

Part I, Administrative Legislation

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code
[Adopted 4-15-1998 by L.L. No. 5-1998]

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

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Putnam Valley, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 165, together with an Appendix, shall be known collectively as the "Code of the Town of Putnam Valley," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Putnam Valley" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Putnam Valley, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Town of Putnam Valley in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Putnam Valley prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Putnam Valley or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Putnam Valley.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Putnam Valley.
- E. Any local law or ordinance of the Town of Putnam Valley providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Putnam Valley or any portion thereof.
- F. Any local law or ordinance of the Town of Putnam Valley appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Putnam Valley or other instruments or evidence of the town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any legislation relating to salaries.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to 9-17-1997.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Former Chapter 45 of the 1974 Code, entitled "Public Employees' Fair Employment," adopted 6-19-1974 by Local Law No. 4-1974, and any amendments thereto.
- O. Former Chapter 12 of the 1974 Code, entitled "Code of Ethics," adopted 6-19-1974 by L.L. No. 4-1974, and any amendments thereto.

- P. Former Chapter 42 of the 1974 Code, entitled "Noise," adopted 6-19-1974 by L.L. No. 4-1974, and any amendments thereto.
- Q. Former Chapter 56 of the 1974 Code, entitled "Subdivision of Land," adopted 6-19-1974 by L.L. No. 4-1974, and any amendments thereto.
- R. All resolutions adopted by the Town Board which are currently in effect.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Putnam Valley and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Putnam Valley by impressing thereon the Seal of the town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Putnam Valley" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Putnam Valley required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.)

Copies of the Code may be purchased from the Town Clerk of the Town of Putnam Valley upon the payment of a fee to be set by resolution of the Town Board, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Putnam Valley or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Putnam Valley to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Putnam Valley, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)¹

1. Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code

C. Nomenclature. Throughout the Code:

- (1) "Building, Zoning and Fire Inspector" is changed to "Code Enforcement Officer."
- (2) "Building and Zoning Inspector" is changed to "Code Enforcement Officer."
- (3) "Zoning, Building and Sanitary Inspector" is changed to "Code Enforcement Officer."
- (4) "Building Inspector" is changed to "Code Enforcement Officer."
- (5) "Police Department" is changed to "current enforcement authority."

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Putnam Valley, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. Applicability of Code to governmental units. [Added 3-22-2000 by L.L. No. 4-2000]

- A. All provisions of the Code of the Town of Putnam Valley shall apply equally to governmental units, including but not limited to agencies and departments of the town; county government and agencies; districts and agencies created by state law; state government and agencies; and any other governmental units except the United States government and agencies and other units specifically exempt by law.
- B. In the event that any governmental unit desires to make application for a permit under the Town Code, all fees shall be waived, except that if the Board, agency or official having approval authority determines that the application will require substantial effort to be expended in review of such application, all or a portion of those fees may be assessed. To the extent possible, such applications shall be expedited. The Town Board may also, by resolution, waive such fees and/or the applicability of the Town Code in an individual case.
- C. Emergencies. This Code shall not apply, however, to actions of a governmental unit engaged in dealing with a bona fide emergency during which there exists jeopardy to public health, safety or welfare.

by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 4-15-1998 by L.L. No. 5-1998." Schedule A, which contains a complete description of all changes, is on file in the town offices.

§ 1-14. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

ARTICLE II
Legislation Enacted During Codification

[During codification, certain new pieces of legislation or changes and/or additions to various existing pieces of legislation were approved by the Town Board for inclusion in the Code of the Town of Putnam Valley. Such amendments and new enactments are noted in the histories of individual chapters as "amended (adopted) during codification (see Ch. 1, General Provisions, Art. II)." Upon final enactment, a complete enumeration of all chapters and sections in the Code involved in such enactments will be included in this article, along with specific dates of adoption.]

Chapter 3
(RESERVED)

GENERAL REFERENCES

Alternate Members of Zoning Board of Appeals and Planning Board – See Ch. 8, Article VII.

Chapter 4
ASSESSORS

§ 4-1. Offices of Assessor continued.

Pursuant to the provisions of § 1556 of the Real Property Tax Law,² the three offices of Assessor of the Town of Putnam Valley shall continue and shall be elective, as provided by the law in effect immediately prior to the effective date of said § 1556.

§ 4-2. Special election for approval.

This chapter shall be submitted for the approval of the electors of the Town of Putnam Valley at a special election to be held in accordance with the provisions of the Municipal Home Rule Law, except that such special election shall be held not later than July 1, 1971.³

Chapter 8
BOARDS AND COMMISSIONS

GENERAL REFERENCES

Boats and vessels – See Ch. 58.

Freshwater wetlands – See Ch. 144.

Forestry – See Ch. 140.

Soil erosion and sediment control – See Ch. 155.

2. Editor's Note: Section 1556 of the Real Property Tax Law was repealed by L.1984, c. 472, § 7, effective 7-10-1984. See now Title 2 of the Real Property Tax Law.

3. Editor's Note: Approved by electors of the town at a special election held 6-21-1971.

ARTICLE I

Parks and Recreation Commission

[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 42A of the 1974 Code]

§ 8-1. Commission established.

- A. There is hereby established in the Town of Putnam Valley a commission, to be known as the "Putnam Valley Parks and Recreation Commission," to consist of five members to serve without compensation, to be appointed by the Town Board of the Town of Putnam Valley.
- B. No member of the Town Board shall be eligible for membership on such Commission.
- C. Terms of office.
 - (1) Members of such Commission shall be residents of the Town and shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.
 - (2) Provided, however, that of the members first appointed, one shall hold office until December 31, 1968, one until December 31, 1969, one until December 31, 1970, one until December 31, 1971, and one until December 31, 1972.
- D. The Town Board shall designate the Chairperson of such Commission each year and may also provide for compensation to be paid to such experts, clerks and a secretary as may from time to time be appointed by the Town Board and may provide for such other expenses as may be necessary and proper, not exceeding in all the appropriations that may be made by the Town Board for such Commission.
- E. The Town Board shall have the power to remove any member of the Commission for cause.
- F. All meetings of the Commission shall be held at the call of the Chairperson, at the call of two members thereof and at such other times as such Commission may determine, in each case upon two days' notice to all members, and shall be open to the public.
- G. Such Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall keep records of all its official actions.
- H. Every rule or regulation and every amendment or repeal thereof and every order or decision and all minutes of such Commission shall immediately be filed in the office of the Town Clerk and shall be a public record.⁴

§ 8-2. Gifts and bequests.

Such Parks and Recreation Commission may, on behalf of the Town and with the approval of the Town Board, accept by gift, grant or devise thereto, land for one or more parks or recreation sites outside any existing improvement districts within the Town and may, in behalf of the Town, accept any gift or bequest of money or other personal property or any donation to be applied as principal or income for either temporary or permanent use for park or recreation purposes.

§ 8-3. Acquisition of recreation sites.

Such Parks and Recreation Commission may, with the approval of the Town Board, acquire, in behalf of the Town, by purchase or condemnation, such park or recreation site outside any existing improvement district within the Town as may be designated by the Town Board for such purpose within the limits of any appropriation made therefor.

§ 8-4. Maintenance of recreation sites; employees.

- A. Such Parks and Recreation Commission may, within the limits of any appropriation made therefor, equip, improve, maintain and renew such park and recreation sites and may construct, maintain and operate in connection therewith public swimming facilities.
- B. Such Commission may, for the purposes of carrying out the object of such park or recreation sites, and within the limits of any appropriation made therefor, employ such employees as they deem proper.

§ 8-5. Supervision of recreation sites; maintenance.

Such Parks and Recreation Commission shall have the supervision and control of all Town parks and recreation sites outside any existing improvement district and the care and maintenance of the same. It shall keep any such Town park and recreation site in repair and for that purpose shall have the use of such funds as may be appropriated therefor.

§ 8-6. Adoption, amendment and enforcement of rules and regulations. [Amended 4-15-1998 by L.L. No. 5-1998; 7-17-2013 by L.L. No. 6-2013]

- A. The Town Board shall from time to time adopt and amend rules and regulations for:
 - (1) Proceedings before the Parks and Recreation Commission;
 - (2) The use, care, management and protection of Town park and recreation sites and properties;
 - (3) The conduct of persons within Town parks and recreation sites;

- (4) The establishment of fees for the use of Town park and recreation sites and properties.
- B. Conduct violative of any of the rules and regulations adopted by the Town Board pursuant to Subsection A above shall constitute a violation as defined under the New York State Penal Law, punishable by:
- (1) Exclusion from the use of Putnam Valley Town Park facilities for a period of up to one year; and
 - (2) For a first offense a fine of up to \$350, imprisonment for up to 15 days, or both such fine and imprisonment; and
 - (3) For a second offense of the same nature committed within one year of the first offense a fine of up to \$700, imprisonment for up to 15 days, or both such fine and imprisonment.
- C. The Code Enforcement Officer of the Town of Putnam Valley and any peace officer are hereby empowered to enforce the provisions of this chapter.

§ 8-7. Public hearing on recommendations.

- A. Such Parks and Recreation Commission shall, from time to time, and at least once in each calendar quarter, fix a date for a public hearing on recommendations for park and recreation projects to be made by such Commission to the Town Board and shall, within 30 days thereafter, make such recommendations as they deem advisable.
- B. Notice of such public hearings shall be published in the Town's official newspaper, and such other newspaper as may be designated by the Town Board, and posted on the Town bulletin board at least 10 days before the date fixed therefor.

§ 8-8. Agreements with other municipalities.

Such Parks and Recreation Commission shall have the power, within the limits of any appropriation made therefor, to enter into agreements with other municipalities for joint acquisition of property for, maintenance and operation of recreation sites, as provided in § 244-b of the General Municipal Law.

§ 8-9. Permanent financing of improvements; approval of electors.

Permanent financing of the cost of any park or recreational improvement that may be approved by the Town Board as provided herein shall be submitted for the approval of the electors at a referendum to be held pursuant to the procedures of Town Law § 81.

§ 8-10. Playgrounds.

As used herein, the term "recreation sites" shall be deemed to include playgrounds.

ARTICLE II

Substance Abuse Advisory Council

**[Adopted 6-14-1974 by L.L. No. 4-1974 as Ch. 41 of the 1974 Code;
amended in its entirety 4-17-1996 by L.L. No. 5-1996]**

§ 8-11. Establishment and purpose.

There is hereby established a Substance Abuse Advisory Council for the development of a program of community participation regarding the control of the use of alcohol and controlled substances in the Town of Putnam Valley.

§ 8-12. Membership.

The Council shall consist of five members to hold office for terms of three years each commencing on the date of their appointment.

§ 8-13. Vacancies.

Any vacancy shall be filled for the unexpired portion of the term of the vacating member of the Council.

§ 8-14. Removal.

Any member may be removed by the Town Board for cause, after public hearing, if requested by such member.

§ 8-15. Duties of Council.

Such Council shall direct itself toward accomplishing the following:

- A. Make immediately available to the community basic knowledge acquired in the field of drug and alcohol use especially by youth.
- B. Create a climate in which residents seeking assistance in coping with alcohol and drug problems can meet, without embarrassment, with responsible individuals or agencies in a position to render assistance.
- C. Authorize persons approved by the Council to contact and counsel persons within the community suspected of using drugs or alcohol of those persons allegedly having knowledge of such usage.
- D. Cooperate with other alcohol and substance abuse guidance councils and with the state and federal alcohol and narcotics commissions and agencies in bringing local and community trouble areas to their attention.

§ 8-16. Expense.

- A. The Council shall have no power to make contracts on behalf of the Town of Putnam Valley nor to employ any persons or persons as

employees or consultants without the prior consent of the Town Board of the Town of Putnam Valley.

- B. The Council, however, shall have the power to request that the Town Board of Putnam Valley make available such employees as it may, from time to time, require to assist the Council in its work.
- C. The Council shall be authorized to incur expenses for the performance of its official duties as shall be necessary only to the extent that such expenses are provided for in the budget of the Council approved and adopted by the Town Board of Putnam Valley.

§ 8-17. Compensation.

Members of the Council shall receive no compensation for their services.

§ 8-18. Chairperson; meetings; attendance.

- A. The Town Board shall designate a Chairperson from among the members appointed to the Council.
- B. The Council shall hold meetings at such regular intervals not less frequently than once per month or as the Council shall require.
- C. The Council shall adopt rules for the conduct of its business and keep minutes and records of its proceedings and determinations.
- D. The Council shall hold periodic public meetings to encourage the widest community attendance and participation in the activities and purposes of the Commission.

ARTICLE III

Environmental Conservation Commission
[Adopted 8-28-1974 by L.L. No. 5-1974 (Chapter 24A of the 1974 Code)]

§ 8-19. Intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Putnam Valley, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Putnam Valley. It is recognized that the biologic integrity of the natural environment on which humans are dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town of Putnam Valley working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

§ 8-20. Establishment of Commission.

The Town Board of the Town of Putnam Valley hereby creates a commission which shall be known as the "Putnam Valley Commission for Conservation of the Environment," hereinafter called the "Commission."

§ 8-21. Membership; terms of office; eligibility.

- A. The Commission shall consist of seven members. In addition, there may be appointed up to two members of the Commission who are between 16 and 21 years of age. **[Amended 4-15-1998 by L.L. No. 5-1998]**
- B. Three of the members' terms shall conclude in even-numbered years, and four of the members' terms shall conclude in odd-numbered years. **[Added 4-15-1998 by L.L. No. 5-1998]**
- C. Members shall be appointed by the Town Board for the term of two years from and after the expiration of the terms of their predecessors in office.
- D. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term; provided, however, that of the members first appointed, the Chairperson and half of the members, other than the Chairperson, shall be appointed for terms of two years, and the remaining members shall be appointed for the term of one year.

- E. Persons residing within the Town of Putnam Valley who have demonstrated an interest in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Commission.

§ 8-22. Officers; meetings.

The Town Board shall designate a member of the Commission to act as Chairperson thereof. At the first meeting of the Commission, its members shall elect from among themselves a recording secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 8-24 of this article. The Commission shall meet at least once each month and shall have the power to hold public hearings.

§ 8-23. Powers and duties.

- A. The powers and duties of the Commission shall be to:
- (1) Advise the Town Board, Planning Board, Zoning Board of Appeals and all other Town boards and commissions on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Town insofar as beauty, quality of biologic integrity and other environmental factors are concerned and, in the case of human activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Town of Putnam Valley.
 - (2) Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
 - (3) Conduct studies, surveys and inventories of the natural and man-made features within the Town of Putnam Valley and such other studies and surveys as may be necessary to carry out the general purposes of this article.
 - (4) Maintain an up-to-date inventory or index of all open spaces or open areas in public or private ownership within the municipality (as the term "open areas" is defined in § 239-y of the New York State General Municipal Law), including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Commission for their preservation and/or use.

- (5) Seek to cooperate with, coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town of Putnam Valley in accord with the purposes of this article.
 - (6) Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Commission.
 - (7) Working in cooperation with the Putnam Valley Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws, ordinances and practices relating to environmental control or recommend new local laws, ordinances and practices.
 - (8) Prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this article.
 - (9) Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Commission into local environmental conditions.
 - (10) Carry out such other duties as may be assigned from time to time by the Town Board.
- B. When authorized by resolution of the Town Board of the Town of Putnam Valley, the Commission may accept by gift, grant, devise, bequest or otherwise property, both real and personal, in the name of the Town of Putnam Valley, as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town of Putnam Valley. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

§ 8-24. Reports.

The Commission shall submit an annual report to the Town Board not later than the 31st day of December of each year, concerning the activities and work of the Commission and, from time to time, shall submit such reports and recommendations as may be necessary to fulfill the purposes of this article.

§ 8-25. Compensation and expenses.

The members of the Commission shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 8-26. Construction of provisions.

This article shall be deemed an exercise of the powers of the Town of Putnam Valley to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This article is not intended and shall not be deemed to impair the powers of any other public corporation.

ARTICLE IV
Planning Board
[Adopted 1-3-1998 by L.L. No. 1-1998]

§ 8-27. Authority.

This article is enacted pursuant to the authority of New York State Town Law § 271, Subdivision 7, authorizing Town Boards which have seven members on the planning board to adopt a local law which decreases the membership to five.

§ 8-28. Purpose.

- A. In order to permit the Planning Board to transact business more efficiently and cost effectively, the Town Board of the Town of Putnam Valley finds that the Town will be best served by a Planning Board consisting of no more than five members.
- B. Due to the expiration of one Planning Board member on December 31, 1997, and a vacancy created effective December 31, 1997, the Town Board of Putnam Valley has determined that decreasing the membership of the Planning Board to five at this time will have the least amount of impact on the remaining members and that no member is improperly removed from office except upon the expiration of his/her term.

§ 8-29. Decrease in membership.

The number of members of the Planning Board is decreased from seven to five.

§ 8-30. Terms of new members.

Upon the expiration of the term of any current member, his/her reappointment or the appointment of his/her successor shall be for a term of five years with the following exceptions necessary to correct improper term lengths previously established contrary to New York State Town Law:

- A. The reappointment of the current member with a term expiring December 31, 1998, or the appointment of his/her successor shall be for a term of six (six) years to expire December 31, 2004.
- B. In no case shall any term be appointed to expire in the same year as an existing term expires.

§ 8-31. Quorum and majority.

Pursuant to § 41 of the New York General Construction Law, a majority of the number of members of the Planning Board shall constitute a quorum and be required to exercise its powers, regardless of vacancies, absences or disqualifications from voting, unless other laws, including but not limited

to § 239-m of the New York General Municipal Law, require more than a majority for action. Where a majority of the members of the Planning Board does not vote on a matter, it shall be the equivalent of nonaction.

ARTICLE V
Zoning Board of Appeals⁵
[Adopted 1-3-1998 by L.L. No. 2-1998]

§ 8-32. Authority.

This article is enacted pursuant to the authority of New York State Town Law § 267, Subdivision 2, authorizing Town Boards which have seven members on the Zoning Board of Appeals to adopt a local law which decreases the membership to five.

§ 8-33. Purpose.

- A. In order to permit the Zoning Board of Appeals to transact business more efficiently and cost effectively, the Town Board of the Town of Putnam Valley finds that the Town will be best served by a Zoning Board of Appeals consisting of no more than five members.
- B. In addition, it is noted that Town Law § 267 does not acknowledge a membership of seven members for the Zoning Board of Appeals.
- C. Due to the expiration of one Zoning Board of Appeals member on December 31, 1997, and a vacancy created effective December 31, 1997, the Town Board of Putnam Valley has determined that decreasing the membership of the Zoning Board of Appeals to five at this time will have the least amount of impact on the remaining members and that no member is improperly removed from office except upon the expiration of his/her term.

§ 8-34. Decrease in membership.

The number of members of the Zoning Board of Appeals is decreased from seven to five.

§ 8-35. Terms of new members.

Upon the expiration of the term of any current member, his/her reappointment or the appointment of his/her successor shall be for a term of five years with the following exceptions necessary to correct improper term lengths previously established contrary to New York State Town Law:

- A. The reappointment of the current member with a term expiring December 31, 1998, or the appointment of his/her successor shall be for a term of four years to expire December 31, 2002.
- B. In no case shall any term be appointed to expire in the same year as an existing term expires.

5. **Editor's Note: See also Ch. A171, Zoning Board of Appeals.**

§ 8-36. Quorum and majority.

Pursuant to § 41 of the New York General Construction Law, a majority of the number of members of the Zoning Board of Appeals shall constitute a quorum and be required to exercise its powers, regardless of vacancies, absences or disqualifications from voting, unless other laws, including but not limited to § 239-m of the New York General Municipal Law, require more than a majority for action. Where a majority of the members of the Zoning Board of Appeals does not vote on a matter, it shall be the equivalent of nonaction.

ARTICLE VI

**Advisory Board on Architecture and Community Appearance
[Adopted 6-5-2002 by L.L. No. 4-2002]****§ 8-37. Legislative intent.**

The Putnam Valley Town Board hereby finds that inappropriateness or poor quality of design in the exterior appearance of buildings or land developments adversely affects the desirability of the immediate area and neighboring areas and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, retards the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants thereof, and creates an improper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such exterior appearance of buildings and land developments and thus to promote and protect the health, safety, morals and general welfare of the community. It is also a purpose of this article to control the recent trend of tearing down existing houses and replacing them with larger houses or building large additions to existing houses, which threatens the appearance and impact upon the health, safety, welfare and quality of life in Putnam Valley.

§ 8-38. Board established; membership; officers; terms of office.

There is hereby created an Advisory Board on Architecture and Community Appearance (ABACA), which shall consist of five members who shall serve without compensation. All members of the Board shall be residents of the Town and shall be specially qualified by reason of training or experience in architecture, land development, city planning, real estate, landscape architecture or other relevant business or profession, or by reason of civic interest and sound judgment, to judge the effects of a proposed building or land development upon the desirability, property values and development of surrounding areas, and at least one member of the Board shall be a registered architect in the State of New York. The members of the ABACA shall be appointed by the Town Board. The Chairman shall be designated by the Town Board annually and shall serve at the pleasure of the Town Board. The Secretary of the ABACA shall be designated by the members of the Board annually. The term of office of each member shall be three years, except that the initial appointments of one member shall be for one year, of two members for two years and of two members for three years. The Town Board shall have the power to remove any member for cause. Vacancies shall be filled by the Town Board for the unexpired term of any member whose place becomes vacant.

§ 8-39. Meetings; procedures.

Regularly scheduled meetings of the Advisory Board on Architecture and Community Appearance shall be held monthly or at such other times as the Chairman shall designate. A majority of said Board shall constitute a quorum for the transaction of business. The ABACA shall keep minutes of its proceedings. Any report or recommendation made by the ABACA must have the approval of the majority of the Board present and shall be officially filed with the referring board or department (hereinafter cited as the "referring agent") within 30 days of referral, except that failure to report within 30 days shall be deemed to be approval thereof. Where changes or modifications on any submission are recommended, there shall be set forth the specific changes and the reason(s) for same. After having referred an application for building or land development permit to the ABACA, the referring agent shall not take final action prior to receiving and considering the recommendations of this Board. The referring agent shall provide a full set of plans and accompanying data to the ABACA for its use and permanent file. The applicant may be requested to appear to review with the ABACA any submission to it.

§ 8-40. Matters to be referred.

- A. The following matters shall be referred to the ABACA:
- (1) Every application for the site development or subdivision of land into five or more lots.
 - (2) Every application for the development or subdivision of land located within the Hillside Management Overlay District.
 - (3) Every application for a building permit for the construction of any structure in excess of 1,200 cubic feet of cubical contents.
 - (4) Every application for a building permit for the reconstruction or alteration of any structure in excess of 1,200 cubic feet of cubical contents.
 - (5) Every application for a variance under § 165-44A(2) of the Code of the Town of Putnam Valley.
 - (6) Every application for a variance under Chapter 165 Article VII, Accessory Structures and Uses, of the Code of the Town of Putnam Valley.
- B. Referrals.
- (1) Any such application for a building permit filed with the Code Enforcement Officer shall be referred to the ABACA within seven days after the submission of the application, provided that it conforms in all respects to all other applicable laws and ordinances.

- (2) Any such application for a variance filed with the Zoning Board of Appeals shall be referred to the ABACA within seven days after the submission of the application, provided that it conforms in all respects to all other applicable laws and ordinances.
- (3) Any such application for site plan approval filed with the Planning Board shall be referred to the ABACA within seven days after concept approval has been granted.
- (4) Any such application for subdivision filed with the Planning Board shall be referred to the ABACA within seven days after the preliminary approval has been granted.

§ 8-41. Criteria to be used.

The ABACA shall base its recommendations on the following criteria: No building or structure or land development shall be so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more of the harmful effects set forth in § 8-37 by reason of:

- A. The repeated and adjacent use of identical or near identical facades or structures arranged without respect to natural features of terrain or other existing structures.
- B. Inappropriateness of a structure or land development in relation to any other structure or land development existing within 500 feet of the proposed structure or land development, or for which a permit has been issued and to be located within such five-hundred-foot distance, or to any other structure or land development included in the same application with respect to one or more of the following features:
 - (1) Cubical contents.
 - (2) Gross floor area.
 - (3) Height of building or height of roof.
 - (4) Scale. Out-of-scale:
 - (a) With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood and/or relative to the size of the lot upon which the building is situated.
 - (b) With regard to any part of a building, the condition of appearing to be disproportionately large, bulky, or massive relative to any other part of the same building.
 - (c) With regard to an addition to a preexisting building, the condition of appearing to be disproportionately large, bulky, or massive relative to the preexisting building.

- (d) With regard to an accessory structure, the condition of being disproportionately large, bulky, or massive relative to the principal structures, the other buildings in the surrounding neighborhood, and/or the size of the lot upon which the accessory structure is situated.
- (5) Other significant design features, such as material quality of architectural design, roof structures, chimneys, exposed mechanical equipment and service and storage enclosures, signs, landscaping retaining walls, parking areas, service and load docks, dividing walls, fences, lighting posts and standards, provided that a finding of inappropriateness shall state not only that such inappropriateness exists but, further, that it is of such a nature that by a fair preponderance of the credible evidence it has been proven that its allowance results in one or more of the harmful effects set forth in § 8-37.

§ 8-42. Severability.

If any section, paragraph, subdivision, clause or provision of these rules, regulations and ordinances shall be adjudged invalid, such judgment shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and shall not affect, impair or invalidate any other part or portion of these rules, regulations and ordinances.

ARTICLE VII

**Alternate Members of Zoning Board of Appeals and Planning Board
[Adopted 5-16-2007 by L.L. No. 5-2007⁶]****§ 8-43. Term of office; appointment.**

The Town Board shall, by resolution appoint one or more alternate members to each of the Planning Board and Zoning Board of Appeals to serve as described in this article. Such appointment shall be for a period of one year. In the case of a vacancy, the Town Board shall appoint an alternate member to serve for the remainder of the current term.

§ 8-44. Service of alternate members.

- A. The Chairpersons of the Zoning Board of Appeals and Planning Board shall designate the alternative members of the respective Board to serve in the place of a regular member of such Board:
- (1) In the event of the absence of any such member, for the duration of such absence.
 - (2) In the event that any member recuses himself or herself or is otherwise unable to participate on a particular matter due to an actual or potential conflict of interest.
- B. A designation by the Chairperson to replace an absent member shall be entered into the minutes of each meeting where it occurs. A designation by the Chairperson to replace a recused or excused member shall be entered into the minutes of the initial meeting at which the substitution is made. When so designated by the Chairperson, the alternate member shall possess all the powers, duties and responsibilities of the regularly appointed Board member.
- C. All of the provisions of New York State law and the Town of Putnam Valley Code relating to training, continuing education, attendance, conflicts of interest, compensation, eligibility, vacancy in office and removal from office shall apply to said alternate members.

6. Editor's Note: This local law also provided that the Town Board may supersede inconsistent provisions of New York State Town Law, including, without limitation, Subdivision 11 of § 267 and Subdivision 15 of § 271 thereof.

Chapter 10
CITIZEN COMMITTEES

ARTICLE I
Creation and Regulation
[Adopted 1-3-1998 by L.L. No. 3-1998]

§ 10-1. Authority.

This article is enacted pursuant to New York State Municipal Home Rule Law § 10.

§ 10-2. Purpose.

The purpose of this article is to establish the authority of the Town Board of the Town of Putnam Valley to create by resolution and effectively administrate citizen committees not otherwise authorized or governed by any other laws of the State of New York.

§ 10-3. Establishing citizen committees.

- A. The Town Board of the Town of Putnam Valley may create citizen committees by resolution of a 2/3 vote of the Town Board as it deems appropriate.
- B. The resolution creating citizen committees will be consistent with the following provisions, and such resolution will state these provisions for each committee established.
- (1) The purpose and need of the committee will be defined.
 - (2) The committee will be established as either permanent or temporary.
 - (3) The role of the committee will be stated as advisory in nature.
 - (4) The number of members and their term lengths shall be established, and vacancies provided for.
 - (5) A Town Board liaison will be assigned by the Supervisor with a majority vote of the Board.
 - (6) A set of rules for each committee created under the authority of this article will be established by the Town Board. These rules shall include but not be limited to provisions for meetings, attendance, duties and removal. These rules shall not be inconsistent with any other local or state law.
 - (7) All committee members shall be governed by any applicable state and local laws, including but not limited to the Code of Ethics of the Town of Putnam⁷ and the State of New York.

7. **Editor's Note: See Ch. 17, Code of Ethics.**

§ 10-4. Existing committees.

All committees existing in the Town of Putnam Valley at the time of enactment of this article, and not authorized by any other provision of state or local law, upon review by the Town Board, shall be either dissolved, acknowledged as compatible with the provisions contained in this article, or reestablished in compliance with the provisions of this article.

Chapter 13

DEFENSE AND INDEMNIFICATION

§ 13-1. Intent.

The Town Board of the Town of Putnam Valley has determined that in order to ensure the continued and future service of responsible and capable individuals as officials, employees and appointees of the Town of Putnam Valley, it is necessary and proper to assure that they are afforded protection against individual liability for actions taken in good faith within the scope of their duties and employment.

§ 13-2. Title.

The title of this chapter shall be "Defense and Indemnification of Public Officials and Employees."

§ 13-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COUNSEL TO THE TOWN — Any attorney that provides legal services to the town on a contractual basis.

EMPLOYEE — Unless the context otherwise requires, any person holding a position by election, appointment or employment in the service of the Town of Putnam Valley on or after January 1, 1981, notwithstanding when the alleged improper act occurred or is alleged to have occurred and whether or not the employee is compensated, but shall not include an independent contractor other than those employed on a regular and continuing basis, such as the Town Planner, Police Consultant, counsel to the town, etc., and shall include a former employee, the employee's estate or judicially appointed personal representative. The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party.

TOWN — The Town of Putnam Valley.

TOWN ATTORNEY — The Town Attorney of the Town of Putnam Valley, or Acting Town Attorney in the event that there is no Town Attorney and the Town Board has appointed an Acting Town Attorney in his or her stead during the interim.

§ 13-4. Defense of employee by town; exception.

- A. The town shall provide for the defense of an employee in any civil action or proceeding in any state or federal court or administrative action arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his or her public

employment and duties or which is brought to enforce a provision of §§ 1981 through 1988 of Title 42 of the United States Code; provided, however, that the duty of the town to defend, indemnify or save harmless shall be conditioned upon:

- (1) Delivery to the office of the Town Clerk by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he or she is served with such document with a written request by the employee that the town provide for his or her defense pursuant to this chapter.
 - (2) The full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the town based upon the same act or omission and in the prosecution of any appeal.
 - (3) A finding by the Town Attorney or the counsel to the Town Supervisor that the alleged action or omission on the action which is brought to enforce a provision of U.S.C. §§ 1981 through 1988 occurred while the employee was acting within the scope of his or her public employment and in the discharge of his or her duties.
 - (4) The individual is an employee, as heretofore defined herein, on or after January 1, 1980.
- B. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Town of Putnam Valley.

§ 13-5. Representation by Town Attorney or private counsel.

Subject to the conditions set forth herein, the employee shall be entitled to be represented by the Town Attorney or counsel to the town; provided, however, that the employee shall be entitled to representation by private counsel of his or her choice in any civil judicial proceeding whenever the Town Board determines, based upon its investigation and review of the facts and circumstances of the case and upon recommendation of the Town Attorney or counsel to the town, that representation by the Town Attorney or counsel to the town would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his or her choice. The Town Attorney or counsel to the town shall notify the employee, in writing, of such determination that the employee is entitled to be represented by private counsel.

§ 13-6. Fees and expenses.

The Town Attorney or counsel to the town may require, as a condition to payment of the fees and expenses of such representation by private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to

representation by private counsel under the provisions of § 13-5 of this chapter, the Town Attorney or counsel to the town shall so certify to the Town Board. Reasonable attorneys' fees and litigation expenses shall be paid by the town to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of § 13-5 of this chapter by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Supervisor.

§ 13-7. Avoidance of default judgment; insurance coverage.

- A. Where the employee delivers process and a request for a defense to the Town Attorney or counsel to the town, as required by § 13-4 of this chapter, the Town Attorney or counsel to the town shall take the necessary steps, including the retention of private counsel or the notification to the town's insurance company on behalf of the town and the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.
- B. Anything to the contrary notwithstanding the Town Board shall be authorized to obtain insurance coverage to provide for the defense of any employee and indemnification of the town for any claim made in accordance herewith, and the employee shall be obligated to use counsel provided by the insurer, or if the employee refuses legal counsel provided by the insurer, then the employee shall be obligated to provide for his or her own legal defense at his or her own expense, and neither the town nor its insurer shall be liable for any claim against said employee.

§ 13-8. Judgments and settlements.

- A. The town shall indemnify and save harmless an employee in the amount of any judgment, including a judgment that includes punitive or exemplary damages obtained against such employee in any state or federal court or in any administrative action, or in the amount of any settlement of any claim brought against such employee, provided that the act or omission from which such judgment or settlement arose or occurred while the employee was acting or in good faith purporting to act within the scope of his or her public employment and duties. The duty to indemnify and save harmless prescribed by this section shall be conditioned upon the employees eligibility and compliance with the requirements set forth in § 13-3 and Subsection A(1) through (4) of § 13-4 of this chapter.
- B. An employee represented by private counsel shall cause to be submitted to the head of the department, commission, division, office or agency in which he or she is employed any proposed settlement which may be subject to indemnification by the town, and, if not inconsistent with the provisions of this section, such head of the department,

commission, division, office or agency in which he or she is employed shall certify such settlement and shall submit such settlement and certification to the Town Attorney or counsel to the town. The Town Attorney or counsel to the town shall review such proposed settlement as to form and amount and shall give his or her recommendation to the Town Board. If the Town Board believes it is in the best interest of the town to accept such settlement, it shall give its approval. Nothing in this section shall be construed to authorize the town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Board.

- C. Any proposed settlement, notwithstanding who represents an employee, which may be subject to indemnification by the town must be submitted to the Town Attorney or counsel to the town who shall, after reviewing such proposal as to form and content and after consultation with and certification of such proposed settlement by the head of the department, commission, division, office or agency wherein the employee is employed, give his or her recommendation to the Town Board. If the Town Board believes it is in the best interest of the town to accept such settlement, it shall give its approval thereto. Nothing in this section shall be construed to authorize the town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Board.
- D. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the head of the department, commission, division, office or agency in which he or she is employed, and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such head of the department, commission, division, office or agency. If the Town Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Supervisor.

§ 13-9. Exceptions.

Nothing in this chapter shall authorize the town to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to Article 7-A of the State Finance Law.

§ 13-10. Interpretation of chapter.

- A. The provisions of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provisions of this chapter be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.
- B. This chapter shall not in any way affect the obligation of any claimant to give notice to the town under any other provision of law.

- C. The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.
- D. Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the town, or any right to defense and/or indemnification provided for any governmental officer or employee by, or in accordance with or by reason of any other provision.
- E. Withholding of defense and indemnification. In the event that the act or omission upon which the court proceeding against the employee is based was or is also the basis of a disciplinary proceeding by the town against the employee, representation and indemnification by the town may be withheld until such disciplinary proceeding has been resolved. If the resolution of the disciplinary proceeding exonerated the employee as to such act or omission, defense and indemnification shall be provided to the employee. However, defense and indemnification may not be withheld because a judgment involves punitive or exemplary damages.

§ 13-11. Applicability to pending actions.

The provisions of this chapter shall apply to all actions and proceedings upon the effective date hereof or thereafter instituted.

Chapter 17

CODE OF ETHICS

§ 17-1. Purpose.

The proper operation of a Town government requires that its officers and employees be independent, impartial, and accountable to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that public officers and employees observe in their official acts the highest standards of ethics and discharge faithfully the duties of their public office regardless of personal consideration. All officers and employees shall conduct themselves in a professional and respectable manner towards the public and one another. Realizing what is legal is not necessarily ethical, it is the policy of the Town of Putnam Valley and the purpose of this chapter to establish standards and guidelines for ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward providing the highest caliber of public administration for the Town and ensuring that government decisions are arrived at impartially and free of conflict of interest, thereby increasing

confidence in public officials. It is also the purpose of this chapter to protect officials and employees from unwarranted accusations that impugn their integrity by distinguishing material conflicts of interest from those that are inconsequential, recognizing that for local government to attract and hold competent and public servants, public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Town of Putnam Valley, hereinafter referred to as the "Town." In the event of any conflict or inconsistency between the provisions of this code and provisions of Article 18 of the General Municipal Law, this code shall prevail, except that nothing in this code shall authorize conduct otherwise prohibited by Article 18 the General Municipal Law.

§ 17-2. Definitions.

When used in this chapter, and unless otherwise expressly stated or unless the context otherwise requires, the following terms shall have the meanings indicated throughout:

APPEAR — Communicate in any form, including personally, through another person, by letter, by telephone, or otherwise.

CHIEF FISCAL OFFICER — The Town Supervisor or other officer possessing similar fiscal powers and duties.

CONFIDENTIAL INFORMATION — Information in any format that is either: prohibited by federal or state law from disclosure to the public; or prohibited from disclosure by local law, ordinance, or resolution of the municipality, and exempt from mandatory disclosure under the New York State Freedom of Information Law ("FOIL") and the New York State Open Meetings Law.⁸

CONTRACT — Any claim, account or demand against or agreement with the Town of Putnam Valley, expressed or implied, including the designation of a depository of public funds and the designation of an official newspaper.

INTEREST — A pecuniary or material benefit accruing to an officer or employee as the result of a contract, or a business or professional transaction with the Town. For the purposes of this chapter, an officer or employee shall be deemed to have interest in the affairs of:

- A. His or her spouse, in-law, domestic partner, co-habitant, child, stepchild, sibling, parent and grandparent;
- B. A firm, partnership, or association of which such officer or employee is an owner, member, officer, director or employee; and
- C. A corporation, of which 5% or more is owned or controlled directly or indirectly by such officer or employee or his or her spouse, in-law, domestic partner, co-habitant, child, stepchild, sibling, parent and grandparent.

8. Editor's Note: See Articles 6 and 7, respectively, of the Public Officers Law.

OFFICER OR EMPLOYEE — An officer or employee of the Town of Putnam Valley, whether paid or unpaid, including members of any administrative board, commission, contract employees, or other agency thereof. No person shall be deemed to be an officer or employee solely by reason of being a volunteer firefighter, volunteer ambulance corps member or emergency management volunteer.

§ 17-3. Ethical standards of conduct.

- A. Appearance of impropriety. Officers and employees of the Town of Putnam Valley, by their conduct, shall avoid any appearance of impropriety.
- B. Interest in contract. No officer or employee shall have an interest, direct or indirect, in any contract with the Town when such officer or employee, individually or as a member of a board, has the power or duty to:
 - (1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
 - (2) Audit bills or claims under the contract; or
 - (3) Appoint an officer or employee who has any of the powers or duties set forth above.
- C. Preparation assistance. No officer or employee who in his or her official position influences decisions relating to the approval of plans and specifications for public or private construction, or who is charged with the responsibility of inspections of such construction or who is charged with the responsibility of recommending that such facilities be approved or accepted by the Town, or its agency, shall estimate the cost of such jobs for contractors or suppliers or engage in the survey, design or layout of the plans for such public or private facilities for or on behalf of such contractors or suppliers.
- D. Private interest. A Town officer or employee shall not use his or her official position, office, or Town property or resources (e.g., official letterhead), nor take or fail to take any official action in a manner which he or she knows or has reason to know may result in a personal or financial benefit, or otherwise further the private interest of the Town officer or employee; his or her outside employer or business; his or her spouse, in-law, domestic partner, co-habitant, child, stepchild, sibling, parent or grandparent; or his or her customer or client.
- E. Political interest. No Town Board member or other elected official may use his or her authority over Town property, resources or personnel to further or inhibit the political interests of any candidate for public office. No other Town officer or employee may use his or her official position, office, or authority over Town property, personnel or resources (e.g., official letterhead), nor take or fail to take any official action, to

further or inhibit the political interests of any candidate for public office.

F. Disclosure of interest.

- (1) Any officer or employee who has, will have or later acquires an interest, direct or indirect, in any actual or proposed contract with or matter before the Town or any of its agencies, boards or commissions shall promptly disclose, in writing, to the Town Board, the Supervisor, and the Board of Ethics, the nature and extent of such interest. Such written disclosure shall be made part of and shall be set forth in the official record of the proceedings of such body.
- (2) Disclosure in certain applications. Every application, petition or request submitted to any legislative, administrative, advisory board, commission, official, committee member, or employee of the Town, pursuant to the provision of any ordinance, local law, rule or regulation of the Town, shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of the Town or the County of Putnam in the application, petition or request being made to the extent known to such applicant.
- (3) Any officer or employee of the Town of Putnam Valley must comply with any and all other disclosure requirements contained in other provisions of state or town law.
- (4) Any officer or employee of the Town of Putnam Valley who also serves in any other Town or county position shall disclose that information, in writing, to the respective agency, board, or commission, the Town Board, and to the Board of Ethics.
- (5) Disclosure of campaign contributions. Any officer or employee who individually or whose duly constituted campaign committee has, in the most recent election cycle, received contributions of \$250 or more from a firm or person with an interest in any matter before an agency, board, or commission of the Town shall promptly disclose, in writing, to the respective agency, board or commission, the Town Board, and to the Board of Ethics, the date, amount, and recipient of such contribution. Such written disclosure shall be made part of and shall be set forth in the official record of the proceedings of such body.
- (6) Disclosure of interest in pending legislation. Any officer or employee of the Town who has a private interest in any proposed legislation pending before the Town Board shall publicly disclose, in writing, on the official records of the Town Board the nature and extent of such private interest.

G. Recusal.

- (1) Officers and employees shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual or potential interest prohibited by this code.
- (2) Officers and employees shall recuse themselves in matters involving individuals or applicants who contributed, or whose principals contributed, \$250 or more to individuals or their duly constituted campaign committee of said officer or employee during the most recent campaign cycle as defined in the New York State Elections Law.

H. Gifts and favors.

- (1) No officer or employee of the Town shall accept gifts or favors (including advertising items), whether in the form of services, loans, goods or promises or in any other form, having an aggregate value of more than \$75 in any twelve-month period, from any person, firm or corporation which he or she knows is interested directly or indirectly in business or professional dealings with the Town.
- (2) Gifts between coworkers shall be limited to those of nominal value.
- (3) Supervisors shall discourage gifts from their subordinate employees.
- (4) If an officer or employee receives a nonperishable gift in violation of this code, he or she shall return it.
- (5) If an officer or employee receives a perishable gift in violation of this code, he or she shall notify the Board of Ethics, contribute the perishable gift to a charitable organization within the Town, and shall disclose, in writing, to the donor the disposition of the gift.

I. Outside employment. No officer or employee of the Town shall have outside employment or investments that create a conflict with his or her official duties.

J. Disclosure of confidential information. No officer or employee of the Town shall disclose confidential information concerning the property, government, or affairs of the Town, or its citizens, or any other confidential information of an official or unofficial character, except when permitted or required by law, nor shall he or she use such information to advance his or her private financial interests or those of others.

K. Future employment.

- (1) No person who has served as an officer or an employee of the Town shall, within a period of one year after the termination of such service or employment, appear on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application involving Town matters or Town law before the board,

agency, committee, commission or department of the Town on which he or she served or was employed.

- (2) No person who has served as an officer or an employee of the Town shall at any time after the termination of such service or employment appear before any board or agency of the Town on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application with respect to that in which the former officer or employee was directly concerned, or in which he or she personally participated during the period of his or her service of employment, or which was under his or her active consideration.
 - (3) The Board of Ethics is hereby authorized to grant waivers of the restrictions set forth in this Subsection K, where strict enforcement would result in undue hardship, or where the granting of a waiver would advance rather than frustrate the public interest.
 - (4) No person who has served on the Town Board, the Planning Board, the Zoning Board of Appeals or the Board of Assessment Review shall, within a period of one year after the termination of such service, appear before any board, committee, commission, department or agency of the Town on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application involving Town matters or Town law.
- L. Exceptions. The provisions of Subsections A, B, C, D, F, G, H, I and J of this section shall not apply to:
- (1) The purchase by the Town of real property or an interest therein, provided that the purchase and the consideration therefor are approved by order of the Supreme Court upon petition of the Town Board;
 - (2) The acquisition of real property, or an interest therein, through condemnation proceedings according to law;
 - (3) A contract for emergency services in the Town of Putnam Valley;
 - (4) A contract in which an officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this subsection shall in no event authorize a renewal of any such contract.

§ 17-4. Contracts void.

Any contract entered into by or with the Town in which there is an interest prohibited by this chapter shall, at the option of the Town, be null, void and wholly unenforceable, unless it is void pursuant to Article 18 of the General Municipal Law.

§ 17-5. Town Board of Ethics.

- A. Establishment. The Town Board of the Town of Putnam Valley hereby establishes a Board of Ethics, which shall be nonpartisan, independent, and comprised of five members. The Town Board shall appoint the members of such Board and shall appropriate moneys annually for its operation and other services in connection therewith. The members of such Board shall receive no salary or compensation for their services as members of such Board. No member of the Ethics Board shall hold any other Town office or be an employee of the Town. The members of the Ethics Board commencing a review or investigation of a matter pursuant to this section shall conclude such review or investigation notwithstanding the expiration of their terms or the appointment of new members.
- B. Terms of office.
- (1) Upon adoption of this Code of Ethics, the initial members shall be designated by the Town Board to serve for terms of one, two, three, four, and five years, respectively. Thereafter, the members shall serve for terms of five years.
 - (2) In the event of one or more recusals, the Ethics Board may replace the same number of recused Board members by inviting former Ethics Board members to participate in their absence.
- C. Advisory opinion.
- (1) The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and, upon written request, shall render advisory opinions to the officers and employees of the Town with respect to Article 18 of the General Municipal Law.
 - (2) Upon written request, the Board shall render advisory opinions to officers and employees with respect to this code.
 - (3) To the extent permitted by law, the identity of the officer or employee seeking advice, and the nature of the inquiry shall be and remain confidential.
 - (4) No officer or employee shall hold two or more offices or positions of Town employment unless the Town Board has first requested and received advice from the Board of Ethics that the offices or positions are compatible.
- D. Complaints.
- (1) In addition to the other powers and duties granted to the Board of Ethics, the Board shall have the authority to receive written complaints alleging violation of this Code and to initiate complaints on its own motion and to investigate such complaints.
 - (2) An officer or employee under investigation by the Board of Ethics shall be afforded written notice of the investigation and the copy of the complaint on which it is based, and an opportunity to be heard.

In the course of its investigations, the Board of Ethics may take testimony under oath.

- (3) The Board shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.
- (4) At the conclusion of its investigation, the Board of Ethics shall render a written opinion stating the allegations, its findings, conclusions and recommendations. A copy of the opinion shall be furnished to the complainant, the subject officer or employee, and the Town Board.

§ 17-6. Distribution of Code of Ethics.

- A. The Supervisor of the Town of Putnam Valley shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Putnam Valley. Each officer and employee elected or appointed on and after the effective date of this chapter shall be furnished such copy before entering upon the duties of his or her office or employment. The Town Records Officer shall keep on file a signed statement that the Code of Ethics was received. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this chapter or with the enforcement of the provisions thereof.
- B. The Town Board, in consultation with the Board of Ethics, shall conduct periodic ethics training programs for all officers and employees of the Town, and for the public.

§ 17-7. Penalties for offenses.

The Town Board may impose any or all of the following penalties for violations of this chapter:

- A. In addition to any penalty contained in this section or any other provision of law, any violation of the provisions of this Code of Ethics shall constitute cause for warning, reprimand, suspension or removal from office or employment, or such other disciplinary action as the Town Board may consider advisable after any hearing required pursuant to law currently in effect.
- B. In addition to any other penalty contained in this section or in any other section of law, the Town Board, at the request of the Ethics Board, may assess a civil penalty up to \$1,000 for any violation of this Code of Ethics.
- C. If a person has directly or indirectly gained money, property, or other advantage as a result of a violation of any provision of this chapter, the Town Board may, upon the recommendation of the Ethics Board, and in addition to any penalty contained in this section or in any other section

of law, assess a civil penalty equal to the gain or profit obtained from such violation.

§ 17-8. Conflict with General Municipal Law.

In the event that any provision of this chapter shall conflict with the provisions of Article 18 of the General Municipal Law of the State of New York, the provisions of this code shall prevail, except that nothing in this code shall authorize conduct otherwise prohibited by the General Municipal Law. Pursuant to authority in the New York State Constitution and Municipal Home Rule Law, this code supersedes all inconsistent provisions of Article 18 of the General Municipal Law of the State of New York, except that nothing in this chapter shall authorize conduct otherwise prohibited by Article 18 of the General Municipal Law.

§ 17-9. Conflict with Town Code.

In the event that any provision of this chapter shall conflict or be inconsistent with any other provisions of the Town Code, the provisions of this chapter shall prevail.

Chapter 23

LOCAL LAWS, PUBLICATION OF

§ 23-1. Public hearing required.

No local law shall be adopted by the Town Board of the Town of Putnam Valley until a public hearing has been held thereon in its final form before such Town Board not less than three nor more than 30 days after public notice has been given of the time and place of the holding of such public hearing. Such notice shall be given by the Town Clerk by causing the same to be published once in the official newspaper of the town. Such notice shall contain the title of the proposed local law and a brief explanatory statement thereof.

