking separated by a drive aisle).
- [7] There shall be a provision for separate pedestrian flow to building entrance(s) outside of drive aisles for each parking area.
- [8] Twenty-five percent of calculated required parking shall be provided in a designated employee-only parking area that utilizes a pervious paving technique. Where possible, this parking area shall be located to the rear of any building(s).
- [9] Twenty-five percent of calculated required parking shall be provided in an overflow area that shall be physically separated from other parking areas by lawn or other vegetated area.

[10] At least one tree, not less than three inches in caliper, measured three feet above ground level at time of planting, shall be provided within a planting island for each 10 parking spaces in the parking area.

[11] 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.

(d) 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.

(e) 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] A pedestrian walkway shall be a minimum of 10 feet in width and shall have street trees planted 40 feet on center at a minimum (not less than three inches in caliper measured three feet above ground level at time of planting). Pedestrian walkways offering access between buildings and/or providing access to rear parking areas are not required to have planting areas or street trees.

[4] A square or plaza shall be a minimum of 30 feet in any dimension and shall include a vegetated area covering a minimum of 50% of the total area when any one linear dimension of the square or plaza equals or exceeds 50 feet. (Pedestrian walkways shall not be required to meet this standard).

[5] Building(s) shall be designed to have a front facade that has at least one principal functional entry from a pedestrian walkway, square, or plaza.

[6] No ground-level facade 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.

[7] 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.

[8] Pedestrian walkways, squares, and plazas shall be integrated into the overall landscaping and lighting plans for the site.

[9] 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.

(f) Loading and 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 facade of any building or within any parking area. Loading and refuse collection areas shall be internal to a structure to the extent possible.

(g) Signage.

[1] All signs shall be carefully integrated with other site design elements. Signs shall be designed so that they are visible and informative at the pedestrian scale. Signs shall not be mounted above the eave line of any structure or be placed in or attached to any window. Signs must comply with the provisions in Article XII of this chapter.

(h) Lighting.

[1] A site lighting plan shall be provided in conformance with Article XVII of this chapter. Pedestrian-scale lighting fixtures shall be provided in parking areas and along pedestrian walkways and in squares or plazas.

(i) 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 Board as part of the special permit process.

[2] Vending machines, ice machines, newspaper boxes, or similar equipment may not be located outside of any building.

(2) Building design.

(a) Building size.

[1] Large single-use buildings are to be avoided. Where a large tenant is considered, the same building shall include several smaller tenants with separate exterior access to balance the scale of the larger tenant and to facilitate improved building design. ~~No single building shall have a building footprint exceeding 80,000 square feet.~~

(b) Building height.

[1] Buildings may be one or two stories to a maximum height of ~~35~~ 45 feet. Vertical elements such as clock towers, cupolas, or other architectural embellishments may extend the total height of the building but shall be no greater than 50 feet in height.

(c) Building style.

[1] Buildings shall be designed to be consistent with the Special Route 22 Area Master Plan and in all cases shall be of high-quality design and materials.

(d) Building facades and materials.

[1] 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.

[2] Blank wall exposures shall be limited. No ground-level facade 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.

[3] 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 clock towers, to provide visual interest, reduce the scale of continuous roofs and break the line where the building meets the sky.

[4] 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.

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

[6] Building facades shall be architecturally articulated vertically to define a pedestrian scale along any pedestrian walkway, square, or plaza. Arcades, awnings, rooflines 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 the sidewalk to the bottom of any awning, roof, or eave) of eight feet six inches and a maximum clear height of 10 feet above the sidewalk and shall extend beyond the building face a minimum of five feet.]

[7] 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.

[8] 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.

(e) 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 rooflines shall be used to break up the horizontal extent of the building. Where parapets are used, the parapet shall be provided along each facade. Parapet height is limited to 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% of the roof surface shall be used or a green roof on at least 50% of the roof area shall be used.

Roof Type	Slope	SRI
Low-sloped roof	Less than or equal to 2:12	78
Steep-sloped roof	Greater than 2:12	29

(f) 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 inches in width.

(g) 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.

- D. The developer shall provide adequate proof to the Town Board, prior to the issuance of any certificate of occupancy, that the developer has contracted with a private security company for the purpose of patrolling the premises for the safety and security of its customers, employees and businesses invitees and to ensure that the premises do not become a focal point for loitering or vagrancy. Such contract, or replacements thereof, shall remain in full force and effect during the occupancy of any premises developed hereunder. Failure to adequately maintain security services for the premises shall result in the revocation of any certificate of occupancy by the Town of Southeast.
- E. The Town 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 permit approval.

Section 138-63.9, “Motor Vehicle Dealership” is hereby amended in part as follows:

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 preexisting nonconforming. 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:
 - (1) The minimum lot size shall be ~~15.0~~ 4 acres.

- (2) A minimum fifty-foot-wide landscaped buffer shall be provided in the front, rear, and side yards. Vehicle parking and storage shall be prohibited within the fifty-foot buffer.
 - (3) A minimum of 10% of the parking lot and vehicle storage area shall be landscaped. The fifty-foot-wide buffer shall not contribute towards this requirement. Bioswales and rain gardens within landscaped islands may be counted towards this requirement.
 - (4) A minimum building size of 5,000 square feet for sales facilities and 7,500 square feet for combined sales and service facilities.
- 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 fifty-foot buffer.
 - I. Off-site ~~new~~ motor vehicle storage shall be permitted subject to the following conditions:
 - (1) The primary lot on which the motor vehicle dealership is located is less than five acres.
 - (2) 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."
 - (3) Off-site new motor vehicle storage shall be within 0.5 mile of the motor vehicle dealership location.
 - (4) Such off-site ~~new~~ motor vehicle storage shall not be used for vehicle display or customer interaction.
 - (5) 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.
 - ~~(6) Off-site storage of used or preowned 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.
- L. Motor vehicle dealerships on Route 22 north of Interstate 684 shall have access to a fully signalized intersection. A new traffic signal may be installed if a traffic signal warrant study determines that a traffic signal is warranted and the New York State Department of Transportation grants approvals for the traffic signal. Unless signalized, entrances on Route 22 shall be right-turn in and right-turn out only with signage and striping to restrict left-turn access. Access to the signalized intersection can be provided via access easements across adjacent properties or through driveway exits onto County or Town roads that have a signalized intersection with Route 22.

SECTION 8. 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 9. EFFECTIVE DATE

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