§ 23-2. Posting of hearing and proposed law.

The Town Clerk shall cause to be printed or otherwise reproduced copies of such proposed local law and shall, not later than the day such notice is published, post one such copy, together with the notice of hearing, on the signboard at his or her office and shall also make copies of such proposed local law available at his or her office for inspection by and distribution to any interested person during business hours.

§ 23-3. Posting and publication of adopted law.

The Town Clerk shall forthwith, upon the adoption of a local law by the Town Board, post a copy thereof on the signboard at his or her office and shall within 10 days after such adoption cause the local law, or an abstract

thereof describing the same in general terms, to be published in the official newspaper of the town.

§ 23-4. Proof of publication and posting.

Proof of publication of the notice of public hearing required by § 23-1 hereof and proof of the posting and publication required by § 23-3 hereof shall be filed in the office of the Town Clerk.

§ 23-5. Numbering; certified copies.⁹

Each local law shall be numbered consecutively, beginning with number one, for each calendar year. When a local law is finally adopted and certified copies thereof are required by § 27 of the Municipal Home Rule Law to be filed in the offices of the Town Clerk and the Secretary of State, the Town Clerk shall accordingly assign to such local law its appropriate number.

Chapter 36

RECORDS

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE I

**Records Management
[Adopted 8-19-1992 by L.L. No. 2-1992]****§ 36-1. Program statement.**

- A. There is hereby established for the Town of Putnam Valley a records management program which shall be the continuing administrative function of the Town of Putnam Valley.
- B. It is the responsibility of all government employees to contribute to the accomplishment of the program objectives and to cooperate with the records management officer (RMO).

§ 36-2. Program objectives.

The objectives of the records management program shall be as follows:

- A. Facilitate the creation of usable records containing accurate and complete information.
- B. Save tax dollars through efficient administration of information resources.
- C. Prevent the creation of unnecessary records.
- D. Make recorded information available and readily accessible when needed, thereby minimizing time spent searching for files and documents.
- E. Ensure the systematic legal disposition of obsolete records.
- F. Encourage the lasting survival of records identified as having sufficient legal, administrative, fiscal or historical value to warrant their permanent retention as archival records.

§ 36-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHIVES — Those official records which have been determined by the officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS — Any documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official town business.

RECORDS CENTER — An establishment maintained by the Town of Putnam Valley or cooperatively by the County of Putnam and participating towns primarily for the storage, servicing, security and processing of records

which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION —

- A. The removal by the Town of Putnam Valley, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:
- (1) The disposal of temporary records by destruction or donation; or
 - (2) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.
- B. The transfer of records from one town agency to any other town agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING — Making information in records available to any town agency for official use or to the public.

§ 36-4. Program established; records management officer.

There shall be a records management program established under the aegis of the Town Board and headed by a records management officer (RMO). The officer will be responsible for administering the noncurrent and archival public records and storage areas for the County of Putnam in accordance with local, state and federal laws and guidelines.

§ 36-5. Powers and duties of records management officer.

The officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Putnam Valley.

- A. The records management officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:
- (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition;
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention; or

- (3) Records not subject to disposition according to state law.
- B. Establish guidelines for proper records management in any department or agency of the Town of Putnam Valley in accordance with local, state and federal laws and guidelines.
 - C. Report annually to the Putnam Valley Town Board on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.
 - D. The officer shall operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all departments and agencies of the Town of Putnam Valley or shall cooperate in the establishment and operation of a cooperative records management center for the county and participating Putnam County towns.
 - E. The officer shall establish a Putnam Valley archive and perform the following functions:
 - (1) Advise and assist Town of Putnam Valley departments in reviewing and selecting material to be transferred to the Putnam Valley archive for preservation.
 - (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.
 - (3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
 - (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.
 - (5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.
 - (6) Provide information services to other offices of the Town of Putnam Valley.
 - (7) Collect archival materials which are not official records of the Town of Putnam Valley but which have associational value to the County of Putnam or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.
 - (8) Develop a procedure whereby historically important records are to be identified at the point of generation.

- (9) Serve as a member of the Putnam County Records Management Advisory Board in the establishment and operation of a cooperative records storage facility for inactive records of the county and participating towns and villages.

§ 36-6. Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the records management officer. The Board shall consist of the Supervisor and a member of the Town Board, the Town Attorney, the Town Historian, the Town Finance Director or Comptroller and two members of the general public who have a demonstrated knowledge of records management, historical records or Putnam Valley history. The Board shall meet periodically and have the following duties:

- A. Provide advice to the records management officer on the development of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review retention periods proposed by the records management officer for records not covered by state archives' schedules.
- D. Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 36-7. Custody; archives.

- A. A department of the Town of Putnam Valley is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior the being transferred to the archives.
- B. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which has custody of the records and the approval of the Records Advisory Board.
- C. Records may be permanently removed from the archives at the request of the RMO or the head of the department which had custody of the records immediately prior to the transfer of these records to the archives, subject to the approval of the Records Advisory Board.

§ 36-8. Replevin.

The Town Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

§ 36-9. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the Town of Putnam Valley unless approval has been obtained from the records management officer. No records shall be destroyed or otherwise disposed of by the records management officer without the express written consent of the department head having authority.

ARTICLE II
Public Access

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 36-10. Purpose.

- A. The people's right to know the process of governmental decisionmaking and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. These regulations provide information concerning the procedures by which records may be obtained.
- C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law,¹⁰ as well as records otherwise available by law.

§ 36-11. Records inaccessible to the public.

- A. The following records, pursuant to town and state law, are not accessible to the public:
 - (1) Those which are specifically exempted from disclosure by state or federal statute.
 - (2) Those which, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of Subdivision 2 of § 89 of the Public Officers Law.
 - (3) Those which, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
 - (4) Those which are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
 - (5) Those which are compiled for law enforcement purposes and which, if disclosed, would:
 - (a) Interfere with law enforcement investigations or judicial proceedings;
 - (b) Deprive a person of a right to a fair trial or impartial adjudication;
 - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or

10. Editor's Note: See Art. 6 of the Public Officers Law.

- (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
 - (6) Those which, if disclosed, would endanger the life or safety of any person.
 - (7) Those which are interagency or intraagency materials which are not:
 - (a) Statistical or factual tabulations or data;
 - (b) Instructions to staff that affect the public;
 - (c) Final agency policy or determinations; or
 - (d) External audits, including but not limited to audits performed by the Comptroller and the federal government.
 - (8) Those which are examination questions or answers which are requested prior to the final administration of such questions.
 - (9) Those which are computer access codes.
- B. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 36-12. Designation of records access officers; responsibilities.

- A. The Town Board of the Town of Putnam Valley is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers:
- (1) Town Clerk, 265 Oscawana Lake Road, Putnam Valley, New York 10579.
 - (2) Deputy Town Clerk, 265 Oscawana Lake Road, Putnam Valley, New York 10579.
- B. Records access officers are responsible for ensuring appropriate agency response to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. Records access officers shall ensure that personnel:
- (1) Maintain an up-to-date subject matter list.
 - (2) Assist the requester in identifying requested records, if necessary.
 - (3) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

- (4) Upon request for copies of records, make a copy available upon payment or offer to pay established fees, if any, in accordance with § 36-18.
- (5) Upon request, certify that a record is a true copy.
- (6) Upon failure to locate records, certify that:
 - (a) The Town of Putnam Valley is not the custodian for such records; or
 - (b) The records of which the Town of Putnam Valley is custodian cannot be found after diligent search.

§ 36-13. Location of records.

Records shall be available for public inspection and copying at the office of the Town Clerk, 265 Oscawana Lake Road, Putnam Valley, New York 10579.

§ 36-14. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours the Town Clerk's office is regularly open for business. These hours are 9:00 a.m. until 5:00 p.m.

§ 36-15. Procedure for requests.

- A. A written request is required.
- B. A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the records access officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, such failure may be construed as a denial of access that may be appealed.

§ 36-16. Subject matter list.

- A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.

- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 36-17. Denial of access; appeals.

- A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.
- B. If requested records are not provided promptly as required in § 36-15D of these regulations, such failure shall also be deemed a denial of access.
- C. The following person or persons or body shall hear appeals from denial of access to records under the Freedom of Information Law: the Town Board of the Town of Putnam Valley, 265 Oscawana Lake Road, Putnam Valley, New York 10579, (914) 526-3280.
- D. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
 - (1) The date of the appeal.
 - (2) The date and location of the request for records.
 - (3) The records to which the requester was denied access.
 - (4) Whether the denial of access was in writing or due to failure to provide records promptly as required by § 36-15D.
 - (5) The name and return address of the requester.
- E. The individual or body designated to hear appeals shall inform the requester of its decision in writing within 10 business days of receipt of an appeal.
- F. The person or body designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to the Committee on Open Government, Department of State, 162 Washington Avenue, Albany, New York 12231.
- G. The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection F of this section.

§ 36-18. Fees.

- A. There shall be no fee charged for:
- (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to this chapter.
- B. Copies of records shall be provided according to the following fee schedule:
- (1) The fee for photocopies not exceeding nine inches by 14 inches is \$0.25 per page.
 - (2) The fee for copies of records other than photocopies which are nine inches by 14 inches or less shall be the actual copying cost, excluding fixed agency costs, such as salaries.

§ 36-19. Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Part II, General Legislation**Chapter 43****ALARMS****§ 43-1. Title; intent.**

This chapter shall be known as the "Alarm Systems Law" and is intended to foster and render more effective the installation of alarm systems having the capability of calling or signaling law enforcement authorities or emergency personnel. It is the intent of this chapter to reduce the number of false alarms and to encourage the use of reliable emergency alarms.

§ 43-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM —

- A. Any device, group of devices or system which, when activated by a criminal act or by smoke, fire or other emergency requiring Fire Department or other enforcement agency response, transmits a signal to the monitoring facility at Fire Department or other current enforcement agency or to a private central alarm station and/or produces an audible or visible signal to which the Fire Department, or other current enforcement agency, is expected to respond.
- B. Excluded from this definition and from the coverage of this chapter are alarm devices which are not intended to alert persons outside the premises, but are designed to alert or signal persons within the premises in which the alarm is installed of an attempted unauthorized intrusion, holdup, fire or other emergency.

FALSE ALARM —

- A. Any emergency message or signal which is transmitted directly or indirectly to the Town Fire Department or other current enforcement agency to which emergency personnel respond and which signal is not the result of a robbery, burglary, other crime, fire or other emergency.¹¹
- B. An activated alarm signal which is promptly followed by a call to the current enforcement agency properly notifying them that the signal is to be disregarded shall not constitute a false alarm.

TOWN — Town of Putnam Valley.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 43-3. Permit required.

On or after the effective date of this chapter, no owner, tenant, resident or occupant (hereinafter collectively referred to as "resident") of any building or structure within the town shall install or cause to be installed or maintain in any premises in the town any alarm system calling device or apparatus connected or capable of being connected directly or indirectly to the Fire Department or current enforcement agency headquarters or telephone line without a valid permit issued by the town.

§ 43-4. Application for permits; issuance of permit; conditions.

- A. Applications for permits shall be on a form prescribed by the Town Board of the town and shall be accompanied by a fee as set forth from time to time by resolution of the Town Board.¹²
- B. Permits shall be issued by the Fire Inspector or any other person authorized by the Town Board.
- C. No permit shall be issued unless the applicant demonstrates that the alarm system to be installed meets the standards set forth in this chapter.
- D. A permit shall be valid three years from the date of issuance or until the premises owned or leased by a permit holder is transferred to another owner or lessee, whichever comes first.
- E. An application for a permit shall constitute an authorization that the town may, on reasonable notice to the resident, inspect the alarm system for the purpose of determining whether the system continues to comply with the standards hereinafter set forth in this chapter.
- F. The permit holder shall hold the town and its emergency personnel harmless should the current enforcement agency or other emergency personnel enter the premises of the permit holder in response to an alarm transmitted directly or indirectly to the central alarm monitoring facility. It will be the responsibility of the permit holder to secure said premises after any such entry.

§ 43-5. Standards and regulations.

All alarm systems referred to in this chapter shall, at the time of installation and at all times that such alarm systems shall be connected directly or indirectly to the current enforcement agency office, by telephone, meet the following standards:

- A. Every alarm system capable of signaling as a burglar alarm and/or a fire alarm shall be equipped with separate distinguishing signals, as reasonably required by the current enforcement agency, to the end that

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the appropriate authorities, upon receipt of a signal, may immediately ascertain the nature and cause of the signal.

- B. Alarm systems equipped with automatic calling devices shall be designed, installed or maintained to call only the number or numbers designated for that purpose by the current enforcement agency and shall be equipped so that a message will be repeated not more than three times.
- C. All alarm systems capable of emitting audible signals shall be equipped with an operating device which will automatically, by mechanical, electrical or other means, shut off such audible signal after 15 minutes of continuous sound audible beyond the boundaries of the premises in which the alarm system is located.

§ 43-6. Existing systems must comply.

Alarm systems installed or in use on the effective date of this chapter shall conform to the requirements of this chapter within 120 days after the effective date hereof. Residents or property owners shall apply for permits for such systems within 90 days of the effective date of this chapter. In the event of a failure of any system to comply with the provisions of this section or of this chapter, the town may, without further notice to the resident or property owner, disconnect the alarm system from the current enforcement agency or telephone line.

§ 43-7. Audible alarms; restrictions.

- A. A resident or property owner shall not suffer or permit any alarm system installed upon his or her premises to emit a sound audible beyond the boundaries of said premises for a continuous period in excess of 15 minutes or for a period more than 15 minutes in any thirty-minute period.
- B. In any case where the alarm system emits sound in violation of the foregoing subsection, the operation or maintenance of the alarm system shall be deemed to constitute the grant of permission by the owners and occupants of the premises for law enforcement or fire officials to enter said premises and investigate and to disconnect the alarm system.

§ 43-8. False alarms; additional penalties; appeal.

- A. Any person having an alarm system subject to any of the provisions of this chapter shall pay to the Town of Putnam Valley for each and every false alarm in any calendar year a civil penalty imposed by the current enforcement agency as follows:
 - (1) First or second alarm in the first month after issuance of a required permit pursuant to this chapter: no charge.
 - (2) First false alarm of each calendar year thereafter: no charge.

- (3) Second false alarm of each calendar year thereafter: \$10.
 - (4) Third through the fifth false alarms of each calendar year thereafter: \$25 each.
 - (5) Each additional false alarm in each calendar year thereafter: \$50.
- B. A person upon whom a penalty has been imposed pursuant to Subsection A of this section shall be notified in writing by the current enforcement agency that the penalty has been imposed.
 - C. Failure of any person to pay any penalty imposed by this section within 30 days after receipt of written notice of the same shall be a violation and shall subject the resident to a fine not to exceed \$250 for each such violation.
 - D. A person who wishes to appeal a penalty imposed pursuant to Subsection A of this section may do so in writing to the Town Board within 30 days of the notification by the current enforcement agency of the imposition of this penalty. The Town Board, upon appeal, shall have the authority to waive, amend or modify the civil penalty imposed by the current enforcement agency.

§ 43-9. Penalties for offenses.¹³

Any person violating the provisions of this chapter, except the provisions of § 43-8 thereof, shall be subject to a fine not to exceed \$250 for each violation or imprisonment for not more than 15 days or both such fine and imprisonment. Each day a violation occurs or continues to occur shall be a separate violation of this chapter.

Chapter 47

ALCOHOLIC BEVERAGES

§ 47-1. Purpose and findings.

It is the purpose of this chapter to protect the public interest, welfare, health and safety within the Town of Putnam Valley by prohibiting the consumption of alcoholic beverages in public places within the Town, and further restricting such consumption by minors on private property.

- A. The Town Board finds that possession of an open container of alcoholic beverage in a public place within the Town has led to consumption of the same, resulting in public intoxication, disorderly conduct, disturbance of the public peace, littering of the public places and destruction of property. The Town Board finds further that preservation of the public safety and prevention of conditions which lead to conduct disturbing the public peace attributable to consumption of alcoholic

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

beverages can be promoted by the prohibition of consumption of alcoholic beverages in public places and by restricting possession of an open or unsealed container of alcoholic beverages under circumstances which indicate that the possessor of such open or unsealed container in a public place intends to consume the same or intends to have it consumed by another person.

- B. The Town Board finds that the public health, safety and welfare is promoted by restricting the consumption of alcohol by minors, which is harmful to the minors themselves and to the community. Parties on private property are an important source of alcohol consumption by minors and resulting nuisances. The ability of law enforcers to abate such gatherings and fine the host(s) will decrease the abuse of alcohol by minors, and resulting physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance. Parties, gatherings or events on private property where minors are consuming alcohol are determined to be a threat to the peace, health, safety, and welfare of the public.

§ 47-2. Definitions.

The following terms used in this chapter have the following meanings, unless the context requires or indicates a different meaning:

ALCOHOL — Ethyl alcohol, hydrated oxide of ethyl, or spirit of wine from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE — Includes alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being; except that confectionery containing alcohol as provided by Subdivision 12 of § 200 of the Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.

BEER — Includes any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

CONTAINER — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid.

ENFORCEMENT SERVICES — Includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, remaining at or investigating the party, gathering or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged Town equipment or property; and the cost arising from the use of any damaged Town equipment in responding to or remaining at the party, gathering or event.

GUARDIAN — A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom the minor has been placed by the court.

MINOR — Any person under 21 years of age.

PARENT — Any person who is the natural parent, adoptive parent, or step-parent of a minor.

PARTY, GATHERING OR EVENT — A group of persons who have assembled or are assembling for a social occasion or social activity.

PUBLIC PLACE — Any highway, street, sidewalk, park or playground or Town building in the Town, including public beaches, pools and improvement and park district facilities and property.

TOWN — The Town of Putnam Valley.

§ 47-3. Prohibited acts.

It shall be a violation of this chapter for any person to:

- A. Consume any alcoholic beverage in any public place within the Town.
- B. Have in his or her possession an open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself or herself or by another in any public place.

§ 47-4. Presumption of intent to consume.

A person who possesses an open container containing an alcoholic beverage, as defined herein, is presumed to possess same with the purpose of consuming said alcoholic beverage.

§ 47-5. Special permits.

Upon written application to the Town Clerk, a permit may be issued suspending the provisions of this chapter for a particular event.

§ 47-6. Exceptions.

The foregoing prohibition shall not apply to possession of an alcoholic beverage for the purpose of consumption in any public place where the same is authorized by a license or permit under the laws and regulations of this state and under the regulations of the Town; nor shall such prohibition apply to the possession of an open or unsealed container of an alcoholic beverage solely for the purpose of transporting the same without an intent or indication to consume the same in any public place.

§ 47-7. Nonapplicability.

Except for violations of § 47-8 hereof, this chapter shall not apply to any person in violation of § 1227 of the Vehicle and Traffic Law.

§ 47-8. Hosting parties where minors are consuming alcoholic beverages prohibited.

- A. Except as otherwise permitted by law, no person shall knowingly host, suffer, permit, organize, or allow a party, gathering or event at his or her place of residence or other private property, place or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.
- B. This section does not apply to conduct between a minor child and his or her parent or guardian.
- C. This section does not apply to any location or place regulated by the New York State Liquor Authority.
- D. The prohibition in this section is in addition to all other applicable statutes, ordinances and law. This section does not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of the conduct proscribed herein, or limit the authority of the state or any subdivision to prosecute any offenses arising out of the same circumstances. Nothing in this section waives any existing right of an arresting or prosecuting authority to reimbursement of actual costs of enforcement services or prosecution from a violator as provided by law.

§ 47-9. Penalties for offenses.

- A. Except for violations of § 47-8 hereof, each violation of this chapter shall be punishable by a fine not exceeding \$250 for each offense or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.
- B. Any person in violation of § 47-8 of this chapter shall be guilty of a Class A misdemeanor, punishable by up to one year in jail and/or a fine of \$3,000.

Chapter 51

ANIMALS

ARTICLE I

Dogs

**[Adopted 8-18-1982 by L.L. No. 7-1982 (Ch. 24 of the 1974 Code);
amended in its entirety 4-21-1999 by L.L. No. 3-1999]**

§ 51-1. Legislative authority.

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of New York State and Article 2 of the Municipal Home Rule Law of New York State.

§ 51-2. Purpose.

The purpose of the article shall be to preserve public peace and good order in the Town of Putnam Valley and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other citizens of the Town of Putnam Valley.

§ 51-3. Applicability.

- A. This article applies to the Town of Putnam Valley.
- B. In the event that an animal owned by a nonresident is harbored within the Town of Putnam Valley, such animal shall be exempt from the identification and licensing provisions of this article for a period of 30 days, provided that such animal is licensed pursuant to the provisions of the law of its place of residence.
- C. This article shall not apply to any animal confined to the premises of any incorporated society for the care of lost, strayed or homeless animals or confined to the premises of any public or private veterinary hospital or kennel.

§ 51-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADEQUATE — Sufficient for the age, size, physical condition and number of animals on the premises.

AT LARGE — Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed at large if it is:

- A. A guide dog actually leading a blind person.
- B. A hearing dog actually assisting a deaf person.
- C. A police dog in use for police work.

- D. Accompanied by its owner or other responsible person and it is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.
- E. A Town stray while in the care and custody of the Town of Putnam Valley.

CONFINED — Securely confined or restrained, or kept on the owner's premises either within a building, kennel or other suitable enclosure, or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or place or, if the dog is being transported by the owner, securely confined in a crate or other container or so restrained in a vehicle that it cannot be expected to escape therefrom.

DOG — Both male and female dogs.

DOG CONTROL OFFICER — Any individual appointed by the Town to enforce the provisions of Article 7 of the Agriculture and Markets Law or any local law or ordinance enacted pursuant thereto.

DOMESTIC ANIMAL — Any domesticated animal, including but not limited to sheep, horses, cattle, goats, swine, fowl, ducks, geese, llamas, confined snakes or lizards, ferrets, confined pigeons, quail, swans, turkeys, confined domestic hares or rabbits, pheasants or other birds which are raised in confinement including those raised under license from the New York State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this article.

LEASHED — Restrained by a leash attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER — Any person who keeps, harbors or has custody, care and control of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept, brought or comes within the Town. Dogs owned by minors shall be deemed to be in the custody, care and control of the parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed the owner of the dog for the purpose of enforcing this article.

SHELTER — Adequate protection from extreme weather conditions, direct intense sunlight, wind, rain or snow and which is kept dry, sanitary and properly maintained. If a dog is to be tethered, such tether must be constructed of material of adequate strength and in such condition as to prevent the dog from breaking it and escaping. Also, the tether must be of

sufficient length to permit exercise without the danger of entanglement and to allow the dog to reach supplies of food and water.

§ 51-5. Licensing and identification.

- A. Pursuant to §§ 107, 108, 109 and 110 of Article 7 of the Agriculture and Markets Law, no person shall own or harbor a dog over the age of six months unless it is licensed.
- B. The license application shall state the following:
 - (1) Sex of dog.
 - (2) Actual or approximate age of dog.
 - (3) Breed.
 - (4) Color(s).
 - (5) Markings, if any.
 - (6) Name, address and telephone number of owner.
- C. The application shall be accompanied by the license fee and a certificate of rabies vaccination.
- D. In the case of a spayed or neutered animal, each application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner showing that the animal has been spayed or neutered. Such certificate or affidavit shall not be required if the same is already on file with the Clerk.
- E. Upon validation by the Clerk, the application shall become a license for the animal described thereon.
- F. No license shall be transferable. Upon transfer of ownership of any animal, the new owner shall immediately make application for a new license for such animal.

§ 51-6. Tags required.

All animals required to be licensed must wear a permanent, official identification number tag as required by the provisions of the Agriculture and Markets Law, Article 7, § 112. Such identification number tag shall be affixed to a collar on the dog at all times. No animal shall be permitted to be without a collar and tag. All untagged animals shall be subject to seizure and confinement by the Dog Control Officer.

§ 51-7. Prohibited acts.

It shall be unlawful for any owner of a dog in the Town of Putnam Valley to permit or allow such dog to:

- A. Be at large.

- B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to unreasonably disturb the comfort or repose of any person other than the owner or harbinger of the dog. Specifically, no dog shall be allowed to bark or make other noises for a period in excess of 10 consecutive minutes. The barking or other noise may be intermittent and not continuous.
- C. Cause damage or destruction to, or loss of, public or private property or otherwise commit a nuisance upon the property of someone other than the owner or harbinger of the dog by: **[Amended 11-19-2008 by L.L. No. 7-2008]**
- (1) Urinating thereon.
 - (2) Defecating thereon, unless the feces is promptly removed.
 - (3) Digging.
 - (4) Uprooting or otherwise damaging any vegetables, lawns, flowers or garden beds.
 - (5) Taking any movable article owned by, or originally located upon the property of someone other than the owner or harbinger of the dog.
- D. Bite, chase, jump upon or otherwise harass any person in such manner as to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Upset or otherwise interfere with garbage receptacles.
- F. Chase, leap on or otherwise harass persons on bicycles, in or on motor vehicles or on horses.
- G. Kill or injure any dog, cat or other household pet or domestic animal.

§ 51-8. Premises and standards of care for keeping dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide proper food, fresh water or adequate shelter from the elements of nature shall be a violation of, and an animal may be seized in accordance with, the provisions of Article 26, § 353, of the Agriculture and Markets Law.

§ 51-9. Seizure; fees.

Upon taking custody of any animal, the Dog Control Officer shall make a record of the matter as required by Subdivision 5 of § 114 of the Agriculture and Markets Law. The record shall include the date of pickup, breed, general description, sex, identification numbers, time of pickup, location of pickup and the name and the address of the owner, if any. Upon the first instance, the Dog Control Officer shall issue a written warning to the owner. The owner of a dog so seized shall pay to the Town of Putnam Valley a seizure fee of \$25 for the second such seizure, \$50 for the third and \$100 for

the fourth and any subsequent occurrences, in addition to the impound fees and maintenance fees. Payment shall be by cash, money order or certified check.

§ 51-10. Redemption; fees.

- A. Dogs shall be held for the following periods of time, unless sooner redeemed.
- (1) If a dog seized is not wearing an identification tag as required by Article 7 of the Agriculture and Markets Law (license tag), it shall be held for a period of five days from the day of seizure, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed pursuant to the provisions of this article, or that the owner, at the time of redemption, produces proof of current rabies inoculation and at this time does license and identify the dog.
 - (2) If a dog seized is wearing an identification tag as required by Article 7 of the Agriculture and Markets Law, the owner shall be promptly notified in person or by certified mail, return receipt requested. If the owner is notified in person, the dog shall be held for a period of seven days; if notified by mail, nine days.
- B. The owner of the dog shall be responsible for an impoundment fee of \$10 for the first impoundment, \$20 for the second impoundment, \$30 each time for the third and subsequent impoundments, in addition to the boarding fee set forth below, plus any other expenses, including veterinary fees, incurred by the municipality to humanely care for the dog. When a dog is unidentified at the time of seizure, the Dog Control Officer may have the dog inoculated against rabies so that it may thereafter be redeemed or adopted and duly licensed. The owner of such dog, when redeeming it, shall be responsible for the expenses incurred by the Town in having the dog so inoculated.
- C. The owner of the dog shall pay a municipal fee of \$3 per day, exclusive of any other fees set forth in this section, for the feeding and maintenance of the dog.
- D. If not redeemed, the owner shall forfeit all title to the dog, and it may be kept for three months, available for adoption, and thereafter may be euthanized.
- E. In addition to any licensing fees, any person who shall adopt any dog which has been seized by the Dog Control Officer or any peace officer shall pay an adoption fee of \$15 to the Town or to any shelter or humane society which then harbors the dog, which shelter or humane society shall remit that adoption fee to the Town of Putnam Valley.

§ 51-11. Filing complaints.

- A. The Dog Control Officer, police officer or peace officer observing a violation of this article in his presence shall issue and serve an appearance ticket for such violation.
- B. Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Putnam Valley, or with the authorized Dog Control Officer or any peace officer, specifying the nature of the violation, the date of the violation, the nature of any damage caused, including the place the violation occurred, a description of the dog and the name and address of the dog owners, if known.
- C. Upon receipt by the Dog Control Officer of any such complaint, he may summon the alleged owner to appear in person before the Town Justice for a hearing at which both the complainant and the owner, if the violation is a misdemeanor, shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, a Town Justice decides that further action is warranted he may, in addition to imposing a penalty pursuant to § 51-14:
- (1) Order the owner to restrain such dog by collar and leash at all times whether on or off the owner's property.
 - (2) Order the owner to confine such dog to the premises of the owner.
 - (3) Effect such other remedy authorized by law as may be warranted by the circumstances of the case. Such remedy may include but not be limited to reasonable restitution for damage to or loss of property due to a dog's actions and reimbursement of medical and/or veterinary bills for injury caused by the dog.

§ 51-12. Enforcement. [Amended 3-20-2013 by L.L. No. 5-2013]

As authorized by Article 7 of the Agriculture and Markets Law, any Dog Control Officer or peace officer acting pursuant to his or her special duties or any officer or agent of the Putnam County SPCA may enforce and administer the provisions of this article and, for the purpose thereof, shall have the authority to issue a summons or appearance ticket in accordance with § 150.20, Subdivision 3, of the Criminal Procedure Law and § 10, Subdivision 4, Paragraph (a), of the Municipal Home Rule Law and to seize dogs either on or off the owner's premises if witnessed to be in violation of this article.

§ 51-13. Hindrance of enforcement officer prohibited.

No person shall hinder, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this article in the performance of their duties under this article.

§ 51-14. Penalties for offenses.

- A. It shall be a violation, punishable as provided in Subsection D of this section, for:
- (1) Any owner to permit or allow any dog to commit one or more of the nuisances set forth in § 51-7 of this article.
 - (2) Any owner to fail to license any dog.
 - (3) Any owner to fail to have any dog identified as required by Article 7 of the Agriculture and Markets Law.
- B. A violation of § 51-5 of this article shall be punishable by a fine of not less than \$25 nor more than \$50 for each charge for the first violation; for the second violation, by a fine of not less than \$50 nor more than \$100 for each charge; for the third such violation, by a fine of not less than \$100 nor more than \$250 for each charge; for the fourth and any subsequent violations, by a fine of not less than \$250 nor more than \$500 for each charge. Where a person was found to have committed two or more violations, he/she shall be punishable by fines as set forth above or by imprisonment for not more than 15 days, or both.
- C. Each dog may be considered separately for the purpose of establishing penalties for offenses under this article.
- D. A violation of any section of this article shall constitute a violation as defined by the Penal Law of the State of New York and shall be punishable by a fine of not more than \$25 for the first violation, \$100 for the second violation and not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment.

§ 51-15. Liability of Town.

No liability in damages shall be incurred on account of the seizure, euthanization or adoption of any dog pursuant to the provisions of this article, in accordance with § 118, Subdivision 11, of the Agriculture and Markets Law.

§ 51-16. License fees.

- A. The annual fee for each dog license issued pursuant to Subdivision 1 of § 109 of the Agriculture and Markets Law shall include the state fee for each of the following licensing categories:
- (1) Male, neutered/female, spayed: \$2.50.
 - (2) Male, unneutered/female, unspayed: \$7.50.
 - (3) Purebred license for no more than 10 registered purebred dogs or purebred dogs eligible for registration, over the age of six months, harbored on the owner's premises at the time of application: \$25.

- (4) Purebred license for no more than 25 registered purebred dogs or purebred dogs eligible for registration, over the age of six months, harbored on the owner's premises at the time of application: \$50.
 - (5) Purebred license for any number more than 25 registered purebred dogs or purebred dogs eligible for registration, over the age of six months, harbored on the owner's premises at the time of application: \$100.
 - (6) Exemption (guide dog, war dog, police dog, work dog, hearing dog, service dog, registered working search dog): no fee.
- B. A local fee of \$7.50 shall be charged, in addition to the state fee, with the exceptions noted below. The total licensing fee per category shall be:
- (1) For each spayed or neutered dog: \$10.
 - (2) For each unspayed or unneutered dog: \$15. The Town shall also collect the three-dollar surcharge now set forth by the Agriculture and Markets Law for the licensing of unspayed or unneutered dogs pursuant to the State Animal Population Control Program.
- C. A local fee of \$25 shall be charged, in addition to the state fees listed, for all categories of purebred licenses. The total licensing fee per category shall be:
- (1) For purebred licenses as described in § 51-16, Subsection A(3): \$50.
 - (2) For purebred licenses as described in § 51-16, Subsection A(4): \$75.
 - (3) For purebred licenses as described in § 51-16, Subsection A(5): \$125.
- D. For licenses issued to dog owners who are 65 years of age or over, the local fee shall be waived, for total state fees as follows:
- (1) For each spayed or neutered dog: \$2.50.
 - (2) For each unspayed or unneutered dog: \$7.50. The Town shall also collect the three-dollar surcharge now set forth by the Agriculture and Markets Law for the licensing of unspayed or unneutered dogs pursuant to the State Animal Population Control Program.
- E. For licenses issued to owners of dogs classified as a service dog, Seeing Eye dog, hearing dog, war dog or used actively as a police work dog or search and rescue dog, the Town shall waive the local surcharge in its entirety.

§ 51-17. Incorporation of state law.

The provisions of Article 7 of the Agriculture and Markets Law of the State of New York are deemed incorporated in this article as if fully set forth herein. Any state law which is inconsistent with this article shall be superseded by the provisions hereof to the extent of its inconsistency, except where suppression is restricted by law.

Chapter 54**BINGO****GENERAL REFERENCES**

Games of chance — See Ch. 72.

§ 54-1. License required.¹⁴

It shall be lawful for any authorized organization, as defined in § 476 of Article 14-G of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Putnam Valley, subject to the provisions of this chapter, Article 14-G of the General Municipal Law and Article 19-B of the Executive Law and the following restrictions.

§ 54-2. Unlicensed operations.

No person, firm, association, corporation or organization, other than an authorized organization licensed under the provisions of this chapter, shall be permitted to conduct such games.

§ 54-3. Net proceeds.

The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of the organization permitted to conduct such games.¹⁵

§ 54-4. Prize amounts.¹⁶

No single prize and no series of prizes on any one occasion shall exceed the amounts set forth in § 479 of the General Municipal Law.

§ 54-5. Participation.

No person, except a bona fide member of any such organization, shall participate in the management or operation of any such game.

§ 54-6. Penalties for offenses.¹⁷

Any person who shall violate this article is guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

15. Editor's Note: Former § 5-4, dealing with the value of single prizes, and former § 5-5, dealing with the value of a series of prizes, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

16. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

imprisonment for not more than 15 days, or both such fine and imprisonment.

Chapter 58

BOATS AND VESSELS

GENERAL REFERENCES

Special districts — See Ch. 100.

§ 58-1. Intent.

- A. It is the intent and purpose of this chapter to safeguard and promote the health, safety, welfare and tranquility of the residents and inhabitants of the Town of Putnam Valley by regulating the operation and speed of all vessels or watercraft of any kind which are propelled in any manner other than by hand (with the exception of vessels propelled solely by a sail or sails) and the launching, docking or mooring of such vessels upon, and the use of any of, the lakes or bodies of water, not privately owned, within the Town of Putnam Valley.
- B. The intent and purpose of this chapter is also to protect general ecology and water quality of these lakes and bodies of water. Impacts include but are not limited to sediment and fauna disturbance, circulation of nutrients, degradation of water quality, shoreline erosion and impacts on aquatic wildlife.
- C. The demand on the lakes and water bodies within the Town of Putnam Valley for recreational uses continues to increase. The diversity of uses and users are competing for limited water resources. The intent and purpose of this chapter is also to provide regulations for the coexistence of recreational uses, i.e., uses involving motor-driven vessels should coexist with, not diminish, other more passive recreational uses.
- D. It is the purpose of this chapter to supplement the provisions of the Navigation Law of the State of New York in accordance with § 130, Subdivision 17, of the New York State Town Law.

§ 58-2. Definitions.

The following terms, when used in this chapter, unless otherwise expressly stated, or unless the context of the language or subject matters indicate a different meaning or application was intended, shall be decreed to mean and include:

AIDS TO NAVIGATION — Buoys, beacons or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels.

DOCK — A wharf, or a portion of a wharf, extending along the shore line and generally connected with the uplands throughout its length.

FLOATING OBJECTS — Any anchored marker or platform floating on the surface of the water, other than aids to navigation, and shall include but not be limited to bathing beach markers, speed-zone markers, information markers, swimming or diving rafts or floats, mooring buoys, fishing buoys and ski jumps.

MANUALLY OPERATED BOATS — Includes any vessel neither mechanically propelled nor motor driven.

MOTORBOAT — A mechanically propelled or motor-driven vessel having a source of power other than steam. This definition includes sailboats with motors and vessels temporarily or permanently equipped with detachable motors, including motors operated by electric power.

NAVIGABLE WATERS OF THE STATE — All lakes, rivers, streams and waters within the boundaries of the state and not privately owned, which are navigable in fact or upon which vessels are operated, except all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk Counties.

OPERATOR — A person who operates or navigates a pleasure vessel.

OWNER — A person actually holding title to a vessel.

PERSON — An individual, partnership, corporation or association.

PERSONAL WATERCRAFT (PWC) — A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

PIER — A wharf or portion of a wharf extending from the shoreline with water on both sides.

SPECIALTY PROP-CRAFT (SPC) — A vessel which is powered by an outboard motor or a propeller-driven motor and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

TOWABLE AQUATIC DEVICES — Water skis, aquaplane boards, inflatable devices, including boats and tubes, and any object which may be towed behind a motorboat, personal watercraft or specialty prop-craft.

VESSEL — Pleasure vessel, as defined in the Navigation Law of the State of New York, and shall include rafts, canoes, sailboats, foot-operated paddleboats and inflatable aquatic devices, including boats, tubes and floats, but shall not include any craft used for commercial purposes or any craft carrying passengers or freight, or used for towing or any other use for which compensation is received, nor shall it include any craft used as a residence.

WAKE — Moving waves, created by vessel motion or track or path that a boat leaves behind it when moving across the water.

WHARF — Any structure built or maintained for the purpose of providing a berthing place for vessels.

§ 58-3. Operators.

According to the Navigation Law of the State of New York, Article 4, § 49, no person under the age of 18 years shall operate a motorboat, PWC or SPC on the navigable waters of the state, and no person who is the owner of a motorboat, PWC or SPC shall knowingly authorize or permit the operation thereof on said waters by an operator less than 18 years old, unless:

- A. The operator is accompanied therein by a person who is 18 years of age or older; or
- B. The operator is between 10 and 18 years of age and has successfully completed a New York State Young Boaters Course and holds a boating safety certificate issued by the Commissioner of Environmental Conservation.

§ 58-4. Registration.

Every motorboat, PWC or SPC on the lakes and waterways of the Town of Putnam Valley shall be registered and numbered as provided in § 2251 of the Vehicle and Traffic Law of the State of New York.

§ 58-5. Operating regulations.

- A. It shall be the duty of the owner and/or the operator of every motorboat, vessel, PWC or SPC on the lakes and waterways of the Town at all times to navigate, drive or operate the same in a careful and prudent manner and at a careful and proper rate of speed, so that said motorboat, vessel, PWC or SPC, or its wake, shall not endanger other motorboats, vessels, PWC's or SPC's, or property or the life and limb of any person and shall not interfere with the free and proper use of such lakes and waterways by others.
- B. It shall be the duty of the owner and/or operator of every motorboat, vessel, PWC or SPC, when approaching or passing within 150 feet of any shore, dock, pier, raft or float, crib or bathing beach, or person or persons in, or swimming in, the lakes and waterways of the Town, or motorboat, vessel, PWC or SPC, to reduce the speed of and to operate such motorboat, vessel, PWC or SPC in a manner or at a speed that does not cause a wake, that does not unreasonably interfere with or endanger such dock, pier, raft or float, crib or bathing beach, or person or persons in, or swimming in, the lakes and waterways of the Town, or motorboat, vessel, PWC or SPC, including an anchored or moored vessel, or the user or occupants of the same.

- C. No motorboat, vessel, PWC or SPC, may be operated on any lake or waterway in the Town of Putnam Valley at a speed in excess of 35 miles per hour between the hours of one hour after sunrise to sunset, except as stated in § 58-8A. Between the hours of sunset to one hour after sunrise, no motorboat, vessel, PWC or SPC shall be operated at a speed in excess of five miles per hour, nor create a wake, in any lake or waterway in the Town of Putnam Valley.
- D. No person shall operate a motorboat, vessel, PWC or SPC on a lake or waterway in the Town of Putnam Valley so as to knowingly and repeatedly injure or endanger the health, safety or welfare of another person or act in a manner that would be offensive to a reasonable person of ordinary intelligence and sensitivity.

§ 58-6. Operating regulations on Lake Oscawana.

- A. Definitions of the coves.¹⁸
 - (1) The South Cove is that area of Lake Oscawana lying south of a line drawn between a point of land, marked by a buoy on the east shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8, and a point of land, marked by a buoy, on the west shore, now or formerly, of Keating, Tax Map Number 62.13-2-26.
 - (2) The Abele Park Cove is that area of Lake Oscawana lying easterly of a straight line drawn from the southwest shore of Wheat Island (Dunderberg Island), now or formerly, of Berman, Tax Map Number 62.14-1-18, to the north shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8.
 - (3) The Wildwood Knolls Cove is that area of Lake Oscawana lying easterly of a straight line drawn from the northernmost point of an island, now or formerly, of Jordan (Jordan's Island), Tax Map Number 62.14-1-32, to the southwesterly corner of lands, now or formerly, of Lockwood, Tax Map Number 62.10-2-7, adjacent to and west of the New York State Designated Wetland, OL-38, commonly known as "Lost River."
 - (4) The Northwest Cove and the Northeast Cove are included in that area of Lake Oscawana lying northerly of a straight line drawn from the northerly line of lands, now or formerly, of the Chippewa Boat Club, Tax Map Number 51.73-1-5, on the east shore of Lake Oscawana to the point on the west shore of said lake of lands now or formerly of Kisslinger and Kaplan and Kaplan, Tax Map Number 51.-1-28.
- B. No motorboat, vessel, PWC or SPC shall operate in the South Cove, Abele Park Cove, Wildwood Knolls Cove, Northeast Cove or Northwest Cove on Lake Oscawana at a speed in excess of five miles per hour, nor

18. Editor's Note: The Lake Oscawana Map of Cove Areas is included at the end of this chapter.

take off or land with a person or persons on a towable aquatic device, nor create a wake that unreasonably interferes with or endangers a dock, pier, floating objects, i.e., swimming raft or float, crib or bathing beach, or person or persons in, or swimming in, Lake Oscawana, or a motorboat, vessel, PWC or SPC, including an anchored or moored vessel, or the user of occupants of the same.

- C. No motorboat, vessel, PWC or SPC shall be operated, driven or propelled, within 100 feet of any manually operated boats, vessels, motorboats, PWC or SPC, at a speed in excess of five miles per hour, nor create a wake that unreasonably interferes with or endangers the user or occupants of same.
- D. With the exception of the cove areas as previously defined, no such motorboat, vessel, PWC or SPC shall be operated, driven or propelled within 150 feet of shore, dock, pier, raft or float, crib or bathing beach, or of any person or persons in, or swimming in, Lake Oscawana at a speed in excess of five miles per hour, nor create a wake that unreasonably interferes with or endangers such person or persons, or the user or occupants of same, except to take off or land with a person or persons using a towable aquatic device.

§ 58-7. PWC and SPC on Lake Oscawana; bathing areas.

- A. No person shall operate a personal watercraft or specialty prop-craft within 500 feet of any designated bathing area, except in bodies of water where the opposing shoreline is less than 500 feet from such designated area and in accordance with speed regulations and restrictions as provided by local law or ordinance, but in no event at a speed in excess of 10 miles per hour; provided, however, that nothing contained in this subsection shall be construed to prohibit the launching of such vessel from designated launching areas or sites. All other regulations for PWC and SPC in Article 4, § 73-A, of the Navigation Law of the State of New York, shall apply.
- B. Pursuant to § 73-A of the Navigation Law of the State of New York, designated bathing areas for Lake Oscawana include but are not limited to the following district and community beaches: Hilltop Beach, Lookout Manor Beach, the Abele Park Sandy (Children's) Beach, the Abele Park Grassy (Adult) Beach, Wildwood Knolls Beaches, including Block C, Northview Estates Beach, Oscawana Country Club Beach, Cedar Ledges Beach, Laurelwood Manor Community Beach and Lee Avenue Beach, Lake Oscawana Owners Acres Beach and Noswal Park Beach.
- C. Pursuant to § 73-A of the Navigation Law of the State of New York, every PWC or SPC shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including but limited to weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when

visibility around such other vessel is obstructed and swerving at the last possible moment to avoid collision, shall constitute reckless operation of a vessel.

§ 58-8. Towable aquatic devices on Lake Oscawana.

- A. No motorboat, vessel, PWC or SPC shall be operated while taking off, towing or landing a person or persons using a towable aquatic device at a speed in excess of 40 miles per hour.
- B. Operators of motorboats, vessels, PWC or SPC while taking off, towing or landing a person or persons using a towable aquatic device shall comply with all rules, regulations, laws and ordinances of any agency having jurisdiction thereover, with respect to safety requirements, while operating on Lake Oscawana.
- C. No motorboat, vessel, PWC or SPC towing any person or persons using a towable aquatic device shall operate at a speed in excess of five miles per hour, nor take off or land with a person or persons using a towable aquatic device, nor create a wake that unreasonably interferes with or endangers a dock, pier, floating object, i.e. raft or float, crib or bathing beach, or persons or persons in, or swimming in, Lake Oscawana, or a motorboat, vessel, PWC or SPC, including an anchored or moored vessel, or the user or occupants of the same, in the South Cove, Abele Park Cove, Wildwood Knolls Cove, Northeast Cove and Northwest Cove of Lake Oscawana.
- D. Persons using towable aquatic devices.
 - (1) No person on a towable aquatic device shall approach within a distance of 100 feet of any manually operated boats, vessels, motorboats, PWC's or SPC's at a speed in excess of five miles per hour, nor create a wake that unreasonably interferes with or endangers the user or occupants of the same.
 - (2) With the exception of the South Cove, Abele Park Cove, Wildwood Knolls Cove, Northeast Cove and Northwest Cove, no person using a towable aquatic device shall approach within a distance of 150 feet of any shore, dock, pier, raft or float, crib or bathing beach or of any person in, or swimming in, Lake Oscawana, at a speed in excess of five miles per hour, nor create a wake that unreasonably interferes with or endangers such person or persons, or the user or occupants of same, except to take off or land with a person or persons using a towable aquatic device.
 - (3) No person shall operate or manipulate any towable aquatic device in a reckless or negligent manner so as to endanger the life, limb or property of any person.
- E. Operators of motorboats, vessels, PWC's or SPC's towing a person or persons using a towable aquatic device shall not permit such person or

persons to take off or land within 200 feet of any public or community beach, dock, raft or float.

- F. No more than two persons shall be towed by a single motorboat, vessel, PWC or SPC at the same time.
- G. All other provisions of § 73 of the Navigation Law of the State of New York shall apply.

§ 58-9. Swimming and wading in Lake Oscawana.

It shall be illegal and a reckless obstruction of and interference with traffic and navigation for any person to be, swim or wade in the waters of Lake Oscawana at a distance of 150 feet or more from the shore or floating object, i.e., swimming raft or float, unless:

- A. Such person is accompanied and attended by a boat operated and controlled by another swimmer. Such boat, so operated and controlled, shall be kept within 15 feet of such person at all times that the swimmer is in the lake. The boat operator shall signal approaching or passing motorboats, vessels, PWC or SPC of the presence of the swimmer in the water; or
- B. Such person is towing an inflatable boat equipped with a swimming flag that measures at least 300 square inches area.

§ 58-10. Regattas and boat races.

- A. No regattas and/or boat races may be held on any navigable waters of the state without a properly issued and valid permit from the New York State Division of Parks, Recreation and Historic Preservation as specified in Article 3, § 34, of the Navigation Law of the State of New York.
- B. The holding of regattas and/or vessel races on any of the lakes or waterways of the Town of Putnam Valley are also subject to the approval of the Town Board, subject to regulations promulgated by the Town Board.

§ 58-11. Depositing materials in lakes and waterways.

- A. No person shall place, throw, deposit or discharge, or cause to be placed, thrown, deposited or discharged, in the waters of any lakes or their inlets or outlets or any waterways in the Town of Putnam Valley any garbage, litter, leaves, yard waste, grass clippings, any sewage or other liquid or solid materials which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.
- B. Violation of this section shall constitute a misdemeanor.

§ 58-12. Officially operated boats and vessels.

Any motor boat, vessel, PWC or SPC operated by the Town of Putnam Valley shall be exempt from the provisions of this chapter while engaged in emergency operation.

§ 58-13. Special district regulations.

In addition to all the sections and provisions of this chapter, the following subsections shall apply to the specific districts enumerated:

A. Lake Peekskill.

- (1) It is prohibited to operate any gasoline- or oil-driven vessel or vehicle on Lake Peekskill, whether the lake is frozen or not.
- (2) Every person operating any form of vehicle or vessel permitted on the surface of Lake Peekskill shall at all times operate the same in a careful and prudent manner and at such rate of speed as shall not endanger the property or life and limb of any person.
- (3) Electric-powered vessels. Motorboats operated by electric power derived from batteries not exceeding twenty-four-volt capacity shall be permitted upon said lake.
- (4) Registration numbers. Registration numbers are to be issued and shall be affixed on both sides of bow (front) of manually operated boats, vessels and electric-powered vessels, or painted upon all manually operated boats, vessels and electric-powered vessels using the waters of the Lake Peekskill District. Said registration numbers shall be issued by the current enforcement authority or designee.

B. Roaring Brook Lake.

- (1) Power-driven vessels or vehicles. It is prohibited to operate any gasoline- or oil-driven vessel or vehicle on the waters of the Roaring Brook Lake District, whether frozen or not. **[Amended 4-11-2007 by L.L. No. 4-2007]**
- (2) Electric-powered vessels. Motorboats operated by electric power derived from batteries not exceeding twenty-four-volt capacity shall be permitted upon said lake.
- (3) Registration numbers. Registration numbers are to be issued and shall be affixed on both sides of bow (front) of manually operated boats, vessels or motorboats or painted upon any and all boats using the waters of Roaring Brook Lake District. Said registration numbers shall be issued by the current enforcement authority or its designee.

- (4) Maximum length. No motorboats or vessels shall exceed the length of 16 feet, except that there should be no limitation on the size of canoes or sailboats.

C. Hilltop Estates.

- (1) Motorboats and vessels. No owner, operator or occupant of a manually operated boat, vessel, motorboat, PWC or SPC shall be permitted to land on or leave his or her vessel on any of the beach property, or to attach to any of the mooring buoys, except households of the Improvement District or their lessees shall be permitted to moor, land or store their vessels on beach property set aside for such purpose. Docking facilities are to be limited to the mooring of one boat per each household.
- (2) Beaching vessels. 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 at any time of the year or in the waters abutting thereon do so at their own risk and responsibility.
- (3) Vessel restriction. The bathing area and the beach section from the steps to the bathing area shall be kept free of boats at all times.

D. Abele Park. No owner, operator or occupant of any motorboat, vessel, PWC or SPC shall be permitted to launch from, land on or moor to any of the beach property, or to anchor in any of the waters of the lake abutting thereon, except that property owners of the park district or their lessees shall be permitted to launch such vessel from, or moor to, land or store their vessels on beach property set aside for such purpose.

E. Northview Estates.

- (1) Vessel regulations. No owner, operator or occupant of any motorboat, vessel, PWC or SPC shall be permitted to launch such vessel from, land on or moor to any of the beach property, or to anchor in any of the waters of the lake abutting thereon, except that property owners of the park district and their immediate families, or their lessees, shall be permitted to launch such vessel from, or moor, land or store their vessels on beach property set aside for such purpose.
- (2) No homeowner or property owner shall moor more than one vessel in the designated mooring areas, except by consent of a simple numerical majority of the homeowners and property owners of the park district.
- (3) No overnight mooring of vessels on beach areas for visitors of property owners shall be permitted.

F. Barger and Bryant Ponds.

- (1) Operation of vessels. Every person operating any vessel on the surface of Barger Pond or Bryant Pond shall at all times operate the same in a careful and prudent manner and at reasonable rate of speed that shall not endanger the property or threaten the life or limb of any person.
- (2) Types of vessels. No gas- or oil-driven motorboat, whether by inboard or outboard motor, shall be operated on Barger Pond or Bryant Pond.

§ 58-14. Prohibited activities.

- A. No person under the age of 18 years shall operate a mechanically propelled or motor-driven conveyance on the lakes and waterways in the Town of Putnam Valley, unless accompanied by a person who is 18 years old or if the operator is 10 years old or older and has, in his or her possession, a Boating Safety Certificate issued by the Commissioner of Environmental Conservation.
- B. No person shall operate any mechanically propelled or motor-driven vessel, powered by gasoline or oil, on the lakes and waterways of Putnam Valley, except Lake Oscawana.
- C. No person shall operate any motorboat, PWC or SPC without being registered and numbered as provided in § 2251 of the Vehicle and Traffic Law of New York State.
- D. No person shall operate any motorboat, vessel, PWC or SPC on any lake or waterway in the Town of Putnam Valley in a manner which is not careful or prudent, nor in a manner in which the motorboat, vessel, PWC or SPC or its wake will endanger other motorboats, vessels, PWC or SPC, or property, or the life and/or limb of any person.
- E. No person shall operate any motorboat, vessel, PWC or SPC in a manner which will interfere with the free and proper use of any waterway or lake in the Town of Putnam Valley.
- F. No person shall operate any motorboat, vessel, PWC or SPC when approaching or passing within 150 feet of any shore, dock, pier, raft or float, crib or bathing beach, or person or persons in, or swimming in, the lakes and waterways of the Town, or motorboat, vessel, PWC or SPC, without reducing the speed of and operating such motorboat, vessel, PWC or SPC in a manner or at a speed that does not cause a wake, that does not unreasonably interfere with or endanger such dock, pier, raft or float, crib or bathing beach, or person or persons in, swimming in, the lakes and waterways of the Town, or motorboat, vessel, PWC or SPC, including an anchored or moored vessel, or the user or occupants of the same.
- G. No person shall operate any motorboat, vessel, PWC or SPC closer than 150 feet of shore at a speed greater than five miles per hour, nor create a wake.

- H. No person shall operate any motorboat, vessel, PWC or SPC within 150 feet of shore, float, raft, dock, pier, crib or bathing beach or of any person in, or swimming in, Lake Oscawana at a speed greater than five miles per hour, nor shall such craft create wake.
- I. No person shall operate any motorboat, vessel, PWC or SPC within 100 feet of any manually operated boat, sailboat, motorboat, vessel, PWC or SPC at a speed greater than five miles per hour, nor shall any such vessel create a wake.
- J. No person shall operate any motorboat, vessel, PWC or SPC in the South Cove, Abele Park Cove, Wildwood Knolls Cove, Northeast Cove or Northwest Cove at a speed greater than five miles per hour nor shall any such craft create a wake, nor pick up or drop off a water skier, or a person or persons using a towable aquatic device.
- (1) South Cove. The South Cove is that area of Lake Oscawana of a line drawn between a point of land, marked by a buoy on the east shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8 and a point of land, marked by a buoy, on the was shore, now or formerly, of Keating, Tax Map Number 62.13-2-26.
 - (2) Abele Park Cove. The Abele Park Cove is that area of Lake Oscawana lying easterly of a line drawn from the southwest shore of Wheat Island (Dunderberg Island), now or formerly, of Berman, Tax Map Number 62.14-1-18, to the north shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8.
 - (3) Wildwood Knolls Cove. The Wildwood Knolls Cove is that area of Lake Oscawana lying easterly of a straight line drawn from the northernmost point of an island, now or formerly, of Jordan (Jordan's Island), Tax Map Number 62.14-1-32, to the southwesterly corner of lands, now or formerly, of Lockwood, Tax Map Number 62.10-2-7, adjacent to and west of the New York State Designated Wetland, OL-38, commonly known as "Lost River."
 - (4) Northeast Cove and Northwest Cove. The Northwest Cove and the Northeast Cove are included in that area of Lake Oscawana lying northerly of a straight line drawn from the northerly line of lands, now or formerly, of the Chippewa Boat Club, Tax Map Number 51.73-1-5, on the east shore of Lake Oscawana to the point on the west shore of said lake of lands, now or formerly, of Kisslinger and Kaplan and Kaplan, Tax Map Number 51.-2-28.
- K. No person shall at any time, operate any motorboat, vessel, PWC or SPC a speed greater than 35 miles per hour between the hours of one hour after sunrise to sunset, except as stated in § 58-8A on any lake or waterway in the Town of Putnam Valley.
- L. No person shall operate any motorboat, vessel, PWC or SPC, during the hours from sunset to one hour after sunrise at a speed greater than five miles per hour, nor create any wake from such vessel.

- M. No person shall operate any PWC or SPC within 500 feet of any designated bathing area, except in bodies of water where the opposing shore line is less than 500 feet from such designated bathing area. Then such PWC and SPC shall be operated according to the restrictions in this chapter. However, nothing contained in this section shall prohibit the launching or landing of such PWC or SPC from a designated launching or landing site.
- N. No person shall operate any PWC or SPC in a reckless manner and shall, at all times, operate such craft in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including, but not limited to, weaving through congested vessel traffic; jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed; and swerving at the last possible moment to avoid collision shall all constitute reckless operation of a vessel, motorboat, PWC or SPC.
- O. No person shall operate any motorboat, vessel, PWC or SPC on a lake or waterway in the Town of Putnam Valley so as to knowingly and repeatedly injure or endanger the health, safety or welfare of another person or act in a manner that would be offensive to a reasonable person of ordinary intelligence and sensitivity.
- P. No person operating any motorboat, vessel, PWC or SPC, while taking off, towing or landing a person using a towable aquatic device, violate any section or subsection of this chapter with respect to the safety requirements while operating any such vessel.
- Q. No person shall operate any motorboat, vessel, personal watercraft or SPC while taking off, towing or landing a person or persons using a towable aquatic device, at a speed in excess of 40 miles per hour.
- R. No person shall be towed using a towable aquatic device, nor shall any person operate a motorboat, vessel, PWC or SPC, towing a person or persons using a towable aquatic device between sunset and one hour after sunrise, inclusive.
- S. No person shall operate any motorboat, vessel, PWC or SPC towing a person or persons using a towable aquatic device at a speed in excess of five miles per hour in:
- (1) South Cove. The South Cove is that area of Lake Oscawana lying south of a line drawn between a point of land, marked by a buoy on the east shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8 and a point of land, marked by a buoy, on the west shore, now or formerly, of Keating, Tax Map Number 62.13-26.
 - (2) Abele Park Cove. The Abele Park Cove is that area of Lake Oscawana lying easterly of a straight line drawn from the southwest shore of Wheat Island (Dunderberg Island), now or

formerly, of Berman, Tax Map Number 62.14-1-18, to the north shore, now or formerly, of Axinn, Tax Map Number 62.63-1-8.

- (3) Wildwood Knolls Cove. The Wildwood Knolls Cove is that area of Lake Oscawana lying easterly of a straight line drawn from the northernmost point of an island now or formerly, of Jordan (Jordan's Island), Tax Map Number 62.14-1-32, to the southwesterly corner of lands, now or formerly, of Lockwood, Tax Map Number 62.10-2-7, adjacent to and west of the New York State Designated Wetland, OL-38, commonly known as "Lost River."
 - (4) Northeast Cove and Northwest Cove. The Northwest Cove and the Northeast Cove are included in that area of Lake Oscawana lying northerly of a straight line drawn from the northerly line of lands, now or formerly, of Chippewa Boat Club, Tax Map Number 51.73-1-5, on the east shore of Lake Oscawana to the point on the west shore of said lake of lands, now or formerly, of Kisslinger and Kaplan and Kaplan, Tax Map Number 51.-1-28.
- T. No person shall be towed using a towable aquatic device nor shall any person operate any motorboat, vessel, PWC or SPC while towing any person or persons using a towable aquatic device within 100 feet of any manually operated boat, vessel, motorboat, PWC or SPC.
 - U. No person shall be towed using a towable aquatic device nor shall any person operate any motorboat, vessel, PWC or SPC while towing any person using a towable aquatic device within 150 feet of the shore, float, raft, dock, pier, crib or bathing beach, or of any person in, or swimming in, Lake Oscawana. Except this section shall not prohibit the take off or landing of a person using a towable aquatic device so long as no other section or subsection of this chapter is violated.
 - V. No person shall operate any motorboat, vessel, PWC or SPC towing more than two persons using a towable aquatic device(s) at the same time.
 - W. No person shall operate any motorboat, vessel, PWC or SPC while towing any person using a towable aquatic device nor shall any person be towed from any such motorboat, vessel, PWC or SPC, unless, in addition to such person operating such motorboat, vessel, PWC or SPC, an observer is on board such vessel who is at least 10 years old. It shall also be a violation of this section if such person is not constantly observing such person or persons using a towable aquatic device(s).
 - X. No person shall operate or manipulate any person or persons using a towable aquatic device in a reckless or negligent manner so as to endanger the life, limb or property of any person.
 - Y. No person shall be in, swim in or wade in Lake Oscawana at a distance of more than 150 feet from shore or a swimming raft or float unless:

- (1) Such person is accompanied and attended by a vessel operated and controlled by another swimmer. Such vessel shall be kept within 15 feet of such person at all times that person is in Lake Oscawana more than 150 feet from shore.
 - (2) The operator of such vessel accompanying and attending a person in Lake Oscawana more than 150 feet from shore shall signal any approaching motor boat, vessel, PWC or SPC as to the presence of a person in Lake Oscawana more than 150 feet from shore.
 - (3) Such person in Lake Oscawana, more than 150 feet from shore, is towing an inflatable boat equipped with a swimming flag; such flag shall be at least 300 square inches.
- Z. No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged in the waters of any lake or their inlets or outlets on any waterway in the Town of Putnam Valley any garbage, litter, leaves, yard waste, grass clippings, any sewage or other liquid or solid materials which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes. A violation of this subsection shall constitute a misdemeanor.

§ 58-15. Penalties for offenses.

- A. Any person who shall violate any section of this chapter shall be guilty of a violation, unless the particular section is designated a misdemeanor.
- (1) Notwithstanding any other designation specified in the law or ordinance defining it, a fine of not more than \$250 or sentence to a term of imprisonment which is not in excess of 15 days as provided therein, or the only sentence provided therein is fine; or **[Amended 4-15-1998 by L.L. No. 5-1998]**
 - (2) A sentence to a term of imprisonment in excess of 15 days is provided for such offense in a law or ordinance enacted prior to the effective date of this chapter but the offense was not a crime prior to that date.
- B. Any person who shall violate a section particularly designated as a misdemeanor shall be guilty of an unclassified misdemeanor.

Chapter 62

BUILDINGS, NUMBERING OF

GENERAL REFERENCES

Building construction and fire Subdivision of land — See Ch. 158.
prevention — See Ch. 132.

Zoning — See Ch. 165.

§ 62-1. Adoption of system.

The uniform system of numbering properties and principal buildings as shown on a map identified and entitled the "Official Street Naming and Numbering Map of the Town of Putnam Valley," together with all of the explanatory matter thereon, be and the same is hereby adopted for the Town of Putnam Valley, New York.

§ 62-2. Official system established.

There is hereby established an official system of street names and numbers in the Town of Putnam Valley, New York, as shown on the aforesaid map, a true copy of which is attached hereto and made part of this chapter.¹⁹ The names of the streets and building numbers in said Town of Putnam Valley shall be and remain as shown on said map and as modified or amended by resolution of the Town Board.

§ 62-3. Street acceptance; street extensions.

No new street shall be accepted by said Town of Putnam Valley until such street shall be identified and designated by name, and if new streets are extensions of existing streets, the names of such streets shall be attached to such extension. If such new street is not an extension of an existing street, then the name by which the new street is designated shall not be identical to nor bear any similarity to or conflict with the names of any existing streets as shown on said map, amendment or modification thereof.

§ 62-4. Specifications, standards and requirements.

The following specifications, standards and requirements in connection with the numbering of properties and principal buildings are hereby adopted:

- A. With the exception of the requirements of Subsection C(2) hereof, all properties or parcels of land within the area as shown on the above-mentioned map shall hereafter be identified (for street location purposes) by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with the provisions of this chapter shall be changed to conform to the system herein adopted within three months after the adoption of this chapter.²⁰
- B. Each principal building shall bear the number assigned to the street frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit,

19. Editor's Note: The Official Street Naming and Numbering Map is on file in the town offices and may be examined there during regular business hours.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the entrance to each separate use of such principal building shall bear a separate number.

C. Display requirements.

- (1) Numerals indicating the official numbers for each principal building or for each separate entrance as specified above shall be posted in a manner so as to be visible from the street on which the property is located. Whenever any building is situated more than 50 feet from the street line, the official number shall be affixed to a gatepost, fence, tree, post or other appropriate place so as to be easily discernible from the street line and so as to show clearly, if not otherwise evident, which is the driveway for the property. The numbers shall not be less than three inches in height and shall be made of a durable and clearly visible material.
- (2) For buildings and structures erected after the effective date of this subsection, all numbers required by this chapter shall be located at the road, regardless of the distance of the building from the curb, and all numbers shall be at least four inches in height, made of a durable and clearly visible material.²¹

D. Placement of official numerals on new and seasonal buildings.

- (1) The official numerals shall be placed on new buildings by the owner or agent within 30 days after notice to the owner or agent of number assigned.
- (2) A certificate of occupancy shall not be issued for new buildings unless this chapter is complied with.
- (3) The official numerals shall be placed on seasonally occupied buildings by the owner or agent not later than July 15, 1987.

§ 62-5. Enforcement.

The Code Enforcement Officer shall enforce the provisions of this chapter and shall keep a record of all numbers assigned.

§ 62-6. Penalties for offenses.²²

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

Chapter 66

BUILDINGS, UNSAFE

21. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 66-1. Purpose.

Unsafe buildings pose a threat to life and property in the Town of Putnam Valley. Buildings and structures may become unsafe by the reason of damage by fire, the elements, vandalism, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also become a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Putnam Valley by requiring that such unsafe buildings be repaired or demolished and removed.

§ 66-2. Title.

This chapter shall be known as the "Unsafe Buildings Law of the Town of Putnam Valley."

§ 66-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for residential, recreation, business or industrial purpose.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Putnam Valley or such other person appointed by the Town Board to enforce the provisions of this chapter.

§ 66-4. Investigation and report. [Amended 3-27-1996 by L.L. No. 4-1996; 2-20-2013 by L.L. No. 3-2013]

When in the opinion of the Code Enforcement Officer or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways or windows making it accessible to or an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, he or she shall cause to be made or make an inspection thereof and report, in writing, to the Town Board his or her findings and recommendations in regard to the building's repair or demolition and removal after requesting compliance with the § 165-91.2 of Chapter 165, Zoning.

§ 66-5. Order to repair or remove.

The Town Board shall thereafter consider such report and, by resolution, determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely

repaired, or order its demolition and removal, and further order that a notice be served in the manner provided herein.

§ 66-6. Contents of notice.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars, setting forth the facts leading to the conclusion that the building is unsafe.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building shall commence within 30 days of service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended by the Code Enforcement Officer.
- E. A date, time and place for a hearing before the Town Board relating to such unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.
- F. A statement that, in the event of failure or refusal to comply with the order to secure or demolish and remove the building, the Town Board will provide for its demolition and removal and will assess all expenses thereof against the land on which it is located and will institute a special proceeding to collect the costs of demolition, including legal expenses.

§ 66-7. Service of notice.

Said notice shall be served by:

- A. Personal service of a copy thereof upon the owner, executor, administrator, agent, lessee and any person having a vested or contingent interest in such unsafe building as shown by the records of the Tax Collector or of the County Clerk.
- B. If no such person can be reasonably found, mailing to such owner or other interested parties as mentioned above, by certified or registered mail, a copy of such notice directed to their last known addresses as shown by the above records.
- C. Personal service of a copy of such notice upon any adult person residing in or occupying said premises, if such person can be reasonably found.
- D. Securely affixing a copy of such notice upon the unsafe building.

§ 66-8. Filing of notice with county.

A copy of the notice as provided herein shall be filed in the office of the County Clerk of the County of Putnam.

§ 66-9. Refusal to comply.

In the event of failure or refusal to comply with said order of the Town Board, after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by Town employees or by contract. Except in an emergency, as provided in § 66-11 hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

§ 66-10. Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law of the State of New York for the levy and collection of a special ad valorem levy.

§ 66-11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to life, safety or health of any person or property if an unsafe building is not immediately repaired and secured or demolished and removed, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair, securing or demolition of such unsafe building. The expenses of such repair or demolition and removal shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 66-10.

Chapter 70**FOOD VENDORS****§ 70-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ESTABLISHED PLACE OF BUSINESS — A permanent building or store located on a foundation in which or where the person transacts or solicits business and deals in the goods, wares, food, merchandise or services he sells during regular business hours.

FOOD VENDOR — A person or entity who sells food on any public street, sidewalk or other public place. "Food vendor" shall not include a permittee

under "An ordinance to Use City Sidewalks by Abutting Merchants for Display Purposes." (1)

§ 70-2. Exemptions.

This chapter shall not apply to auctioneers conducting sales pursuant to statute or order of any court or to service clubs or nonprofit organizations, such as the Ambulance Corps, Boy and Girl Scouts and school organizations, when vending or soliciting for purposes for which these organizations are organized.

§ 70-3. Prohibited acts.

It shall be unlawful for a person or entity within the Town limits of the Town of Putnam Valley to act as a food vendor without first having obtained and paid for and having in force and effect a license therefor. No person or entity shall sell, on any public place in the Town except as a permittee under this ordinance.

§ 70-4. Application for license.

- A. Any person desiring to act as a food vendor within the Town of Putnam Valley shall apply for a license from the Town Clerk upon a written application to be furnished by the Town. Such application shall detail the following:
- (1) Whether the applicant desires to act as a food vendor, itinerant vendor or solicitor.
 - (2) The kind of food the applicant desires to sell or solicit to sell.
 - (3) The name, address and age of the applicant and any assistants the applicant proposes to employ.
 - (4) The name and address of the person or entity the applicant represents.
 - (5) As a food vendor, the proposed location of the business.
 - (6) The number and types of vehicles to be utilized by the applicant in carrying on the business for which the license is desired.
 - (7) The length of time the applicant desires the license.
- B. The Town Clerk shall deliver a copy of this chapter to each applicant at the time of application.

§ 70-5. Issuance of license; transferability, expiration and display.

- A. Upon the filing of the application and information as required above, the Town Clerk shall, upon her approval of such application, issue to the applicant a license, signed by the Town Clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for

the protection of the public safety, health, morals or general welfare including any criminal record during the past three years.

- B. A license shall be assignable for a food vendor who may assign his or her license to assistants named on said license. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person, excepting food vendors as discussed above, shall each be guilty of a violation of this chapter.
- C. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application may be issued by the Town Clerk upon the filing with him/her by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery and upon payment of a fee of \$10.
- D. All licenses shall be issued from a properly bound book with proper reference stubs for that purpose, numbered in the order in which they are issued, and shall state clearly whether the permittee is a food vendor, itinerant vendor or solicitor, the kind of vehicle to be used, the kind of goods, wares, food and merchandise to be sold or service to be rendered, the number of the licensee's license, the fee paid and the name and address of the licensee.
- E. Yearly licenses shall automatically expire on December 31, following the dates of issuance of such licenses.
- F. No license shall be granted to a person less than 18 years of age.
- G. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.
- H. Every licensee and assignee of a food vendor license, while exercising his license, shall carry the license with him and shall exhibit the same at all times in the vehicle used for dispensing food.

§ 70-6. License fees.

The fee for a license as required hereunder shall be as scheduled below and shall not be prorated:

- A. Food vendor: \$250 per year or \$200 per six-month seasonal summer period (May 1 to October 31).

§ 70-7. Approval of locations for food vendors.

A food vendor must confine his business to one of the approved by the Town Board locations during the term of his permit. Said location must be

proposed on his application to the Town Clerk and noted on the permit as approved at the time of issuance. Such place shall not be on public parkland, except an event permit as required of other vendors for that event. If a merchant operating an established place of business within 200 feet of said approved location noted on the permit objects to the Town Clerk that said noted location competes or interferes with said merchant business, the Town Clerk shall so advise the food vendor, and the food vendor shall be required to choose a new approval location, which shall be so noted on an amended permit to be issued by the Town Clerk at no cost to the food vendor.

§ 70-8. Name and address on vehicle.

Every vehicle used by a licensed food vendor, in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in length in a conspicuous place on the outside on one side of every vehicle, and such name and address shall be kept so painted plainly and distinctly at all times which such vehicle is in use during the continuance of the license.

§ 70-9. Revocation of license.

The Town Clerk may, at any time, for a violation of this chapter or any other ordinance or any law, revoke any license. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Town Clerk upon the person named in the application, or by mailing the same to the address given in the application. A copy of such notice shall be filed in the office of the Town Clerk.

§ 70-10. Restrictions.

A licensed food vendor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him/her in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn or ring a bell to attract public attention.
- D. If a food vendor or his assignee, use the approved location as determined in the Town Permit.
- E. A food vendor may not place any obstruction upon any street, sidewalk or public place which would impede the safe and orderly free flow of two-way pedestrian and vehicular traffic.
- F. Not permit any vehicle used by him to stop or remain on any crosswalk.

§ 70-11. Records.

It shall be the duty of the Town Clerk to keep records and copies of all applications, permits and fees paid under this chapter.

§ 70-12. Penalties for offenses.

- A. Every person or entity guilty of violating any provision of this chapter shall be subject to a penalty as follows:
- (1) Warning for first offense food vendors.
 - (2) Maximum fine of \$250 for second and subsequent offense food vendors and for first and subsequent offense itinerant vendors, solicitors and other persons or entities found to be in violation of the provisions of this chapter.
- B. Each and every day that a violation exists or continues under this chapter shall constitute a separate offense subject to penalties as stated herein.

Chapter 72**GAMES OF CHANCE****GENERAL REFERENCES**

Bingo — See Ch. 54.

§ 72-1. Title.

This chapter shall be cited and may be referred to as the "Games of Chance Licensing Law."

§ 72-2. Statutory authority.

This chapter is enacted pursuant to the authority granted by Chapter 960, Laws of the State of New York, 1976, which amended the General Municipal Law of the State of New York by adding a new article, Article 9-A, thereto.

§ 72-3. Intent.

- A. It is declared to be the public policy of the Town of Putnam Valley that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious and patriotic causes and undertakings, where the beneficiaries are undetermined, is in the public interest. It hereby finds that, as conducted prior to the enactment of this chapter, games of chance were the subject of exploitation by professional gamblers, promoters and commercial interests.

- B. It is hereby declared to be the policy of the Town Board of the Town of Putnam Valley that all phases of the supervision, licensing and regulation of games of chance and the conduct of games of chance should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and rigidly enforced.

§ 72-4. Applicability.

This chapter shall be applicable to all territory within the limits of the Town of Putnam Valley.

§ 72-5. Definitions.²³

For the purposes of this chapter, the terms used herein shall have the meanings ascribed to them in General Municipal Law Article 9-A.

§ 72-6. Games authorized; license required.

It shall be lawful for any authorized organization, as defined in Article 9-A of the General Municipal Law, upon obtaining a license as provided for thereunder and complying with all other rules and regulations, powers and duties of the New York State Racing and Wagering Board and all other rules and regulations as set forth in Article 9-A of the General Municipal Law, to conduct a game or games of chance in the territory of the Town of Putnam Valley.

§ 72-7. Conduct of games of chance.²⁴

All games of chance shall be conducted in accordance with General Municipal Law § 189.

§ 72-8. Participation by minors; frequency; admission charge; advertising.

- A. Participation by persons under 18. No person under the age of 18 years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this chapter. No person under the age of 18 years shall be permitted to conduct or assist in the conduct of any game of chance conducted pursuant to any license issued under this chapter.
- B. Frequency of games. No game or games of chance shall be conducted under any license issued under this chapter more often than 12 times in any calendar year. Games shall be conducted only between the hours of 12:00 noon and 12:00 midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of 12:00 noon on Friday and 2:00 a.m. Saturday, and only between the hours of 12:00 noon on Saturday

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and 2:00 a.m. Sunday. The 2:00 a.m. closing period shall also apply to a legal holiday.

- C. Charge for admission and participation; prize amounts; award of prizes. Not more than \$2 shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be conducted under any license issued under this chapter. The officer or department may, in its discretion, fix a minimum fee. Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of chance.
- D. Advertising games. No game of chance conducted or to be conducted in this state shall be advertised as to its location, the time when it is to be or has been played, the prizes awarded or to be awarded or transportation facilities to be provided to such game by means of newspapers, radio, television or sound tracks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding 60 square feet in area may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire-fighting equipment belonging to any licensee which is a volunteer fire company, or upon any first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.
- E. Statement of receipts and expenses; additional license fees.
 - (1) Within seven days after the conclusion of any license period, the authorized organization which conducted the game and its members who were in charge thereof and, when applicable, the authorized organization which rented its premises therefor shall each furnish to the clerk or department a statement subscribed by the member in charge and affirmed by him or her as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred or paid, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid or is to be paid with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

- (2) Upon the filing of such statement of receipts, the authorized organization furnishing same shall pay to the clerk as and for an additional license fee a sum based upon the reported net proceeds for the license period covered by such statement, an amount equal to 5% of the net proceeds for such occasion. **[Amended 8-17-1977 by L.L. No. 7-1977]**

§ 72-9. Application for license.

An application for a license to conduct games of chance and authorized games of chance lessor shall be in accordance with the requirements set forth in § 190 of Article 9-A of the General Municipal Law.

§ 72-10. Investigation; issuance of license; term.

The investigation of applicants and matters to be determined, issuance of the license, license fees and duration shall be in accordance with § 191 of Article 9-A of the General Municipal Law.

§ 72-11. Hearing; amendment of license.

Hearings and amendment of licenses shall be in accordance with § 192 of Article 9-A of the General Municipal Law.

§ 72-12. Control and supervision; suspension of licenses.

The control and supervision, suspension of licenses and inspection of premises shall be in accordance with § 193 of Article 9-A of the General Municipal Law.

§ 72-13. Penalties for offenses.²⁵

Any person, association, corporation or organization who or which shall make any material false statement in any application for any license authorized to be issued under this chapter or in violation of any of the other terms and conditions or other applicable provisions of said Article 9-A of the General Municipal Law shall constitute a misdemeanor and shall forfeit any license issued under this chapter, and shall be subject to any and all other penalties set forth in Article 9-A of the General Municipal Law.

§ 72-14. Enforcement officer.

The enforcement officer of the provisions of this chapter shall be the chief law enforcement officer of the Town of Putnam Valley.

§ 72-15. Effect; referendum.

Except as provided in § 195-k of Article 9-A of the General Municipal Law, the provisions of this chapter shall be inoperative unless and until a

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

proposition therefor submitted at a general or special election in the Town of Putnam Valley shall be approved by a vote of the majority of the qualified electors in the Town of Putnam Valley voting thereon.²⁶

§ 72-16. Amendment and repeal.

This chapter may be amended from time to time or repealed by the Town Board of the Town of Putnam Valley by a 2/3 vote of said Town Board, and such amendment or repeal, as the case may be, may be effective and operative not earlier than 30 days following the date of enactment of the local law affecting such amendment or repeal, and the approval of a majority of electors of the Town of Putnam Valley shall not be a condition prerequisite to the taking effect of such local law.

Chapter 79

LITTERING AND DUMPING

GENERAL REFERENCES

Vehicles and traffic — See Ch. 120.

§ 79-1. Title.

This chapter shall be known and may be cited as the "Abandoned Vehicles, Litter and Dumping Control Law."

§ 79-2. Intent.

The intent of this chapter is to safeguard the health, safety and welfare of the inhabitants of the Town of Putnam Valley; to safeguard against unwarranted invasion; to protect, preserve and maintain property values; to minimize nuisances; to protect against health hazards; and to prevent abandonment or dumping of motor vehicles.

§ 79-3. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

ABANDON OR DUMP —

- A. For items of personal property other than motor vehicles, the relinquishment of personal property, including parts of motor vehicles, and/or littering with the intention of not reclaiming said property or resuming its ownership or enjoyment.

26. Editor's Note: This local law was passed by a majority of the electors at a special election 6-4-1977.

- B. A motor vehicle shall be deemed to be abandoned or dumped if left:
- (1) With no license plates affixed thereto for more than six hours on a highway or other public place;
 - (2) With or without license plates for more than 24 hours on a highway or other public place, except a portion of a highway or public place on which parking is legally permitted;
 - (3) For more than 48 hours after the parking of such vehicle shall become illegal if left on a portion of a highway or public place on which parking is legally permitted; or
 - (4) For more than 24 hours on the property of another if left without the permission of the owner.

DISPOSING OF, DEPOSITING, DUMPING OR ABANDONING — Includes throwing from a vehicle or any type of an aircraft or boat.

LITTER —

- A. Garbage, refuse, trash or rubbish or noxious or offensive matter. "Garbage" is waste animal or vegetable matter, such as materials from a kitchen, store, restaurant or food stand.
- B. All waste materials customarily handled or collected by refuse collectors or junk dealers.
- C. Items known as "junk," regardless of size, discarded or abandoned by reason of obsolescence, age or state of repair or intended to be discarded, abandoned or junked, including but not limited to motor vehicles or parts thereof.
- D. Discarded reading material, newspapers, magazines or similar paper goods, cans, bottles, containers, cartons or wrappers, with or without contents.

§ 79-4. Prohibited acts.

- A. No person shall throw, deposit or abandon litter or cause the same to be done on any property within the town, whether public or private and whether or not owned by such person.
- B. No person shall throw, deposit or abandon litter or cause the same to be done upon any open or vacant property within the town, regardless of the ownership thereof.
- C. No person shall throw, deposit or abandon litter or cause the same to be done in or upon any street, highway, walk, park, parking area or other public place within the town, except in public receptacles; provided, however, that no litter defined as "garbage" shall at any time be thrown or deposited in public receptacles unless such receptacles are specifically designated and marked for the reception of garbage.

- D. No person shall throw, deposit or abandon any litter or foreign matter of any kind whatsoever or cause the same to be done in any fountain, pool, pond, lake, stream, culvert, reservoir or its tributaries or watershed or any body of water in a park or elsewhere within the town, except that this provision shall not prohibit the authorized treatment and control of pools, lakes, ponds or reservoirs to control or regulate water purity or aquatic vegetation by persons or corporations having all required permits issued by state, county, Town or watershed authorities having jurisdiction over such treatment or such permit.
- E. The prohibitions contained herein against the deposit of litter shall include activities known as "dumping," the maintenance of dumps for any purpose, including landfill operations, or the use of any property in the Town as a dumping ground for the benefit of the owner or any other person, except those activities approved by the Department of Environmental Conservation and the County Board of Health and/or licensed by the Town of Putnam Valley.
- F. No person shall abandon or dump a motor vehicle or any parts thereof or cause the same to be done.
- G. No person or corporation who collects refuse shall be on a public highway without the load being fully enclosed and secured, except that this provision shall not prohibit the pickup of refuse within the immediate residential area.

§ 79-5. Penalties for offenses.

Each violation of this chapter constitutes an offense and shall be punishable as follows:

- A. By a fine not exceeding \$500 or imprisonment for a period not to exceed 15 days, or both, for conviction for a first offense; for conviction of a second offense, both of which were committed within a period of five years, by a fine not less than \$500 nor more than \$1,000 or imprisonment not to exceed 15 days, or both; and upon conviction for a third offense, all of which were committed within a period of five years, by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers, generally, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. **[Amended 11-17-2004 by L.L. No. 5-2004]**
- B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

- C. The Code Enforcement Officer and his deputies, members of the Town Board, and other law enforcement agencies are empowered to enforce this chapter and, to that end, shall have the authority to issue appearance tickets pursuant to Criminal Procedure Law § 150.20. **[Amended 11-16-2005 by L.L. No. 3-2005]**

§ 79-6. Liability for expenses.

Any person violating any of the provisions of this chapter shall become liable to the Town for any expenses, loss or damage occasioned the Town by reason of such violation, including but not limited to court costs, attorney's fees, the cost of cleanup, removal and disposal of said items and/or any other costs incurred by the Town in the enforcement of this provision.

Chapter 82

NOISE

§ 82-1. Title.

This chapter shall be known and may be cited as the "Noise Law."

§ 82-2. Intent.

The making and creating of disturbing or offensive noises within the jurisdiction of the Town of Putnam Valley is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive or offensive noise is not a detriment to his or her life, health or enjoyment of property. This chapter is to be construed liberally but is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

§ 82-3. Definitions.

As used herein, the following terms shall have the meaning indicated:

HOLIDAY — Federal holiday.

PERSONS — One or more natural persons of either sex, corporations, partnerships, associations, membership societies and all other entities capable of being sued.

SELF-PROPELLED VEHICLE — Any vehicle which is propelled or drawn on land or on the surface of a lake by a motor, such as but not limited to passenger cars, trucks, truck trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, all-terrain vehicles, racing vehicles, motorboats, jet skis and motorcycles.

SOUND REPRODUCTION DEVICE — Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

UNREASONABLE, UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE — Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers or interferes with the sleep, comfort, repose, health or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business.

WEEKEND/WEEKDAYS — For the purposes of this chapter, a weekend is a period of time from Friday at 7:00 p.m. until Monday at 6:00 a.m. All other times of the week will be considered weekdays.

§ 82-4. Prohibition.

No person shall make, cause or permit to be made unreasonable, unreasonably loud, disturbing or unnecessary noise within the geographical boundaries of the Town of Putnam Valley.

§ 82-5. Unreasonably loud, disturbing or unnecessary noise.

The creation of unreasonably loud, disturbing or unnecessary noise by any of the following acts and their causes is declared to be a violation of this chapter.

- A. Between the hours of 8:00 p.m. and 8:00 a.m. on weekdays (8:00 p.m. and 6:00 a.m. for the Town of Putnam Valley Highway Department, or any of its contractors repairing or maintaining public roads and highways, from June 1 through September 30), and the hours of 7:00 p.m. and 9:00 a.m. on weekends and holidays, the following acts are not permitted:
- (1) The use of heavy equipment, motorized lawn equipment or any noise-making equipment.
 - (2) The operation of engines in residential zones outdoors. This would include the stationary idling of any engine, including but not limited to automobiles, trucks, motorcycles, motorboats, minibikes, snowmobiles or all-terrain vehicles for more than five minutes.
 - (3) Any noise from a vehicle, machine or signaling device for an unnecessary or unreasonable period of time.
 - (4) The use of explosives, firearms or similar devices.
 - (5) The operation of any audio equipment or the use of any musical instrument or human voice, including but not limited to in parked or moving vehicles, in such a manner or with such volume as to

annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

- (6) Every motorboat over two horsepower shall be provided with an underwater exhaust or muffler so constructed and used as to muffle the noise so that the noise of the motor shall be effectively muffled. The use of cutouts or similar appliances is prohibited.
- B. The act of singing or talking, partying sounds or radio and recording sounds which are audible more than 100 feet from the source between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 9:00 a.m. on weekends and holidays are prohibited.
 - C. Machines to hammer, crush or shatter rock are permitted for use only as follows:
 - (1) Hours of operation must be between 9:00 a.m. and 4:00 p.m. weekdays; operation is not permitted on weekends or holidays.
 - (2) The property owner or designee must obtain a permit from the Code Enforcement Officer which shall be valid only for a maximum of 10 days of operation.
 - D. In the PD (Preservation District), CD (Conservation District), R-3 (Low-Density Residence District), R-2 (Moderate-Density Residence District), R-1 (Medium-Density Residence District) and LP (Lake Peekskill Residence District) persons may not engage in the acts listed in Subsection A(1) through (6) above in more than four instances during any two-week period without first obtaining a permit from the Code Enforcement Officer.

§ 82-6. Persons liable for violations.

The owner, tenant and person in charge of the premises on which a violation under the provisions of this chapter has been committed shall be deemed to have permitted such violation on the subject premises and, as such, shall be guilty of such violation.

§ 82-7. Exceptions.

The provisions of this chapter shall not apply to the following acts:

- A. The emissions of sound for the purpose of alerting persons of an existing emergency.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Town Clerk.
- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school

licensed or chartered by the State of New York, provided that such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.

- E. Noise generated by the installation and maintenance of utilities or by any generator during a power outage.
- F. Noise generated by a municipality during any emergency repair and maintenance or any other repair or maintenance undertaken by the municipality.

§ 82-8. Enforcement.

- A. The provisions of this chapter shall be enforced by the local policing agency (Putnam County Sheriff or New York State Police) and code enforcement personnel of the Town of Putnam Valley or other officials designated by the Town Board of the Town of Putnam Valley.
- B. The investigating police officer, Code Enforcement Officer or other designated official who is a witness to the noise which is in violation to this chapter is authorized to issue a summons hereunder.

§ 82-9. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$500 for each offense, imprisonment not to exceed 15 days, or both such fine and imprisonment. The town may also seek injunctive relief to prevent the continued violation of this chapter.

§ 82-10. Fees.

The Town Board shall by resolution set application fees for the permits authorized in this chapter.

Chapter 86

PEDDLING AND SOLICITING

§ 86-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAWKER AND PEDDLER — Any person, either principal or agent, who, from a boat or a car or from any vehicle, or in any public street or public place, or by going from house to house, on foot or on or from an animal or vehicle, sells or barter, or offers for sale or barter, or carries or exposes for sale or barter, any goods, wares or merchandise.

PERSON — One or more persons of either sex, natural persons, corporations, partnerships, associations and all entities of any kind capable of doing business.

SOLICITOR — Any person who goes from place to place or house to house, or who stands in any street or public place, taking or offering to take orders for goods, wares or merchandise.

VEHICLE — Any cars, trucks, wagons, carts or other means of transportation of persons or commodities, or locomotion.

§ 86-2. License required; applications; fees.²⁷

No person shall hawk, peddle, solicit or travel through the Town of Putnam Valley for the purpose of hawking, peddling or soliciting within the town goods, wares, merchandise, farm products or farm produce or other articles of commerce, except peddlers of meats, fish, fruit and farm produce peddled by the farmers and persons who have produced the commodities which they sell, or their servants or employees, in any part of the Town of Putnam Valley, without a license as a peddler granted by the Town Clerk. A written application containing such information as the Town Clerk shall require shall be filed with the Town Clerk, signed by the applicant or his or her authorized agent, for permission to peddle and hawk the aforesaid goods. Simultaneously with the filing of said application, he or she shall pay to the Town Clerk the fees as set forth from time to time by resolution of the Town Board, which the Town Clerk shall thereafter deliver to the Town Supervisor, by him or her to be deposited to the credit of the Town of Putnam Valley.

§ 86-3. License issuance; term; renewal.

The Town Clerk shall, upon payment of the fees and upon the filing of the application as provided in § 86-2, grant a license signed by him or her, or his or her deputy, authorizing the applicant to trade within this town as a peddler, hawker or solicitor for a term of one year, such year being deemed to start on the first day of July of each year. Every such license shall be renewed on the expiration thereof by the Town Clerk on the same terms and conditions and upon the payment of the fees required under an original application, if the renewal be applied for. No license issued under this chapter shall be assignable. All fees are to be paid over by the Town Clerk to the Town Supervisor and deposited to the credit of the Town of Putnam Valley. No license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.

§ 86-4. Revocation of license.

The Town Clerk may, at any time, for a violation of this chapter, or any other ordinance or any law, revoke any license. When a license shall be revoked, no refund of an unearned portion of the license fee shall be made. Notice

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of such revocation and the reason or reasons therefor in writing shall be served by the Town Clerk upon the person named in the application, or by mailing the same to the address given in the application. A copy of such notice shall be filed in the office of the Town Clerk.

§ 86-5. Exhibition of license.

Every person peddling within this town and having a license in accordance with the provisions of this chapter shall produce such license and exhibit the same to any officer or citizen who demands the production of the same. The refusal of any such person to produce a license when demanded shall be presumptive evidence that he or she is traveling and trading without a license.

§ 86-6. Restrictions.

A licensed hawker, peddler or solicitor shall:

- A. Not stand or permit the vehicle used by him or her to stand in one public place for more than 10 minutes, or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.
- B. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale, or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- C. Keep the vehicle and receptacle used by him or her in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and disease.
- D. Not permit any vehicle used to stop or remain on any crosswalk.
- E. Not create or maintain any booth or stand, or place in barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling, or exposing for sale, any goods, wares or merchandise.

§ 86-7. Penalties for offenses.²⁸

The violation of any of the provisions of this chapter shall be punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

§ 86-8. Exemptions.

No part of this chapter shall be enforced so as to conflict with the laws of the State of New York providing for exemptions for veterans.

Chapter 88

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PHOSPHATE FERTILIZER**GENERAL REFERENCES**

Illicit discharges into storm sewers – See Ch. Stormwater management – See Ch. 102. 101, Art. I.

§ 88-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any individual, partnership, corporation, trust, estate, limited-liability company, and any other legal entity capable of entering into a contract. "Person" includes, but is not limited to, those engaged in the business of landscape contracting and/or gardening.

§ 88-2. Use prohibited; exceptions.

- A. It shall be unlawful for any person to apply fertilizer containing phosphorus or any compound containing phosphorous (such as phosphate) to any outdoor location within the Town of Putnam Valley ("Town").
- B. The prohibition specified in Subsection A above shall not apply to:
 - (1) Newly established lawn areas during their first growing season;
 - (2) Existing lawn areas whose soil tests provided to the Code Enforcement Officer reveal the need for additional phosphorous.

§ 88-3. Limitation of sale.

- A. Restrictions.
 - (1) Except as provided in Subsection A(2) hereof, no person shall sell or offer for sale within the Town any fertilizer that is labeled as containing phosphorus, or any other compound containing phosphorus, such as phosphate.
 - (2) Subsection A(1) hereof shall not apply where the purchaser certifies in writing to the seller that the phosphorus-containing fertilizer being purchased will be limited to those applications specified in § 88-2B above. Such certification shall contain the purchaser's name, mailing address, location of proposed use and basis of claimed exception. Such certification shall be retained by the seller for a period of two years from date of sale and shall be exhibited to the Town Code Enforcement Officer upon his/her request.

- B. No person shall within the Town display for sale fertilizer containing phosphorus or any other compound containing phosphorus. Signs shall be posted advising customers that fertilizer containing phosphorus or phosphorus-containing components is available upon request only for uses permitted by § 88-2B.
- C. Any person who sells or offers for sale fertilizer within the Town is required, at the location where such fertilizers are sold, to post a sign containing this chapter and explaining the effects of phosphorus and nitrogen on water quality.

§ 88-4. Penalties for offenses.

- A. A first violation of this chapter shall subject the violator to the imposition by the Town Board of a civil penalty in the sum of \$50. The alleged violator shall be issued written notice of the violation at least 10 days prior to the Town Board meeting at which the violation is to be addressed and shall be afforded an opportunity to be heard at said meeting.
- B. A second and each subsequent violation of this chapter by the same person shall constitute a violation under New York State Penal Law § 55.10, Subdivision 3, and shall subject the violator to a fine of not less than \$150 and not more than \$500, imprisonment for up to 15 days, or both.

Chapter 90

SEPTIC SYSTEMS

GENERAL REFERENCES

Sewers — See Ch. 92.

Freshwater wetlands, watercourses, and water bodies — See Ch. 144.

ARTICLE I

**Septic Tank Pump-Out for Protection of Impaired Water Bodies
[Adopted 2-17-2010 by L.L. No. 2-2010]****§ 90-1. Purpose.**

This article's purpose is to protect from further degradation those water bodies in the Town of Putnam Valley designated as 303(d) impaired water bodies by the New York State Department of Environmental Conservation (DEC) by reducing phosphorus-loading in said water bodies through the required periodic pump-out and inspection of all septic systems located on properties which are within the watershed of said water bodies.

§ 90-2. Definitions.

As used herein, the following terms shall have the following meanings:

303(D) IMPAIRED WATER BODY — A body of water listed as "impaired" under Section 303(d) of the Federal Clean Water Act.

LOT — A parcel of land bearing a designation on the Town of Putnam Valley Tax Map.

SEPTIC SYSTEM — A system for the collection, treatment and subsurface disposal of wastewater.

§ 90-3. Pump-out requirements.

- A. The owner of each lot within the watershed of a 303(d) impaired water body, which lot contains one or more septic systems, shall cause said system(s) to be pumped, cleaned and inspected by a licensed septic contractor [in a manner sufficient to enable the inspector to furnish the information required in § 90-5A(4)] within the time periods specified in Subsection B hereof and at least once every three years thereafter.
- B. The obligation specified in Subsection A hereof shall initially be fulfilled within the following time periods:
 - (1) In the case of water bodies already designated as 303(d) impaired:
 - (a) Within 12 months following this article's adoption in the case of all lots wholly or partly contiguous to the water body ("waterfront lots" hereafter);
 - (b) Within 24 months following this article's adoption in the case of all nonwaterfront lots lying wholly or partly within 200 feet of the waterfront;
 - (c) Within 36 months following this article's adoption in the case of all other lots within the particular watershed.
 - (2) In the case of water bodies designated as 303(d) impaired following the adoption of this article:

- (a) Within 12 months following the 303(d) designation in the case of all waterfront lots;
- (b) Within 24 months following the 303(d) designation in the case of all nonwaterfront lots lying wholly or partly within 200 feet of the waterfront; and
- (c) Within 36 months following the 303(d) designation in the case of all other lots within the watershed.

§ 90-4. Property owner notification.

- A. Within 60 days following this article's adoption, the Town Board shall identify each lot to which this article will apply on the date of its adoption and shall, in writing, notify the owner of each such lot of this article's adoption.
- B. If, as and when additional 303(d) impaired water bodies are identified and so designated by the DEC following this article's adoption, the Town Board shall, within 60 days following such designation, in writing notify the owners of all lots within the watershed of said water body of this article's requirements.
- C. The Town Board's failure to identify or to timely identify all lots to which this article applies or shall hereafter apply shall not exempt said lots from this article's requirements but shall suspend the application of this article to said omitted lots [and toll the running of compliance time period(s)] until such time as the owners of said lots shall have received written notice of this article's adoption.

§ 90-5. Compliance confirmation.

- A. Upon completion of a septic system pump-out and inspection, each lot owner shall, within 30 days following such pump-out, provide the Town Code Enforcement Officer ("CEO" hereafter) with a paid receipt from the septic contractor, which receipt shall state:
 - (1) The lot owner's name;
 - (2) The street address and Tax Map designation of the lot;
 - (3) The pump-out date; and
 - (4) The contractor/inspector's report of any observed functional irregularities and/or deficiencies in the system and his/her recommendations, if any, for additional maintenance and/or remediation.
- B. Duplicate copies of the receipt(s) specified under Subsection A above shall be maintained on site by the lot owner and shall be exhibited to the Town Code Enforcement Officer upon request.

- C. Those lot owners now or hereafter subject to this article whose septic systems have been pumped within 36 months prior to the date upon which this article shall take effect in respect to said lot(s) shall be exempt from this article's initial application to said lots pursuant to § 90-3B. To qualify for said initial exemption, the owner(s) must provide to the CEO, within 120 days following the date upon which this article shall take effect in respect to said owner's lot, a paid receipt containing the information specified in Subsection A hereof (except tax lot number, which the owner may enter upon the receipt), which receipt shall confirm the pump-out of said owner's septic system within the preceding thirty-six-month period.

§ 90-6. Penalties for offenses.

Violations of this article shall be deemed a violation under the New York State Penal Law, punishable for a first offense by a fine of up to \$500, imprisonment for up to 15 days, or both. For a second and any subsequent offense(s), a fine of up to \$1,500 or imprisonment for up to 15 days, or both, may be imposed.

ARTICLE II

**Roaring Brook Lake District Septic Tank Pump-Out
[Adopted 8-17-2016 by L.L. No. 3-2016]****§ 90-7. Purpose.**

This article's purpose is to protect all water bodies within the Roaring Brook Lake District in the Town of Putnam Valley from migrating and otherwise invading the body of water from septic systems' matter.

§ 90-8. Definitions.

As used herein, the following terms shall have the following meanings:

DISTRICT — The Roaring Brook Lake District.

LOT — A parcel of land bearing a designation on the Town of Putnam Valley Tax Map.

SEPTIC SYSTEM — A system for the collection, treatment and subsurface disposal of wastewater.

WATER BODY — Any water body within the Roaring Brook Lake District.

§ 90-9. Pump-out requirements.

A. The owner of each lot within the District which lot contains a private system(s) shall cause the system(s) to be pumped, cleaned and inspected by a licensed septic contractor (in a manner sufficient to enable the inspector to furnish the information required in this article within the time periods as set forth hereunder and at least every five years):

(1) The obligations for initial system pumping and cleaning shall be:

(a) Within 60 months of the adoption of this article;

(b) Failure to identify all lots to which this article shall apply shall suspend the application of this article until such time as the owners of said lots shall have received written notice of this article's adoption.

§ 90-10. Property owner notification.

A. Within 60 days following this article's adoption, the Town Board shall identify each lot to which this article will apply on the date of its adoption and shall, in writing, notify the owner of each such lot of this article's adoption.

B. The Town Board's failure to identify or to timely identify all lots to which this article applies or shall hereafter apply shall not exempt said lots from this article's requirements but shall suspend the application of this article to said omitted lots [and toll the running of compliance time

period(s)] until such time as the owners of said lots shall have received written notice of this article's adoption.

§ 90-11. Compliance confirmation.

- A. Upon completion of a septic system pump-out and inspection, each lot owner shall, within 30 days following such pump-out, provide the Town Code Enforcement Officer ("CEO" hereafter) with a paid receipt from the septic contractor, which receipt shall state:
- (1) The lot owner's name;
 - (2) The street address and Tax Map designation of the lot;
 - (3) The pump-out date; and
 - (4) The contractor/inspector's report of any observed functional irregularities and/or deficiencies in the system and his/her recommendations, if any, for additional maintenance and/or remediation.
- B. Duplicate copies of the receipt(s) specified under Subsection A above shall be maintained on site by the lot owner and shall be exhibited to the Town Code Enforcement Officer upon request.

§ 90-12. Penalties for offenses.

Violations of this article shall be deemed a violation under the New York State Penal Law, punishable for a first offense by a fine of up to \$500. For a second and any subsequent offense(s), a fine of up to \$1,500 may be imposed.

ARTICLE III

**Lake Peekskill Improvement District Septic Tank Pump-Out
[Adopted 9-21-2016 by L.L. No. 4-2016]****§ 90-13. Purpose.**

This article's purpose is to protect all water bodies within the Lake Peekskill Improvement District in the Town of Putnam Valley from migrating and otherwise invading the body of water from septic systems' matter.

§ 90-14. Definitions.

As used herein, the following terms shall have the following meanings:

DISTRICT — The Lake Peekskill District.

LOT — A parcel of land bearing a designation on the Town of Putnam Valley Tax Map.

SEPTIC SYSTEM — A system for the collection, treatment and subsurface disposal of wastewater.

WATER BODY — Any water body within the Lake Peekskill District.

§ 90-15. Pump-out requirements.

A. The owner of each lot within the District which lot contains a private system(s) shall cause the system(s) to be pumped, cleaned and inspected by a licensed septic contractor (in a manner sufficient to enable the inspector to furnish the information required in this article within the time periods as set forth hereunder and at least every five years):

(1) The obligations for initial system pumping and cleaning shall be:

(a) Within 60 months of the adoption of this article;

(b) Failure to identify all lots to which this article shall apply shall suspend the application of this article until such time as the owners of said lots shall have received written notice of this article's adoption.

§ 90-16. Property owner notification.

A. Within 60 days following this article's adoption, the Town Board shall identify each lot to which this article will apply on the date of its adoption and shall, in writing, notify the owner of each such lot of this article's adoption.

B. The Town Board's failure to identify or to timely identify all lots to which this article applies or shall hereafter apply shall not exempt said lots from this article's requirements but shall suspend the application of this article to said omitted lots [and toll the running of compliance time

period(s)] until such time as the owners of said lots shall have received written notice of this article's adoption.

§ 90-17. Compliance confirmation.

- A. Upon completion of a septic system pump-out and inspection, each lot owner shall, within 30 days following such pump-out, provide the Town Code Enforcement Officer ("CEO" hereafter) with a paid receipt from the septic contractor, which receipt shall state:
- (1) The lot owner's name;
 - (2) The street address and Tax Map designation of the lot;
 - (3) The pump-out date; and
 - (4) The contractor/inspector's report of any observed functional irregularities and/or deficiencies in the system and his/her recommendations, if any, for additional maintenance and/or remediation.
- B. Duplicate copies of the receipt(s) specified under Subsection A above shall be maintained on site by the lot owner and shall be exhibited to the Town Code Enforcement Officer upon request.

§ 90-18. Penalties for offenses.

Violations of this article shall be deemed a violation under the New York State Penal Law, punishable for a first offense by a fine of up to \$500. For a second and any subsequent offense(s), a fine of up to \$1,500 may be imposed.

§ 90-18

SEWERS

§ 90-18

Chapter 92

SEWERS

ARTICLE I
Definitions

§ 92-1. Terms defined; word usage.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

BOD (DENOTES "BIOCHEMICAL OXYGEN DEMAND") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

HOUSE CONNECTION INSPECTOR — The House Connection Inspector of the Town of Putnam Valley or his or her authorized deputy, agent or representative.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PERSON — Any individual, company, association, society, corporation or group.

PH — The logarithm to the base 10 of the reciprocal of the weight of hydrogen ions in grams per liter of the solution.

SANITARY SEWAGE — That domestic sewage with storm- and surface water excluded, such as sewage discharging from the sanitary conveniences of dwellings, office and commercial buildings and institutions.

SEWER — A pipe or conduit for carrying sewage.

SEWER WORKS — All facilities for collecting, pumping, conveying, treating and disposing of sewage.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOWN — The Town of Putnam Valley in the County of Putnam, State of New York.

WATERCOURSE — A channel in which a flow of water occurs either continuously or intermittently.

- B. Word usage. Shall is mandatory; may is permissive.

ARTICLE II

Use of Public Sewers Required**§ 92-2. Placement of waste.**

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Town of Putnam Valley, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, industrial waste or other waste.

§ 92-3. Discharge to natural outlets.

It shall be unlawful to discharge to any natural outlet within the Town of Putnam Valley, or in any area under the jurisdiction of said town, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 92-4. Public sanitary sewer.

The owner of any habitable building or property used for human occupancy, employment, recreation or other purpose within the sewer district in which there is located a public sanitary sewer shall install at the expense of such owner suitable toilet facilities therein and connect such facilities directly with the public sanitary sewer by means of a house sewer lateral provided by the town. Upon written notice by the Town Board, the owner has 90 days to connect. In addition, pursuant to the terms of this section, owners of property with habitable buildings thereon in the rear of other properties and not abutting on a street, alley or right-of-way shall connect into the public sewer in the street, alley or right-of-way to which said property shall have access. As public sewers become available to properties served by a private sewage disposal system, a direct connection shall be made to the public sewer pursuant to the terms of this section. Any septic tanks, cesspools and similarly private sewage facilities shall be abandoned and filled with suitable materials verified by the House Connection Inspector.

§ 92-5. Supervision of connections.

In the administration of this chapter, the connections from the curb or street line on to private property shall be supervised and administered by the Board of Health, and all matters relating to sewers lying within the street, from curb to curb, or from the public sewer to curb, shall be within the jurisdiction of the House Connection Inspector and the Town of Putnam Valley.

ARTICLE III
Connection to Public Sewers

§ 92-6. Authority for connections and alterations.

No unauthorized person shall uncover, or make any connections with or opening into, use, alter or disturb any public sewer or house sewer lateral and the appurtenances thereof. The Town sewer contractor retained by the Town shall make all connections, alterations and repairs upon the public sewer and shall alter, maintain and repair the house sewer laterals and appurtenances thereof.

§ 92-7. Maintenance.

Maintenance of the public sewer and house sewer laterals and all connections to the public sewer mains other than house connections shall be performed by the Town or by a contractor selected by the Town of Putnam Valley, on an annual basis, as a result of open competitive bidding. Said contractor shall be governed by the terms of the ordinances of the Board of Health and the Town of Putnam Valley relating to sewer installation and maintenance and shall comply with plans and specifications of the Sewer District Engineer on file with the Town Clerk. Such contractor shall be required to post a performance bond approved by the Town Board and the Town Attorney. The amount of work to be done by the contractor will depend upon the number of applications for connections to public sewer received and accepted by the town.

§ 92-8. Connection where house sewer lateral unavailable.²⁹

Where there is no house sewer lateral available, the property owner shall apply to the Town Clerk to have a house sewer lateral installed from the sewer main to the property line. In each such case or in any instance where the connection to the house sewer lateral requires the performance of labor or the furnishing of materials on the part of the Town of Putnam Valley, a minimum charge as set forth from time to time by resolution of the Town Board shall be paid by the owner.

§ 92-9. Requirements for connections.

All connections with the sanitary sewers in the Town of Putnam Valley shall conform with the following requirements:

- A. Before any work is commenced, an application for a connection permit shall be filed, by the owner of the premises requiring connection, with the Town Clerk on a form provided for that purpose, accompanied by the applicable fees.
- B. After said connection permit is issued by the town, the applicant shall request inspection as required by the House Connection Inspector. In

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

no case shall the applicant or any other party connect any pipe or backfill any trench unless the House Connection Inspector's approval has been granted.

- C. All charges for application and inspection fees shall be as stipulated in the application for sanitary sewer and use permits.

ARTICLE IV
Installation of House Connections

§ 92-10. Costs.

All costs of the house connection shall be borne by the owner. The owner shall save harmless and indemnify the Town from any loss or damage that may be occasioned by, or related to, the installation of the house connection.

§ 92-11. Approval of plumbing system and house connection.

Before any portion of the existing plumbing system outside of the house is connected to the house connection, the owner shall establish, to the satisfaction of the House Connection Inspector that it is clean and conforms in every respect to the ordinances of the Board of Health, and before any portion of the house connection is connected to the house sewer lateral, the House Connection Inspector shall verify that the house connection is in good order and conforms in every respect to the requirements for construction thereof.

§ 92-12. Installation standards.

- A. When installing the house connection, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be piled in a compact heap and so placed as to cause the least possible inconvenience to the public. Proper barricades and lights shall be maintained around the trench to guard against accidents. Extreme care shall be taken to prevent any dirt, stones or other undesirable material from entering the public sewer system through the house sewer lateral during these operations.
- B. In backfilling, material for the two feet immediately over the pipe shall be selected which contains no stones. All backfill material for the trench shall be placed by tamping in eight-inch layers so as to avoid any settlement. When the trench has been filled to the proper height, the surface material shall be replaced and heavily tamped and rolled.
- C. Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six inches below the grade line of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the House Connection Inspector. The remainder of the trench must be backfilled with suitable material.
- D. Nothing in this section shall be construed as abrogating any of the existing requirements of the Town relating to the excavation and backfilling of trenches by the requirements herein contained all of which shall be in addition thereto.
- E. Where subsoil conditions are bad, special precautions must be taken to secure a watertight job as may be directed by the House Connection

Inspector. In quicksand, all pipes must be laid out on planking, two inches thick by at least six inches wide.

- F. All work on house connections shall be performed by, or under the immediate supervision of, a licensed plumber, licensed by Putnam County. This person shall comply with, and be responsible for the following:
- (1) All openings into any house connection sewer shall be made carefully without injuring same and in accordance with New York State Uniform Fire Prevention and Building Code standards.³⁰
 - (2) No obstruction of any description whatsoever shall be left in the connection.
 - (3) Unless otherwise approved by the House Connection Inspector, a minimum separation of three feet on centers shall be maintained between the house connection and the water service, and the water line shall be at an elevation 18 inches higher than the sewer line if laid within 10 feet of the sewer line.
 - (4) Any damage or injuries that may occur to persons, animals or property by reason of any opening in any street, or right-of-way made by them or those in employ (as a result of house connection operations).
 - (5) The house connection shall be made so as not to interrupt or interfere with the travel upon the highway, street or right-of-way.
- G. The line running from the house or other building to the sanitary sewer shall be of not less than four-inch extra-heavy cast-iron pipe or extra-strength minimum of SDR=35 (PVC) as per the requirements of ASTM Specification D3034-74.
- H. The provisions of the New York State Uniform Fire Prevention and Building Code applicable to plumbing shall apply except as required herein.³¹
- I. Should the public sanitary sewer be too high to receive the flow of sewage from any individual service, the owner shall, at his or her own expense, install an ejector in accordance with the requirements of the Town and installed in accordance with the New York State Uniform Fire Prevention and Building Code applicable to plumbing under the further approval of the House Connection Inspector.³²

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 92-13. Connection between plumbing outside building and house connection.³³

Where connection is made between the portion of the house plumbing system outside of the building and the house connection, a long radius bend shall appropriately be installed at this connection along with a cleanout as required by the provisions of the New York State Uniform Fire Prevention and Building Code applicable to plumbing. This connection shall be subject to the approval of the House Connection Inspector who shall be given ample notice prior to such work.

§ 92-14. Testing.

The House Connection Inspector may require any appropriate test to the pipes. The plumber or contractor at his or her expense shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Inspector.

§ 92-15. Bond; protection of public; restoration of public property.

- A. Each contractor, or other person performing work on Putnam Valley public property for the purposes of installing house connections, shall post a bond or cash acceptable to the Town of Putnam Valley.
- B. All work shall be adequately guarded with barricades, lights and other measures for protection of the public from hazard.
- C. Streets, sidewalks, parkways, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE V
Use of the Public Sewers

§ 92-16. Discharge to sanitary sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff or subsurface drainage to any sanitary sewer.

§ 92-17. Prohibited waters or wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.). (NOTE: The concentration permitted per day from any establishment may be subsequently limited depending upon other soluble content of the sewage delivered to the sewage treatment works.)
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the town.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the Town Sewage Works.
- H. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such matters at the sewage treatment plant.

- I. Any noxious or malodorous gas or substances capable of creating a public nuisance.

§ 92-18. Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided by the owner when, in the opinion of the House Connection Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

§ 92-19. Maintenance of interceptors.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his or her expense and maintained in a continuously efficient operation at all times.

§ 92-20. Preliminary treatment.

The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million by weight, or containing more than 350 parts quantity of a substance having the characteristics described in § 92-17, or having an average daily flow greater than 2% of the average daily sewage flow of the Town shall be subject to the review and approval of the town. Where necessary, in the sole judgment of the town, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 92-17, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the town, Home Connection Inspector and the Department of Health of the State of New York, and no construction of such facilities shall be commenced until approvals are obtained in writing.

§ 92-21. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

§ 92-22. Control manhole.

When required by the town, the owner of any property served by a house connection or building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the town. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

§ 92-23. Standards for measurements and tests.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in §§ 92-17 and 92-18 shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association, and shall be determined at the control manhole provided for in § 92-22, or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

ARTICLE VI
Protection from Damage

§ 92-24. Tampering with sewage system.

No person shall break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage system.

ARTICLE VII
Powers and Authority of Inspectors

§ 92-25. Right of entry.

The House Connection Inspector, Department of Environmental Conservation, Environmental Protection Agency and local County Health Department Officials, and other duly authorized employees of the Town bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observations, measurements, sampling and testing, in accordance with the provisions of this chapter.

§ 92-26. Interpretation; waiver of strict compliance.

Decisions of the House Connection Inspector in the interpretation and application of this chapter shall be final and binding upon the property owner affected. The House Connection Inspector may waive strict compliance with the provisions of this chapter where such compliance would cause great hardship, other than increased financial expense, to the property owner involved.

ARTICLE VIII
Penalties

§ 92-27. Notice of violation.

Any person found to be in violation of any provision of this chapter, except § 92-24, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Sewer Inspector, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 92-28. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998; 11-17-2004 by L.L. No. 5-2004]

Any person who shall continue any violation beyond the time limit provided for in § 92-27 shall, upon conviction therefor, be penalized by a fine in an amount not exceeding \$1,000 for each violation or imprisonment for a term not exceeding 15 days or both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 92-29. Liability for expenses.

Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

Chapter 95
SMOKING

ARTICLE I
Parks and Public Beaches
[Adopted 7-20-2016 by L.L. No. 2-2016]

§ 95-1. Purpose.

The purpose of this article is to prohibit smoking at all Town of Putnam Valley parks and their facilities as well as on the public beaches owned or operated by the Town of Putnam Valley, and/or any of the Town of Putnam Valley park districts and their facilities. The Town Board hereby finds that a potential health hazard exists from allowing smoking on said beaches both from smoke and from the debris created by discarded cigarettes and other smoking materials.

§ 95-2. Smoking prohibited.

The smoking or carrying of lighted cigarettes and other smoking materials, including but not limited to cigars, pipes and the like in which smoke is exhaled, at all Town of Putnam Valley parks and their facilities, as well as on the public beaches owned and operated by the Town of Putnam Valley and/or any of the Town of Putnam Valley park districts and their facilities is hereby prohibited.

§ 95-3. Penalties for offenses; enforcement.

- A. Any person convicted of a violation of this article shall be guilty of a violation and punished by a warning for a first offense.
- B. Any person convicted of a second violation or more of this article shall be guilty of a violation and punished by a fine of not more than \$50 for each offense.
- C. The Putnam County Sheriff's Department, or any other agency, officer or employee designated by the Town Board by resolution shall be charged with the enforcement of this article.

Chapter 97
SOLID WASTE

GENERAL REFERENCES

Littering and dumping — See Ch. 79.

ARTICLE I

Garbage Disposal**[Adopted 6-19-1974 by L.L. No. 4-1974 as Ch. 26 of the 1974 Code]****§ 97-1. Receptacles.**

All garbage, kitchen wastes and other rubbish at dwellings and business establishments shall be deposited in suitable covered receptacles, which shall be protected from flies and animals and shall be emptied and cleaned as often as necessary to keep them and their surroundings in a sanitary condition and free from objectionable odors. The contents shall be burned, buried or otherwise disposed of in such a way as not to become offensive or insanitary or create insect-breeding places or rodent harborages.

§ 97-2. Placement for collection.

No garbage cans or receptacles may be placed at the road or highway in front of or near a building, or elsewhere, unless the owner, resident or tenant has arranged for regular garbage collection or is in a garbage disposal district. Garbage cans or receptacles may, in any event, be placed at a road or highway only on garbage collection days and must be removed therefrom immediately after collection of garbage therefrom.

§ 97-3. Depositing wastes in watercourses.

No garbage, refuse, putrescible matter, decayed fruits or vegetables, dead animals or material that pollutes water shall be deposited in any surface watercourse nor in any tributary to such watercourses, nor on or beneath the surface of the ground within 50 feet of surface watercourses or tributaries, nor in such a manner that it can be washed by rain, melting snow or otherwise over the surface or through the ground into such surface watercourses or their tributaries.

§ 97-4. Pollution of water bodies and drains.

No person shall throw, cast, lay, deposit or break or discharge into or leave in any lake, brook, pond, stream or body of water or in any storm sewer, pipe or drain flowing into any of the foregoing any substance, matter or thing, liquid or solid, garbage, sewage, rubbish, waste, fruit, vegetables, foodstuffs, paper or other litter or obnoxious materials which may or shall result in the pollution of such water.

§ 97-5. Penalties for offenses. [Amended 8-18-1982 by L.L. No. 6-1982; 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 penalized by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. The Code Enforcement Officer shall have the authority to

issue an appearance ticket pursuant to the Criminal Procedure Law § 150.20 in the enforcement of this article.

ARTICLE II

Licensing of Carriers**[Adopted 1-16-1985 by L.L. No. 2-1985 (Ch. 25 of the 1974 Code)]****§ 97-6. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

POINT OF ENTRY — That delivery site designated by the County of Putnam for delivery of solid waste collected in the Town of Putnam Valley.

SOLID WASTE — Residential, governmental, industrial and/or commercial refuse, but shall not include the following: human wastes; rendering wastes; commercially generated construction and/or demolition debris or wastes; residue from incinerators or other destructive systems for processing waste, other than now-existing individual building incinerators whose residue is presently collected as part of normal municipal collections; junked automobiles or pathological, toxic, explosive or radioactive material or other hazardous wastes which, according to existing or future federal, state or local laws, rules or regulations, require special handling in their collection and/or disposal.

§ 97-7. License required.

No person shall engage in or conduct the business of collecting solid waste within the Town of Putnam Valley or transport the same through said town until such person shall apply for and obtain a license to engage in such business, as herein provided.

§ 97-8. Application procedure and fee. [Amended 4-15-1998 by L.L. No. 5-1998]

An application for such a license shall be made in writing to the Town Clerk and upon a form prescribed by the Town Board, together with the sum as set forth from time to time by resolution of the Town Board.

§ 97-9. Contents of application; amendment; approval.

A. Such application shall contain the following information:

- (1) A description of the vehicle or vehicles which shall be used to collect and transport solid waste, including vehicle identification numbers and license plate numbers.
- (2) A description or map of collection routes within the Town of Putnam Valley and the approximate number of customers or houses served on each route.
- (3) A weekly collection schedule for each collection route within the Town of Putnam Valley.

- (4) A current rate schedule, if applicable.
 - (5) The name and location of the facility or facilities at which the applicant will dispose of all solid waste collected within Putnam Valley.
- B. An amended application shall be filed by the licensee within 30 days of any change should any of the information provided in the current application be no longer correct.
- C. No license shall be issued unless first approved in writing by the Town Board after it has been determined that such approval is in the public interest and in conformity with the rules and regulations promulgated by the said Board.

§ 97-10. Certificate of insurance required.

Before the issuance of a permit by the Town Clerk, the applicant shall furnish a certificate of insurance showing that the applicant has, in full force and effect, comprehensive general liability insurance of \$300,000, including product liability and completed operations insurance, and property damage coverage of \$50,000. Motor vehicle liability insurance shall be provided for \$300,000 with \$50,000 property insurance coverage. In addition, the Town Clerk shall require a certificate of workers' compensation insurance.

§ 97-11. Disposal of solid waste.

- A. All solid waste collected within the Town of Putnam Valley shall be taken to and deposited at the point of entry, if any, designated by the County of Putnam for solid waste collected within the Town of Putnam Valley. No solid waste collected outside of the Town of Putnam Valley shall be taken to said point of entry.
- B. If no point of entry has been designated by the County of Putnam, the applicant shall dispose of solid waste collected in the Town of Putnam Valley only at a facility approved for that purpose by the New York State Department of Environmental Conservation.

§ 97-12. Issuance and display of medallions.

For each application approved by the Town Board, the Town Clerk shall issue a medallion to be affixed to each vehicle listed in the application, which medallion shall be prominently displayed on the door on the driver's side of said vehicle and shall not be removed during the year in which the license remains in force.

§ 97-13. Expiration and renewal of licenses; fees. [Amended 4-15-1998 by L.L. No. 5-1998]

A license issued under the provision of this article shall expire at the end of the calendar year of the date of issue. Applications for renewal of such license may be filed with the Town Clerk within 30 days before the

expiration of such license, together with the sum as set forth from time to time by resolution of the Town Board, which shall constitute the renewal fee therefor.

§ 97-14. Maintenance of vehicles and implements.

All vehicles or implements used in connection with the collection and transportation of solid waste shall be kept in an inoffensive and sanitary condition and, when not in use, shall be stored and kept so as not to create a nuisance.

§ 97-15. Compliance with laws, rules and regulations required; contract limitations.

- A. All persons licensed to collect solid waste and to transport the same shall, at all times, comply with the requirements of all laws and of all rules and regulations of any state, county and town department or bureau thereof having jurisdiction.
- B. **[Added 3-22-2000 by L.L. No. 3-2000] Contracts. It shall be illegal for any licensee to require any resident to execute a written contract or to incorporate in its contracts or proposed contracts any provision or clause which provides or is substantially similar to any of the following:**
- (1) Contains any type of automatic renewal clause.
 - (2) Purports to allow the licensee to assign the contract without the consent of the resident.
 - (3) Contains a liquidated damages or penalty clause; provided, however, that the licensee may require the resident to provide up to 30 days notice prior to canceling the contract.
 - (4) Provides for a term of more than one year, unless the licensee agrees to unconditionally guarantee a set price for such term, not to exceed two years.
 - (5) Grants the licensee collection costs and/or attorneys fees, unless the contract also grants the resident a corresponding reciprocal right to recoup his/her costs and fees in the event they are the prevailing party in any such action or proceeding.
 - (6) Purports to grant the licensee the unilateral right to modify the contract, or to exculpate itself from liability for its own breaches of the contract, except for "act of God" and similar causes.
 - (7) Deprives the resident of the right unconditionally to cancel the contract for nonperformance by the licensee.

§ 97-16. Revocation of license; notice and hearing.

Any license issued under this article may be revoked by the Town Board if it is found, after a public hearing, that the holder of such license has violated any provision of this article or that the required insurance is not in force or that the holder of such license has disposed of solid waste collected within the Town of Putnam Valley other than at the point of entry designated by the County of Putnam, if a point of entry has been established, or at a disposal site not approved by the New York State Department of Environmental Conservation or that the holder of such license has unlawfully disposed of solid waste collected outside of the town at a facility open only for the disposal of solid waste collected within the town or county. Such hearing shall be held after a written notice of the same is given to the licensee at least five days before such hearing and directed to the last known address of said licensee.

§ 97-17. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]

Any person violating the provisions of this article, notwithstanding the revocation provisions referred to in § 97-11, shall, upon conviction thereof, be liable to a fine or penalty not to exceed the sum of \$250 for each offense or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

§ 97-18. Additional civil penalties.

In addition to proceeding criminally against a violator of this article, a civil penalty of not less than \$50 nor more than \$200 may be recovered by the Town of Putnam Valley in a civil action for each violation thereof.

§ 97-19. Each violation to constitute separate offense.

Every day that a person, firm or corporation collects solid waste without the license provided for herein shall constitute a separate violation and shall subject the offender to a separate criminal and separate civil action and penalty.

§ 97-20. Liability of officers and directors.

Every officer and director of a corporation which is engaged in the collection of solid waste within the town shall be personally liable for each violation of this article where the corporation which he or she represents is operating without compliance herewith.

§ 97-21. Applicability.

The provisions of this article shall not apply to one not regularly engaged in the business of the collection of household, industrial or commercial solid waste.

§ 97-22. Enforcement.

This article shall be enforced by the current enforcement authority.

ARTICLE III
Recycling
[Adopted 10-11-1989 by L. L. No. 5-1989]

§ 97-23. Title.

This article shall be cited and may be referred to hereinafter as the "Mandatory Recycling Law of the Town of Putnam Valley."

§ 97-24. Intent and purpose.

It is the goal of the Town of Putnam Valley to facilitate the disposal of solid waste generated within the town in the most economical and environmentally acceptable manner and to reduce the total amount of solid waste disposed of by the town. This program is further designed to protect the health and safety of the residents of the town.

§ 97-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DISPOSAL FACILITY — Any solid waste management plant or site under contract with or approved to receive solid waste originating within the Town of Putnam Valley.

PRIVATE CARTER — A contractor providing collection of solid waste services in the town, under license issued by the town pursuant to Article II, Licensing of Carriers, of this chapter.

RECYCLABLE COLLECTOR — A contractor approved by or under contract with the Town of Putnam Valley or other agency to provide collection of recyclables for remanufacture or reuse.

RECYCLABLES — Solid waste consisting of paper, glass, metal, plastic and such other materials that can be remanufactured or reused.

RECYCLING CENTER — Any combination of structure, machinery and facilities used for the off-loading of recyclables from collection vehicles, the processing of recyclables and the reloading of recyclables into vehicles for marketing.

SOLID WASTE — Materials or substances discharged or rejected as being spent, useless, worthless or in excess by owner at the time of such discard or rejection that may be collected by a garbage district or by private carters licensed pursuant to Article II, Licensing of Carriers, of this chapter.

SOLID WASTE COLLECTION — The handling, removal, storage or disposal of solid waste, including but not limited to placing or removing containers for solid waste on or from sites within the town not owned by the person placing or removing the containers and transporting solid waste from or to any of the locations within the town.

§ 97-26. Separation and collection.

- A. All residents, commercial property owners and other generators of solid waste shall separate recyclables from all solid waste and place them out for collection in the manner prescribed by the Town Board.
- B. It shall be unlawful for a person to collect from a resident and dispose of solid waste which consists of recyclables combined with other forms of solid waste.
- C. It shall be unlawful for any person, other than a person under contract with or approved by the Town Board and with a valid carter's license, to collect, remove or dispose of recyclables set out for collection.
- D. The Town Board is empowered to designate the days of the week on which recyclables shall be collected and removed from a particular area. Recyclables shall not be collected or removed from any area except on the day of the week designated by the Town Board nor shall they be put out for collection on any other day.

§ 97-27. Mandating separation of particular recyclables.

- A. In order to effect an orderly implementation of this article, taking into account the present and future market conditions, the availability of recycling centers and other equipment and other factors that may bear on the effectiveness of this article, the Town Board is hereby empowered to phase in the application of this article by mandating the separation and recycling of specific recyclables by resolution following a public hearing.
- B. The Town Board's notice of public hearing shall include the following:
 - (1) The time and place of public bearing.
 - (2) The definition of the recyclable to be separated.
 - (3) The manner in which the recyclable shall be separated and prepared for collection.

§ 97-28. Penalties for offenses.

- A. Collectors and carters.
 - (1) No person may engage in the business of collecting solid waste or recyclables in the Town of Putnam Valley without a valid carter's license issued by the town pursuant to Article II, Licensing of Carriers, of this chapter.
 - (2) Any person who collects solid waste or recyclables without such license or who collects and disposes of solid waste consisting of recyclables combined with other forms of solid waste shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not

exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.

- B. Residents, owners of commercial property or other generators of solid waste who violate the terms of this article and Town Board regulations adopted pursuant to this article shall be guilty of a violation, punishable as follows:
- (1) By a fine of not less than \$10 nor more than \$25.
 - (2) For a second conviction by a fine not less than \$25 nor more than \$50.
 - (3) For a third conviction by a fine of not less than \$50 nor more than \$100.
 - (4) For a fourth and each subsequent conviction by a fine of not less than \$100 nor more than \$250.

§ 97-29. Enforcement.

The following officials shall have the authority to issue appearance tickets pursuant to the Criminal Procedure Law § 150.20, in the enforcement of this article:

- A. The Code Enforcement Officer or the Code Enforcement Officer's deputy or deputies.
- B. The Lake Peekskill Superintendent in the Lake Peekskill Improvement District or the said Superintendent's deputy.
- C. The District Administrator in any garbage district.

Chapter 100
SPECIAL DISTRICTS

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

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. Littering.

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

§ 100-10. 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. Fishing.

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

§ 100-12. 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. 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. 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. 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

Roaring Brook Lake

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

§ 100-16. Water level.³⁴

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.

34. 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. 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.

§ 100-24. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]

Any person violating any of the provisions of this article shall be guilty of an offense, and upon conviction thereof shall be punishable by a fine of not more than \$50 or, in default thereof, imprisonment for not more than 30 days, or by both such fine or imprisonment.

ARTICLE III

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.³⁵

§ 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.

35. 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

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. ³⁶Depositing 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.³⁷

36. 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.

- 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.
- 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)³⁸

§ 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.

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

38. 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.

- 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.

§ 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

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: ³⁹
 - (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.

39. 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.

- 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, 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.

Chapter 101

STORM SEWERS

GENERAL REFERENCES

Littering and dumping — See Ch. 79.

Solid waste — See Ch. 97.

Stormwater management and erosion and sediment control — See Ch. 102.

Water — See Ch. 125.

Flood damage prevention — See Ch. 136.

Freshwater wetlands, watercourses and water bodies — See Ch. 144.

Soil erosion and sediment control — See Ch. 155.

Subdivision of land — See Ch. 158.

Zoning — See Ch. 165.

ARTICLE I

Illicit Discharges**[Adopted 12-19-2007 by L.L. No. 9-2007]****§ 101-1. Purpose and intent.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Putnam Valley through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 101-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity,

GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL — A New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including, but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 101-6 of this article.

INDIVIDUAL SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4 — Municipal separate storm sewer system.

MUNICIPALITY — The Town of Putnam Valley.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Putnam Valley;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by the EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed

into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the municipal engineer or other public official(s) designated by the Town of Putnam Valley to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 101-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 101-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 101-5. Discharge prohibitions.

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except

as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 101-6. Failing individual sewage treatment systems prohibited.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 101-7. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 101-2 Definitions, of this article.
- B. Such activities include failing individual sewage treatment systems as defined in § 101-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 101-8. Use of best management practices to prevent, control, and reduce stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 101-2 or activities contaminating stormwater as defined in § 101-7, the municipality may require implementation of

best management practices (BMPs) to control those illicit discharges and activities.

- (1) The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 101-2 or an activity contaminating stormwater as defined in § 101-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems; response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 101-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:
- (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;
 - (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
 - (2) Repair or replace individual sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

- [1] Relocating or extending an absorption area to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
- (c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 101-9. Suspension of access to MS4; illicit discharges in emergency situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter, in writing, and of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator, in writing, of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 101-10. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 101-11. Access to facilities; monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 101-12. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 101-13. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person.
- (1) Such notice may require, without limitation:
 - (a) The elimination of illicit connections or discharges;
 - (b) That violating discharges, practices, or operations shall cease and desist;
 - (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (d) The performance of monitoring, analyses, and reporting;
 - (e) Payment of a fine; and
 - (f) The implementation of source control or treatment BMPs.
 - (2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 101-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town of Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and, within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 101-15. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 101-16. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities

which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 101-17. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
- (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this article.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
- (1) Attendance at compliance workshops.
 - (2) Storm drain stenciling or storm drain marking.
 - (3) River, stream or creek cleanup activities.

§ 101-18. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 101-19. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ARTICLE II

On-Site Sanitary Systems on Properties in New York City Reservoir Watershed**[Adopted 4-29-2011 by L.L. No. 1-2011]****§ 101-20. Purpose and intent.**

- A. The Town of Putnam Valley ("Town") hereby finds that it is necessary to the health, safety and welfare of the residents of the Town that on-site sanitary systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health, to minimize their potential for failure, and to protect the drinking water supply of the City of New York and drinking water supplies that pass through the Town.
- B. This article is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which requires that the Town implement and enforce a program to ensure that on-site sanitary systems located on properties in the New York City Reservoir Watershed are inspected and, where necessary, maintained or rehabilitated as required by Part DC.A.3.b of the permit and/or similar provisions in successor permits.

§ 101-21. Definitions.

For the purpose of this article, the following definitions shall apply:

APPEALS AUTHORITY — Town Code Enforcement Officer.

INSPECTION — The visual examination of an SSTS and the evacuation and removal of septage therefrom and subsequent reporting of said examination and removal through the completion of an approved inspection form by a septage collector that is licensed by the Putnam County Health Department.

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE SANITARY SYSTEM ("SSTS") — A system or facility or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, each being designed for the treatment of less than 1,000 gallons per day, regardless of location with respect to any building or structure or premises thereby served. Such system shall include, but shall not be limited to, septic tanks, cesspools, absorption fields and other facilities for the treatment or modification or required control of sewage.

SEPTAGE COLLECTOR — An individual or entity licensed by the Putnam County Health Department who engages in the performance of any one or more of the following services, or who offers to provide any one or more of the following services for a fee, in Putnam County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

SEPTAGE — The contents of any container, including but not limited to, a septic tank, which is designed and intended to hold sewage.

SEWAGE — The combination of human and household waste with water which is discharged to the home plumbing system, including the waste from a flushed toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

§ 101-22. Inspection requirements.

- A. Beginning on May 1, 2011, the owner of any parcel located within that portion of the Town located within the New York City Reservoir Watershed which relies upon a separate sewage disposal system/on-site sanitary system shall cause an inspection to be performed on said separate sewage disposal system/on-site sanitary system at a minimum frequency of once every five years and, where said inspection reveals the need therefor, to perform maintenance on and/or rehabilitation of said system. The inspection shall be performed in accordance with the most current version of the Federal Environmental Protection Agency publication entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance."
- B. Upon the completion of any inspection (including any maintenance and/or rehabilitation performed as a result thereof), every owner shall maintain a copy of the record of such inspection (including maintenance and/or rehabilitation, as needed), which will be provided to the owner by the septage collector, for a minimum of six years.
- C. The owner shall furnish one copy of the record of inspection to the Town Code Enforcement Officer.

§ 101-23. Waivers/variance.

The appeals authority shall not grant a waiver or exemption from any of the requirements of this article; provided, however, that the appeals authority may vary the time requirements referenced within this article, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this article. Such extension shall not exceed 180 days.

§ 101-24. Enforcement; penalties for offenses.

An owner of a parcel which is located in that portion of the Town within the New York City Reservoir Watershed and is served by a separate sewage disposal system/on-site sanitary system that fails to comply with the provisions of this article shall be guilty of a violation and shall be subject to a penalty as follows:

- A. The Code Enforcement Officer shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.

- B. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this article or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding \$250 for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000. For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each fourteen-day period of continued violation shall constitute a separate additional violation.

§ 101-25. Compliance with other laws.

Compliance with this article shall not be deemed compliance or approval of the Town under any other rules, regulations, codes or laws.

Chapter 102

**STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT CONTROL**

GENERAL REFERENCES

Littering and dumping – See Ch. 79.

Solid waste – See Ch. 97.

Illicit discharges to storm sewer – See Ch. 101, Art. I.

Water – See Ch. 125.

Flood damage prevention – See Ch. 136.

Freshwater wetlands, watercourses and water bodies – See Ch. 144.

Soil erosion and sediment control – See Ch. 155.

Subdivision of land – See Ch. 158.

Zoning – See Ch. 165.

ARTICLE I
General Provisions

§ 102-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 102-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 102-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 102-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board of Putnam Valley has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Putnam Valley and for the protection and enhancement of its physical environment. The Town of Putnam Valley may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 102-4. Applicability.

- A. This chapter shall be applicable to all land development activities as defined in § 102-6.
- B. The municipality shall designate a Stormwater Management Officer, who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;

- (2) Upon approval by the Town Board of the Town of Putnam Valley, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
- C. All land development activities subject to review and approval by the Town Board, Planning Board, Zoning Board of Appeals, or Code Enforcement Officer of the Town of Putnam Valley shall be reviewed subject to the standards contained in this chapter.
- D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 102-5. Exemptions.

The following activities may be exempt from review under this chapter.

- A. Agricultural activity as defined in this chapter:
- B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.
- C. Routine maintenance activities that disturb fewer than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been finally approved by the Town Board of Putnam Valley on or before the effective date of this chapter, and provided such approval has not expired.
- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter, provided such permit has not expired.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

- K. Landscaping and horticultural activities in connection with an existing structure.

§ 102-6. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY — The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING — Any activity that removes the vegetative surface cover.

DEDICATION — The deliberate appropriation of property by its owner for general public use.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN MANUAL — The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER — A person who undertakes land development activities.

EROSION CONTROL MANUAL — The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING — Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules; or, with respect to properties in the New York City watershed, construction activities resulting in more than 5,000 square feet of soil disturbance. **[Amended 3-20-2013 by L.L. No. 4-2013]**

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT — A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT — Land development activity.

RECHARGE — The replenishment of underground water reserves.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System

(SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

ARTICLE II

Stormwater Pollution Prevention Plans**§ 102-7. Stormwater pollution prevention plan required.**

No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

§ 102-8. Contents.

A. All SWPPPs shall provide the following background information and erosion and sediment controls:

- (1) Background information about the scope of the project, including location, type and size of project.
- (2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
- (3) Description of the soil(s) present at the site;
- (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
- (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- (6) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

- (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (10) Temporary practices that will be converted to permanent control measures;
 - (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (13) Name(s) of the receiving water(s);
 - (14) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (16) Any existing data that describes the stormwater runoff at the site.
- B. Land development activities as defined in § 102-6 and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:
- (1) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (2) Condition B: stormwater runoff from land development activities disturbing five or more acres.
 - (3) Condition C: stormwater runoff from land development activity disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- C. SWPPP Requirements for Conditions A, B and C:
- (1) All information in Subsection A of this section;

- (2) Description of each post-construction stormwater management practice;
- (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (5) Comparison of post-development stormwater runoff conditions with pre-development conditions;
- (6) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (7) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- (8) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (9) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article IV of this chapter;
- (10) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.

§ 102-9. Other environmental permits.

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§ 102-10. Contractor certification.

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- B. The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 102-11. Copy to be retained at site.

A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

ARTICLE III
Performance and Design Criteria

§ 102-12. Applicable standards.

All land development activities shall be subject to the following performance and design criteria:

§ 102-13. Technical standards.

For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

- A. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation) most current version or its successor, hereafter referred to as the "Design Manual."
- B. New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004), most current version or its successor, hereafter referred to as the "Erosion Control Manual."

§ 102-14. Equivalence to technical standards.

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 102-13 and the SWPPP shall be prepared by a licensed professional.

§ 102-15. Water quality standards.

No land development activity shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

ARTICLE IV

Maintenance, Inspection and Repair of Stormwater Facilities**§ 102-16. Maintenance and inspection during construction.**

- A. The applicant or developer of the land development activity or his/her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- B. For land development activities as defined in § 102-6 and meeting Condition A, B or C in § 102-8B, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.
- C. The applicant or developer or his/her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

§ 102-17. Maintenance easements.

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement or petition the Town Board for the establishment of a public drainage district that shall be binding on all subsequent landowners served by the stormwater management facility. The easement or district shall provide for access to the facility at reasonable times for periodic inspection by the Town of Putnam Valley to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Putnam Valley.

§ 102-18. Maintenance after construction.

The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- A. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

- B. Written procedures for operation and maintenance and training new maintenance personnel.
- C. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 102-15.

§ 102-19. Maintenance agreements.

The Town of Putnam Valley shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule A of this chapter, entitled "Sample Stormwater Control Facility Maintenance Agreement."⁴⁰ The Town of Putnam Valley, in lieu of a maintenance agreement, at its sole discretion may establish a drainage district to accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

40. Editor's Note: Schedule A is included at the end of this chapter.

ARTICLE V
Administration and Enforcement

§ 102-20. Construction inspections.

A. Erosion and sediment control inspection.

(1) The Town of Putnam Valley Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Putnam Valley enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction.
- (b) Installation of sediment and erosion control measures.
- (c) Completion of site clearing.
- (d) Completion of rough grading.
- (e) Completion of final grading.
- (f) Close of the construction season.
- (g) Completion of final landscaping.
- (h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Town of Putnam Valley Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of

sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- D. Submission of reports. The Town of Putnam Valley Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Putnam Valley the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 102-21. Performance guarantees; recordkeeping.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Putnam Valley in its approval of the stormwater pollution prevention plan, the Town of Putnam Valley may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Putnam Valley as the beneficiary. The security shall be in an amount to be determined by the Town of Putnam Valley based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Putnam Valley, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Putnam Valley.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Putnam Valley with an irrevocable letter of credit

from an approved financial institution to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Putnam Valley may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

- C. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the Town of Putnam Valley, the developer shall provide the Town with cash or an approved letter of credit to ensure proper operation of all such facilities for a period of at least two years after the Town assumes ownership of the facilities.
- D. Recordkeeping. The Town of Putnam Valley may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 102-22. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Putnam Valley determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (1) The name and address of the landowner, developer or applicant;
 - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of a notice of violation.
- B. Stop-work orders. The Town of Putnam Valley may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Putnam Valley confirms that the land development activity is in compliance and the

violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Putnam Valley may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 102-23. Fees for services.

The Town of Putnam Valley may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Putnam Valley or performed by a third party for the Town of Putnam Valley.

Chapter 103

STREETS AND SIDEWALKS

ARTICLE I

Street Openings

[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 29 of the 1974 Code]

§ 103-1. Title.

This article shall be known and cited as the "Highway Opening and Crossing Law of Putnam Valley."

§ 103-2. Permit required. [Amended 9-19-1979 by L.L. No. 4-1979]

- A. It shall be unlawful for any person to open an entrance upon or to excavate upon any town highway or to cross any town highway with a structure unless and until a permit shall have been granted by the Town Highway Superintendent with the approval of the Town Board.
- B. It shall be unlawful for any person to excavate, alter or repave any existing entrance to any town highway until a permit shall have been granted by the Town Highway Superintendent with the approval of the Town Board.

§ 103-3. Application for permit.

Applications for such permits shall be made to the Town Highway Superintendent on forms provided therefor.

§ 103-4. Sketch plan of proposed work; deposit required. [Amended 9-19-1979 by L.L. No. 4-1979]

Before the permit required by § 103-2 hereof shall be issued, the person so requesting the permit shall:

- A. Furnish to the Town Highway Superintendent a sketch showing the street and location of the entrance to be opened or to be excavated or crossed and the manner in which the opening, excavation or crossing shall be made, including the final slopes and drainage at the intersections for any entrance openings.
- B. Deposit a sum of at least \$500, but not more than \$1,000, in cash or certified check, at the discretion of the Town Highway Superintendent, as a good and sufficient bond for the repair of any street, to its original condition, damaged as a result of an entrance opening, excavation or crossing. The aforesaid deposit shall be returned to the permittee or his or her duly authorized agent upon inspection by the Town Highway Superintendent after the entrance opening, excavation or crossing has been completed, and provided that such street has been restored to its original condition.

§ 103-5. Forfeiture of deposit.

In the event that the street is not restored to its original condition or the work has not been completed pursuant to the terms and conditions of the permit within 10 days after notice from the Town Superintendent of Highways that the work has not been satisfactorily performed or the street is not in proper original condition, the aforesaid deposit made with the Town Superintendent of Highways shall be forfeited to the town, and the town shall accept said deposit as damages for the damage done to said street and shall immediately restore the street to its original condition. Any moneys left over after the restoration of the street shall be returned to the permittee.

§ 103-6. Required safety precautions.

Any person making an opening in any street shall protect such opening by means of proper barricades and lights and maintain the same during the period of the construction work. Any opening found not to be properly protected shall immediately be closed by the town, and the cost thereof charged against the cash deposit hereinbefore provided for.

§ 103-7. Tampering with lights and barricades.

It shall be unlawful for any person to break down, remove or interfere with any such barrier so erected, or any part thereof, or to remove the lights without the consent of the Town Highway Superintendent.

§ 103-8. Permit fee.⁴¹

Any person filing an application for a permit hereunder shall pay simultaneously with the filing of said application a fee as set forth from time to time by resolution of the Town Board to the Town Highway Superintendent therefor. In the event that such application for a permit should be denied, the aforesaid fee shall be returned to the applicant.

§ 103-9. Permit issued without Town Board approval. [Amended 9-19-1979 by L.L. No. 4-1979]

- A. If it appears to the Town Highway Superintendent from the application that the work to be done shall consist only of a driveway opening or repaving and that such work may be completed without damage to the town highways or other property, the Town Highway Superintendent shall issue such permit without the approval of the Town Board required by § 103-2 hereof and may waive the deposit required by § 103-4B hereof, but nothing herein shall be deemed to waive any rights the town may have in the event that damage is caused to the town highways or other property.

41. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. If it thereafter appears that such work may cause damage to the town highways or other property, the Town Highway Superintendent shall revoke such permit, and no new permit shall thereafter be issued for such work except as otherwise provided herein.

§ 103-10. Building permits and certificates of occupancy. [Added 9-19-1979 by L.L. No. 4-1979]

Where a highway opening and crossing permit is required under the provisions of this article of the Code of the Town of Putnam Valley, no building permit for any construction may be issued by the Code Enforcement Officer unless the applicant has obtained a highway entrance opening permit pursuant to this article, and no certificate of occupancy may be issued by the Code Enforcement Officer until the Highway Superintendent approves in writing the construction of the driveway in relation to location, slope and drainage.

§ 103-11. Enforcement officer.

The Town Superintendent of Highways is hereby authorized, directed and delegated to enforce the provisions of this article.

§ 103-12. Penalties for offenses. [Amended 9-19-1979 by L.L. No. 4-1979⁴²]

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 such fine and imprisonment. Each week's continued violation of this article shall constitute a separate additional violation.

42. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE II

Construction Specifications

[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 55 of the 1974 Code]

§ 103-13. Title.

This article shall be known as the "Putnam Valley Town Highway Construction and Layout Law."

§ 103-14. Purpose.

It is the purpose of this article to establish specifications and minimum acceptable standards of road construction for the town, as well as for the laying out of streets and/or highways.

§ 103-15. Compliance required.

No street, road or highway will be accepted as a town highway unless it shall conform to the regulations hereinafter set forth, except where special provision may have been made by ordinance, local law or regulation.

§ 103-16. Arrangement and width of new highways.

The arrangement of highways hereafter laid out shall, wherever possible, provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when the adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets, but in no case less than 50 feet.

§ 103-17. Minimum widths. [Amended 9-19-1979 by L.L. No. 2-1979]

The minimum width of streets or highways hereafter laid out shall be at least 50 feet. At the discretion of the Highway Superintendent and the Town Planner or Town Engineer, the width of the street or highway may be greater than 50 feet.

§ 103-18. Reserve strips controlled.

There shall be no reserve strips controlling access to streets, except where control of such strips is definitely placed in the town under the offer to dedicate.

§ 103-19. Curb radii. [Amended 9-19-1979 by L.L. No. 2-1979]

Curb radii at intersections within subdivisions and where a road intersects with an existing town or county highway shall be not less than 30 feet.

§ 103-20. Turnarounds for culs-de-sac.

Streets designed to have one end permanently closed (culs-de-sac) shall be provided at the closed end with a turnaround roadway having a minimum radius for the outside property line of at least 66 feet.

§ 103-21. Angles at intersections.

As far as practical, acute angles between streets at their intersections are to be avoided, and where a deflective angle of more than 10° in a street line occurs at any point between two intersecting streets, a curve of reasonably long radius is to be introduced.

§ 103-22. Block length.

Intersecting streets shall be so laid out that blocks between street lines shall be not more than 1,200 feet in length.

§ 103-23. Issuance of building permit and certificate of occupancy. [Added 12-12-1984 by L.L. No. 4-1984]

- A. No building permit shall be issued to any lot on a new subdivision road until the right-of-way has been cleared, the topsoil removed, the Item 4 and the base course of asphalt have been laid and the drainage and gutters have been put in place from the existing town, county or state road to a point beyond the road frontage of the lot and until all of the aforesaid has been approved by the Town Highway Superintendent and the Town Planner/Engineer.
- B. No certificate of occupancy shall be issued until the new road has been completed from the existing town, county or state road to a point just beyond the road frontage of the particular lot(s) and approved by the Town Highway Superintendent and the Town Planner/Engineer.
- C. No building permit shall be issued for the last 25% of the lots nor shall the owner/developer sell the last 25% of the lots until the entire road has been completed and approved by the Town Highway Superintendent and the Town Planner/Engineer.

§ 103-24. Certificate of completion. [Amended 9-19-1979 by L.L. No. 2-1979]

Before acceptance by the town of any street or highway as a town road, the Town Highway Superintendent shall file with the Town Clerk a certificate as to the completion of all improvements required by this article to his or her satisfaction.

§ 103-25. As-built map; easements; title insurance. [Amended 9-19-1979 by L.L. No. 2-1979]

Any roadway to be offered to the town as a town road must be shown on an as-built map prepared by a licensed surveyor setting forth the correct

metes and bounds and the description of such road. The roadway must be granted to the town by bargain and sale with covenant deed containing the correct metes and bounds description on said map. Permanent easements to the town must be furnished in such deed or other instrument granting to the town full right to maintain all outlets for surface or storm water which will run from such roadway over private property to a location where a natural watercourse exists and to which such outlet and easements will carry such water. The offer of dedication must be accompanied by a policy of title insurance in an amount determined by the Highway Superintendent and the Town Attorney insuring marketable title to the town.

§ 103-26. Grading and surfacing.

Prior to being offered for dedication to the town, all streets shall be graded and surfaced as follows and shall comply with these road construction requirements:

- A. Grades. In general, the grade of the road shall not be in excess of 8% or be less than 1%. Exceptions shall be permitted only under special conditions and by specific approval of the Town Superintendent of Highways. Properly designed vertical and horizontal curves shall be included in the layout of the road in order that the road shall present a smooth and satisfactory appearance with adequate sight distance.
- B. Subgrade.
 - (1) All topsoil, loam, rocks and organic material shall be removed until a satisfactory bottom is reached. Where necessary, fills of acceptable material as approved by the Town Superintendent of Highways shall be made. Such fills shall be constructed in eight-inch lifts and shall be properly compacted.
 - (2) The subgrade shall be shaped to line and grade and thoroughly compacted with an approved self-propelled roller weighing not less than 10 tons or other satisfactory compacting equipment. All hollows and depressions which develop under rolling shall be filled with acceptable granular material and again rolled. This procedure is to continue until no depressions develop. The subgrade shall not be muddy or otherwise unsatisfactory when the foundation course is laid upon it. The subgrade shall be stable in all respects.
- C. Foundation course.
 - (1) The foundation course shall consist of approved run-of-bank gravel, crusher-run stone or crusher-run gravel. All material used in this course shall be hard, durable and sound and shall be well-graded from coarse to fine. The material shall conform to the following gradation:

Passing (sieve)	Percent by Weight
3-inch	90-100
1 1/2-inch	80-90
1/4-inch	36-60
No. 200	10 maximum

(2) The material shall be placed on the prepared subgrade by means of mechanical spreaders or other suitable equipment. It shall be placed in four-inch lifts and shall be thoroughly compacted by rolling or other proper compaction equipment. Water shall be added to the material in such amounts as the Town Superintendent of Highways may consider necessary in order to obtain the desired optimum moisture content. After compaction, the course shall be true to grade and cross sections. Any high spots shall be removed, and all hollows and depressions shall be eliminated by the use of additional material which shall be adequately rolled. The foundation course must be compacted in such a manner that it will not weave under the rollers of heavy construction equipment. The total depth of the foundation course after compaction shall not be less than 12 inches.

D. Base course and wearing course. **[Amended 9-19-1979 by L.L. No. 2-1979]**

(1) Primary roads.

(a) After the foundation has been completed as previously described and to the satisfaction of the Town Superintendent of Highways and the Town Engineer/Planner, a four-inch after-compaction base course of blacktop (NYS Item 403.07, as amended) shall be applied.

(b) After the base course of blacktop has been completed as previously described and to the satisfaction of the Town Superintendent of Highways and the Town Engineer/Planner, a two-inch after-compaction wearing course of blacktop (NYS Item 403.01, as amended) shall be applied to the satisfaction of the Town Superintendent of Highways and the Town Engineer/Planner.

(2) Secondary roads.

(a) After the foundation has been completed as previously described and to the satisfaction of the Town Superintendent of Highways and the Town Engineer/Planner, a two-and-one-half-inch after-compaction base course of blacktop (NYS Item 403.07, as amended) shall be applied.

(b) After the base course of blacktop has been completed as previously described and to the satisfaction of the Town

Superintendent of Highways and the Town Engineer/Planner, a one-and-one-half-inch after-compaction wearing course of blacktop (NYS Item 403.01, as amended) shall be applied. Said wearing course of blacktop shall be applied to the satisfaction of the Town Superintendent of Highways and the Town Engineer/Planner.

- (3) Figure 1 attached hereto indicates a typical road cross section of a primary road. A "primary road" is a road expected to carry a substantial volume of traffic and shall have a paved portion of not less than 30 feet. Figure 1A attached hereto indicates a typical road cross section of a secondary road. A "secondary road" is a feeder to a primary road and is not expected to be a major road in the area. The paved portion of a secondary road shall be not less than 22 feet.⁴³
- (4) The typical features and dimensions of the road section are shown thereon and are a part of these specifications and are to be incorporated in the construction of such roads.

E. Drainage.

- (1) The drainage system and/or culverts shall be designed in accordance with established engineering principles or as designated by the Town Superintendent of Highways. The minimum grade of any drainage pipe or culvert shall not be less than 1%. Such drainage shall be installed where natural watercourses cross the highway or at locations which warrant drainage. The width of the trench in which the pipe is placed shall be sufficient to permit thorough tamping of the backfill under the haunches and around the pipe. In no case shall the top of any drainage pipe be less than 18 inches below the finished grade of the pavement. Where a soft, spongy or unsuitable soil is encountered or rocks, boulders or ledge are present, such shall be removed and replaced with suitable materials and in a manner as directed by the Town Highway Superintendent. The pipe shall be laid to true line and grade on the prepared bed of the trench. The installation, whether for corrugated-metal pipe or reinforced-concrete culvert pipe, shall be in accordance with the standard practice. The backfilling of the trench shall be in conformance with good engineering procedure and as directed by the Town Superintendent of Highways.
- (2) All corrugated-metal pipe and reinforced-concrete pipe shall conform to the items covering such in the latest New York State Public Works Specifications.
- (3) Drainage pipe or culverts shall be installed to carry the present requirements of the subdivisions as well as that which may

43. Editor's Note: Figures 1 and 1A are included at the end of this chapter.

reasonably be anticipated from future construction, both from within the subdivision and from adjoining properties which normally drain across the area of the proposed development. Culvert pipes shall be installed within the right-of-way, parallel to the paved roadway and at a minimum distance from the edge of the pavement equal to the depth of the culvert pipe below grade. However, the minimum distance from the edge of the pavement shall in no case be less than three feet. **[Amended 9-19-1979 by L.L. No. 2-1979]**

- (4) The discharge of established natural watercourses and stormwater in open ditches shall be permitted only after specific approval by the Town Superintendent of Highways. If, in his or her opinion, public health or safety is jeopardized or there is danger of erosion, approval shall be denied. In such case, pipe of the proper kind and size shall be installed or the required paved sluiceways constructed.
 - (5) It shall be the responsibility of the developer to set aside areas for the collection and passage of both natural and stormwaters.
- F. Catch basins or drop inlets. **[Amended 9-19-1979 by L.L. No. 2-1979]**
- (1) Catch basins or drop inlets shall be constructed in order that surface water is intercepted. Such catch basins shall at no time be spaced farther apart than 150 feet. See Figure 2, which is a part of these specifications.⁴⁴
 - (2) Headwalls and culverts. Headwalls of concrete or stone masonry shall be constructed at the inlet and discharge end of the culvert pipe. Culverts shall extend beyond the toe of the embankment. See Figure 3, which is a part of these specifications.⁴⁵
- G. Groundwater. If, in the opinion of the Town Superintendent of Highways, it is necessary to intercept and carry away groundwater to protect the stability of the road bed, the required subdrainage shall be installed. See Figure 4, which is a part of these specifications.⁴⁶
- H. Guideposts. Guideposts shall be erected along all areas which may be considered dangerous or where fills in excess of four feet exist. Such posts shall be installed in accordance with the detail for such attached hereto. See Figure 5, which is a part of these specifications.⁴⁷
- I. Gutters, curbs and curtain drains. **[Amended 9-19-1979 by L.L. No. 2-1979]**

44. Editor's Note: Figure 2 is included at the end of this chapter.

45. Editor's Note: Figure 3 is included at the end of this chapter.

46. Editor's Note: Figure 4 is included at the end of this chapter.

47. Editor's Note: Figure 5 is included at the end of this chapter.

- (1) Gutters. Paved gutters shall be constructed in locations as determined by the Town Highway Superintendent and the Town Engineer/Planner. They shall be in accordance with the details shown on Figures 1, 1A and 2 attached hereto.⁴⁸
 - (2) Curbs. Blacktop curbs shall be constructed in locations as determined by the Town Highway Superintendent and the Town Engineer/Planner.
 - (3) Curtain drains. Curtain drains shall be constructed in locations as determined by the Town Highway Superintendent and the Town Engineer/Planner.
- J. Slopes. Cut of fill sections shall not be steeper than one vertical to two horizontal. Where this cannot be achieved, then the developer or contractor shall build a retaining wall or a guide rail on the embankments. Under certain conditions, the Town Superintendent of Highways may direct a reduction in the amount of slope in order to maintain the stability of the bank. All earth slopes and areas that have been disturbed in the course of the construction of the road shall be covered with a minimum of four inches of topsoil and suitably seeded or planted with a ground cover to prevent erosion. **[Amended 9-19-1979 by L.L. No. 2-1979]**
- K. Supervision of construction. Before any work is started, the developer or contractor shall deposit with the Town Supervisor, in cash or certified check, 4% of the estimated cost of the project to cover supervision and inspection by the town. **[Amended 9-19-1979 by L.L. No. 2-1979]**
- L. Stakeouts of new highways. All roads must be properly staked out. Sufficient monuments shall be placed to properly reproduce each and any street laid out. Monuments shall be six inches by six inches at the top, eight inches by eight inches at the bottom and at least four feet long. **[Amended 9-19-1979 by L.L. No. 2-1979]**

48. Editor's Note: Figures 1, 1A and 2 are included at the end of this chapter.

ARTICLE III

Notification of Defects**[Adopted 7-15-1998 by L.L. No. 8-1998⁴⁹]****§ 103-27. Notice of defective or dangerous conditions or of snow and ice on highways.**

- A. No civil actions shall be maintained against the town or Town Superintendent of Highways for damages or injuries to a person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, sidewalk, crosswalk or culvert was actually given to the Town Clerk or Town Superintendent of Highways and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of.
- B. No such action will be maintained for damages or injuries to a person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert unless prior written notice thereof, specifying the particular place, was actually given to the Town Clerk or the Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after receipt of such notice.

§ 103-28. Disposition of written notices.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article, and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

49. Editor's Note: This local law superseded former Art. III, Notification of Defects, adopted 4-28-1976 by L.L. No. 4-1976 (Ch. 11A of the 1974 Code), and also provided that it shall supersede Town Law § 65-a, Subdivisions 1 and 3, in its application to the Town of Putnam Valley.

Chapter 108

TAXATION

ARTICLE I

Senior Citizens Exemption

[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 58 of the 1974 Code; amended in its entirety 10-26-1983 by L.L. No. 4-1983]

§ 108-1. Exemption granted. [Amended 10-17-1990 by L.L. No. 4-1990]

Real property owned by one or more persons, each of whom is 65 years of age or over, or who is to become 65 years of age during the calendar year, or real property owned by husband and wife, one of whom is 65 years or over, or who is to become 65 years of age during the calendar year, shall be exempt from taxation to the extent hereinafter set forth, provided that application is made and filed before March 1 (the taxable status date).

§ 108-2. Exception for residences of school children.

Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides if such child attends a public school of elementary or secondary education.

§ 108-3. Applicability. [Amended 10-17-1990 by L.L. No. 4-1990; 10-12-1994 by L.L. No. 10-1994; 2-21-1996 by L.L. No. 1-1996; 1-15-1997 by L.L. No. 1-1997; 12-13-2000 by L.L. No. 11-2000; 2-19-2003 by L.L. No. 2-2003; 2-18-2004 by L.L. No. 1-2004; 4-11-2007 by L.L. No. 2-2007]

- A. Pursuant to the provisions of the Real Property Tax Law, the real property owned by one or more persons, each of whom is 65 years of age or over, shall be exempt from taxation up to a maximum of 50% of the assessed valuation thereof, as hereinafter provided.
- B. All of the provisions, conditions and requirements of § 467 of the Real Property Tax Law and amendments thereto shall apply to the application for and the granting of such exemption on the assessment rolls of the Town as they apply to the Town of Putnam Valley except that no exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption is not less than the sum of \$32,399.99.
- C. Real property owned by persons 65 years of age or over shall be exempt from certain Town taxes up to a maximum of 50% of the assessed valuation pursuant to the following schedule:

Annual Income	Percentage of Assessed Value Exempt From Taxation
0 to \$24,000.00	50%
\$24,000.01 to \$24,999.99	45%
\$25,000.00 to \$25,999.99	40%

Annual Income	Percentage of Assessed Value Exempt From Taxation
\$26,000.00 to \$26,999.99	35%
\$27,000.00 to \$27,899.99	30%
\$27,900.00 to \$28,799.99	25%
\$28,800.00 to \$29,699.99	20%
\$29,700.00 to \$30,599.99	15%
\$30,600.00 to \$31,499.99	10%
\$31,500.00 to \$32,399.99	5%

- D. The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of the application for exemption from all sources, as set forth in § 467, must be less than \$32,399.99. "Income tax year" shall mean the twelve-month period from which the owner or owners file a federal personal income tax return or, if no such return is filed, the calendar year. When title is vested in either the husband or wife, the combined income of both may not exceed such sum.

§ 108-4. Nonapplicability. [Amended 4-15-1998 by L.L. No. 5-1998]

No exemption shall be granted unless the applicant meets all of the requirements found in Real Property Tax Law § 467.

§ 108-5. Applications for exemption.

- A. The Town shall notify or cause to be notified each person owning residential real property in the Town of the provisions of this article. The provisions of this section may be met by a notice or legend sent on or with each tax bill to such persons reading, "You may be eligible for senior citizen tax exemptions. For information, please call or write your Town Assessor at your Town Hall." Failure to notify or cause to be notified any person who is in fact eligible to receive the exemption provided by this section or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.
- B. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed and furnished by the Town Assessor's office, shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office on or before the taxable status date of May 1.
- C. At least 60 days prior to the taxable status date of May 1, the Town Assessor's office shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the

exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 108-6. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998]

Any person who shall make willful false statement in the application for such exemption shall be deemed to have violated this article and be guilty of a violation subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment, and shall further be disqualified from further exemption for a period of five years.

ARTICLE II

Exemption for Improvement to Real Property for Physically Disabled**[Adopted 9-16-1992 by L.L. No. 3-1992]****§ 108-7. Exemption granted.**

Pursuant to § 459 of the Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement, if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled or a member of the resident owner's household who is physically disabled, if such member resides in the real property.

§ 108-8. Qualification as physically disabled.

To qualify as physically disabled for the purposes of this article, an individual shall submit to the Assessor a certified statement from a physician licensed to practice in the state on a form prescribed and made available by the Town Clerk which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the State Commission for the Blind and Visually Handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.

§ 108-9. Application for exemption.

Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the Town Board. The applicant shall furnish such information as the Board shall require. The application shall be filed, together with the appropriate certified statement of physical disability or certificate of blindness, with the Town Assessor of the Town of Putnam Valley on or before the taxable status date of the Town of Putnam Valley.

§ 108-10. Approval of exemption.

If the Assessor is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this article, the Assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this article on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to § 108-7 in a separate column. Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and

accommodate the use and accessibility of the property by the resident who is physically disabled.

ARTICLE III

Veterans Exemption**[Adopted 3-20-1996 by L.L. No. 2-1996]****§ 108-11. Purpose. [Amended 3-15-2006 by L.L. No. 1-2006]**

The purpose of this article is to maintain the ratio of the amount of the veterans exemption to the assessed valuation of the property on which the exemption was granted when the ratio may change as a result of a revaluation or update of assessment, as authorized by Subdivision 5(a) of § 458 of the Real Property Tax Law; to permit veterans to reapply for the exemption as authorized by Subdivision 5(b) of said § 458 of the Real Property Tax Law; and to provide for the increased alternative exemption available under Subdivision 2(d) of § 480-a of the Real Property Tax Law, as amended by Chapter 256 of the Laws of 2005.

§ 108-12. Adjustment of exemption amount.

- A. If the total assessed value of real property for which an exemption has been granted pursuant to § 458 of the Real Property Tax Law has been increased or decreased as a result of a revaluation or update of assessments in the Town of Putnam Valley, and a material change in level of assessment has been certified by the State Board of Real Property Services for the assessment roll on which such property is assessed, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment.
- B. In accordance with of Subdivision 5(a) of such § 458, if the Assessor receives the certification from the State Board after the final assessment roll has been filed, the Assessor shall certify the amount of the recomputed exemption to the officer having custody and control of the roll who is directed and authorized by such statute to enter the recomputed exemption on the roll.
- C. As an alternative to the exemption available under § 458 of the Real Property Tax Law and Subsections A and B of this section, qualifying residential real property may be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$54,000 or the product of \$54,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. **[Added 3-15-2006 by L.L. No. 1-2006]**
- D. In addition to the alternative exemption provided by Subsection C of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States Campaign Ribbon or Service Medal, qualifying residential real property shall also be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such additional

exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less. **[Added 3-15-2006 by L.L. No. 1-2006]**

- E. In addition to the alternative exemptions provided by Subsections C and D of this section, where the veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall also be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such additional exemption shall not exceed \$180,000 or the product of \$180,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%. **[Added 3-15-2006 by L.L. No. 1-2006]**

§ 108-13. Reapplication for exemption.

A veteran who had received an exemption under such § 458 and who had opted for the alternate exemption of § 458-a of such law may reapply for the exemption under § 458 as authorized by of Subdivision 5(b) of such § 458, if such veteran applies within one year from the adoption of this article.

ARTICLE IV
Nonprofit Organizations
[Adopted 6-19-1996 by L.L. No. 8-1996]

§ 108-14. Intent.

This article is enacted for the purpose of subjecting to taxation real property owned by nonprofit corporations or associations specified in § 108-15 of this article as authorized by § 420-b, Subdivision 1(a), of the Real Property Tax Law.

§ 108-15. Taxable property designated.

Real property owned by a corporation or association which is not organized or conducted exclusively for religious, charitable, hospital, educational or cemetery purposes, or for two or more such purposes, but is organized or conducted exclusively for the following purposes, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes shall be taxable: bible, tract, benevolent, missionary, infirmary, public playground, scientific, literary, bar association, medical societies, societies for the development of good sportsmanship for persons under the age of 18 years through the conduct of supervised athletic games and societies for the enforcement of laws relating to children or animals.

§ 108-16. Ad valorem levies and special assessments.

Real property which is taxable pursuant to this article shall be subject to special ad valorem levies and special assessments which are imposed to defray the cost of improvements or services furnished by the Town of Putnam Valley or by a special district established therein.

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:

Year of Exemption	Percentage of Exemption
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.

ARTICLE VI

**Exemption for Disabled Persons with Limited Income
[Adopted 2-18-1998 by L.L. No. 4-1998; amended in its entirety
4-11-2007 by L.L. No. 3-2007]**

§ 108-24. Statutory authority; exemption granted.

Pursuant to the provisions of § 459-c of the Real Property Tax Law (“RPTL”), real property owned by one or more persons with disabilities, as defined by RPTL, § 459-c, or real property owned by a husband, wife or both or by siblings, at least one of whom has such a disability, and whose income, as defined herein, is limited by reason of such disability, shall be exempt from town real property taxation to the extent of fifty percentum of the assessed valuation thereof as hereinafter provided.

§ 108-25. Applicability of statutory provisions; exemption schedules.

All of the provisions, conditions and requirements of § 459-c of the Real Property Tax Law and amendments thereto shall apply to the application for and the granting of such exemptions on the assessment rolls of the town as they apply to the Town of Putnam Valley. No exemption shall be granted if the income of the owner or the combined income of the owners of the property exceeds the income tables listed below.

Annual Income	Percentage of Assessed Value Exempt From Taxation
For the Tax Year 2007	
0 to \$26,000.00	50%
\$26,000.01 to \$26,999.99	45%
\$27,000.00 to \$27,999.99	40%
\$28,000.00 to \$28,999.99	35%
\$29,000.00 to \$29,899.99	30%
\$29,900.00 to \$30,799.99	25%
\$30,800.00 to \$31,699.00	20%
\$31,700.00 to \$32,599.99	15%
\$32,600.00 to \$33,499.99	10%
\$33,500.00 to \$34,399.99	5%

Annual Income	Percentage of Assessed Value Exempt From Taxation
For the Tax Year 2008	
0 to \$27,000.00	50%
\$27,000.01 to \$27,999.99	45%
\$28,000.00 to \$28,999.99	40%

Annual Income	Percentage of Assessed Value Exempt From Taxation
For the Tax Year 2008	
\$29,000.00 to \$29,999.99	35%
\$30,000.00 to \$30,899.99	30%
\$30,900.00 to \$31,799.99	25%
\$31,800.00 to \$32,699.00	20%
\$32,700.00 to \$33,599.99	15%
\$33,600.00 to \$34,499.99	10%
\$34,500.00 to \$35,400.00	5%

Annual Income	Percentage of Assessed Value Exempt From Taxation
For the Year 2009	
0 to \$28,000.00	50%
\$28,000.01 to \$28,999.99	45%
\$29,000.00 to \$29,999.99	40%
\$30,000.00 to \$30,999.99	35%
\$31,000.00 to \$31,899.99	30%
\$31,900.00 to \$32,799.99	25%
\$32,800.00 to \$33,699.00	20%
\$33,700.00 to \$34,599.99	15%
\$34,600.00 to \$35,499.99	10%
\$35,500.00 to \$36,399.99	5%

Annual Income	Percentage of Assessed Value Exempt From Taxation
For the Tax Year 2010	
0 to \$29,000.00	50%
\$29,000.01 to \$29,999.99	45%
\$30,000.00 to \$30,999.99	40%
\$31,000.00 to \$31,999.99	35%
\$32,000.00 to \$32,899.99	30%
\$32,900.00 to \$33,799.99	25%
\$33,800.00 to \$34,699.00	20%
\$34,700.00 to \$35,599.99	15%
\$35,600.00 to \$36,499.99	10%
\$36,500.00 to \$37,399.99	5%

§ 108-26. Proof of disability.

In conjunction with the provisions of RPTL § 459-c(2)(b), an award letter from the Social Security Administration evidencing receipt of the Social Security Disability Insurance (SSDI) or supplemental security income (SSI) benefits; or the Railroad Retirement Board evidencing receipt of railroad retirement disability benefits; or a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind shall be submitted as proof of disability.

§ 108-27. Application for exemption.

Application for an exemption pursuant to this article must be made annually by the owner or all of the owners of the property, on forms prescribed by the State Board, and shall be filed in the Assessor's office on or before the applicable taxable status date; provided, however, that proof of permanent disability need be submitted only in the year exemption is first sought or the disability is first determined to be permanent.

§ 108-28. (Reserved)**§ 108-29. (Reserved)****§ 108-30. (Reserved)**

ARTICLE VII

**Exemption for Qualified Members of Volunteer Fire Departments
and Ambulance Corps
[Adopted 2-19-2003 by L.L. No. 1-2003]**

§ 108-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LIFETIME TAX EXEMPTION — The aforesaid tax exemption provided to a person who has been an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service with active service for 20 years prior to submitting an application for such tax exemption and has obtained a certificate from such organization certifying to such membership and such active services; which tax exemption shall be provided to such member for the remainder of such member's life as long as such member's primary residence is located within Putnam Valley.

QUALIFIED MEMBERS — An individual who has been an enrolled, active member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service for five years prior to submitting application for tax exemption and has obtained a certificate from such organization certifying to such membership.

TAX EXEMPTION — Ten percent of the assessed value of the real property constituting the applicant's primary residence for Town purposes, exclusive of special assessments; which exemption shall not exceed \$3,000 multiplied by the latest equalization rate available for the assessing unit in which such real property is located.

§ 108-32. Exemption granted; conditions.

A qualified member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service shall be afforded a tax exemption or lifetime tax exemption as herein defined, provided that:

- A. Such qualified member resides in the village or Town which is served by such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service; and
- B. The property upon which such qualified member is seeking this exemption is the primary residence of such qualified member and such property is used exclusively for residential purposes. To the extent such property has uses other than residential, such exemption shall apply only to the residential portion of such property; and
- C. Such qualified member files the aforesaid certificate annually with the Assessor's office on or before the taxable status date of March 1 on forms to be provided by the state board; and

- D. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. The Town shall, from time to time, determine the procedure for certification.

ARTICLE VIII

**Cold War Veterans Exemption
[Adopted 1-16-2008 by L.L. No. 1-2008]****§ 108-33. Exemption granted. [Amended 10-18-2017 by L.L. No. 3-2017]**

In accordance with § 458-b of the Real Property Tax Law of the State of New York, residential real property owned by Cold War veterans, as defined therein, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran, shall be exempt from Town taxation to the extent provided in § 108-34 of this article; provided, however, that, notwithstanding the ten-year limitation imposed by the foregoing provisions of this paragraph in § 458 of the Real Property Tax Law, qualifying owners shall continue to receive the appropriate tax exemption without regard to the ten-year limitation.

§ 108-34. Extent of exemption.

The maximum exemption allowable from Town real property taxation pursuant to § 458-b of the Real Property Tax Law shall be 15% of the assessed value of such property, not to exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate, whichever is less; or alternatively, where the Cold War veteran associated with the qualified owner received a compensation rating from the United States Department of Veterans Affairs or from the United States Department Of Defense because of a service-connected disability, the property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating, not to exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate, whichever is less.

Chapter 112**UTILITY CONSTRUCTION****§ 112-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

PUBLIC BUILDING — Any building owned by the State of New York or any political subdivision thereof and intended for occupancy by more than 20 persons at one time.

§ 112-2. Utilities to be installed underground.

Utilities, electric and telephone lines connected to all public buildings hereafter constructed shall be installed underground.

Chapter 120**VEHICLES AND TRAFFIC**

ARTICLE I
Definitions

§ 120-1. Words and phrases defined.

The words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

ARTICLE II
Parking, Standing and Stopping

§ 120-2. Applicability.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer, fire police or official traffic control device.

§ 120-3. No parking at any time.

All parking shall be prohibited throughout the entire year on the following Town roads:

Street	Location
Avon Road, Lake Peekskill	From Sylvan Road to Hanson Street
Becker Street, Lake Peekskill	Between Johnson Street and Mathes Street
Brookfalls Road [Added 2-13-2002 by L.L. No. 1-2002]	From Peekskill Hollow Road to the end of the Town- maintained portion of the road, the balance of said road beyond a certain bridge being privately maintained
Chester Place, Lake Peekskill	From the intersection of Hewitt Street and Enloe Street to Lake Drive
Enloe Street, Lake Peekskill	From Oscawana Lake Road to the intersection of Chester Place
Foothill Street [Added 2-13-2002 by L.L. No. 1-2002]	From the Yorktown Town Line to Peekskill Hollow Road
Hanson Street, Lake Peekskill	From Avon Road to Hollowbrook Road
Hollowbrook Road, Lake Peekskill	From Hanson Street to Oregon Corners
Lake Drive	East side, from Avon Road to the end of the Lake Peekskill Improvement District beach, known as Carrera's Beach
Lake Drive	East side, from the northerly end of the district property (parking lot) to the intersection of Morrissey Drive
Lake Drive	East side, from the southerly end of the post office building to the intersection with Morrissey Drive
Lake Drive	West side, from the beginning of Singer's Beach property through and including the entrance to the beach

Street	Location
Morrissey Drive	Northerly side, from the east end of the district property (parking lot) to the intersection of Lake Drive
Morrissey Drive	South side, from the east end of the post office building to the intersection of Lake Drive
Pecoho Road, Lake Peekskill [Added 12-15-2010 by L.L. No. 10-2010]	West side, beginning at a point opposite New York Telephone Pole No. 4 and running in a northerly direction for a distance of 10 feet and in a southerly direction a distance of 103 feet
Peekskill Hollow Turnpike [Added 2-13-2002 by L.L. No. 1-2002; deleted 7-17-2002 by L.L. No. 11-2002]	
Roaring Brook Lake District, all roads, as follows:	
Arbutus Street	
Birch Road	
Brookside Avenue	
Cove Road	
Grove Street	
Lake Shore Road	
Oakridge Drive	
Alpine Place	
Pudding Street	From the Taconic State Parkway north to the Consolidated Edison power lines
Spur Road	
West Shore Drive [Added 8-20-2014 by L.L. No. 1-2014]	East side, along frontage of Hilltop Beach District property (Tax Map 62.14-2-2). Exception: Parking is permitted for one passenger vehicle operated by the lifeguard-on-duty. An identification tag shall be displayed by the lifeguard, on the vehicle dashboard, when the vehicle is so parked.
Wiccopee Road cul-de-sac (from dusk to dawn)	--
Williams Street, Lake Peekskill	From Oscawana Lake Road to Lake Drive

§ 120-4. No parking or standing.

All parking or standing shall be prohibited at all times throughout the year on the following roads and streets:

Street	Location
Dunderberg Road	From its origin at Oscawana Lake Road, northwest for approximately 1/2 mile to its termination at the bridge leading to Wheat Island
Peekskill Hollow Road	West side, from its intersection with Church Road 300 feet in a southerly direction, except that stopping is permitted between the edge of the traveled way and the gas pumps
Somerset Lane	East side, from its intersection with Barger Street 750 feet in a southerly direction

§ 120-5. Seasonal no parking.

All parking shall be prohibited from June 30 through and including Labor Day of each year on the following roads and streets:

Street	Location
Avon Road	West side, from Lake Drive to Sylvan Road
Lake Drive	East side, from Northway to Walnut Road
Lake Drive	East side, from the south end of the post office building property to Johnson Street
Lake Drive	East side, from William Street to Northway
Lake Drive	From Walnut Road to Avon Road
Lake Drive	West side, from the end of Singer's Beach to Johnson Street
Northway	From Lake Drive to Tanglewylde Road
Northway	West side, from Lake Drive to North Beach
Point Drive North	East side, to Lake Drive
Point Drive South	South side, from Lake Drive to Point Drive North
Tanglewylde Road	East side, to the intersection of Traverse Road

§ 120-6. No parking at intersections.

All vehicles are prohibited from standing or parking within 12 feet of any intersection.

§ 120-7. Lake Peekskill Improvement District parking lot.

The standing, stopping or parking of motor vehicles having a gross weight in excess of five tons is hereby prohibited in the Lake Peekskill Improvement

District parking lot, bounded by the northerly side of Morrissey Drive and the easterly side of Lake Drive.

§ 120-8. Snow removal.

- A. Notwithstanding any provision of this chapter, no vehicle shall be parked on any highway, street or road in the Town of Putnam Valley from November 15 to April 15 of the subsequent year, unless otherwise posted.
- B. It shall be illegal to delay, hinder or obstruct any vehicle or equipment engaged in the operation of snow blowing or snow removal on Town highways.

§ 120-9. Fire lanes.

No person shall park, stand or stop a vehicle in a fire lane.

§ 120-10. Parking on roadways.

Every vehicle parked shall be so parked parallel to the curb or edge of the roadway. On a one-way roadway, such vehicle shall be facing in the direction of authorized traffic; on a two-way roadway, such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway upon which such vehicle rests.

- A. One-way roadway. Except where angle parking is authorized, every vehicle parked wholly upon a one-way roadway shall be so parked parallel to the curb or road edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or road edge or its left-hand wheels within 12 inches of the curb or road edge.
- B. Two-way roadway. Except where angle parking is authorized, every vehicle parked partly upon a two-way roadway shall be parallel to the curb or edge of the roadway, facing in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the curb or road edge.

§ 120-11. Handicapped parking.

It shall be a violation for any person to stop, stand or park a vehicle in any area designated as a place for handicapped parking, unless the vehicle bears a permit issued under § 1203-a of the New York State Vehicle and Traffic Law or a registration issued under § 404-a of said Vehicle and Traffic Law.

ARTICLE III
One-Way Roadways

§ 120-12. Designation of one-way roadways.

The following roads are hereby designated as one-way roadways:

Street	Location	Direction of Traffic Flow
Argyle Street	From the intersection of William Street to the intersection of Morrissey Drive	Southerly
Hewitt Street	From the intersection of Morrissey Drive to the intersection of William Street	Northerly
Lake Drive	From the intersection of Point Drive South to the intersection of William Street	Northerly
Lake Drive (west)	From the intersection of Northway to the intersection of Walnut Road	Southerly
Lovers Lane [Amended 4-15-1998 by L.L. No. 5-1997]	From Peekskill Hollow Road Mill Street	Southerly
Point Drive North	From the intersection of Lake Drive and Point Drive North to the intersection of Point Drive North and Point Drive South	Southerly
Point Drive South	From the intersection of Point Drive North and Point Drive South to the intersection of Point Drive South and Lake Drive	Easterly

ARTICLE IV
Stop Intersections

§ 120-13. Designated through roadways and stop intersections.

The following are designated as through roadways, and stop signs shall be erected at the following entrances thereto:

Through Roadway	At Entrance of	Direction
Barger Street	Bridle Path Court	From the east
Barger Street	Finnerty Place	From the east
Barger Street	Florence Road	From the east (two entrances)
Barger Street	Park Drive	From the east
Barger Street	Posey Road	From the west
Barger Street	Rochdale Road	From the west
Barger Street	Shamrock Drive	From the east
Barger Street	Somerset Lane	From the west
Barger Street	Stephen Smith Drive	From the east
Canopus Hollow Road	Bell Hollow Road	From the east
Canopus Hollow Road	Canopus Hill Road	From the west
Canopus Hollow Road	Horton Hollow Road	From the west
Canopus Hollow Road	Long Ridge Trail	From the east
Canopus Hollow Road	Sunset Hill Road	From the east
Canopus Hollow Road	Trail of the Maples	From the east
Lake Drive from Morrissey Drive north to Johnson Street	Avon Road	From the west
Lake Drive from Morrissey Drive north to Johnson Street	Johnson Street	From the south
Lake Drive from Morrissey Drive north to Johnson Street	Morrissey Drive	From the east
Lake Drive from Morrissey Drive north to Johnson Street	Northway	From the south
Lake Drive from Morrissey Drive north to Johnson Street	Point Drive North	From the west
Lake Drive from Morrissey Drive north to Johnson Street	Point Drive South	From the west

Through Roadway	At Entrance of	Direction
Lake Drive from Morrissey Drive north to Johnson Street	Walnut Road	From the west
Lake Drive from Morrissey Drive north to Johnson Street	Williams Street	From the east
Lake Shore Road	Alpine Place	From the west
Lake Shore Road	Birch Road	From the east
Lake Shore Road	Cove Road	From the north
Lake Shore Road	Grove Street	From the west
Lake Shore Road	Holly Street	From the east
Lake Shore Road	Oakridge Drive	From the east
Lake Shore Road	Oakridge Drive	From the west
Morrissey Drive	Argyle Street	From the north and south
Morrissey Drive	Grant Place	From the south
Morrissey Drive	Hewitt Street	From the south
Morrissey Drive	Lake Drive	From the south
Morrissey Drive	Oriole Street	From the south
Sunset Hill Road	Cedar Avenue	From the east
Sunset Hill Road	Hilltop Drive	From the west
Sunset Hill Road	Hudson View Drive	From the north
Sunset Hill Road	James Drive	From the north
Sunset Hill Road	Lake View Drive	From the north
Sunset Hill Road	Lee Avenue	From the east
Sunset Hill Road	Rose Street	From the south
Sunset Hill Road	West Shore Drive	From the north

§ 120-14. Stop intersections.

The following intersections are hereby designated as stop intersections, and stop signs shall be erected at entrances thereto as indicated:

Intersection of	Stop Sign on	Entrance(s)
Arbutus Street [Added 8-5-1998 by L.L. No. 10-1998]	Pudding Street	East and west
Aspen Lane	Pleasant Road	North
Aspen Lane	Tanglewylde Road	West

Intersection of	Stop Sign on	Entrance(s)
Avon Road	Mathes Street	East
Barger Street	Bryant Pond Road	West
Becker Street	Avon Road	North and south
Becker Street	Johnson Street	South
Becker Street	Walnut Road	North and south
Bryant Pond Road	Butterfly Lane	South
Bullet Hole Road	Wood Street and Bullet Hole Road	North, east and south
Cayuga Road	Seneca Road	South
Chestnut Street	Sunnyside Place	West
Dennytown Road	South Highland Road (a.k.a. Philipse Brook Road)	West
Doe Drive	Meyer Drive	East, north and west
Dunderberg Road	Lakefront Road	North
Eastern Road	Woodleigh Road	South
Hewitt Street	Chester Place and Enloe Street	West
Hilltop Drive	Lookout Pass	North
Hudson View Drive	Summit Avenue	East
James Drive	Summit Avenue	East and west
Johnson Street	Becker Street	East and west
Johnson Street	Lake Drive	West
Lake Drive	Chester Place	East
Lake Drive [Added 3-15-2000 by L.L. No. 2-2000]	Near 172 Lake Drive	None
Lakefront Road	Eastern Road	East
Lakefront Road	Sawmill Road	East
Lake Shore Road [Amended 5-29-2002 by L.L. No. 2-2002]	Pudding Street	East and west
Lake View Drive	Community Place	East
Lake View Drive	Summit Avenue	West
Mathes Street	Melnick Place (a.k.a. Mae Place)	South
Melnick Place (a.k.a. Mae Place)	Hanson Street	West

Intersection of	Stop Sign on	Entrance(s)
Mountain View Road	Ridge Avenue	North
Mountain View Road (northerly)	West Avenue	South
Mountain View Road (southerly)	West Avenue	North
North Shore Road	Oakdale Road	South
North Wood Street [Added 5-19-1999 by	Bullet Hole Road L.L. No. 5-1999]	East
Oakridge Drive	Moon Road	West
Pecoho Road	Harper Street	West
Pudding Street	Arbutus Street	North and south
Pudding Street	Grove Street	West
Pudding Street	Wiccopee Road	West
Robert's Drive	Slate Crossing	East and west
Robert's Drive	Taconic Gate	East and west
Seneca Road	Shawnee Road	South
Seneca Road	Unadilla Road (western)	East
Somerset Lane	Partridge Lane (2 entrances)	East
Starview Avenue	Hilltop Drive	West
Starview Avenue (southerly)	Hilltop Drive	East
Starview Avenue	Mountain View Road	West
Starview Avenue	Ridge Avenue	South
Trail of the Hemlocks	Far Reach Trail	North
Unadilla Road	Seneca Road (eastern)	West
Unadilla Road	Shawnee Road	West
Walnut Road	Becker Street	East and west
West Shore Drive	Community Place	West

ARTICLE V
Speed Regulations

§ 120-15. Maximum speed limits.

A. Exception. Thirty miles per hour is hereby established as the maximum speed limit at which vehicles may proceed on or along highways and roads within the Town of Putnam Valley, except as follows:

- Oscawana Lake Road
- Peekskill Hollow Road
- Church Road
- Mill Street
- Wood Street from its intersection with Bryant Pond Road to the southern Putnam County line
- Route 301

B. Limits set.

Speed limit

Name of Street	(mph)	Location
Church Road	40	All
Mill Street	40	All
Oscawana Lake Road	40	North from a point 200 feet north of its intersection with Enloe Street
Peekskill Hollow Road	30	From a point 500 feet west of its intersection with Church Road to a point 500 feet east of its intersection with Mill Street
Peekskill Hollow Road	30	From a point 500 feet west of its intersection with Wiccopee Road to a point 500 feet east of its intersection with Wiccopee Road
Peekskill Hollow Road	40	East from a point 500 feet east of its intersection with Wiccopee Road to the Taconic State Parkway
Peekskill Hollow Road	40	East from a point 1,200 feet from its intersection with Oscawana Lake Road to a point 500 feet west of its intersection with Church Road
Peekskill Hollow Road	40	East from a point west of its intersection with Mill Street to a point 500 feet west of its intersection with Wiccopee Road

Speed limit

Name of Street	(mph)	Location
Wood Street	40	South from its intersection with Bryant Pond Road to the Putnam County line

§ 120-16. School zones.

A. Maximum speed limits at which vehicles may proceed on or along highways or streets within the Town of Putnam Valley are hereby established as follows:

Name of Street	Speed limit (mph)	Location
Oscawana Lake Road adjacent to the Putnam Valley Elementary School	25	From a point 750 feet north of the entrance to the school to a point 750 feet south of the entrance
Peekskill Hollow Road adjacent to the Putnam Valley Junior High School	25	From a point 750 feet east of the entrance to the school to a point 750 feet west of the entrance

§ 120-17. Hazards and conditions to determine speed.

Notwithstanding any provision of this chapter, no person shall drive a vehicle on a highway within the aforescribed speed zones at a speed greater than is reasonable and prudent under the conditions and having regard of the actual and potential hazards and conditions then and there existing.

§ 120-17.1. Restriction on commercial traffic on Dennytown Road/ Canopus Hollow Road. [Added 10-20-1999 by L.L. No. 10-1999; amended 10-4-2000 by L.L. No. 10-2000]

- A. Any vehicle in excess of 10 tons gross vehicle weight shall not be permitted to use or travel on Dennytown Road and Canopus Hollow Road except for local deliveries. No tractor-trailers are permitted to use or travel on Dennytown Road or Canopus Hollow Road at any time, except for local deliveries.
- B. Local deliveries shall be deliveries to residents of Dennytown Road, Canopus Hollow Road, or other roads feeding those roads. It shall be prima facie evidence that a vehicle is not making a local delivery if the vehicle operator does not have in his possession written evidence of such local delivery such as a bill of lading, invoice, manifest or similar documentation.

C. The Town of Putnam Valley prohibits through commercial traffic on Tinker Hill Road. Commercial vehicles with a tare weight in excess of 10,000 pounds or more than six wheels is prohibited from traveling on Tinker Hill Road; with the exception of deliveries of addresses on Tinker Hill Road. **[Amended 8-15-2018 by L.L. No. 2-2018]**

(1) Fines for first offense shall be \$1,000.

(2) Fine for second or more offenses shall be \$2,000.

§ 120-18. Driving under the speed limit.

No person shall drive a vehicle on a highway at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

§ 120-19. Speed violations.

In every charge of violation of any speed regulation in this chapter, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the zone or at the location.

ARTICLE VI
Repealer

§ 120-20. Prior ordinances; pending violations.

All prior ordinances or parts of ordinances of this Town regulating traffic are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this article.

ARTICLE VII
Traffic Control Devices

§ 120-21. Installation and maintenance on Town roads.

The Superintendent of Highways of the Town of Putnam Valley shall install and maintain traffic control devices on all Town roads when and as required under the provisions of this chapter to make effective the provisions of said chapter and may install and maintain such additional traffic control devices where it is deemed necessary by the Town Board to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions thereof.

§ 120-22. Installation and maintenance on county roads.

The Putnam County Commissioner of Highways and Facilities shall install and maintain traffic control devices on all county roads when and as required under the provisions of this chapter to make effective the provisions of this chapter and may install and maintain such additional traffic control devices where it is deemed necessary by the Town Board to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the approval of the Putnam Valley Town Board.

§ 120-23. Signs.

Any signs authorized by this chapter to be installed shall be of the type specified and shall be erected and maintained pursuant to the pertinent posting requirements of the Vehicle and Traffic Law of the State of New York, regulations promulgated thereunder and any other statutes and regulations of the State of New York proscribing conditions for the installations of such signs.

ARTICLE VIII
Removal and Storage of Vehicles

§ 120-24. Conditions warranting removal.

The Putnam County Sheriff's Office, the New York State Police, or their designees, or the current enforcement authority, may cause a vehicle to be removed when such vehicle is:

- A. Parked or abandoned on any property under private control or ownership within the Town of Putnam Valley during a snowstorm, flood, fire or other public emergency and removal of such vehicle is reasonably necessary for the performance of emergency procedures.
- B. Found unattended on any property under private control or ownership within the Town of Putnam Valley where said vehicle constitutes an obstruction to traffic.

§ 120-25. Redemption of vehicle; costs.

- A. After removal of any vehicle as provided above, the person acting on behalf of the Town may cause the storage of such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the current enforcement authority of the amount of all reasonable expenses actually and necessarily incurred in effecting such removal, together with any charges for storage.
- B. Fees.
 - (1) All such fees which are at the expense of the owner of such vehicle shall be set by the Town Board.
 - (2) Fee for towing any such vehicles shall be as set forth from time to time by resolution of the Town Board. **[Amended 4-15-1998 by L.L. No. 5-1998]**
 - (3) Fee for storage of any such vehicles shall be as set forth from time to time by resolution of the Town Board. **[Amended 4-15-1998 by L.L. No. 5-1998]**
 - (4) All such fees for towing and storage of any such vehicle shall be adopted by the Town Board annually as part of the resolution which sets all fees in the township.
 - (5) All such fees are per day or any part thereof, starting at 12:00 midnight of the day such vehicle is towed.
- C. The current enforcement authority shall ascertain, to the extent possible, the owner of such vehicle, or the persons having charge of such vehicle, and notify the owner of the removal and disposition of such vehicle and the amount which shall be required to redeem same to the extent that such amount can be calculated at the time of notice.

Such notice shall be in writing and shall be mailed to the address ascertained by the current enforcement authority to be the address of the owner by the end of the following business day.

- D. Nothing herein contained shall limit the right of enforcement of this chapter solely to removal and storage pursuant to this section.

ARTICLE IX
Enforcement

§ 120-26. Appearance tickets.

In addition to the authority to remove and store vehicles as set forth in Article VIII above, the Putnam County Sheriff's Office, the New York State Police, or their designees, and the current enforcement authority shall be authorized and empowered to issue or cause to be issued an appearance ticket for any violation of any of the provisions of this article, returnable in the Justice Court of the Town of Putnam Valley or any other Court of competent jurisdiction.

**ARTICLE X
Violations**

§ 120-27. Penalties for offenses. [Amended 11-17-2004 by L.L. No. 5-2004]

A person operating a vehicle in violation of the chapter herein described, or the owner or operator of any vehicle which is otherwise in violation of this chapter, shall be subject to punishment by a fine of not more than \$100 or by imprisonment for not more than 15 days or by both such fine and imprisonment for a first violation. For a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than 15 days or by both such fine and imprisonment. Upon conviction of a third or subsequent violation, all of which were committed within a period, of 18 months, such person shall be punished by a fine of not more than \$300 or by imprisonment for not more than 15 days or by both such fine and imprisonment.

§ 120-28. Maximum fines. [Amended 11-17-2004 by L.L. No. 5-2004]

A person parking, stopping or standing a motor vehicle in violation of the article herein described, or the owner of such motor vehicle, shall be subject to a punishment by a maximum fine as listed:

Name of Section	Section	Amount¹
No parking at any time	120-3	\$10
No parking or standing	120-4	\$10
Seasonal no parking	120-5	\$10
No parking at intersections	120-6	\$15
Lake Peekskill Improvement District parking lot	120-7	\$20
Snow removal	120-8	\$100
Fire lanes	120-9	\$100
Parking on roadways	120-10	\$20
Handicapped parking	120-11	\$100

NOTES:

¹All such fines for violations of this chapter shall be adopted by the Town Board annually as part of the resolution which sets all fees in the township.

Chapter 125

WATER

ARTICLE I

General Provisions

[Adopted 6-19-1974 by L.L. No. 4-1974 as Chapter 64 of the 1974 Code]

§ 125-1. Well permits.⁵⁰ [Amended 2-19-1975 by L.L. No. 2-1975; 5-17-1978 by L.L. No. 1-1978; 4-15-1998 by L.L. No. 5-1998]

No well permit shall be issued except upon the application signed by the property owner or well driller, upon forms supplied by the Code Enforcement Officer and accompanied by the required fee. A well driller's log and report, together with a laboratory bacteria sample report from a recognized testing laboratory, shall be filed with the Building Department upon completion of the well.

§ 125-2. Cross connections.

No person or group of persons owning or having the control of any potable water supply furnished to any hotel, boardinghouse, eating establishment, group of bungalows or dwelling, or to a commercially operated camp, shall permit any physical connection between the distribution system of such supply and that of any other water supply, unless such other water supply is regularly examined as to its quality by those in charge of the potable supply to which the connection is made and is also found to be potable. If a potable water supply is used as an auxiliary supply delivered to an elevated tank or to a suction tank, which tank is also supplied with water from a source with which cross-connections are not permitted by this regulation, such tank shall be open to atmospheric pressure, and the potable water supply shall be discharged at an elevation above the high-water line of the tank.

§ 125-3. Public water districts. [Added 2-27-1985 by L.L. No. 3-1985]

- A. Water supplied by a public water district shall not be used unless payment is made for said water. If a water meter, connection or seal installed by the district is tampered with or altered, or if an unauthorized outlet or "water jumper" is found, a presumption shall arise against the owner of the premises that the water is being used unlawfully and in violation of this article of the Putnam Valley Code.
- B. In any public water district, a user of district water may not, under any circumstances, maintain an unprotected cross connection with any other water supply. It shall be the responsibility of the owner to install and maintain a backflow-protection device to eliminate any such unprotected cross connection.

50. Editor's Note: Former § 64-1, Treatment, which immediately preceded this section, was deleted 4-15-1998 by L.L. No. 5-1998.

§ 125-4. Penalties for offenses. [Amended 2-27-1985 by L.L. No. 3-1985; 4-15-1998 by L.L. No. 5-1998]

The violation of any of the provisions of this article shall be punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

ARTICLE II

Water Conservation**[Adopted 6-26-2002 by L.L. No. 9-2002⁵¹]****§ 125-5. Title.**

This article shall be known and may be cited as the "Water Conservation Law of the Town of Putnam Valley."

§ 125-6. Legislative intent.

The Town of Putnam Valley, through its water districts and through individual water supplies generated from local groundwater, sometimes experiences shortages of water relative to the demands of its residents during peak periods of water consumption. Both Putnam County, as well as the Town of Putnam Valley, are currently reexamining the available water data, and in lieu of imposing more drastic measures such as a moratorium, the Town desires to adopt and implement water conservation. It is, therefore, the intent of this article to restrict the inefficient or nonessential use of water and to provide for the enforcement of water conservation measures in the Town of Putnam Valley for the protection of the health, safety and welfare of the residents of the Town. This article is initially required to be adopted for, and is limited in its application to, the Mill Ponds Water District, in accordance with intermunicipal agreement with the Town of Yorktown and the City of New York.

§ 125-7. Restriction on consumption in Mill Ponds Water District.

A. Commencing on the effective date of this article, the following restrictions on water consumption shall apply within the Town of Putnam Valley, Mill Ponds Water District:

- (1) Upon a declared water emergency; persons or businesses located at even-numbered addresses may water their lawns, shrubs, plants, gardens and grounds only on even-numbered days. Persons or businesses located at odd-numbered addresses may water their lawns, shrubs, plants, gardens and grounds only on odd-numbered days. Persons or businesses located at addresses that are neither odd- nor even-numbered may water lawns, shrubs, plants and gardens only on Tuesday, Thursday and Saturday. This provision shall not apply to plant nurseries and other commercial water users engaged in the business of growing, distributing and/or selling plants, shrubs or trees, only with respect to the use of water on their business premises for watering such plants, shrubs or trees.
- (2) Swimming pools more than 300 cubic feet in capacity (approximately a four-foot-high pool 10 feet in diameter) shall not

51. Editor's Note: This article was originally adopted as Ch. 280 but has been redesignated to reflect the organization of the Code.

be filled from District-supplied water or well water but, rather, shall be filled from other sources such as pool water supply firms.

- (3) The use of water hoses for street cleaning is prohibited.
 - (4) Residential and nonresidential water users shall install water conservation devices in all shower heads, sink faucets, urinals and toilets, regardless of whether such shower head, sink faucet, urinal or toilet was installed prior to the effective date of this article. The Code Enforcement Officer shall, prior to the issuance of any certificate of occupancy, verify that the subject premises complies with this article.
 - (5) All other excessive or wasteful uses of water are prohibited, including but not limited to washing vehicles using more than 10 gallons of water per vehicle, allowing hoses or outlets to run unattended and failing to repair leaks in interior or exterior plumbing.
- B. The water-saving performance standards for shower heads, sink faucets, urinals and toilets shall be as follows:
- (1) For shower heads, at a constant water pressure of 60 pounds per square inch, maximum flow shall not exceed three gallons of water per minute.
 - (2) For sink faucets, at a constant water pressure of 60 pounds per square inch, maximum flow shall not exceed three gallons of water per minute.
 - (3) For urinals and associated flush-valve devices, each flush shall not exceed 1 1/2 gallons of water per flush.
 - (4) For toilets and associated flush-valve devices, each flush shall not exceed 3 1/2 gallons of water per flush.
 - (5) All building water service line breaks and other plumbing leaks shall be immediately repaired by the owner or person in control of the premises.

§ 125-8. Enforcement.

This article shall be enforced by the Code Enforcement Officer of the Town of Putnam Valley.

§ 125-9. Penalties for offenses.

- A. Any violation of the provisions of this article shall, upon conviction thereof, be an offense punishable by a fine of not less than \$25 nor exceeding \$100 for the first offense, not less than \$100 nor exceeding \$250 for the second offense and every subsequent offense and/or imprisonment for a maximum of 15 days for each offense after the first offense.

- B. Whenever any person, firm or corporation shall have been notified, in writing, by the Code Enforcement Officer that such person, firm or corporation is violating the provisions of this article or served with a summons or appearance ticket accusing such person, firm or corporation of same, each day that such violation continues after such notification or service shall constitute a separate offense.

§ 125-10. When effective.

This article shall take effect after enactment and filing with the Office of the Secretary of State.

Part III, Land Use Legislation**Chapter 132****BUILDING CONSTRUCTION AND FIRE PREVENTION****GENERAL REFERENCES**

Unsafe buildings — See Ch. 66.

Utility construction — See Ch. 112.

§ 132-1. Adoption by reference.

The Town Board of the Town of Putnam Valley, Putnam County, New York, hereby accepts applicability of the New York State Uniform Fire Prevention and Building Code for the Town of Putnam Valley, Putnam County, New York, in accordance with the provisions of § 374-a of the Executive Law of the State of New York.

Chapter 136**FLOOD DAMAGE PREVENTION****GENERAL REFERENCES**

Building construction — See Ch. 132.

Soil erosion and sediment control — Ch. 155

Freshwater wetlands, watercourses and Zoning — See Ch. 165.
waterbodies — See Ch. 144.

ARTICLE I

Statutory Authorization and Purpose**§ 136-1. Findings.**

The Town Board of the Town of Putnam Valley finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Putnam Valley and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 136-2. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands, and;
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 136-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and,
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II
Definitions

§ 136-4. Terms defined.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING — See "structure."

CELLAR — Has the same meaning as basement.

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING — A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters;
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.

- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or

- (b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR — Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a Recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD — Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 136-14B of this chapter.

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an Historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

ARTICLE III
General Provisions

§ 136-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Putnam Valley, Putnam County.

§ 136-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Putnam Valley, Community Number 361030, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers 36079C0084E, 36079C0092E, 36079C0094E, 36079C0105E, 36079C0110E, 36079C0111E, 36079C0112E, 36079C0113E, 36079C0114E, 36079C0116E, 36079C0117E, 36079C0118E, 36079C0182E, 36079C0184E, 36079C0201E, 36079C0202E, 36079C0203E, 36079C0204E, 36079C0206E, and 36079C0208E, whose effective date is March 4, 2013, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Putnam County, New York, All Jurisdictions," dated March 4, 2013.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Office of Code Enforcement, Putnam Valley Town Hall, 265 Oscawana Lake Rd., Putnam Valley, New York 10579.

§ 136-7. Interpretation and conflict with other laws.

A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 136-8. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 136-9. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Putnam Valley from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 136-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Putnam Valley, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE IV
Administration

§ 136-11. Designation of local administrator.

The Town of Putnam Valley Code Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 136-12. Floodplain development permit.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 136-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee to be established from time to time by resolution of the Putnam Valley Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Putnam Valley for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 136-13. Application for permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 136-18C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 136-20, Standards for nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 136-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 136-14. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to the following.

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 136-13, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V, Construction Standards and, in particular, § 136-16, Subdivision proposals.

- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 136-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
 - (2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.
- C. Alteration of watercourses.
- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
 - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- D. Construction stage.
- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved

structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop-work orders.
- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 136-9 of this chapter.
 - (2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 136-9 of this chapter.
- G. Certificate of compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in § 136-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
 - (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.

- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 136-14E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The local administrator shall retain and make available for inspection, copies of the following:
- (1) Floodplain development permits and certificates of compliance;
 - (2) Certifications of as-built lowest floor elevations of structures, required pursuant to § 136-14D(1) and (2), and whether or not the structures contain a basement;
 - (3) Floodproofing certificates required pursuant to § 136-14D(1), and whether or not the structures contain a basement;
 - (4) Variances issued pursuant to Article VI, Variance Procedures; and,
 - (5) Notices required under § 136-14C, Alteration of watercourses.

ARTICLE V
Construction Standards

§ 136-15. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 136-6.

§ 136-16. Subdivision proposals.

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- A. Proposals shall be consistent with the need to minimize flood damage;
- B. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- C. Adequate drainage shall be provided to reduce exposure to flood damage.

§ 136-17. Encroachments.

- A. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (1) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (2) The Town of Putnam Valley agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Putnam Valley for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Putnam Valley for all costs related to the final map revision.
- B. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 136-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (1) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

- (2) The Town of Putnam Valley agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Putnam Valley for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Putnam Valley for all costs related to the final map revisions.

§ 136-18. Standards for all structures.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 136-6.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas.
 - (a) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [2] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

- (b) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 136-19. Standards for residential structures.

- A. Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 136-16, Subdivision proposals, § 136-17, Encroachments, and § 136-18, Standards for all structures.
- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the

highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 136-6 (at least two feet if no depth number is specified).

- B. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 136-20. Standards for nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 136-16, Subdivision proposals, and § 136-17, Encroachments, and § 136-18, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 136-20A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 136-20A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 136-21. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in § 136-15, General standards, and § 136-18, Standards for all structures apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles.
 - (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a) Be on site fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the requirements for manufactured homes in § 136-21B, C and D.
 - (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the Flood Insurance Rate Map enumerated in § 136-6 (at least two feet if no depth number is specified).

ARTICLE VI
Variance Procedure

§ 136-22. Appeals Board.

- A. The Zoning Board of Appeals ("Zoning Board") as established by the Town Board of the Town of Putnam Valley shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of § 136-22D and the purposes of this chapter, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 136-23. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in § 136-22D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria of Subsections A, D, E and F of this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;

- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Notice.

- (1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.
- (2) Such notification shall be maintained with the record of all variance actions as required in § 136-14H of this chapter.

Chapter 140**FORESTRY****GENERAL REFERENCES**

Freshwater wetlands — See Ch. 144.

Soil erosion and sediment control — See Ch. 155.

§ 140-1. Title.

This chapter shall be known and cited as the "Forestry Practices Law of the Town of Putnam Valley."

§ 140-2. Purpose.

The purpose of this chapter is the regulation of large logging operations in order to prevent harm to the environment, to preserve the rights of residents living near logging operations and to protect the interests of the taxpayers of the Town of Putnam Valley and the County of Putnam.

§ 140-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOGGING — The business of felling trees, cutting them into logs and transporting the logs to sawmills or to market.

§ 140-4. Permit procedure.

- A. When a property owner wishes to conduct a logging operation, as defined above, such owner shall obtain a special use permit from the Planning Board before any operation may begin. If the special use permit is granted, the Town Highway Superintendent or County Commissioner of Highways shall be notified so he or she can determine whether or not a driveway-opening permit will be required for the particular operation. The permit shall be obtained from the Code Enforcement Officer and a fee be paid in accordance with the annual resolution of the Town Board. Before the issuance of a permit, the applicant shall show proof that the logger has liability insurance in the amount of \$1,000,000 with aggregate of \$2,000,000, property damage insurance in the amount of \$250,000, both in favor of the Town and the landowner, and workers' compensation insurance.
- B. This section shall not apply to:
- (1) Work performed on subdivision roads approved by the Planning Board; or

- (2) Individual lots, unless they are located within any environmental management district, in which the maximum area affected by the logging operation is less than one acre in R-1 District, two acres in R-2 and LP Districts or three acres in any R-3, CD, PD and PC Districts. However, the Town Highway Superintendent or the County Commissioners of Highways shall be notified before any logging operation begins in any permitted district so that he or she may determine whether or not a driveway-opening permit will be required for the particular operation.
- C. The area to be logged shall first be reviewed by a consulting forester or state forester to be retained by the applicant to advise the applicant, in writing, concerning the proposed operations. Said report is to be submitted to the Planning Board.
 - D. The application for a special use permit shall be filed with the Planning Board and set forth:
 - (1) The purpose of the operation.
 - (2) The total land area involved in logging operations.
 - (3) The approximate number of trees to be cut.
 - (4) The range, in inches, of diameter measured at the standard breast height (4.5 feet above ground) of the trees to be cut.
 - (5) A plan for restoration of the property and the access driveway to the road.
 - (6) A sketch map to show:
 - (a) The boundaries of the property.
 - (b) The access roads into the property.
 - (c) The area within the property where the logging operation will occur.
 - (d) The location of the product loading areas.
 - (7) A statement from the landowner that each tree to be removed has been designated by the forester, with paint or other distinctive means, at two points so as to readily visible by the logger. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
 - (8) Any other requirements the Planning Board will deem pertinent.

§ 140-5. Improvement standard.

- A. Trees falling on adjacent properties as a result of a logging operation shall immediately be returned to the permittee's property, who shall be responsible for any restoration.
- B. Loading area, which must be located

in the same zone as the operation, shall be smoothed to remove all ruts and debris. Waste materials shall be buried or removed to a point out of sight of any road or adjacent property. A fifty-foot buffer zone shall be required between any logging area or landing site and any public road or adjacent property.

- B. No logging operation or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on Sunday or legal holidays.
- C. The Code Enforcement Officer shall have the authority to order the suspension of logging operations if, in his or her opinion, conditions created by the spring thaw, adverse weather or any other cause make soil erosion likely.
- D. The Town Highway Superintendent or the County Commissioner of Highways shall have the authority to:
 - (1) Order the suspension of logging operations if, in his or her opinion, conditions created by the spring thaw, adverse weather or any other cause make damage to public roads likely.
 - (2) Restrict the weight of logging trucks in accordance with the capabilities or condition of roads, bridges and culverts.
 - (3) Require the repair of roads, bridges and culverts damaged as a result of a logging operation.
- E. The Code Enforcement Officer may require that, prior to completion of the operation, a report be filed with his or her office by the forester indicating what measures should be taken in order to restore the property.
- F. The term of this permit shall be for one year. However, since the operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, a one-year extension, after payment of renewal fee equal to the initial permit fee, may be granted by the Code Enforcement Officer. Any additional extensions shall require application to the Planning Board.
- G. The Planning Board shall have the right to waive any of the requirements, except the requirement to notify adjacent property owners, and to add any additional conditions, including restoration of damaged roads, deemed necessary to protect the health, welfare and safety of the residents of the Town of Putnam Valley.
- H. To ensure compliance by the permittee with the requirements set forth in this section, a cash bond shall be submitted, the amount of which is to be determined by the Planning Board, with a minimum amount of \$1,000. Said cash bond shall be released by the Town Board only upon the recommendation and site inspection reports filed by the Code

Enforcement Officer and the Town Highway Superintendent or the County Commissioner of Highways.

- I. Any logging operation in existence at the time of the enactment of this chapter may continue without interruption, provided that application be made within 30 days of said enactment for a special use permit under the provisions of this chapter and that such permit be granted by the Planning Board.

§ 140-6. Enforcement.

The provisions of this chapter shall be enforced by the Code Enforcement Officer.

§ 140-7. Penalties for offenses. [Amended 4-15-1998 by L.L. No. 5-1998; 11-17-2004 by L.L. No. 5-2004]

A violation of this chapter is hereby declared to be an offense punishable by a fine not to exceed \$350 or imprisonment for a period not to exceed 15 days, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

Chapter 144

FRESHWATER WETLANDS, WATERCOURSES AND WATERBODIES

GENERAL REFERENCES

Flood damage prevention — See Ch. 136.

Soil erosion and sediment control — See Ch. 155.

Forestry — See Ch. 140.

§ 144-1. Findings and intent.

- A. The Town Board of Putnam Valley has determined that freshwater wetlands are invaluable resources for flood protection, erosion control, wildlife habitat, open space, water resources, recreation and other benefits associated therewith which, if preserved and maintained in an undisturbed natural condition, constitute important assets to present and future residents of the Town.

- B. The Town Board of Putnam Valley has determined that growth and development have placed increasing demands upon natural resources and can result, and in certain instances have resulted, in the encroachment, despoiling, polluting and/or eliminating of wetlands, watercourses and water bodies.
- C. Recurrent flooding in areas of the Town, aggravated or caused by the loss of wetlands or alteration of watercourses or water bodies, has serious effects upon natural ecosystems and presents serious hazards to health, safety, welfare and property of the people of the Town.
- D. Since acts on wetlands, watercourses and water bodies in one location affect persons and property in other locations, wetland and water conservation are matters of concern to the entire Town. The establishment of preservation, protection and conservation practices are essential to the public health, safety and welfare of the residents of the Town.
- E. It is the intent of the Town of Putnam Valley to assume authority pursuant to Article 24 of the Environmental Conservation Law, as such law may from time to time be amended (Environmental Conservation Law § 24-0501, 6 NYCRR 665.4).

§ 144-2. Definitions.

The following terms, phrases and words and their derivations shall have the meaning given herein:

ALTER — Any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate or any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; erecting any structure; constructing roads, driving, piling or placing of any other obstructions, whether or not changing the ebb and flow of the water; any form of pollution; and any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in § 24-0105 of the New York State Environmental Conservation Law.

APPLICANT — Any person who files an application for any permit issued by the Town pursuant to this chapter, including the owner, the contract vendee or the agent of the contract vendee.

AQUICULTURE — Cultivating and harvesting products, including fish and vegetation, that are produced naturally in freshwater wetlands and installing cribs, racks and other in-water structures for cultivating these products, but not including filling, dredging, peat mining or the construction of any buildings or any water-regulating structures, such as dams.

BOUNDARY OF WETLAND — The outer limit of hydrophytic vegetation, hydric soils or hydrological indicators as further defined under "freshwater wetlands."

CLEAR-CUTTING — Any cutting of more than 30% of trees six inches or more in diameter at breast height (4.5 feet) in an area 10,000 square feet or more over a period of two consecutive years.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Putnam Valley.

CONTROLLED AREA — Includes any freshwater wetland of 1/2 acre or larger or vernal pool and the area surrounding the same for a horizontal distance of 100 feet from the boundary of a wetland or vernal pool, or any watercourse or water body and the area surrounding the same for a horizontal distance of 50 feet from the edge of the watercourse or water body. All surfaces are measured horizontally in all directions from the designated high-water mark from a one-in-one-hundred-year storm. The controlled area is subject to § 144-4, Regulated activities, of this chapter.

ENVIRONMENTAL COMMISSION — The Putnam Valley Commission for Conservation of the Environment.

FRESHWATER WETLANDS — Areas and waters of the Town of Putnam Valley that are comprised of hydric soils and/or are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation. Finite boundaries of wetlands are to be determined by a qualified ecologist, botanist, wetlands specialist or soil scientist as any area which provides one or more of the wetland functions as recited in § 144-1A of this chapter due to the presence of one or more of the following:

- A. Hydrophytic vegetation. Plants which are dependent upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other species. These plants may belong to any of the following vegetative types: wetland trees, wetland shrubs, emergent vegetation, submergent and rooted floating-leaved vegetation, free-floating vegetation, wet meadow vegetation and bog mat vegetation. The following indicators of hydrophytic vegetation may be used in conjunction with hydric soils and/or wetland hydrology:
 - (1) The dominance of obligate and facultative wetland vegetative species. Obligate upland species cannot be present on other than microsites. Obligate and facultative wetland vegetative species are listed in the National List of Plant Species that Occurs in Wetlands: Northeast (Region 1, 1988, published by the United States Fish and Wildlife Service in cooperation with the National and Regional Interagency Review Panels), and as updated from time to time.
 - (2) Plants with adaptations to inundation and/or saturated soil conditions. Such adaptations include but are not limited to buttressed tree trunks, floating stems, floating leaves, multiple trunks and inflated leaves, steins or roots.
- B. Hydric soils. Areas with "somewhat poorly drained," "poorly drained" and "very poorly drained" soils, as determined by data of the United States Department of Agriculture Soil Conservation Services (SCS) and

the Putnam County Soil and Water Conservation District, including but not limited to the following classification, as may be updated or amended from time to time:

Soils List

Ce	Carlisle muck
Ff	Fluvaquents-Udifluvents complex, frequently flooded
Fr	Fredon silt loam
Ip	Ipswich mucky peat
LcA	Leicester loam, 0-3% slopes, stony
LcB	Leicester loam, 3-8% slopes, stony
LeB	Leicester loam, 2-8% slopes, very stony
Pc	Palms and Carlisle soils, ponded
Pt	Pits, gravel
Pv	Pits, quarry
Ra	Raynham silt loam
RdA	Ridgebury loam, 0-3% slopes
RdB	Ridgebury loam, 3-8% slopes
RgB	Ridgebury loam, 2-8% slopes, very stony
Sh	Sun loam
Sm	Sun loam, extremely stony

C. Hydrologic indicators. Any of the following:

- (1) Rivers, streams, brooks and waterways which are delineated on the most recent edition of the United States Geological Survey topographic maps of the Town and the associated floodplains of such water sources.
- (2) Any other intermittent streams, brooks and waterways.
- (3) Lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland, watercourse or water body.

HYDRIC SOIL — A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part and as further defined under "freshwater wetlands."

PERMIT — That form of Town approval required by this chapter for the carrying on of a regulated activity.

PERSON — Any corporation, firm, partnership, association, trust, estate, one or more individuals and any unit of federal, state or local government or any agency or subdivision thereof, including

any state department, bureau, commission, board or other agency, public authority or public benefit corporation.

PLANNING BOARD — The Planning Board of the Town of Putnam Valley.

POLLUTION — The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, plants, animals or property.

PROJECT — Any action resulting in direct or indirect physical impact on a freshwater wetland, watercourse or water body, including but not limited to any regulated activity.

PUTNAM VALLEY FRESHWATER WETLANDS AND WATERCOURSE MAP — The map described in § 144-3 of this chapter.

STATE WETLANDS MAPS — The Freshwater Wetlands Maps of Putnam County filed by the New York Department of Environmental Conservation.

VERNAL POOLS — Small, temporary bodies of standing water which are seasonally flooded for sufficient periods of time to support amphibian reproduction, but these periods of inundation are interspersed with dry phases. Vernal pools which support viable breeding populations of amphibians are regulated as wetlands.

WATER BODIES — Any of the following: lakes, ponds and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland or watercourse.

WATERCOURSES — Any of the following: rivers, streams, brooks and waterways and associated floodplains of such water sources and any other intermittent streams, brooks and waterways.

WETLANDS INSPECTOR — The Wetlands Inspector of the Town of Putnam Valley.

§ 144-3. Map.

- A. In addition to the State Wetlands Maps, the Putnam Valley Freshwater Wetlands and Watercourse Map, adopted by resolution of the Town Board following a public hearing, serves to identify the approximate locations of regulated wetlands, watercourses and water bodies within Putnam Valley. However, such locations are subject to more precise interpretation in accordance with the definition of "freshwater wetlands" set forth in § 144-2 of this chapter and with the procedures identified by Subdivision 7 of § 24-0301 of the State Environmental Conservation Law. Said map, as amended from time to time, shall be part of this chapter.
- B. Recommendations to amend the map may be made in written form to the Town Board by the Environmental Commission and/or the Planning Board.

- C. On receipt of such recommendation and prior to any amendment or modification of the aforesaid map, the Town Board shall hold a public hearing and request a written recommendation by the Wetlands Inspector.
- D. Said map shall be modified by the Town Board by resolution so as to correct or clarify the locations of wetlands, watercourses or water bodies; to incorporate additional wetlands, watercourses or water bodies; to eliminate from the jurisdiction of this chapter particular wetlands, watercourses or water bodies deemed to be insignificant for the purposes of this chapter; or to incorporate supplementary maps that correct, clarify or affirm in detail the area of jurisdiction of this chapter.
- E. During the pendency of such a hearing, including the notice period and a reasonable time not to exceed 45 days after the hearing, no wetlands permit approval may be granted for applications affected by the recommended modifications to the map.

§ 144-4. Regulated activities.

- A. Permit required. It shall be unlawful for any person without a written permit or permit waiver issued by the Town to alter the following:
 - (1) Any freshwater wetland 1/2 acre or larger or vernal pool.
 - (2) Any area within 100 feet of a freshwater wetland or vernal pool.
 - (3) Any watercourse or water body.
 - (4) Any area within 100 feet of any perennial watercourse or water body. **[Amended 6-5-2002 by L.L. No. 5-2002]**
 - (5) Any area within 50 feet of an intermittent watercourse or stream. **[Added 6-5-2002 by L.L. No. 5-2002]**
- B. Activities subject to regulation under this chapter shall include the following:
 - (1) Any form of dredging or excavation and any grading or removal of soil, mud, sand, gravel, silt or other earth material from any controlled area, either directly or indirectly.
 - (2) Any form of dumping, filling, deposition of any soil, stones, sand, gravel, mud, rubbish or fill of any kind in any controlled area, either directly or indirectly.
 - (3) Erecting any building or other structure, construction of any road, driveway or motor vehicle parking facility, paving, installation of sewage disposal systems or sewer outfall, discharge of sewage treatment effluent or other liquid wastes, drilling and digging of wells, installation of any pipe or other conduit or the placing of any

other obstructions within a controlled area whether or not the same affect the ebb and flow of water.

- (4) The use of any chemicals, dyes, fertilizers, herbicides or similar materials, in any controlled area.
 - (5) Creating an increase or decrease in the flow, velocity or volume of water in any watercourse or water body, excluding customary seasonal raising and/or lowering of said watercourse or water body.
 - (6) Creating a diversion of water flow on any watercourse or water body.
 - (7) Introducing any influents of high thermal content, such that the same are capable of causing deleterious ecological effect.
 - (8) Clear-cutting at once or over time within a regulated freshwater wetland or in a regulated area adjacent to a freshwater wetland, watercourse or water body. These actions shall be reviewed by the Wetlands Inspector so as to determine if such acts affect the prevailing surface water runoff conditions, directly or indirectly.
 - (9) Any other activity which substantially impairs any of the several functions by the wetlands, watercourses and water bodies or the benefits derived therefrom as the same are set forth in § 144-1 of this chapter.
- C. Exclusions. Activities excluded from regulation under this chapter shall include the following:
- (1) The deposition or removal of the natural products of freshwater wetland and adjacent areas by recreational or commercial fishing, shellfishing, aquiculture, hunting or trapping where otherwise legally permitted and regulated.
 - (2) Public health activities under orders and regulations of the New York State Department of Health, provided that copies of such orders and regulations have been filed with the Code Enforcement Officer of the Town of Putnam Valley and that the Planning Board may request modification of such orders if they deem it necessary to implement the policy of this chapter.
 - (3) Emergency activities.
 - (a) Any actual and ongoing emergency activity which is immediately necessary for protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include but are not limited to search and rescue operations; preventive or remedial activities related to large-scale contamination of streams or other bodies of water; floods, hurricanes and other storms; fire fighting and public health concerns.

- (b) Within five days of the end of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this chapter, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the Planning Board setting forth the pertinent facts regarding such emergency, including an explanation of life, property or resource values such activity was designed to protect or preserve.
- (4) Ordinary maintenance and repair of existing structures or improved areas which does not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, bulkheads, docks, piers, pilings or paved streets.
- (5) The activities of farmers in grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selectively cutting timber, draining land or wetlands for growing agricultural products and otherwise engaging in the use of wetlands or other land for growing agricultural products shall be excluded from regulated activities and shall not require a permit under Subsection C(1) hereof, except that structures not required for enhancement or maintenance of the agricultural productivity of the land and any filling activities shall not be excluded hereunder.

§ 144-5. Wetlands Inspector.

- A. Appointment. The Wetlands Inspector shall be appointed for a two-year term by the Town Board after the Town Board has received recommendations from the Environmental Commission.
- B. Qualifications. Qualifications for the position of Wetlands Inspector include:
 - (1) A baccalaureate or master's degree in biological science, soils science, hydrology or ecology or the equivalent training and experience; and
 - (2) A demonstrated expertise in wetlands ecology.
- C. Duties. The Wetlands Inspector will review all wetland permit applications, issue permit waivers, periodically inspect projects, inspect Town wetlands for unregulated activities, make recommendations to the Planning Board regarding permit applications, make recommendations to the Code Enforcement Officer regarding enforcement of this chapter and make recommendations to any Town agency upon request.
- D. Remuneration. The Wetlands Inspector shall be paid for each inspection at a rate determined by resolution of the Town Board, which expense

shall determine the wetlands inspection fees charged to each applicant for a permit pursuant to this chapter.

§ 144-6. Permit applications.

A. Application information.

- (1) Any person proposing to conduct or causing to be conducted a regulated activity requiring a permit under this chapter upon any controlled area shall file an application for a permit with the Code Enforcement Officer, together with a filing fee as established by annual resolution of the Town Board. The Code Enforcement Officer shall immediately furnish copies of the application to the Planning Board and the Wetlands Inspector.
- (2) All applications shall include the following:
 - (a) The name and address of owner.
 - (b) The street address and Tax Map number designation of the property.
 - (c) An accurate street location map.
 - (d) A statement of authority from the owner for any agent making application.
 - (e) A description of proposed work and purpose thereof.
 - (f) A completed short environmental assessment form.
 - (g) The initial filing/inspection fee.

B. Application required. Where an application has been made to the Code Enforcement Officer, the Planning Board or the Zoning Board of Appeals for an action that is subsequently determined to require a wetlands permit pursuant to this chapter, a copy of said application must be submitted with the wetlands permit application and submitted to the Code Enforcement Officer, accompanied by the initial filing/inspection fee.

C. Additional information. Where deemed appropriate and necessary, the Wetlands Inspector may require the applicant to submit plans for the proposed site improvements. Said plans shall be certified by an engineer, architect, land surveyor or landscape architect, licensed in the State of New York and be drawn to an appropriate scale and show the following:

- (1) Location of construction or area proposed to be disturbed and its relation to property lines, roads, watercourses and water bodies within 500 feet.
- (2) Estimated quantities of material of excavation or fill computed from cross sections.

- (3) Location of any well and the depth thereof and any disposal system within 200 feet of the proposed disturbed area.
 - (4) Existing and adjusted contours at two-foot intervals in the proposed disturbed area to a distance of 50 feet beyond and at one-foot intervals on those parts of a plan where the Wetlands Inspector deems one-foot intervals necessary to analyze the impacts of the alteration.
 - (5) Details of any drainage system proposed both for the conduct of the work and after completion thereof and measures proposed to control erosion both during and after the work.
- D. Permit waiver. Where the Wetlands Inspector determines that an action proposed for a regulated area is insignificant, a permit waiver shall be issued and the permitting process shall be suspended for that action. Reasons for the issuance of a permit waiver shall be set forth in writing and filed with the Planning Board, the Environmental Commission and any other involved agency and shall be available for public inspection in the office of the Planning Board.
- E. Long environmental assessment form and additional wetlands inspection fees. In addition to the above, the applicant shall submit, if required by the Wetlands Inspector, a completed long environmental assessment form and additional wetlands inspection fees if warranted by the scope of the proposed action.
- F. Notifications. After the application has been determined to be complete by the Wetlands Inspector, the Planning Board shall publish a notice of the filing of the application in the official newspaper of the Town. The applicant shall send a notice of application by United States Postal Service, Certificate of Mailing, to the owner(s) of all lots in the Town and adjacent towns, if applicable, abutting the lot where the activity is proposed.
- G. Other requirements. This chapter does not remove the necessity of any applicant to obtain the approval or permit required by any other Town law, ordinance or regulation or to comply with any other county, state or federal law or regulation.
- H. Wetlands, watercourses and water bodies in more than one jurisdiction. Where a regulated wetland lies within two or more jurisdictions, whether two or more local governments or a local government(s) and the New York State Department of Environmental Conservation:
- (1) The Code Enforcement Officer shall immediately provide copies of the application to the other sharing jurisdiction.
 - (2) The processing of the application by the Wetlands Inspector and the Planning Board will include consultation with the other entities in order to achieve a mutually satisfactory determination.

- (3) Disagreements over the proposed determination may be arbitrated by the New York State Department of Environmental Conservation, pursuant to the policies and standards of Article 24 of the Environmental Conservation Law and 6 NYCRR Part 665.

§ 144-7. Administration of permit application.

- A. Upon recommendation of the Wetlands Inspector, the Planning Board shall render a decision to approve, deny or approve with conditions within 60 days of filing a complete application. All approvals and denials of permits shall be filed, along with any conditions, limitations, stipulations or findings, in the office of the Planning Board where the same shall be available for public inspection.
- B. Public hearing. No sooner than 10 days and not later than 30 days after its receipt of a report from the Wetlands Inspector that the application for a permit regarding a proposed regulated activity is complete and after the publication of a notice of application pursuant to § 144-6 above, the Planning Board shall hold a public hearing on such application. To the greatest extent practicable, said public hearing will be incorporated with any other hearing required by other local law or ordinance or by the New York State Environmental Quality Review Act.
- C. Standards for permit decisions.
 - (1) In approving, denying or conditioning any permit, the Planning Board shall consider the effect of the proposed activity with reference to public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of the several functions of freshwater wetlands and the benefits therefrom which are set forth in § 144-1 of this chapter. Due consideration will also be given to the benefit the applicant and/or the public may derive from the completion of the proposed activity.
 - (2) No permit shall be approved by the Planning Board pursuant to this chapter unless it shall find that:
 - (a) The proposed regulated activity is consistent with the policy of this chapter to preserve and protect and also conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and the beneficial economic and social development of the Town of Putnam Valley.
 - (b) The proposed regulated activity is consistent with the land use regulations applicable in the Town of Putnam Valley pursuant to § 24-0903 of Article 24 of the State Environmental

Conservation Law and the statewide minimum land-use regulation in 6 NYCRR Part 66.

- (c) The proposed regulated activity is compatible with the public health and welfare.
 - (d) The proposed regulated activity is reasonable and necessary.
 - (e) There is no practicable alternative for the proposed regulated activity on a site which is not a freshwater wetland or controlled area.
 - (f) The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this subsection.
- (3) Duly filed written notice by the state or agency or subdivision thereof to the Town of Putnam Valley that the state or any such agency or subdivision is in the process of acquiring the affected freshwater wetland on which a proposed regulated activity would be located by negotiation or condemnation shall be sufficient basis for denial of a permit for such regulated activity. Such notice shall be in accordance with 6 NYCRR Part 665.7(i) and may be provided at any time prior to the Planning Board's decision to issue or deny a permit for the regulated activity.
- D. Extension of time. The applicant and the Planning Board may mutually consent to extend the time for a determination on the application.
- E. Conditions for a permit.
- (1) Any permit issued pursuant to this chapter may be issued with conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetland and to assure compliance with the policy and provisions of this chapter.
 - (2) Every permit issued pursuant to this chapter shall contain the following conditions:
 - (a) The Planning Board, Wetlands Inspector and/or Code Enforcement Officer shall have the right to inspect the project from time to time.
 - (b) At least two business days prior to the commencement of the work for which a wetlands permit has been granted, the permit holder shall apply to the Code Enforcement Officer for a permit to commence work, pursuant to Chapter 155, Soil Erosion and Sedimentation Control, of the Code of the Town of Putnam Valley.

- (c) The permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - (d) The boundaries of the project shall be clearly staked or marked.
- F. Expiration of permit.
 - (1) All permits shall be valid for a maximum period of three years. All work associated with the wetlands permit shall be completed within a period of six months following initiation, unless special provision has been made by the Planning Board.
 - (2) All permits shall expire on completion of the acts specified.
 - (3) Permits may be transferred to new legal owners of the affected property as long as the conditions and plans remain as approved. Notice of such transfer of permit must be filed with the Code Enforcement Officer, the Planning Board Clerk and the Wetlands Inspector prior to the commencement of any work.
- G. Findings. Decisions on permit applications shall be supported by written findings and reasons.
- H. Bonding requirements. The Planning Board may require posting of a bond or collateral as a condition of approval, the form of which must meet with the approval of the Town Attorney/Town Counsel. Upon recommendation of the Wetlands Inspector, the Planning Board shall determine the amount and surety of said bond or collateral.
- I. Transfer of permit. Where there has been a change of ownership of a property for which a wetlands permit has been issued, the wetlands permit may be transferred, provided that the new owner shall formally accept, in writing, all of the conditions laid down by the Planning Board when the permit was originally granted.
- J. Suspension of permits and stop-work orders.
 - (1) The Code Enforcement Officer may suspend a permit and/or issue a stop-work order where he or she and/or the Wetlands Inspector find that the permittee has not complied with any term of such permit, has exceeded the authority granted in the permit or has failed to undertake or complete the project in the manner set forth in the permit.
 - (2) The Code Enforcement Officer shall immediately notify the Wetlands Inspector and the Planning Board of the action and shall set forth, in writing, the reasons for the suspension and/or the stop-work order, pursuant to this section.

§ 144-8. Corrective action; penalties for offenses.

- A. Corrective action. When any person has been found violating any provision of this chapter or conditions imposed by the Planning Board upon an approved permit and which permit has been suspended or upon whom a stop-work order has been issued, corrective action shall be carried out as follows:
- (1) Where the terms of an approved permit have been violated and a stop-work order has been issued, the Code Enforcement Officer, may provide a reasonable and specified time within which corrective action shall be completed by the violator to restore, insofar as possible, the affected wetlands, watercourse or water body to its condition prior to the violation.
 - (2) Where the violation of the terms of the permit is of such a serious nature that the Code Enforcement Officer has suspended the permit or recommends the revocation of the permit, the Code Enforcement Officer shall refer the matter to the Planning Board for its determination.
- B. Administrative sanctions.
- (1) Any person who violates, disobeys or disregards any provision of this chapter, in addition to a criminal sanction, shall be liable to the people of the Town of Putnam Valley for a civil penalty equal to the cost of the corrective action.
 - (2) Violations of wetlands regulated by the New York State Department of Environmental Conservation are, in addition to the administrative sanctions described herein, subject to those found in § 71-2303, Subdivision 1, of the Environmental Conservation Law.
- C. Criminal sanctions.
- (1) Any person violating any order of the Town regulating wetlands shall, for the first offense, be guilty of a violation punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both. **[Amended 4-15-1998 by L.L. No. 5-1998; 11-17-2004 by L.L. No. 5-2004]**
 - (2) Where the affected area has not been restored to the condition existing prior to the unpermitted activity, each weeks continued violation shall constitute a separate, additional violation. **[Amended 11-17-2004 by L.L. No. 5-2004]**
 - (3) For a second and each subsequent offense by any person within a three-year period, the aforesaid shall be guilty of a violation punishable by a fine not exceeding \$1,000 or a term of imprisonment of not more than 15 days, or both. **[Amended 11-17-2004 by L.L. No. 5-2004]**

- (4) The Town shall prosecute persons alleged to have violated the provisions of this chapter and may seek equitable relief to restrain any violation or threatened violation of its provisions.
 - (5) Where a stop-work order has been issued by the Code Enforcement Officer, because of violation of the provisions of this chapter or any permissions or extensions thereof issued hereunder, each day such violation shall continue after such service shall constitute a separate offense punishable by a like fine or penalty as herein set forth.
 - (6) Where a regulated wetland, watercourse or water body has been altered without a permit, in addition to any criminal sanctions, the person violating this chapter shall be required to pay twice the regular application/inspection fees should a permit be subsequently applied for to alter the wetland, watercourse or water body.
 - (7) Violations of wetlands regulated by the New York State Department of Environmental Conservation are, in addition to the criminal sanctions described herein, subject to those found in § 71-2303, Subdivision 2, of the Environmental Conservation Law.
- D. Injunctions and orders to show cause. Notwithstanding any of the penalties or fines herein above provided, the Town of Putnam Valley may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the noncompliance of any provision of this chapter or permit issued thereunder.

§ 144-9. Appeals.

- A. Wetlands on state map. Where the Town of Putnam Valley has assumed jurisdiction over wetlands of 121/2 acres or larger appearing on the state wetlands map, any person aggrieved by an order or decision of the Wetlands Inspector or Planning Board regarding such wetlands may seek review by the New York State Freshwater Wetlands Appeals Board or judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam. Such appeals shall be filed within 30 days after the date of the filing of such order or decision in the office of the Planning Board.
- B. Wetlands, watercourses and water bodies regulated by this chapter. Any person aggrieved by a determination or resolution of the Planning Board regarding wetlands smaller than 121/2 acres and watercourses and water bodies regulated by this chapter may seek review by the Putnam Valley Town Board or judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam. Such appeals shall be filed within 60 days after the date of the filing of such determination or resolution in the office of the Planning Board.

§ 144-10. Environmental Commission.

- A. The Environmental Commission shall have general oversight of the administration and implementation of this chapter and shall annually report to the Town Board its assessment of the effectiveness of the chapter and its recommendations for amendments to it.
- B. The Environmental Commission shall review the qualifications of applicants for the position of Wetlands Inspector and shall recommend persons to the Town Board for appointments to that position.
- C. The Environmental Commission shall keep current all information gathered on the various wetlands and watercourses in the Town and, based on this information, shall advise the Town Board in the following areas:
 - (1) Amendments and corrections to the Freshwater Wetlands and Watercourses Map.
 - (2) Policy relating to land use planning, zoning and real property taxation that relate to the protection of freshwater wetlands and watercourses.
 - (3) The cumulative effects of past, proposed and potential alterations to wetlands and watercourses and of measures that may be taken in mitigation of those effects.
- D. The Environmental Commission may be asked for its advice and recommendations on any application before the Planning Board and shall be consulted in any proposed action for a regulated activity under this chapter that requires a draft environmental impact statement.

Chapter 150

OUTDOOR WOOD BOILERS

GENERAL REFERENCES

Building construction and fire Zoning – See Ch. 165.
prevention – See Ch. 132.

§ 150-1. Title.

This chapter shall be known as the "Town of Putnam Valley Outdoor Wood Boiler Law."

§ 150-2. Findings and intent.

The Town Board of the Town of Putnam Valley hereby finds that some residents use outdoor wood boilers as an alternative to conventional heating systems. However, uncontrolled emissions from outdoor wood boilers may

cause offensive odors and potential health effects. This chapter is intended to ensure that outdoor wood boilers are utilized in a manner that does not create a nuisance to the health or safety of the residents of the Town of Putnam Valley, and to preserve the general welfare of the Town and its residents and the natural environment.

§ 150-3. Definitions.

As used herein, the following terms shall have the meanings indicated:

FIREWOOD — Tree trunks and branches but not including leaves, needles, vines or brush.

OUTDOOR WOOD BOILER — Any equipment or device which is installed outside a building or structure for the primary purpose of combustion of fuel to produce heat or energy as a component of a heating system of the internal space in such building or structure.

PREEXISTING OUTDOOR WOOD BOILER — An outdoor wood boiler which is already in place on site at the time this chapter becomes effective.

UNTREATED LUMBER — Dry wood which has been milled and not treated with any chemical, petroleum product, preservative, stain or paint.

§ 150-4. Permit required.

No person shall install an outdoor wood boiler, or allow an outdoor wood boiler to be used on his or her property, without first having obtained a permit from the Town Code Enforcement Officer. No such permit shall be issued unless the conditions of §§ 150-6 and 150-7 of this chapter are met. The cost of a permit shall be determined on an annual basis by the Town Board.

§ 150-5. Preexisting outdoor wood boilers.

- A. Any preexisting outdoor wood boiler shall be permitted to remain in operation, provided the owner obtains from the Town Code Enforcement officer, within 60 days following the effective date of this chapter, written certification (based on affidavit or other sworn evidence) that said boiler was installed prior to this chapter's effective date and, where applicable, that said boiler operated on a year-round basis prior to this chapter's effective date. If the owner of a preexisting outdoor wood boiler does not obtain said written certification within 60 days of the effective date of this chapter, said boiler shall be removed, or a permit obtained for same pursuant to § 150-4 hereof, within 30 days following the expiration of said sixty-day period.
- B. Outdoor wood boilers for which a written certificate of preexisting status has been obtained under Subsection A hereof shall be subject to the same performance standards as those specified under § 150-8 hereof for boilers for which a permit is required under § 150-4 hereof. The Code Enforcement Officer may suspend the right to operate a preexisting boiler in the same manner, and under the same

circumstances, as a boiler for which a permit was required and obtained under § 150-4 hereof. If the condition resulting in the suspended operating right is not remedied and the operator has not implemented measures to prevent a reoccurrence of such condition within 30 days following such suspension, the boiler shall lose its preexisting status under § 150-5 hereof and its operation shall not be resumed until a permit is obtained under § 150-4, and the condition giving rise to the suspension has been remedied.

§ 150-6. Requirements for installation and operation.

- A. No outdoor wood boiler shall be permitted on any lot smaller than five acres.
- B. Outdoor wood boilers shall not be installed within 200 feet of an existing lot line and not within 1,500 feet of any school, child day-care center, nursery or preschool, parks and/or outdoor recreational or sports facility, retail nursery, outdoor entertainment facility, house of worship, restaurant or delicatessen, as defined in Chapter 165 of the Code of the Town of Putnam Valley. The chimney of each outdoor wood boiler shall be at least two feet higher than the highest point of the ridge of the dwelling it serves, and must be equipped with a spark arrestor. No outdoor wood boiler shall be installed in the front yard of any lot.
- C. Except for those preexisting boilers certified under § 150-5A hereof as having operated year-round prior to this chapter's effective date, outdoor wood boilers may only operate between October 1 through April 30.
- D. Outdoor wood boilers may not be replaced or enlarged without obtaining a permit as required by this section.
- E. Outdoor wood boilers may be fueled only by untreated lumber and/or firewood as defined herein.

§ 150-7. Variances.

The provisions of Subsections A, B and/ or C of § 150-6 hereof may be varied by the Putnam Valley Zoning Board of Appeals ("Zoning Board") upon submission of a written application to said Board and payment of an application fee to be established annually by the Town Board. The application shall be accompanied by a survey of the applicant's lot showing the boiler's proposed location, a copy of the owner's deed, manufacturer's specifications with respect to the proposed boiler, and such other documentation and/or information as the Zoning Board may require. A public hearing shall be held with respect to such application on at least 10 days' prior written notice to the owners of all lots within 500 feet of the applicant's lot. The Zoning Board may vary the requirements of Subsection A, B and/or C of § 150-6 hereof upon a satisfactory showing that:

- A. The applicant cannot physically satisfy the requirements of Subsections A and/or B; and
- B. Granting the applicant's request will not adversely impact the environment or the neighborhood taking into account, among other things, the future development of any vacant parcels lying, wholly or partially, within 500 feet of the parcel in question; and
- C. The applicant's difficulty is not self-created.

§ 150-8. Performance standards; suspension of permit.

- A. A permit for the operation of an outdoor wood boiler under this section may be suspended by the Code Enforcement Officer if the Code Enforcement Officer finds it necessary to protect the health, safety and welfare of the residents of the Town of Putnam Valley. Conditions necessitating such suspension may include any of the following:
 - (1) Emissions from the outdoor wood boiler exhibit greater than 20% opacity (six-minute average), except for one continuous six-minute period per hour of not more than 27% opacity, which shall be determined as provided in 6 NYCRR 227-1.3(b).
 - (2) Malodorous air contaminants from the outdoor wood boiler are detectable outside the property on which the outdoor wood boiler is located.
 - (3) The emissions from the outdoor wood boiler interfere with life, health or safety.
 - (4) The emissions from the outdoor wood boiler cause damage to vegetation or property.
 - (5) The emissions from the outdoor wood boiler threaten harm to human or animal health.
 - (6) Violation of Subsections C and/or E of § 150-6 hereof.
- B. A suspended permit may be reinstated if the condition which resulted in the suspension is remediated and the permittee has implemented measures to prevent such condition from recurring. If a suspended permit is not reinstated within 30 days following its suspension, the permit shall become void.

§ 150-9. Enforcement; revocation of permit; penalties for offenses.

Failure to comply with any of the provisions of this chapter shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$500. In addition, any permit issued pursuant to this chapter which has not become void pursuant to § 150-8 hereof shall become void upon conviction of a second offense, and the subject outdoor wood boiler shall not be eligible for another permit. Each day that a violation occurs shall constitute a separate offense. The owner of the property upon which

prohibited acts occur and the owner of any outdoor wood boiler shall be liable for violation of this chapter. Any fines imposed shall constitute a lien upon the real property where the outdoor wood boiler is located and may be added to the next Town real property tax bill for that property if unpaid at the time such Town tax is levied.

Chapter 155

SOIL EROSION AND SEDIMENT CONTROL

GENERAL REFERENCES

Flood damage prevention — See Ch. 136.

Freshwater wetlands — See Ch. 144.

Forestry — See Ch. 140.

§ 155-1. Purpose.

The purpose of this chapter is to regulate modification of natural terrain and the alteration of drainage by providing for runoff, erosion and sediment control measures and maintenance of artificial structures within the Town of Putnam Valley to assure, protect and safeguard the health, safety and general welfare.

§ 155-2. Title.

This chapter shall be known and cited as the "Putnam Valley Soil Erosion, Sedimentation and Grading Control Local Law."

§ 155-3. Definitions.

As used in this chapter, the following definitions shall apply:

ARTIFICIAL STRUCTURES — Man-made or machine-made devices to control the flow of water or to prevent flooding, erosion or sedimentation.

BEDROCK — The solid, undisturbed rock in place either at the ground surface or beneath surface soil deposits.

BERM — An earth dike or ridge of compacted soil, located in such a manner as to channel water to a desired location.

CUT — The removal of soil or rock from its natural or predevelopment location.

DEVELOPMENT — Any subdivision or land development or any alteration of land not for agriculture or conservation purposes which includes earthmoving, filling or stripping, including but not limited to road construction, utility installation, public or private, residential, commercial or industrial facility construction, mining and quarrying and water resource management.

EARTHMOVING — Any activity by which soil or bedrock is cut into, quarried, displaced or relocated.

ENVIRONMENTAL MANAGEMENT DISTRICT — An overlay district where there may be special regulations in addition to those specified in the base district to which the overlay is applied. Such districts are 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.

EROSION — The process by which soil and bedrock are worn away by the action of wind, water, climate and other natural elements.

EXISTING GRADE — The vertical elevation of the ground surface prior to earthmoving or filling.

FILL — A deposit of soil or other materials placed by man.

FINISHED GRADE — The final vertical elevation of the ground after development.

HAY BALES — A temporary barrier of straw, hay or similar material used to intercept sediment-laden runoff from small drainage areas of disturbed soil.

HIGHWAY OPENING PERMIT — The written approval from the New York State Department of Transportation, the Putnam County Department of Highways and Facilities or the Putnam Valley Highway Superintendent permitting a driveway or road to enter a public highway.

MAJOR GRADING PERMIT — The permit required to be issued by the Planning Board prior to the disturbance of topography and vegetation of land where such disturbance will require special control measures to prevent sedimentation and erosion.

MINOR GRADING PERMIT — The permit required to be issued by the Code Enforcement Officer prior to the disturbance of topography and vegetation of land where such disturbance is unlikely to cause sedimentation and erosion under ordinary control measures.

NATURAL GROUND SURFACE — The ground surface in its original state before any earthmoving, filling or stripping.

PERMIT TO COMMENCE WORK — Permit required to begin any disturbance of soil pursuant to other permits or approvals issued by federal, state, county or Town authorities, agencies, boards or commissions.

SEDIMENT — Earth and rock in suspension in water or settled out of water as a deposit on land or on beds of bodies of water.

SEDIMENTATION — The process by which sediment is deposited.

SEDIMENT TRAP — A temporary sediment control device formed by excavation and/or embankment to intercept sediment-laden runoff and to retain the sediment.

SILT FENCE — A temporary barrier of geotextile fabric (filter cloth) used to intercept sediment-laden runoff from small drainage areas of disturbed soil.

SLOPE PROTECTION — A method, such as a grade stabilization structure placed from the top of a slope to the bottom of a slope, to convey surface runoff down slopes without causing erosion.

SOIL — All earth material of whatever origin that overlies bedrock.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A plan of a system of coordinated devices to prevent the dislocation in transportation of soil during periods of earthmoving, development or stripping.

STABILIZED CONSTRUCTION ENTRANCE — A stabilized pad of aggregate underlain with filter cloth located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area.

STORMWATER MANAGEMENT PLAN — A plan for controlling water runoff so that it will not cause erosion, flooding or concentrations of water runoff and for minimizing the effects on water runoff by creating less impervious area either during the grading process or as the result of any permanent change to the character of the natural surface of the ground.

STRIPPING — The removal of the natural ground surface, including vegetation and/or topsoil.

TEMPORARY SWALE — A temporary excavated drainageway.

TOE OF SLOPE — Bottom of existing or proposed slope.

VEGETATION — The plants located on a site or in an area or region.

VELOCITY DISSIPATOR — A device designed to reduce runoff velocity and effect deposition of the transported sediment load.

WATERCOURSE — Any natural or artificial swale, stream, channel, drain or culvert in which waters flow continuously or intermittently.

WATERSHED — A drainage area drained by a watercourse, water body or wetland.

§ 155-4. Activities not requiring permit.

No permit shall be required in the following instances:

- A. Agricultural and gardening operations involving an area less than 5,000 square feet and outside of any Environmental Management District as defined by Chapter 165, Zoning, or associated official maps of the Town of Putnam Valley.
- B. Any developed residential lot where all of the following conditions are met:
 - (1) The aggregate area to be stripped does not exceed 5,000 square feet or 15% of the lot, whichever is less.
 - (2) The disturbed area does not lie within any Environmental Management District, as defined by Chapter 165, Zoning, or associated official maps of the Town of Putnam Valley.

- (3) The earthmoving does not involve a quantity of material in excess of 100 cubic yards.

§ 155-5. Activities requiring permit to commence work.

- A. Activities which disturb the topography or vegetation of land which have permits as follows require a permit to commence work, which shall be obtained from the Code Enforcement Officer before the commencement of any such activity:
 - (1) The construction of individual wells and of sewage disposal systems causing the disturbance of any area less than 5,000 square feet, having received approval from the Putnam County Health Department.
 - (2) The construction of roads, driveways and related bonded improvements pursuant to a subdivision plan, site development plan or a development approval plan that has received final approval from the Putnam Valley Planning Board and has been filed with the Putnam County Clerk or pursuant to a grading permit issued by the Code Enforcement Officer or by the Planning Board.
 - (3) An activity carried out pursuant to a wetlands permit issued by the New York State Department of Environmental Conservation or the Putnam Valley Planning Board.
 - (4) An activity carried out pursuant to forestry practices permit issued by the Town of Putnam Valley.
 - (5) An activity carried out pursuant to a mining permit issued by the New York State Department of Environmental Conservation or an earth products removal permit issued by the Town of Putnam Valley.
- B. In addition to the above activities for which a permit has been issued, a permit to commence work shall also be required for any activity that has been reviewed by the Wetlands Inspector and for which a permit waiver has been issued unless such activity is exempt under § 155-4 above.

§ 155-6. Permit to commence work.

At least two business days prior to beginning work on a project enumerated in § 155-5, the permittee shall obtain a permit to commence work from the Code Enforcement Officer, as follows:

- A. Applicant shall file a copy of approved plans and permits with the Code Enforcement Officer.
- B. Where the proposed activity requires access from a public highway for heavy machinery or the opening of a driveway or road from a public

highway, a highway opening permit shall be filed with the Code Enforcement Officer with other plans and permits.

- C. Applicant shall agree in writing to whatever conditions, in addition to those required by the terms of the permit, as may be required by the Code Enforcement Officer to prevent erosion and sedimentation.
- D. Where the proposed activity entails disturbance of soil and vegetation requiring a grading permit, the Code Enforcement Officer shall notify the applicant of this requirement and shall not issue a permit to commence work.

§ 155-7. Activities requiring grading permit.

The following activities, which disturb the topography or vegetation of the land exceeding the thresholds listed in § 155-4, shall require a grading permit:

- A. All site work carried out pursuant to an approved subdivision plan, site plan or development plan.
- B. All site work in conjunction with development, including but not limited to stripping, grading, earthmoving, filling, quarrying or mining for any purpose.
- C. Any paving, filling, stripping or changing of the existing grade of any land, including earthmoving to open driveways for permanent or temporary access to land.
- D. The disturbance, modification, blocking, diverting or affecting of the natural overland or subsurface flow of stormwater. In addition to a wetlands permit or wetlands permit waiver, as required by the Chapter 144, Freshwater Wetlands, of the Code of the Town of Putnam Valley, persons intending such above-mentioned activities affecting watercourses and wetlands are required to obtain a grading permit or a permit to commence work.
- E. The construction, erection or installation of any dam, ditch, culvert, drainpipe, bridge or other structure or obstruction affecting the drainage of any premises.
- F. Any disturbance or soil or vegetation in any Environmental Management District.

§ 155-8. Grading permit application procedure.

- A. Any person proposing to engage in any activity requiring a permit hereunder shall apply for a grading permit by written application to the Code Enforcement Officer on a form available in the Code Enforcement Officer's office. Such permit shall require the applicant's agreement to comply with all requirements imposed as a condition of the granting of the permit.

- B. The application in triplicate shall be accompanied by three copies of the following:
- (1) A survey or plan of the property affected, sufficient to show clearly the bound of the property showing, as a minimum, the boundaries of the property and the specific areas of the site on which the work is to be performed.
 - (2) A completed short environmental assessment form.
 - (3) A copy of the most recent deed for the property on which the land will be disturbed.
 - (4) In the case of work to be done in compliance with a valid permit as enumerated in § 155-5 of this chapter, a copy of the permit issued, together with a list of all conditions imposed by the permitting authority, if any.
 - (5) In the case of work to be done which requires access by heavy machinery from a public highway or for the development of a driveway or roads from a public highway, a copy of a highway opening permit issued by the appropriate authority.
 - (6) Information concerning the existing and proposed features of the site and the areas surrounding the work sufficient to enable the Code Enforcement Officer to determine the scope and impacts of the proposed work, as follows:
 - (a) Topographic features.
 - (b) Existing vegetation.
 - (c) Soil types.
 - (d) Watercourses, wetlands and affected watersheds.
 - (e) Natural and man-made features.
 - (f) Easements and rights-of-way.
- C. Minor grading permit. Where the Code Enforcement Officer is satisfied that the proposed work will be unlikely to cause sedimentation or erosion in the absence of the extraordinary preventive measures and after payment of the permit fee by the applicant, the Code Enforcement Officer may issue a minor grading permit with such conditions as are appropriate as enumerated in § 155-10 of this chapter.
- D. Major grading permit.
- (1) If, in the opinion of the Code Enforcement Officer, the scope or impacts of the proposed work are such that a major grading permit is required, the Code Enforcement Officer shall refer the application to the Planning Board. In such case, the Planning Board shall become the permitting agency. The applicant shall present the

following supporting documentation to accompany the application to the Planning Board.

- (2) In order to provide the Planning Board with information adequate to determine the possible impacts of the proposed action and to decide upon control measures necessary to prevent erosion, sedimentation and other negative impacts, the applicant shall provide seven copies of the following documentation to describe the proposed action and the topography, vegetation, soils, wetlands, watercourses, watersheds and natural and man-made features of the area to be disturbed:
 - (a) A plan of the site at a suitable scale of not less than one inch equal to 50 feet and contour intervals of no more than two feet, prepared by a surveyor licensed in the State of New York and an improvements plan at the same scale as the topographical survey showing and describing all changes to the site, including cuts, fills, structures, pavements, utilities, easements and rights-of-way.
 - (b) A soil erosion and sediment control plan and stormwater management plan, prepared by a registered professional civil engineer, agronomist or other professional qualified in hydrology. Such plans shall include permanent stormwater management devices, features and facilities whenever the site to be disturbed exceeds one acre or when smaller sites are environmentally sensitive because of their slopes, their proximity to wetlands, bodies of water or watercourses or because of unusual drainage conditions.
 - (c) A time schedule indicating the following:
 - [1] The anticipated starting and completion dates of the development sequence.
 - [2] The expected date of completion of construction of each protective measure provided for in the soil erosion and sediment control plan and the stormwater management plan.
 - [3] The time of exposure of each area prior to completion of such measures.
 - (d) A long environmental assessment form.
- (3) The Planning Board shall review the applicant's permit application, together with all required supporting documents, and may issue a major grading permit for the proposed work enumerating all design criteria and regulations that are required as conditions for the issuance of the aforesaid permit.

- (4) In the event that the Planning Board has determined that the proposed project cannot be carried out without causing erosion or sedimentation or without mitigating other significant negative impacts and has denied the application, it shall issue a report in writing, stating the reasons for its decision.

E. A separate application shall be required for each grading permit.

§ 155-9. Grading permit fees.

The Town Board shall, by resolution, establish a schedule of fees.

A. Minor grading permit fees. A permit fee, established by annual resolution of the Town Board, shall be payable by the applicant upon the issuance of a minor grading permit and shall be sufficient to defray the costs to the Building Department of administration and inspections.

B. Major grading permit fees.

- (1) When an application has been referred to the Planning Board for a major grading permit, an application fee, established by annual resolution of the Town Board, shall be paid to the Planning Board.

- (2) A public hearing fee shall be payable when called for by the Planning Board for each public hearing required.

- (3) An engineering/inspection fee equal to 5% of the cost of the improvements shall be payable at the time the permit is issued. However, an engineering/inspection fee shall not be required if same is payable for the same work for another approval or permit issued by the town.

C. There shall be no fee for a permit to commence work.

§ 155-10. Design criteria and regulations.

The following criteria shall apply to the preparation of plans and the execution of soil erosion, sedimentation and grading control plans, in accordance with USDA Soil Conservation Service Guidelines for Urban Erosion and Sediment Control handbook:

A. In order to prevent accelerated erosion and resulting sedimentation, land disturbance activities shall be conducted in conformance with the following:

- (1) There shall be no increase in discharge of sediment or other solid material from the site as a result of stormwater runoff.

- (2) Erosion and sedimentation devices, such as temporary vegetation/mulch, temporary swales, temporary detention basins, diversion terraces, rock filter berms, stabilized construction entrance, velocity dissipator, staked hay bales or silt fences (in areas of minimum flows), appropriate to the scale of operations shall be

installed concurrent with earthmoving activities and whenever a situation is created which would contribute to increased erosion.

- (3) Earthmoving, stripping of vegetation and the addition of fill shall be minimized where possible and practicable to preserve desirable natural features and the topography of the site.
 - (4) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion.
 - (5) Land disturbance shall be limited to the actual construction site and an access strip. The amount of disturbed area and the duration of exposure shall be kept to a practical minimum. Stockpiling of earth/topsoil for later use on the project shall be protected as stated under Subsection A(2) above.
 - (6) The permanent (final) vegetative and structural erosion control and drainage measures shall be installed as approved by the town.
 - (7) Sediment in runoff water shall be trapped and removed through means approved by the Town Planner/Engineer to assure adequate capacity in the basins or traps.
 - (8) Procedures for protecting soils or geologic structures with water supply potential from contamination by surface water or other disruption by construction activity shall be established in consultation with the town.
- B. Unless waived or modified by the permitting authority, peak discharges from the site shall not exceed the before-construction peak discharge rates from ten-year and twenty-five-year, twenty-four-hour storms. Where there is a change in pattern of runoff and particularly where there is a concentration of discharge flows from stormwater management basins and/or drain pipes which has the potential for creating new or additional erosion, the Town Planner/Engineer may require reduction of postdevelopment flows to levels below those occurring in predevelopment conditions for any given return storm.
- C. Storage requirements for water during construction shall be determined as provided in Subsection A above, except that before-construction peak discharge rates from ten-year and twenty-five-year, twenty-four-hour storms shall be used in the design. Allowance must be made in designs for sediment storage and sediment removal during and after construction. Temporary risers must be provided to prevent discharge of sediments from lower basin outlets.⁵²
- D. In establishing the antecedent conditions for calculating runoff prior to development, the following shall apply:

52. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Woodland shall be used as the prior condition for those portions of the site having trees of greater than 12 inches diameter at breast height (DBH) (4 1/2 feet above ground) or where such trees existed within 18 months of application.
 - (2) Meadow shall be used for all other areas, including areas which are under cultivation and areas which are presently covered by impervious surfaces.
 - (3) Average antecedent moisture conditions.
- E. Plans for facilities other than storm sewers shall determine stormwater peak discharges and runoff by the use of the Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release No. 55, with specific attention given to antecedent moisture conditions, flood routing and peak discharges specifications included therein, and Hydrology National Engineering Handbook, Section 4, both by United States Department of Agriculture, Soil Conservation Service. All plans for erosion and sedimentation and stormwater management shall conform to the plan content requirements of the New York Guidelines for Urban Erosion and Sediment Control Manual, by USDA Soil Conservation Service.
- F. The rational method may be used in lieu of the Soil Cover Complex Method to compute design flows for the sizing of storm sewers, inlets and swales. For street drainage, a ten-year return storm may be used, provided that alternate drainage paths to accommodate drainage from more severe storms are available to carry runoff to the intended stormwater control facility without causing erosion or damage to structures.
- G. Storm sewers, culverts, bridges and related installations shall be provided to:
- (1) Permit unimpeded flow of natural watercourses. Such flow may be redirected as required.
 - (2) Ensure adequate drainage of all low points along the line of streets.
 - (3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections or flooding of intersections during storms up to and including twenty-five-year return.
 - (4) Ensure adequate and unimpeded flow of stormwater under driveways in, near and across natural watercourses or drainage swales.
- H. Stormwater management basins for the control of stormwater peak discharges shall meet the following requirements:

- (1) Basins shall be installed prior to any earthmoving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
- (2) Where possible, stormwater management basins shall be located on soils with a moderate to high percolation rate in order to encourage recharge and reduce potential for stagnant water conditions. Where soils with moderate to high percolation rates are found at higher elevations on a site, such facilities may require incorporation into building lot layout. Drainage easements and deed restrictions prohibiting alteration of such management areas shall be prepared to the satisfaction of the Planning Board.
- (3) Velocity dissipators and/or level spreaders shall be installed at points where pipes or drainageways discharge from basins. Generally, outlet flows shall be spread across floodplains by level spreaders. The use of low, level permanent walls of stone or concrete shall be considered in lieu of level spreaders constructed of earth.
- (4) The following slope restrictions shall apply to basins:
 - (a) Exterior slopes of compacted soil shall not exceed one foot vertical for three horizontal.
 - (b) Interior slopes of the basins shall not exceed one foot vertical for three feet horizontal, except with the approval of the Planning Board:
 - [1] When a two-inch rainfall in one hour will not fill the basins in one hour; or
 - [2] Where concrete, stone or brick walls are steeper than one foot vertical for three feet horizontal, in which case the basin shall be fenced by a permanent wire fence 42 inches in height, and a ramp of durable, nonslip materials for maintenance vehicles shall be provided for access into the basin.
- (5) Outlet structures within basins which will control peak discharge flows and distribute the flows by pipes to discharge areas shall be constructed of concrete and shall have childproof, nonclogging trash racks over all design openings exceeding 12 inches in diameter, except those openings designed to carry perennial stream flows.
- (6) Temporary and permanent grasses or stabilization measures shall be established on the sides of all earthen basins within 15 days of initial construction. Their maintenance and repair shall be the direct responsibility of the applicant during the site preparation process, prior to a formal maintenance agreement being executed.

- I. The use of localized permanent stormwater management facilities is encouraged in order to limit the size and location of large surface management basins.
- J. For general site construction, except where competent rock is encountered, no slopes steeper than two horizontal to one vertical shall be permitted. Slopes steeper than three horizontal to one vertical shall be peg-sodded or seeded and covered with jute matting or similar material. Natural or existing slopes exceeding five horizontal to one vertical shall be benched or continuously stepped into competent materials, as determined by the Town Planner/Engineer, prior to placing all classes of fill.
- K. Fills that toe out on natural slopes steeper than four horizontal to one vertical shall not be affected unless approved by the Town Planner/Engineer after receipt of a report by an engineer or other professional licensed in the State of New York, qualified in soils analysis, certifying that he or she has investigated the property, made the soil tests and that, in his or her opinion, such steeper slopes will safely support the proposed fill.
- L. In connection with site grading for roads, driveways, building areas or other site improvements, the lateral extent of cut or fill areas shall not be more than 30 feet beyond the top of slope in fills or the toe of slope in cuts or extend closer than 50 feet to the bank of any perennial stream. Three feet horizontal to one vertical cut or fill slopes shall be used to determine the extent of grading.
- M. If load-bearing fill is proposed, a soils investigation report shall be submitted which shall consist of test borings, laboratory testing and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan. The report shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Planning Board may require such supplemental reports and data as is deemed necessary by the Town Planner/Engineer.
- N. If requested by the Planning Board, the applicant shall agree to the granting and recording of easements for drainage facilities, for the maintenance of swales and for access to provide for the maintenance of water management facilities.
- O. Before obtaining a certificate of occupancy for buildings, building lots shall be finish graded, seeded or mulched. If it is not possible to establish vegetation, the Planning Board shall require adequate surety in favor of the Town in addition to extra mulching and the installation of temporary silt fences. If vegetation is not established within six months of the issuance of the certificate of occupancy, the Town shall use the funds on deposit, as surety and have the work completed.

§ 155-11. Inspections.

- A. All inspections shall be the responsibility of the Code Enforcement Officer. The permittee shall notify the Code Enforcement Officer at least two business days before any work is undertaken pursuant to an issued permit.
- B. Inspections shall be carried out on a random basis with the exception of the final inspection. Where required by the Code Enforcement Officer, a set of as-built plans shall be on file at the site and in the Code Enforcement Officer's office at all times during the course of the work carried out pursuant to the permit.
- C. Engineering check notes shall accompany all as-built plans which involve structural or mechanical measures and shall serve as supporting evidence that structures meet design standards and specifications as required.
- D. Major modifications of the approved application and plans shall be submitted to the Town and processed in the same manner, including fees, as the original application and plans.
- E. Field modifications of a minor nature may be authorized by the Town Planner/Engineer, provided that written authorization is given to the person performing work pursuant to this chapter.
- F. A final inspection shall be conducted by the Code Enforcement Officer to certify compliance with this chapter. Satisfactory compliance shall be necessary before the issuance of a certificate of compliance.

§ 155-12. Revocation or suspension of permit.

Any permit issued under this chapter may be revoked or suspended by the Code Enforcement Officer, after notice to the permit holder for:

- A. Failure to carry out the control measures required in the permit at the appropriate times as specified in the applicable time schedule or within such reasonable extension as may have been granted by the Code Enforcement Officer.
- B. Violation of any other condition of the permit.
- C. Violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation relating to the work.
- D. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard or endangering human life or the property of others, including the discharge of sediments from the site.
- E. Material misrepresentation by the applicant or the applicant's agent in the application or other information or supporting material supplied to the Code Enforcement Officer, the Planning Board or any involved agency.

§ 155-13. Permit expiration and renewal.

Every permit issued hereunder shall expire at the end of six months from the date of issuance. The permittee shall fully perform and complete all of the work required to be done within the time limit specified in the permit. If the permittee shall be unable to complete the work within the specified time, the permittee shall, within 30 working days prior to the expiration of the permit, present in writing to the Code Enforcement Officer a request for an extension of time, setting forth therein the reasons for the requested extension. A. In the case of a permit to commence work or a minor grading permit, if the Code Enforcement Officer determines that an extension is warranted, the Code Enforcement Officer may grant such extension for a period of six months only. No further extension may be granted without a new application being submitted.

- A. In the case of a major grading permit, the Code Enforcement Officer shall immediately refer a request for an extension to the Planning Board, which may grant an extension for a period of six months only. No further extension may be granted without a new application being submitted.
- B. Where the Code Enforcement Officer determines that site conditions or the extension of time require substantial modification of the soil erosion and sediment control plans previously approved as conditions for the grading permit, the Code Enforcement Officer may add additional conditions to the permit or recommend same to the Planning Board with the referral of the application for an extension.
- C. Fees for a renewal of a grading permit shall be set by resolution of the Town Board.

§ 155-14. Surety.

Before the issuance of a major grading permit, the applicant shall deposit with the Town financial security in an amount sufficient to cover the estimated cost of all stormwater management and erosion and sedimentation control measures and other conditions specified in the permit within the time specified by this chapter, or within any extension thereof granted by the Code Enforcement Officer. The amount of such financial security shall be equal to 125% of the estimated cost of the work for which the security is to be provided. Financial security shall be in a form approved by the Town Attorney and acceptable to the Town Board.

§ 155-15. Remedies.

- A. If at any stage, the work does not conform to the conditions of the permit or to the approved runoff and erosion control plan, a written notice of violation shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the permit shall be considered in violation of this chapter, in

which case, the financial security, if any, shall be forfeited and penalties shall be imposed under § 155-16 of this chapter.

- B. In the case of any disturbance of topography or vegetation of land in violation of this chapter, the Town may institute any appropriate action or proceedings to prevent such unlawful activity; to restrain, correct or abate such violation; to prevent the use of the applicable premises; or to prevent any illegal act, conduct, business or use in or about such premises.
- C. In addition, upon the failure of any permit holder to complete the control measures specified as conditions of the permit, the Town may, after revoking such permit, proceed to complete such measures itself and recover the cost thereof from the permittee or the permittee's surety.

§ 155-16. Penalties for offenses.

- A. Failure to comply with the provisions of this chapter shall constitute a violation and shall be punishable by:
 - (1) A fine not exceeding \$350 or by imprisonment for a period not exceeding 15 days, or both, for a first offense. **[Amended 11-17-2004 by L.L. No. 5-2004]**
 - (2) A fine not less than \$350 nor more than \$700 or by imprisonment for a period not exceeding 15 days, or both, for a second offense where both offenses have been committed within a period of five years. **[Amended 11-17-2004 by L.L. No. 5-2004]**
 - (3) A fine not less than \$700 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or both, for a third or subsequent offense where three or more offenses have been committed within a period of five years. **[Amended 11-17-2004 by L.L. No. 5-2004]**
 - (4) Any person who violates, disobeys or disregards any provision of this chapter, in addition to a criminal sanction, shall be liable to the Town of Putnam Valley for a civil penalty consistent with the costs of corrective action.
- B. The permittee is responsible for any property damage or personal injury caused by activities authorized by the permit. All watercourses, drainage ditches, culvert pipes, drainpipes and drainage structures shall be maintained free of debris or other material at all times. This obligation shall apply not only to the permittee but also to the permittee's successors in title to the property.
- C. Each week's continued violation shall constitute a separate violation.

- D. The Code Enforcement Officer or Deputy Code Enforcement Officer shall have the authority to issue an appearance ticket pursuant to the Criminal Procedure Law (§ 150.20) in the enforcement of this chapter.

§ 155-17. Applicability.

Except as provided herein, when the provisions herein specified for health, safety and welfare are more restrictive than other regulations, this chapter shall control; but in any case, the most restrictive requirements of the applicable local laws, ordinances or regulations shall apply whenever they may be in conflict.

Chapter 157

STONE WALLS AND CHAMBERS, PRESERVATION AND PROTECTION OF

§ 157-1. Purpose.

The intent of this chapter is to protect the historic stone walls and chambers located in Putnam Valley as they are a cultural resource and help preserve the rural character of the Town. This chapter will establish guidelines for the identification of historic stone walls and chambers and provide for the protection and preservation of the Town's historic stone walls and chambers. The protection and preservation of the Town's historic stone walls and chambers is in furtherance of the public health, safety and welfare.

§ 157-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

HISTORIC STONE WALL — A vertical structure of aligned natural stone built before 1900, normally constructed to designate a property boundary or to separate agricultural activities within a farmstead. Further classification of historic stone walls will follow the guidelines set forth in Exploring Stone Walls by R.M. Thornton (Walker & Co., New York 2005), as the same may be revised from time to time.

HISTORIC CHAMBER — A dome-shaped structure of aligned natural stone built before 1900 which normally has an opening to the interior of the chamber.

§ 157-3. General provisions.

- A. The alteration, relocation or demolition of an historic stone wall or chamber or any portion thereof which is located in Putnam Valley shall require prior written permit of the Building Inspector, obtained by submission of a specific plan containing details of the location, project, and reconstruction plan. The plan must show due regard for the historic

value of the stone wall or chamber and repair methods compliant with these guidelines. A contingency repair bond may be required by the Building Inspector.

- B. The alteration, relocation or demolition of an historic stone wall or chamber as part of any site plan or subdivision project must also be approved by the Planning Board.
- C. The replacement of an historic stone wall or chamber at its original location shall be with the same materials and the same construction method as the original wall or chamber, using as many original stones as possible.
- D. Cuts for driveways, roads, utility easements or fire lanes shall be of the minimum necessary length, and ends of the walls and impacted chambers must be restored.
- E. Historic stone walls or chambers in disrepair or neglected condition shall not be removed from their present location, but must be repaired or left as is. Any in situ reconstruction shall match that of the original wall or chamber.

§ 157-4. Violations and penalties.

Any person violating any provision of this chapter shall be subject to a fine of \$500. Each day any violation of this chapter shall continue shall constitute a separate offense.

§ 157-5. Severability.

If any one or more sections of this chapter shall for any reason be adjudged unconstitutional or otherwise invalid, the judgment shall not affect, impair, or invalidate the remaining provisions.

§ 157-6. Relationship to other ordinances.

Nothing in this chapter shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of the Town of Putnam Valley Town Code.

Chapter 158

SUBDIVISION OF LAND

Chapter 161

TREE CUTTING

GENERAL REFERENCES

Forestry – See Ch. 140.

§ 161-1. Purpose.

- A. This chapter regulates certain activities in the Town relating to the cutting of trees. The purposes of the chapter are to:
- (1) Preserve, protect, conserve and regulate the forests, woodlands and trees and the benefits derived therefrom.
 - (2) Prevent uncontrolled, widespread cutting of trees.
 - (3) Prevent soil erosion.
 - (4) Protect wetlands, water bodies and watercourses, air quality, vegetation, wildlife and fragile natural resources.
 - (5) Promote fire protection.
- B. It is the further purpose of this chapter to preserve the rights of property owners in the Town of Putnam Valley consistent with the purposes enumerated above.

§ 161-2. Findings.

- A. The Town Board finds that healthy trees stabilize the soil and control water pollution by preventing soil erosion and flooding, absorb air pollution, provide oxygen, yield advantageous microclimatic effects, have an intrinsic aesthetic quality, offer a natural barrier to noise and a natural habitat for wildlife and are integrally involved in fundamental ecological systems.
- B. The Town Board has reviewed the experience of past development and land use in the Town and, based on that review, finds that excessive cutting of trees can create surface drainage problems, increase municipal costs to control drainage, adversely affect air quality, impair the stability and value of nearby properties, adversely affect fundamental ecological systems and result in unsightly and barren conditions.

§ 161-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVING AUTHORITY — The Zoning Board of Appeals, the Planning Board, the Town Board or the Building Inspector, as specified in § 161-6 of this chapter.

ARBORIST — A person with a bachelor's degree in plant science from an accredited college or university who is certified to conduct business in the State of New York by a relevant professional or governmental agency.

CLEAR-CUTTING — Tree cutting (as defined herein) of more than 30% of the trees in an area 10,000 square feet or more.

COMMISSION FOR THE CONSERVATION OF THE ENVIRONMENT — The Commission for the Conservation of the Environment of the Town of Putnam Valley ("CCE" hereafter).

FORESTER — A person with a bachelor's degree in forestry from an accredited college or university who is certified to conduct business in the State of New York by a relevant professional or governmental agency.

LOT — A parcel of land that is owned separately from any adjoining lot or lots.

PROTECTED TREE — Sugar maple (*acer saccharum*), white birch (*betula papyrifera*), big shellback hickory (*carya laciniata*), shagbark hickory (*carya ovata*), flowering dogwood (*cornus florida*), copper beech (*fagus cuprea* or *f. sylvatica*), kentucky coffee tree (*gymnocladus dioica*), american holly (*ilex opaca*), butternut (*juglans cinerea*), black walnut (*juglans nigra*), osage orange (*maclura pomifera*), sweetbay magnolia (*magnolia virginiana*), mulberry (*moms sp.*), jack pine (*pinus banksiana*), virginia pine (*pinus virginiana*), white oak (*quercus alba*), red oak (*quercus borealis*), scarlet oak (*quercus coccinea*), willow oak (*quercus phellos*), black oak (*quercus velutina*), atlantic white cedar (*thuja occidentalis*), and wetland trees of the types listed in § 24-0107, Subdivision 1(a), of Article 24 of the New York State Environmental Conservation Law as currently in effect.

REGULATED ZONE — A strip of land 20 feet wide measured inward from the property's perimeter at all points. Trees, as defined herein, any portion of whose trunk falls within the regulated zone, shall be considered wholly within said zone.

SPECIMEN TREE — A tree which has a minimum diameter of 12 inches at a point 4 1/2 feet above the ground level and/or a minimum crown spread of 15 feet.

TREE — A woody perennial, either deciduous or coniferous, having a diameter six inches or greater measured 4 1/2 feet above ground level ("dbh" hereafter), but excepting the following species: Poison Sumac (*Rhus Vernix*), Shining Sumac (*Rhus Copallina*), Smooth Sumac (*Rhus Glabra*), Staghorn Sumac (*Rhus typhira*), and Japanese Lacquer-Tree (*Rhus Verniflora*).

TREE CUTTING — The clearing, cutting uprooting or any similar activity on any tree except normal maintenance such as trimming, pruning, bracing and selective removal of dead or diseased trees.

WILDLIFE HABITAT — The arrangement of food, water, shelter or cover, and space necessary for wildlife existence.

§ 161-4. Regulated activities.

A permit under this chapter shall be required for:

- A. Tree cutting within the regulated zone of any lot unless otherwise exempt under § 161-5 hereof; and
- B. Clear-cutting on any lot.

§ 161-5. Exempt activities.

A permit under this chapter shall not be required for:

- A. Logging operations for which a special use permit has been granted by the Planning Board under Chapter 140, Forestry, of the Putnam Valley Code.
- B. Clear-cutting on lots for which certificates of occupancy exist for all improvements upon such lot as follows:
 - (1) Within 15 feet of an existing building or proposed addition and within the footprint of any proposed addition.
 - (2) Within five feet of an existing or proposed subsurface structure such as a septic tank or field, or other subsurface improvement or within the septic field area as required by the Putnam County Health Department;
 - (3) Within three feet of an existing or proposed sidewalk or driveway or within the area occupied by a proposed driveway or sidewalk;
- C. Tree cutting authorized and conducted in accordance with a tree plan approved by the Planning Board under Article VA of the Zoning Ordinance as part of a development approval plan or site plan approved by the Planning Board under Article IV or V of such ordinance.⁵³
- D. The cutting of up to three nonspecimen trees within the regulated zone in one twelve-month period by any owner or combination of owners.

§ 161-6. Approving authority.

The approving authority under this chapter shall be as follows:

- A. The Zoning Board of Appeals shall be the approving authority with respect to any application under this chapter which requires the issuance of any other permit or approval from the Zoning Board pursuant to the local laws and ordinances of the Town of Putnam Valley.
- B. The Planning Board shall be the approving authority with respect to clear-cutting permit applications and any permit application under this chapter which requires the issuance of any other permit or approval from the Planning Board, or from both the Planning Board and the Zoning Board pursuant to the local laws and ordinances of the Town of Putnam Valley.

53. Editor's Note: See Ch. 165, Zoning.

- C. The Town Board shall be the approving authority with respect to any permit application under this chapter which requires the issuance of any other permit or approval from the Town Board pursuant to the local laws and ordinances of the Town of Putnam Valley, including any application which also requires the issuance of any permit or approval by the Planning Board, the Zoning Board, or both.
- D. The Code Enforcement Officer shall be the approving authority with respect to all other regulated activities under this chapter.

§ 161-7. Permit procedures.

- A. Application requirements. An application for a permit required by this chapter shall be filed with the approving authority and shall contain the following information and such other information as required by it, except when waived by it as not pertinent or necessary for the proposed activity:
 - (1) The name, address and phone number of the property owner and applicant.
 - (2) The written consent of the property owner, if the applicant is not the property owner.
 - (3) The Tax Map designation of the property.
 - (4) A plan or plans showing the following: the location of the property and property boundaries, the location of structures, driveways and roadways on the property and the location of the proposed tree removal.
 - (5) The location of wetlands, water bodies or watercourses subject to regulation under Chapter 144 of the Putnam Valley Code.
 - (6) The location of areas subject to regulation under Chapter 136, Flood Damage Prevention, of the Putnam Valley Code.
 - (7) The size, number, location and type of trees to be cut.
 - (8) The estimated size, number, location and type of trees to be saved.
 - (9) If tree cutting is proposed to be conducted in stages, the location of each stage.
 - (10) The location and size of loading areas for the removal of cut trees.
 - (11) A plan for tree disposition and cleanup.
 - (12) A statement from the landowner that each tree to be removed has been designated, with paint or other distinctive means, at two points so as to be readily visible to the approving authority and the tree remover. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.

- (13) A statement that the property owner and applicant (if different) will indemnify and hold the Town harmless against any damage or claims arising out of the permit's issuance, including but not limited to the performance of on-site inspection by the Town.
- (14) An explanation as to why a proposed activity prompting the tree removal application cannot be located on a different portion of the lot or on another lot owned and/or controlled by the applicant or owner.

B. Referral.

- (1) In all cases, the approving authority shall refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the approving authority.
- (2) The CCE shall report back to the approving authority within 10 days of such referral if the approving authority is the Code Enforcement Officer, within 20 days of referral if the approving authority is the Zoning Board of Appeals or the Town Board, and within 60 days of referral if the approving authority is the Planning Board. Failure by the CCE to report back within the specified time period shall be interpreted by these approving authorities as indicating no objection to the application.

C. Notice. Upon receipt of a completed application under this chapter, the approving authority shall cause notice of receipt of the same to be mailed by first-class mail to adjoining property owners and those across any street adjoining the involved property. For applications to the Code Enforcement Officer, such property owners shall have 20 days from said day of notice to submit written comment to the approving authority with regard to said application. For applications to the Zoning Board of Appeals, the Planning Board, or the Town Board, such property owners shall be able to submit written comments to the approving party up until such time as the required public hearings are closed by the approving authority.

D. Public hearing. Except as otherwise provided herein, a public hearing shall be held by the approving authority on the application made hereunder at such time or times, under such circumstances and upon such notice as may be required for the granting of the other permit or approval required of such approving authority pursuant to the local laws and ordinances of the Town of Putnam Valley. A public hearing shall be held by the Planning Board on any clear-cutting permit application for which no other permit or approval is being sought. Notice of such hearing shall be issued and/or published in the same manner as is required by law for site plans and development approval plans under Articles IV and V of the Zoning Ordinance. A public

hearing, though not required, may be held when the approving authority is the Code Enforcement Officer.

- E. Action by the approving authority. The approving authority shall review said application to ensure conformity with the requirements of this chapter. A determination shall be made to approve, approve with modifications or disapprove the issuance of such permit simultaneously with the determination by the approving authority of any other permit or approval for which application was made.

§ 161-8. Standards for approval.

In granting, denying or conditioning any application for a permit required by this chapter, the approving authority shall evaluate the proposed activity, its purpose, and available alternatives, and shall determine that the impact of the proposed activity upon public health and safety, soil erosion, wildlife habitat, fire protection, and drainage will not be detrimental and shall be in accordance with the following additional standards, considerations and conditions:

- A. Trees shall be felled so that erosion is avoided. All tree-cutting debris shall be kept at least 20 feet from all public roads and rights-of-way.
- B. Consideration shall be given to preserving specimen trees and protected trees where feasible and practical.
- C. The approving authority may require the replanting of trees as a condition of permit approval and may establish standards for such replanting.

§ 161-9. Permit duration.

- A. Activities specified by the tree-cutting permit shall be undertaken pursuant to any conditions of same and shall be completed according to any schedule set forth therein.
- B. A permit shall expire upon completion of the permitted activity or one year from the permit's issuance, whichever shall first occur.
- C. A permit may be renewed by the approving authority for a period of up to one year, provided the terms and conditions of same have been observed and complied with as of the time of renewal.
- D. The approving authority may revoke or suspend a permit if it finds that the applicant has not complied with any of the conditions or limitations set forth in the permit.

§ 161-10. Security.

In granting a permit, the approving authority may require a security in an amount and with surety and conditions satisfactory to it securing to the

Town of Putnam Valley compliance with the conditions and limitations set forth in the permit.

§ 161-11. Inspection and monitoring of activities; suspension and revocation of permit.

- A. The approving authority and CCE may inspect or cause to be inspected by its representative activities undertaken pursuant to a permit so as to ensure satisfactory compliance with its terms and conditions.
- B. The approving authority may require that the activities undertaken pursuant to a permit be monitored and/or supervised by an appropriate licensed professional, including but not limited to the provision of written status reports at specified intervals with respect to the activities undertaken pursuant to the permit.
- C. The approving authority may suspend or revoke a permit issued pursuant to this chapter if any condition of such permit has been violated or if the scope of activities authorized by the permit has been exceeded.

§ 161-12. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of a violation punishable by a fine equal to \$20 per inch of tree diameter for each tree unlawfully removed, as measured at the stump. Where the diameter of removed tree(s) cannot be ascertained, the fine shall be \$200 per tree for each tree unlawfully removed. For a second and each subsequent offense, the fine shall be twice that applicable to a first offense or a term of imprisonment up to 15 days, or both.
- B. Any person who violates any provision of this chapter shall also be liable to the people of the Town of Putnam Valley for a civil penalty not to exceed \$1,500 for every such violation.
- C. In addition to the above penalties, the Town Board shall have the right to seek equitable relief to restrain and/or remedy any violation of any provisions of this chapter.
- D. The Code Enforcement Officer shall have the power to direct a violator to cease violation of this chapter and, with the consultation of the CCE, satisfactorily restore the affected area insofar as that is possible. The exercise of such power may be with or without the imposition of a civil penalty and/or fine under Subsections A and B of this section.
- E. In addition to the remedies specified above, no building permit, temporary certificate of occupancy, or permanent certificate of occupancy shall issue to any lot for which a notice of violation has issued pursuant to Subsection D hereof, until such violation has been remedied to the satisfaction of the approving authority, or until such notice of violation has been dismissed by a court of competent

jurisdiction. Remediation may include replacement of trees removed in violation of this chapter in accordance with the following schedule:

dbh of Removed Tree

(inches)

6 to 12

13 to 24

25 or greater

Number and dbh of Replacement Trees

3 trees at 2 inches or 2 trees at 3 inches

3 trees at 3 inches

5 trees at 3 inches

Chapter 165

ZONING

GENERAL REFERENCES

Numbering of buildings — See Ch. 62.

Unsafe buildings — See Ch. 66.

Sewers — See Ch. 92.

Solid waste — See Ch. 97.

Special districts — See Ch. 100.

Streets and sidewalks — See Ch. 103.

Utility construction — See Ch. 112.

Water — See Ch. 125.

Building construction and fire prevention — See Ch. 132.

Flood damage prevention — See Ch. 136.

Forestry — See Ch. 140.

Freshwater wetlands — See Ch. 144.

Soil erosion and sediment control — See Ch. 155.

Subdivision of land — See Ch. 158.

Zoning Board of Appeals — See Ch. A171.

ARTICLE I

Purpose, Authority and Scope**§ 165-1. Short title.**

This chapter shall be known as the "Zoning Ordinance of the Town of Putnam Valley."

§ 165-2. Statutory authority.

This chapter is adopted pursuant to authority set forth in §§ 263 and 265 of the Town Law of the State of New York and shall be applicable to all property within the corporate limits of the Town of Putnam Valley, herein referred to as "the Town."

§ 165-3. Purpose and intent.

The zoning regulations and districts as herein established have been designed to implement and promote the Master Plan for the Town of Putnam Valley for the purpose of promoting the health, safety and general welfare of the town. The regulations have been designed to protect the fragile natural resources in the town; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewage, parks and public requirements; to provide for a range in housing opportunities; and to promote the public interest, health, comfort, convenience, safety and general welfare; to protect and conserve property values; to assure orderly community growth; to regulate the use of buildings, structures and land; to regulate the location, height and arrangement of buildings and structures; to regulate the size and use of lots, yards and other open spaces; to regulate the percentage of a lot which may be occupied by buildings and other land uses and to regulate the intensity of land use. The regulations have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for the particular uses specified and with a view toward conserving natural resources and encouraging the most appropriate use of land throughout the Town consistent with the Master Plan.

§ 165-4. Scope.

- A. Minimum requirements. In interpreting and applying the provisions of this chapter such provisions shall be the minimum requirements for the promotion of the public interest, health, comfort, convenience, safety and general welfare.
- B. Interpretation. The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or interfere with existing provisions of other ordinance or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon a property by covenant, deed or other private agreement or with restrictive covenants running with the land to which the Town is a party. Where this chapter imposes a greater restriction on land, buildings or

structures than is imposed or required by such existing provisions of ordinance, ordinances, contract or deed, the provisions of this chapter shall control.

- C. Compliance with other ordinance. Nothing in this chapter shall be construed to authorize the use of lands, buildings and/or structures in violation of this chapter or any other applicable statutes, ordinance or ordinances.
- D. Reference to any portion of this chapter. Whenever reference is made to any portion of this chapter, or of any other ordinance or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

§ 165-5. Existing uses, lots and structures.

- A. At the time of the enactment of this chapter all actual uses, lots and structures in effect in a lawful manner shall remain in effect as long as they do not endanger the health or safety of any resident and no notice of violation is currently pending in respect to same.
- B. Any building for which a building permit has been issued prior to the enactment or amendment of this chapter and erection of which is in conformity with the plans submitted prior to the enactment shall be commenced within 90 days after the effective date of such enactment or amendment. If such building does not conform to the provisions of this chapter, it shall be a nonconforming use.
- C. Furthermore, it shall be the intent of this chapter to provide for the regulation of such existing uses, lots and structures by specifying the circumstances and conditions under which they may continue to exist, as specified in Article XI of this chapter.

§ 165-6. Establishment of Zoning Districts, boundaries and map.

- A. Zoning districts established.⁵⁴ The Town of Putnam Valley is hereby divided into 10 zoning districts. The use, height, lot and bulk regulations as set forth herein are uniform within each district. The 10 districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
PD	Preservation District
CD	Conservation District
R-3	Low Density Residence District
R-2	Moderate Density Residence District
R-1	Medium Density Residence District

54. Editor's Note: See Art. VIIA, Special Provisions for County Agricultural District Properties, for provisions pertaining to the floating zoning districts.

Abbreviated Designation	Zoning District Name
LP	Lake Peekskill Residence District
CN	Neighborhood Commercial District
CC-1	Community Commercial District -- One
CC-2	Community Commercial District -- Two
PC	Planned Commercial Park District

B. Zoning Districts Map.

- (1) The location and boundaries of the zoning districts are established as they are shown on the Zoning Districts Map, dated January 19, 2009, as said districts may hereafter be amended by local law, which Zoning Districts Map is signed by the Supervisor and Town Clerk, and which Map and any amendments thereto are hereby declared to be part of this chapter. **[Amended 6-17-2009 by L.L. No. 4-2009]**
- (2) Three original, official and identical copies of the Zoning Districts Map are hereby adopted, bearing the signature of the Supervisor and the attestation of the Town Clerk, and shall be filed and maintained as follows:
 - (a) One copy is filed with the Town Clerk and shall be retained as the original record.
 - (b) One copy is filed with the Code Enforcement Officer and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing building permits and enforcing this chapter.
 - (c) One copy is filed with the Planning Board and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation for Planning Board applications.
- (3) Reproductions of the official Zoning Districts Map, as amended, may be made from time to time for information purposes.

C. ⁵⁵Interpretation of Map. Where uncertainty exists as to the boundaries of any of the aforesaid districts shown on the official Zoning Districts Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets or roads (public or private), road rights-of-way and utility rights-of-way shall be construed to follow such center line.

55. Editor's Note: Former Subsection C, Zoning district boundaries, was repealed 6-17-2009 by L.L. No. 4-2009. This local law also provided for the redesignation of former Subsection D, Interpretation of Map, as Subsection C.

- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
- (4) Boundaries indicated as following the center lines of creeks, drainage courses or streams shall be construed as following such center line.
- (5) Boundaries indicated as parallel to a water body shall be construed as running parallel to the nearest high-water mark.
- (6) Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the original Zoning Districts Map shall be determined by the scale of the map.
- (7) Whenever any street, paper road or public way is vacated by official action of the Town Board, the zoning district line adjoining each side of such street, paper road or public way shall be automatically extended to the center line of such vacated street, paper road or public way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- (8) Where physical features on the ground are at variance with information shown on the official Zoning Districts Map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of the above rules, the property shall be temporarily considered as CD, Conservation District, until such uncertainty is resolved.

§ 165-7. Enforcement; inspections.

- A. This chapter shall be enforced by the Code Enforcement Officer of the Town of Putnam Valley. The Code Enforcement Officer shall have the right to enter the premises in connection with any application hereunder at any reasonable time to assure compliance with the Town Code and the New York State Uniform Fire Prevention and Building Code, until all required certificates of occupancy are issued.
- B. After a certificate of occupancy has been issued, the Code Enforcement Officer shall have the right to enter premises upon receiving information of nonconformance with the Town Code or with the New York State Uniform Fire Prevention and Building Code.

§ 165-8. Certificate of occupancy.

- A. It shall be unlawful to use or permit the use of any building or premises, or any part thereof, hereafter constructed, erected, changed, converted or enlarged, wholly or partially in its use or structure, until a certificate of occupancy shall have been issued by the Code Enforcement Officer.

Such certificate of occupancy shall show that, and may be issued only if, such building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of the building permit and the application therefor and with the provisions of this chapter and the laws of the State of New York. It shall be the duty of the Code Enforcement Officer to issue a certificate of occupancy within 10 days after a request for the same shall have been filed in the Code Enforcement Officer's office by any owner, after having determined by personal inspection that the building and premises and the proposed uses thereof conform with all legal requirements and conditions.

- B. The Code Enforcement Officer may require a survey showing the location and relation of boundary lines with respect to the proposed building or buildings on the premises, where the same cannot be reasonably determined by inspection, before issuing a certificate of occupancy.

ARTICLE II
Definitions

§ 165-9. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED NONCONFORMING USE — See "use."

ABUTTING — Having lot lines or district boundaries in common.

ACCESSORY APARTMENT — A secondary self-contained dwelling unit within a dwelling that is clearly subordinate to the principal dwelling unit. An accessory apartment is a temporary special use regulated by this chapter.

ACCESSORY BUILDING OR STRUCTURE — A building without living quarters or cooking facilities which is incidental and subordinate to the principal building on a lot.

ACCESSORY USE — See "use."

ACRE — A measure of land totaling 43,560 square feet.

ACTUAL USE — A lawful use of any land, building or structure existing at the time of enactment of this chapter, or any amendment supplemental thereto, which does not conform with the requirement of the base zoning district.

ADDITION — Any construction which increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

ADEQUATE COVERAGE — That coverage which is consistent with the FCC mandate that personal wireless service providers build out their systems so that adequate service is provided to the public. **[Added 9-17-1997]**

ADULT BOOKSTORE — A person, establishment or business, whether retail or wholesale, having as more than a minimal portion of its stock-in-trade recordings, books, magazines, periodicals, films, videotapes/cassettes or other viewing materials for sale or viewing on or off the premises which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas. For purposes of this definition, "minimal portion" means 10% of gross sales or receipts for any calendar year. **[Added 6-14-2017 by L.L. No. 2-2017]**

ADULT DAY CARE, REST HOME AND NURSING HOME — A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 55 years of age or older. A rest home or home for the aged that does not provide acute hospital care, convalescent or nursing facilities. This definition shall also include any program for the care of persons older than 18 years of age who are incapable of functioning independently by reason of physical or mental incapacity and who are returned after daytime care to their homes for the night.

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, bottomless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments and which establishment is customarily open to the public generally, but excludes any minor by reason of age.**[Added 6-14-2017 by L.L. No. 2-2017]**

ADULT MOTEL — A motel which is open to the public generally, but excludes minors by reason of age or which makes available to its patrons in their rooms films, slide shows or videotapes which, if presented in a public movie theater, would be open to the public generally, but would exclude any minor by reason of age.**[Added 6-14-2017 by L.L. No. 2-2017]**

ADULT MOTION-PICTURE THEATER — An enclosed or unenclosed building, structure or portion thereof used for presenting materials distinguished or characterized by primary emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons.**[Added 6-14-2017 by L.L. No. 2-2017]**

ADULT USE ENTERTAINMENT — Any activity covered by the definitions of "adult bookstore," "adult motion-picture theater," "adult entertainment cabaret," "adult motel" and "massage establishment."**[Added 6-14-2017 by L.L. No. 2-2017]**

AGRICULTURAL/FARM SALES — A retail facility devoted to the sale of goods and/or services to those engaged in the operation of farms.**[Amended 8-19-2009 by L.L. No. 8-2009]**

AIR STRUCTURE — Any nonrigid structure supported by an air-pressure device and utilized for recreational, storage or other purposes.

ALTERATION — Any change in the supporting members of a building, such as bearing walls, columns, beams, girders or floors, or any other change which is not merely a repair or replacement of an existing part, or any change in the exterior enclosure of the building other than a repair or replacement of an existing part.

AMATEUR/HAM RADIO ANTENNAE — Poles, towers or antennae used in the operation of citizen-band and/or amateur radios licensed by the Federal Communications Commission, provided that:

- A. The location and construction of such antennae, and any guy wires and support anchor structure, shall not pose a hazard to, nor endanger the public or surrounding property;
- B. The antennae meet all manufacturer's specifications and are properly grounded; and
- C. No antennae, guy wires or support anchor structures shall be placed on the property in such a manner that they would interfere with the normal access to or egress from the property for residents, guests or emergency service personnel.

ANIMAL/DOMESTIC — The keeping of animals not living primarily within the residence, subject to the following provisions:

- A. One horse, pony or head of livestock may be kept on a lot of not less than two acres, and one additional horse, pony or head of livestock may be kept for each additional 1/2 acre by which the lot exceeds two acres, provided that any building in which a horse, pony or head of livestock is kept not extend within less than 100 feet of any street line or property line and 100 feet from a regulated wetland, watercourse or water body.
- B. A total of not more than 20 chicken, fowl, rabbits or similar type animal may be kept on a lot of not less than one acre, and an additional number of chicken, fowl, rabbits or similar type animals may be kept for each additional 1/2 acre, provided that any building in which such chickens, fowl, rabbits or similar animals are kept not extend within less than 100 feet of any street line or property line and 100 feet from a regulated wetland, watercourse or water body.⁵⁶

ANTENNA — A device which is attached to a tower or other structure for transmitting and receiving electromagnetic waves. **[Added 9-17-1997]**

ANTIQUES STORE — A facility for the retail sale of merchandise generally considered to be out-of-date, old-fashioned, obsolete or antiquated due to the passage of time since its manufacture or creation.

APARTMENT — A self-contained dwelling unit consisting of a room or group of rooms with at least a bathroom, cooking facilities and sleeping and living quarters.

- A. STUDIO or EFFICIENCY APARTMENT — - A self-contained dwelling unit consisting of a room or group of rooms containing at least a bathroom, cooking facilities and a sleeping and living area.
- B. ONE-BEDROOM APARTMENT — - A self-contained dwelling unit consisting of a group of rooms containing one bedroom, a bathroom, kitchen and a living room.
- C. TWO-BEDROOM APARTMENT — - A self-contained dwelling unit consisting of a group of rooms containing two bedrooms, a bathroom, kitchen and living room.
- D. THREE-BEDROOM APARTMENT — - A self-contained dwelling unit consisting of a group of rooms containing three bedrooms, a bathroom, kitchen and living room.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families independently of one another.

APPAREL/ACCESSORIES — Clothing and items of attire associated with clothing.

APPLICATION REVIEW — A joint meeting or meetings of the Town Board, the Planning Board and the Zoning Board of Appeals with the applicant

56. Editor's Note: The former definition of "animal husbandry," which immediately followed this definition, was repealed 8-19-2009 by L.L. No. 8-2009.

which reviews the completeness of the application. This review is an option available to the applicant. **[Added 9-17-1997]**

APPROPRIATE FEES — A list of charges, adopted annually by resolution of the Town Board, to be paid by applicants for Town permits, variances and services pursuant to various local laws and ordinances. Such fees shall be based upon the administrative and inspection costs incurred by the Town in providing the services, regulating the issuance of permits and granting of variances.

AQUIFER — An underground bed or stratum of earth, gravel or porous stone that contains water.

ARCADE/AMUSEMENT — Any indoor place in which is maintained or operated for the amusement, patronage or recreation of the public which houses any controlled amusement devices, including but not limited to pinball, electronic amusement games, football, electronic baseball, electronic football and shuffleboard and the like.

ASSEMBLY OF COMPONENT PARTS — The process of collecting, joining or fitting together of goods not manufactured in said facility as ingredients of a finished product.

ATHLETIC CLUB — Any business engaged in providing, on premises, its clientele with a regiment designed for physical fitness, bodybuilding, body-shaping, aerobics and the like.

ATTACHED — Having one or more walls in common with a principal building, or joined to a principal building by a covered porch, breezeway or passageway, the roof of which is a part or extension of the principal building.

AUTOMOTIVE GAS STATION — An area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent.

AUTOMOTIVE LIMOUSINE/TAXI — A building and/or area arranged, intended or designed to be used for the rental, lease or dispatch of motor vehicles. **[Added 6-14-2017 by L.L. No. 2-2017]**

AUTOMOTIVE REPAIR AND SERVICE — An area of land, including building and other structures thereon, that is used in the repair of, and service to, motor vehicles, including but not limited to body work, painting, frame straightening and detailing.

AUTOMOTIVE REPAIR, LIMITED — Any premises used for dispensing motor vehicle fuels and oil, tires, accessories and services for automobiles, at retail, including making of minor repairs but not including such repairs as: spray painting; body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines, requiring removal therefrom of cylinder head or crankcase pan; or repairs of radiators requiring removal thereof.

AUTOMOTIVE SALES/RENTALS — A business enterprise engaged in the retail sale and rental of automobiles where repair service is incidental to the primary use.

AVAILABLE SPACE — The space on a tower or structure to which antennas of a personal wireless service provider are both structurally able and electromagnetically able to be attached. **[Added 9-17-1997]**

BAKERY, RETAIL — A place for the baking and subsequent sale to the general public of breads, cakes, pastries, pies and the like.

BAKERY, WHOLESALE — A bakery on a scale larger than that of a retail bakery used mainly for the sale of finished baked goods to a distributor of the product.

BANKS — An establishment for the custody, loan, exchange or issue of money or securities, for the extension of credit, and/or facilitating the transmission of funds or securities.

BASEMENT — A habitable part of a building wholly or partly below ground level.

BASE STATION — The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of personal wireless service provider can be located on a single tower or structure. **[Added 9-17-1997]**

BASE ZONING DISTRICT — A zoning district established by this chapter to prescribe basic regulations governing land use and site development irrespective of any additional environmental management district regulations that may also be applicable.

BED-AND-BREAKFAST — A dwelling in which the owner or operator resides and, as a subordinate use, provides overnight accommodations with limited food service to transient guests.

BILLBOARD — A sign or structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

BIO-TECHNICAL RESEARCH — A building or group of buildings in which the principal activity is devoted to those aspects of technology concerned with the application of biological and engineering data to problems relating to man and machine.

BOARDINGHOUSE — A dwelling where persons, for fixed periods of time, are supplied with and charged for sleeping accommodations and meals.

BOATHOUSE — A permanent structure used solely for the personal storage of watercraft and associated materials. **[Added 6-14-2017 by L.L. No. 2-2017]**

BUFFER ZONE — A strip of land along the perimeter of the parcel identified on a site plan, established to separate one type of land use from another. No structure, parking or loading is permitted in any buffer zone. Buffer zones are to be landscaped and kept as open space, except that driveways and

walkways providing access through the buffer zone to a structure or parking on the lot are permitted.

BUILDABLE ACRE — An acre of land area unencumbered by wetlands, watercourses, water bodies, rock outcroppings in excess of 20,000 square feet, steep slopes in excess of 20% and other such environmental features. **[Added 6-5-2002 by L.L. No. 3-2002]**

BUILDING — Any combination of materials forming any construction. The term "structure" shall include the term "building" and, among other things, freestanding signs; radio and television antennas; satellite dishes; towers and antennas, except for roof antennas; pergolas; porches, outdoor bins; outdoor air condensers; platforms; sheds; docks; wharves; swimming pools; tennis and handball courts; solar panels; and transmission and telephone lines.

BUILDING AREA — A calculated area defined as the land area unencumbered by wetlands, watercourses, water bodies, rock outcroppings in excess of 20,000 square feet, steep slopes in excess of 20% and other such environmental features.

BUILDING COVERAGE — The total horizontal area of a lot covered by buildings, decks, balconies, roofed or covered areas, or other structures, but excluding incidental projecting eaves and roofs.

BUILDING ENVELOPE — See "building area."

BUILDING LOT — See "lot."

BULK AND LOT REGULATIONS — Standards that control the height, density, intensity and location of structures.

CABARET — An establishment open to the public where alcoholic refreshments are served in conjunction with dancing or live entertainment.

CAMP — A tract of land on which are located a series of shelters, permanent or temporary, which are used to house a number of individuals and where facilities for cooking, eating, sanitation and community activities are used in common by such occupants, regardless of whether operated for gain or otherwise.

CARPORT — A roofed space, open on three sides, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which not more than two vehicles are driven or temporarily parked.

CATERING ESTABLISHMENT — A business enterprise engaged in the preparation and sale of food and beverages for off-premises consumption.

CELLAR — An uninhabitable part of a building wholly or partly below ground level.

CENTRAL BUSINESS DISTRICT — The Central Business District (CBD) is the area considered to be the downtown of the Town of Putnam Valley. This generally includes the Oregon Corners and Lake Peekskill business areas.

CHANNEL — The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.**[Added 9-17-1997]**

CHILD DAY-CARE CENTER, NURSERY OR PRESCHOOL — Any individual, association, corporation, partnership, institution or agency whose activities include the operation of a home or facility providing care for a child on a regular basis away from the child's residence for less than 24 hours a day by someone other than the parent, stepparent, guardian or relative within the third degree of consanguinity of the parents or stepparents of such child, as per Social Services Law § 390, with the exemptions and classifications therein.**[Amended 5-3-2000 by L.L. No. 6-2000]**

CHURCH — See "houses of worship."

CLUBHOUSE OR LODGE — A building, or portion thereof, used by a club or a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution and bylaws.

CLUSTER DEVELOPMENT — An arrangement of attached or detached structures situated on a site by a development design technique that concentrates buildings in specific areas, often on lots with reduced dimensions, while maintaining overall density, and preserves in perpetuity large areas of open space, environmentally sensitive areas, and prominent site features.

COCKTAIL LOUNGE/BAR — An establishment, licensed by the State of New York, engaged in the sale of alcoholic beverages to persons of at least the age of 21 years for on-premises consumption during the hours of operation determined by the Zoning Board of Appeals.

CO-LOCATION — The practice of placing more than one base station and/or more than one variety of personal wireless service provider on a single tower or structure.**[Added 9-17-1997]**

COMMERCIAL — A business venture designed to produce a profit.

COMMERCIAL STABLE — A structure designed for the feeding, housing and exercising of horses that are not owned by the owner of the premises.

COMMON AREA — Any area held, designed and designated for the common use of the owners or occupants of a clustered development, townhouse project, subdivision or other planned development.

COMMUNICATION EQUIPMENT SHELTER — A structure located at a base station designed principally to enclose equipment used in connection with personal wireless service transmissions.**[Added 9-17-1997]**

COMMUNICATION TOWER — A freestanding or building-mounted structure, including appurtenances and antennas, intended for airway communication purposes, such as a television antenna, satellite dish or receiving and transmitting facility for which no FCC license is required.

COMMUNITY RESIDENTIAL — A facility for mentally disabled persons as defined by the Mental Hygiene Law and the rules and regulations issued under this chapter.

CONFERENCE CENTER — A building or group of buildings with meeting facilities, hotel rooms and food and beverage service. See also "hotels."

CONSTRUCTION MATERIALS — Those materials, such as but not limited to lumber, brick, roofing materials, etc., normally associated with the construction or repair of commercial or residential buildings.

CONSUMER REPAIR SERVICE — An establishment devoted to the repair and incidental sale of household appliances, fixtures and other personal items.

CONTRACTOR — A person or firm engaged in a trade as a business for the purpose of providing electrical, plumbing, excavation, and general residential or commercial construction.**[Added 6-14-2017 by L.L. No. 2-2017]**

CONTRACTOR OFFICE — A structure used by a person or firm engaged in a trade as a business for the purpose of providing electrical, plumbing, excavation, and general residential or commercial construction services performed at off-site locations.**[Added 6-14-2017 by L.L. No. 2-2017]**

CONTRACTOR YARD — A use accessory to a contractor office use and located on the same lot or parcel, in which equipment and other materials and facilities customarily required in a contractor's trade are stored and maintained, but excluding the storage of materials or equipment for on-site or off-site sale.**[Added 6-14-2017 by L.L. No. 2-2017]**

CONVALESCENT HOME — A building used for the accommodation and care of persons recuperating from illness, surgery, bodily disorder or the effects of accident or trauma.

CONVENIENCE STORAGE — A building or group of buildings in a controlled access and fenced compound containing individual compartmentalized and controlled access stalls or lockers for the storage of personal items and household goods. Such facilities shall not be greater than one story in height. Individual compartments shall not be greater than 12 feet by 20 feet, nor shall they exceed eight feet in height.

CONVENIENCE STORE — A retail facility designed to accommodate the needs of the adjacent neighborhood with the sale of newspapers, dry goods and various other sundries as well as food and beverages for off-premises consumption.

COUNTRY CLUB — The principal or accessory use of a parcel of land, buildings or other facilities, including but not limited to swimming pools, tennis and paddle tennis facilities, etc., for the purpose of recreation and where the members of the facility control its assets and management.

DANCE/ARTISTIC STUDIOS/GALLERIES — A building or buildings or portion thereof used by a teacher or instructor of art, sculpture, performing

arts or the like as a place of work, a location for instruction or for the display or exhibit of such work.

DATA PROCESSING — Any operation designed for converting raw information into a usable or storable form using computers or similar type apparatus.

DAYCAMP — A tract of land on which are located buildings or other structures or facilities used primarily for entertaining groups of 10 or more children during the day, such children being returned to the homes of their parents or guardians at the end of the day.

DECK — A supported, unroofed, aboveground platform.

DELICATESSEN — A business engaged in the sale of food, prepared food, food products and beverages primarily for off-premises consumption.

DELIVERY OR MESSENGER SERVICE — A private, for-profit enterprise not affiliated with any governmental agency, providing for the receipt and delivery of mail, parcels and facsimile transmissions.

DETACHED STRUCTURE OR DWELLING UNIT — A structure or dwelling unit fully separated from any other building or joined to another building by structural members not constituting an enclosed or covered space.

DEVELOPMENT APPROVAL PLAN (DAP) — An application and review procedure by the Planning Board for residential development whereby an applicant provides documentation and plans pursuant to Article IV of this chapter.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter of a tree measured at 4 1/2 feet above the ground.

DOCK — A structure contiguous to or extending into a body of water so that boats may lie alongside. Safety rails (not exceeding three feet in height above the surface of the dock) which may have benches attached thereto and a single pole or post (not exceeding 10 feet in height above the surface of the dock) on which are mounted lifesaving rings, rescue rope, and the lifesaving rings, rescue rope and the like may be part of said structure.

DRIVEWAY — A private thoroughfare, paved or unpaved, for driving a motor vehicle between a building, garage or parking area and a road shown on an approved map.

DRY CLEANING, ON-SITE — An establishment at which fabrics are cleaned by the use of chemicals and liquids other than water.

DRY CLEANING, STOREFRONT — A retail establishment at which no dry cleaning takes place but where customers may leave and pick up goods that were dry cleaned elsewhere.

DWELLING — A building designed or used exclusively as the living quarters for one or more families that includes permanent provisions for living, sleeping, eating, cooking and sanitary facilities.

DWELLING UNIT — One or more rooms with provisions for living, sleeping, eating, cooking and sanitary facilities arranged for the use of one person or family.

EASEMENT — A privilege or right of use or enjoyment granted on, above, under or across a particular tract of land by one owner to another.

EDUCATIONAL OR PHILANTHROPIC USES — Facilities used by a nonprofit organization:**[Amended 4-19-2006 by L.L. No. 3-2006]**

A. To instruct or train; or

B. For the promotion of benevolent projects.

EFFECTIVE RADIATED POWER — Effective radiated power is a measure of how well an antenna concentrates RF energy; it is not the power radiated from the antenna.**[Added 9-17-1997]**

ELECTROMAGNETICALLY ABLE — The determination that the new signal from and to the proposed new antennas will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.**[Added 9-17-1997]**

EMF — Electromagnetic frequency radiation.**[Added 9-17-1997]**

ENCLOSED — A roofed or covered space fully surrounded by walls, including windows, doors and similar openings or architectural features.

EXISTING OR PREEXISTING — A building or use that is lawfully present on a given site or in a given building and for which no notice of violation is in effect as of the effective date of this chapter.

EXTERMINATING SERVICES — A commercial business for the eradication of unwanted or destructive bugs, insects or rodents, etc.

FACILITY SITE — A property, or any part thereof, which is owned or leased by one or more personal wireless service providers and upon which one or more personal wireless service facilities and required landscaping are located.**[Added 9-17-1997]**

FAMILY — A household constituting a single housekeeping unit occupied by more than one person.

FARM OPERATION — Those uses and associated structures defined in New York State Agriculture and Markets Law § 301(11), as currently in effect and as same may be from time to time amended. Farm operations to be conducted in districts other than the AG District shall be limited to lots at least 10 acres in size, and all fertilizer, manure storage, and structures for the housing of livestock and/or poultry shall be at least 100 feet from all lot lines and from all regulated wetlands, water bodies and watercourses.**[Amended 8-19-2009 by L.L. No. 8-2009]**

FCC — Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States. **[Added 9-17-1997]**

FCC 96-326 — A report and order which sets new national standards for emissions of radio-frequency emissions from FCC-regulated transmitters. **[Added 9-17-1997]**

FENCE — A barrier, ordinarily constructed of wood, metal or stone, enclosing or bordering a yard or field, used to prevent ingress and egress, to mark a boundary or to create an attractive appearance.

FINANCIAL SERVICES — The function of providing business, financial or investment information and/or products, either as agent or principal, on matters relating to money, securities, insurance, etc.

FINISHED GRADE — Natural surface of the ground or surface of ground after completion of any change in contour.

FINISHED GRADE, AVERAGE — The average of the highest and lowest horizontal elevations of the finished surface of the ground, paving or sidewalk at a point where height is to be measured.

FLOODWAY — The channel of a natural stream or river and portion of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow.

FLORIST — A business engaged in the sale of plants, flowers or floral products. See also "retail sales."

FOOTPRINT — The area of a lot covered by a building or structure including the area of floor space projecting beyond the outer limits of the first floor and excluding paved areas, underground storage tanks and drainage water and sewer systems.

FORESTRY MANAGEMENT — See also "timber harvesting." The practice of planting, cultivating and/or harvesting trees for commercial gain.

FUNERAL HOME — The establishment of a funeral director and/or undertaker, which may or may not include facilities for the conduct of funeral services.

GARAGE, COMMERCIAL — A building, or part thereof, used for the storage, painting or repair of motor vehicles as a business, including sale of automobile accessories and supplies.

GARAGE, PRIVATE — An accessory building, or part of a principal building, designed or used principally for the storage of motor vehicles as an accessory use.

GHZ (DENOTES "GIGAHERTZ") — One billion hertz. **[Added 9-17-1997]**

GOLF COURSE — The principal or accessory use of a parcel of land and building consisting of a minimum of 100 acres of land for conducting the game of golf.

GOLF DRIVING RANGE — A practice facility, open to the public, where golf balls are hit from a designated area to a designated target area.

GRADE — The lowest horizontal elevation of the finished surface of the ground, paving or sidewalk, at a point where height is to be measured.

HAM RADIO TOWER — See "communication tower."

HARDWARE STORE — A facility for the sale or rental of products primarily intended for use in minor home repair or improvement.

HEALTH CLUB/SPA — Any business engaged in providing, on premises, its clientele with a regimen designed for physical fitness, bodybuilding, body-shaping, aerobics and the like.

HEIGHT, BUILDING — The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable on a pitched or hipped roof, or if none of the preceding, then to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building.

HERTZ — One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second. **[Added 9-17-1997]**

HOME BUSINESS OR TRADE — An incidental use of part of a premise in a residential district in which an office is maintained or equipment is stored to assist in conducting a business that is primarily carried out at a site away from the premises.

HOME OFFICE OR OCCUPATION — An accessory use, of a service character, carried on in a residential district by the residents of the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, does not have any exterior evidence of such secondary use other than a permitted name plate and does not involve merchandising, trade or the exchanging of commodities for sale. The maximum floor area to be utilized for a home occupation cannot exceed 25% of the total floor area of the dwelling unit.

HOSPITAL — An institution providing health service, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution related facilities, central service facilities and staff offices.

HOTEL — A building or any part thereof containing rooms which are provided or offered for sleeping purposes to transient guests for compensation and where only a general kitchen and dining area are provided. There may be certain public rooms or halls for the service of food and drink with or without accessory conveniences or services normally incidental to and associated with such a use. The term "hotel" includes, but is not limited to, every type of similar establishment known variously as a motel, auto court, motel hotel, motor court, motor lodge, tourist court, tourist cabins, roadside hotel or inn. (See also "conference center.")

HOUSE OF WORSHIP — Any structure used principally as a place wherein persons regularly assemble for religious observance and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools and rectories, but not including day-care centers, community recreation facilities, private primary and secondary educational facilities and parking facilities.

JUNK — For the purposes of this chapter, junk shall include, but not be limited to the following: discarded reading material, newspapers, magazines, cardboard or similar paper goods, cans, bottles, containers, boxes, cartons or wrappers with or without contents, old pipes, rusting scrap metal or plumbing equipment not in use; auto parts, tires and wheels; broken or nonworking electrical fixtures, broken glass or windows, scraps of cloth or rags, discarded or unusable roofing materials, lumber or construction material, broken furniture or appliances which cannot be used for their original purposes; broken or discarded household furnishings or bedding.

JUNKYARD — A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel, materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of a manufacturing or recycling operation.

KENNEL, COMMERCIAL — An establishment for the care, boarding and breeding of dogs or cats for a fee.

LABORATORY, RESEARCH — A building or part of a building devoted to the testing and analysis of any product or animal, including humans. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAKE FRONTAGE — The total distance between the points of intersection of the enclosing lot lines with the shoreline measured along the shoreline at the normal yearly high-water level. The perimeter of natural spits or other promontories and natural coves or other natural indentations shall be included in lake frontage.

LANDSCAPED AREA — An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs and other plant materials, and also including accessory decorative outdoor landscape elements, such as pools, fountains, water features and sculptural elements, provided that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of plant material.

LAUNDROMAT, ON-SITE — A business establishment which provides, for a fee, facilities for patrons to wash and/or dry articles of clothing, bedding, etc., on the premises.

LAUNDRY SERVICE, STOREFRONT — An establishment at which no laundering takes place but where customers may leave goods to be laundered and pick up goods which were laundered elsewhere.

LENGTH OF BUILDING — The longest distance measured between the vertical planes of a building.

LIBRARY — A place containing a collection of books, pamphlets, recordings, videos, periodicals, etc., used for education, research, entertainment or consultation.

LIQUOR STORE — An establishment, licensed by the State of New York, engaged in the sale of alcoholic beverages to persons of at least 21 years of age for off-premises consumption.

LOADING AREA OR SPACE — Any off-street space available for the loading or unloading of goods.

LOT AREA —

- A. GROSS LOT AREA — A calculated area defined as the total site area, including roads, easements, wetlands, floodplains, waterways, water bodies and any other area for preservation.
- B. NET LOT AREA — A calculated area defined as the gross lot area minus streets, roads, rights-of-way and easements.

LOT, BUILDING — A plot or parcel of land under the same ownership, occupied or capable of being occupied by one principal building and the accessory buildings or uses customary and incidental thereto and including such yards and areas as are required by this chapter.

- A. LOT, CORNER — - A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135° with each other.
- B. LOT, AREA — - The area of a horizontal plane bounded by the front, side and rear lot lines.
- C. LOT, DEPTH — - The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line, measured in a straight line.
- D. LOT WIDTH — - The distance between the side lot lines, measured along the setback line as established by this chapter or, if no setback line is established, the distance between the side lot lines measured along the street line.
- E. LOT LINE or PROPERTY LINE — - Line dividing one premises from another or from a street or other public space.

MAJOR MODIFICATION OF AN EXISTING FACILITY — Any change or proposed change in the number of antennas or a change in antenna type above the maximum number and type(s) approved under an existing special

use permit. The replacement of an existing antenna with a new model of the same type is not considered a change. **[Added 9-17-1997]**

MAJOR MODIFICATION OF AN EXISTING TOWER — Any increase or proposed increase in dimensions of an existing and permitted tower or other structure designed to support personal wireless service transmission, receiving and/or relaying antennas and/or equipment.

MANUFACTURING — The processing and converting of raw, unfinished or finished materials or products, or any combination of these, into an article or substance of a different character or for use for a different character or purpose, or the refinishing of manufactured articles.

MASSAGE THERAPIST — Massage therapists who are licensed by the State of New York as health professionals who apply a variety of scientifically developed massage techniques to the soft tissue of the body to improve muscle tone, circulation and provide health benefits. **[Added 6-14-2017 by L.L. No. 2-2017]**

MASSAGE THERAPY — A collection of bodywork modalities performed by a massage therapist designed to improve health through manual manipulation of soft tissues, including stroking, kneading, pressing, tapping and shaking. Intends to improve local circulation, reduce pain and promote relaxation. **[Added 6-14-2017 by L.L. No. 2-2017]**

MEDICAL OFFICES (MEDICAL CENTER/COMPLEX) — An office, building or group of offices or buildings in which professionals provide medical and/or dental services.

MEDICAL TECHNICAL RESEARCH — A building or buildings for experimentation in pure or applied research, design development and production of prototype or new products in the medical field and uses accessory thereto, wherein products are not manufactured for wholesale or retail, and where there is no retail display of any materials or products.

MESSENGER SERVICE — See "delivery service."

MHZ (DENOTES "MEGAHERTZ") — One million hertz. **[Added 9-17-1997]**

MINI MALL — A group of stores either attached or detached whose main purpose is the conduct of retail sales.

MONOPOLE — A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below-grade foundations.

MULTIFAMILY — A building or portion thereof containing three or more dwelling units but no greater than five dwelling units. **[Amended 6-14-2017 by L.L. No. 2-2017]**

MUNICIPAL BUILDING — A building housing personnel and documents pertaining to, and intended for use by, a town, city, village or its local government.

MUSEUM — A place devoted to the exhibit of individual or collective works of art, nature, curiosities, etc.

NONCONFORMING USE — See "use."

NURSERY, RETAIL — A retail facility engaged in the sale of trees, shrubs, flowers or other plants.

NURSERY, WHOLESALE — A parcel of land, together with the buildings thereon, which is used for the propagation, raising or storage of horticultural or floricultural produce, trees, shrubs or other natural vegetation. No sale or access by the public, either on a temporary or regular basis is involved.

NURSING HOME — See "adult day care."

OFFICE (BUSINESS/ADMINISTRATIVE) — Floor space generally devoted to administrative, clerical and business uses, or where a particular type of business is transacted or service is supplied.

OFF-STREET PARKING AREA OR LOT — An area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances and similar features, and meeting the requirements established by this chapter.

OFF-STREET PARKING SPACE — An area off of the street right-of-way to be used exclusively for parking one automobile and having a width of at least nine feet and a length of at least 20 feet.

OPEN SPACE — An area used for recreation, resource protection or science purposes. Open space may include, but is not limited to, wooded areas, meadows, watercourses, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds and fountains. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

OVERLAY DISTRICT — A district drawn on the Zoning Map or appended map(s) to the Zoning Map, or information which in some way identifies a specific area of the town, which is coterminous with a particular geographic area about which a concern and/or issue exists. Since an overlay district may consist of portions of other zoning districts, the overlay district provides additional regulations aimed at achieving whatever the planning objective for that area of concern may be.

PAPER ROAD — An unimproved or partially improved road shown on the Official Map of the Town of Putnam Valley or approved as part of a subdivision or specific land use plan.

PARKS, PUBLIC — A tract of land owned by a municipality featuring open spaces, ballfields, picnic areas and the like, for use by the general public.

PERSONAL CONVENIENCE SERVICES — Commercial or business services provided to individuals, or to other businesses to include the cleaning of clothes, repair of shoes or other personal effects, hair grooming, physical therapy and health aid, and printing, copying, design, typing and computer services to include studios for the production of arts and crafts. Such definition shall exclude automotive services, retail, general business and light manufacturing.

PERSONAL WIRELESS SERVICE FACILITY — All equipment (including any repeaters) with which a personal wireless service provider broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof. This facility may be sited on one or more towers or structure(s) owned and permitted by another owner or entity.**[Added 9-17-1997]**

PERSONAL WIRELESS SERVICE PROVIDER — An entity, licensed by the FCC to provide personal wireless services to individuals or institutions.**[Added 9-17-1997]**

PERSONAL WIRELESS SERVICES — Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS), specialized mobile radio services and paging services.**[Added 9-17-1997]**

PET GROOMING — A nonveterinary service which tends to the neatness or appearance of nonfarm animals.

PHOTOGRAPH, DIGITAL — Digital photography is a form of photograph that uses cameras containing arrays of electronic photodectors to capture images focused by a lens, as opposed to an exposure on photographic film. The captured images are digitized and stored as a computer file ready for further digital processing, viewing, digital publishing or printing.**[Added 6-14-2017 by L.L. No. 2-2017]**

PHOTOGRAPHY STUDIO — An establishment for the production, reproduction, enlargement or enhancement of photographs which also may contain the equipment and materials needed to achieve its purpose.

POST OFFICE, PRIVATE — See "delivery, messenger service."

POST OFFICE, PUBLIC — A facility of the United States Postal Department designed to receive and deliver mail and parcels affixed with United States postage; also to transmit facsimiles and sell United States Postal money orders and United States postage stamps.

PREAPPLICATION CONFERENCE FOR NEW TOWERS — A joint meeting or meetings of the Town Board, the Planning Board and the Zoning Board of Appeals with the applicant which reviews the preliminary need of the applicant prior to the signing of a formal lease by the applicant. The purpose of a preapplication conference is to identify the most appropriate location of a new tower and to expedite the approval process, including early identification of legitimate variances required from the Zoning Board of Appeals. (NOTE: This is an option available to the applicant.)**[Added 9-17-1997]**

PRINCIPAL STRUCTURE — A building or structure which is the principal use on the site on which it is situated.

PRINCIPAL USE — See "use."

PRINTING ESTABLISHMENT — An establishment engaged in the production, reproduction or photocopying of printed or photographic material by various mechanical processes.

PROFESSIONAL OFFICE — The office of a person and related staff engaged in an occupation in which knowledge in some area of science or learning is applied to the affairs of others.

QUEUE LINE — An area for temporary parking and lining of motor vehicles while awaiting for service or other activity.

RADIATION PROPAGATION STUDIES OR RADIAL PLOTS — Computer-generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the personal wireless service facility proposed for that site.**[Added 9-17-1997]**

RECREATIONAL VEHICLE — A towed or self-propelled wheeled conveyance designed as a temporary living accommodation for recreational and/or camping purposes.**[Added 1-21-2009 by L.L. No. 2-2009]**

REPEATER — A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.**[Added 9-17-1997]**

REPLACEMENT VALUE — The estimated cost to replace the structure in kind, based on current replacement costs.

RESIDENTIAL — Buildings or areas designed to be used as living accommodations or as a residence by residents.

RESIDENTIAL ABOVE COMMERCIAL — A dwelling unit or units which are located above a permitted or specially permitted commercial property or properties.

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 for consumption either on or off premises or where a major portion of the sales to the public is at a drive-in or stand-up counter.

RESTAURANT — An establishment, however designated, at which food is sold for consumption on the premises, normally to patrons seated within an enclosed building.

REST HOME — See "adult day care."

RETAIL — Sale or rental of commonly used goods and merchandise for personal or household use which are primarily made directly to the ultimate consumer on the premises.

RETAIL, LARGE-SCALE — An integrated grouping of commercial activity, primarily of a retail and personal service nature in a building complex

having the individual establishments joined by a common covered pedestrian mall or walkway.

RETAIL, LIMITED — Sale or rental of commonly used goods and merchandise for personal or household use in a single building of not more than three tenants. Such sales are primarily made directly to the ultimate consumer on the premises.

RIDGELINE, DESIGNATED — Specific geographical elevations that are extraordinarily prominent. Such features that have been, or are to be, identified by Town officials to provide physical definition to the Town itself and serve as scenic features worthy of preservation.

RIDING SCHOOL OR ACADEMY — An establishment where horses are kept for riding or driving, or are stabled for compensation, or are incidental to the operation of any club, association, ranch or similar establishment.

ROADSIDE FARM STAND OR PRODUCE STAND — Sale of flowers or agricultural produce primarily grown within the Town and designed to service roadway customers.

ROOMING HOUSE OR LODGING HOUSE — Any building or dwelling providing sleeping quarters, without meals, for any number of persons for compensation, rent or hire.

SATELLITE EARTH STATION OR SATELLITE DISH ANTENNAE — See "communication tower."

SAW MILLING — The milling of lumber and similar products from logs transported from a site other than that on which the milling facility resides.

SCHOOL, PRIVATE — A kindergarten, primary or secondary school, junior college, college or university, not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of a public school and licensed by the State of New York.

SCHOOL, PUBLIC — Any educational institution operated by a public school district under the laws of the State of New York, or any junior college, college or university operated under, or by, any municipal or quasi-municipal subdivision or agency.

SCHOOL, TRADE — An educational institution operated under the laws of the State of New York, furnishing a curriculum in a skilled trade, such as but not limited to plumbing, woodworking, carpentry or upholstery.⁵⁷

SEWER, CENTRAL — A system owned and operated by a municipality or public sewer district for the disposal of sanitary waste, supported by mandatory sewer charges or by the real property tax.

SEWER, COMMUNITY — A system for the disposal of sanitary waste in which effluent is directed into a common disposal system from three or

57. Editor's Note: The definitions of "senior citizen" and "senior citizen residence," as amended, which immediately followed this definition, were repealed 11-17-2004 by L.L. No. 6-2004.

more dwelling units or from dwellings housing 10 or more persons or which has the capacity of 1,000 gallons per day.

SHOPPING CENTER — See "mini mall."

SIGN — Any device or surface for visual communication on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for location and advertising purposes.

- A. SIGN, DIRECTIONAL — - A sign limited to providing information on the location of an activity, business or event.
- B. SIGN, DIRECTORY — - A listing of two or more business enterprises or occupants of a structure or structures, consisting of a matrix and sign components.
- C. SIGN, FREESTANDING — - Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.
- D. SIGN, PORTABLE — - A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

SITE OR DEVELOPMENT PLAN COVERAGE — The sum of the area of coverage or footprint of the buildings, structures, paved areas and other improved surfaces on a lot preventing natural runoff to percolate into the soil. Areas paved with gravel, crushed stone and other materials used to support vehicles shall be considered impervious surfaces for the purpose of this chapter.

SKETCH PLAN — The necessary preliminary information provided to the reviewing body for site plan approval, development approval plan, special use permit or similar applications such that a basic understanding of the project is achieved for the purposes of discussion.

SPECIAL USE PERMIT — Special use permits enumerated in each zoning district are deemed to be permitted uses in their respective districts, but because of the unique characteristics of such uses, each case requires individual consideration and special conditions of approval by the Planning Board or Zoning Board of Appeals, as may be required in this chapter.

STABLE — A structure used to primarily house horses.

STREET — A thoroughfare, dedicated or taken over and accepted by a municipality for public use or legally existing on any subdivision plat filed after August 2, 1972, or any traveled thoroughfare which is used by the public and maintained by the homeowners abutting thereto.

STREET LINE — The dividing line between a street and a lot.

STRUCTURALLY ABLE — The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas

under all reasonably predictable conditions as determined by professional structural engineering analysis. **[Added 9-17-1997]**

STRUCTURAL REPAIRS — Such changes, alterations or repairs in a structure including the removal of any of the beams or supports of the structure or which result in the enlargement of the area of the structure or change in the nature of the occupancy thereof.

STRUCTURE — Any combination of materials forming any construction. The term "structure" shall include the term "building" and, among other things, freestanding signs; radio and television antennas; satellite dishes; towers; and antennas, except for roof antennas; pergolas; porches; outdoor bins; outdoor air condensers; platforms; sheds; docks; wharves; swimming pools; tennis and handball courts; solar panels; and transmission and telephone lines.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, gift, bequest, development, lease or for any other reason whatsoever.

SWIMMING POOL — Any body of water or receptacle of water, in-ground or above-ground, having a depth at any point greater than 24 inches, designed, used or intended to be used for wading, bathing or swimming.

TELEPORT — A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the C-Band (4 to 6 GHz) spectrum. **[Added 9-17-1997]**

TENT — A portable shelter usually supported by poles and attached to the ground or a platform by means of pegs and ropes.

THEATER OR CINEMA — A building adapted for dramatic, comedic or musical presentations, or for the viewing of motion pictures.

TIMBER HARVESTING — A commercial activity involving the cutting, gathering or collecting of trees for wood which is suitable for building or structural purposes.

TOWER — A lattice structure or framework, or monopole, that is designed to support personal wireless service transmission, receiving and/or relaying antennas and/or equipment. **[Added 9-17-1997]**

TOWNHOUSE — A dwelling unit having a common wall with or abutting one or more adjoining dwelling units, often in a group of similarly joined dwelling units.

TOWNHOUSES, ZERO-LOT-LINE — Townhouses, zero-lot-line developments, patio or garden homes using a site design technique that concentrates buildings in specific areas to increase open space and preserve natural site features in accordance with Article IV of this chapter. Such development should be compatible within a single-family detached neighborhood and shall be served by public sewers or by common sewage disposal systems.

USE —

- A. NONCONFORMING USE, ABANDONED — A nonconforming use shall be considered abandoned if such use has been inoperative for a period of two years.
- B. ACCESSORY USE — A use or activity which is incidental to and customarily associated with a specific principal use on the same site, including parking for the principal use.
- C. CHANGE OF USE:
- (1) Any change in the use or occupancy of land, buildings and other structures as follows:
 - (a) A change in a use listed on one line of the Summary Schedule of Uses included at the end of this chapter to a use listed on another line, wherein the off-street parking or loading standards applicable to the new use differs from the preceding use.
 - (b) A change to a use for which site plan approval or development plan approval is required by this chapter, wherein such approval was not required for the preceding use.
 - (c) A change in existing site plan that is subject to a special use permit.
 - (d) A change in use or site development that would modify conditions imposed or stipulations made by an applicant in connection with the approval of a special use permit or site development plan.
 - (2) A change in use does not include a change in ownership, tenancy, name or management or a change in product or service within the same use classification where the previous nature of the use, line of business or other function is substantially unchanged.
- D. NONCONFORMING USE — A lawful use of any land, building or structure existing at the time of enactment of this chapter, or any amendment supplemental thereto, which does not conform with the requirement(s) of the base zoning district or which is prohibited by the regulations of an Environmental Management District in which the use is located). **[Amended 6-17-2009 by L.L. No. 6-2009]**
- E. PRINCIPAL USE — A use listed in Article III of this chapter as a permitted use within that zone and permitted therein as a matter of right when conducted in accordance with the regulations established by this chapter.
- F. TEMPORARY USE — A prospective use, intended for limited duration, to be located in a zoning district not permitting such use.

UTILITY FACILITIES, REGIONAL — Those utilities which provide services over a large geographic area.

UTILITY, PRIVATE — Those normal and customary services to a building or group of buildings within a corporate park or subdivision to provide heat, electric power, water and/or fire protection.

UTILITY, PUBLIC — Any person, firm, corporation or municipal agency, duly authorized to furnish to the public, under public regulation, electricity, gas, water, steam, cable television, telephone or telegraph, including telecommunication services.

UTILITY SERVICE, LOCAL — Those utilities providing a direct service within the borders of the immediate community.

VALUATION — The worth of the property as determined by current market value.

VETERINARY HOSPITAL — An office designed for the care and treatment of animals which also provides for the boarding of animals.

WATER, CENTRAL — A water supply system, owned and operated by a municipality or public water district, supported by mandatory water charges or by the real property tax.

WATER, COMMUNITY — A system for providing drinking water to three or more dwelling units or structures from common sources.

WETLAND — Lands and waters as defined in Chapter 144, Freshwater Wetlands, of the Code of the Town of Putnam Valley or as delineated on the Putnam Valley Freshwater Wetlands Map.

YARD — Any unoccupied space, open to the sky, on the same lot as the principal building or structure.

- A. FRONT — - A required yard extending across the full width of the lot and lying between the front lot line and the front setback line as specified by this chapter.
- B. REAR — - A required yard extending the full width of a lot between the rear lot line and the rear setback line, but excluding any area located within the street side bar of a corner lot.
- C. SIDE — - A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the side setback line.

ZERO LOT LINE — A development technique whereby the location of a building on a lot is in such a manner that one or more of the building's sides rests directly on a lot line, with yard space on only one side, in order to give the effect of privacy and open space in a relatively small area.

ARTICLE III

Permitted Uses, Height, Bulk and Arrangement of Buildings**§ 165-10. Regulations applicable to all districts.**⁵⁸

A. Conformity required. Except as hereinafter provided:

- (1) No building shall be erected and no existing building shall be moved, altered, rebuilt, added to or enlarged, nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building or land is located.
- (2) No building shall be erected to exceed in height the limit hereinafter designated for the base zoning district in which such building is located, whether such height be designated in number of stories, number of feet or otherwise.
- (3) No building shall be erected nor shall any open space surrounding any building or otherwise required by this article be encroached upon or reduced in any manner, except in conformity to the yard, lot area, open space, building location and off-street parking and loading regulations hereinafter designated for the base zoning district in which such building or open space is located.
- (4) No yard or other space in connection with any building or use on a lot shall be considered as providing the required yard, buffer or open space for a building on any other lot.
- (5) No easement, right-of-way or paper road shall be used in computing required yards, lot size or land area per dwelling unit specified by this article.

B. Bodies of water included in districts. Zoning districts shall include land under streams, lakes or ponds lying within the district or under any addition thereto by natural or artificial means.

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

D. ⁵⁹Where a deed describes a lot as bounded by a lake, pond, river, stream or brook, underwater land beyond said shoreline shall not be included in the calculation of lot area, minimum open area, or for any setback purposes. **[Added 8-20-2014 by L.L. No. 2-2014]****§ 165-11. Provisions for open space districts.**

A. PD Preservation District.

58. Editor's Note: The Summary Schedule of Uses is included at the end of this chapter.

59. Editor's Note: Former Subsection D, Unlisted uses, was repealed 7-19-2006 by L.L. No. 4-2006.

- (1) Purpose and intent. The PD District encompasses large tracts of land that at the time of the adoption of this chapter were publicly owned, owned by a quasi-public entity or were tax exempt. Land within the PD Districts is primarily used for permanent open space purposes or very low density/intensity recreational purposes. The purpose and intent of the PD District is to:
 - (a) Implement the Master Plan proposals for a comprehensive network of permanent, multifunctional, publicly and privately owned open spaces within the town.
 - (b) Preserve, protect and enhance the value of natural resources in all respects, including topographical and geological features, vegetation, wildlife, watersheds and wetlands, areas of scenic beauty and other land and community resources whose retention is necessary for the continued maintenance of the quality of the environment.
 - (c) Discourage development on land with ecologically important resources, land subject to flooding, areas with excessive slopes or other land features that could, if not properly protected, endanger human life or property.
 - (d) Provide sufficient space to meet the present and prospective needs for various active and passive recreational activities.
- (2) Permitted uses.
 - (a) Municipal buildings.
 - (b) Schools, public.
 - (c) Parks and recreation services, public or private.
 - (d) (Reserved)⁶⁰
 - (e) Farm operations. **[Amended 8-19-2009 by L.L. No. 8-2009⁶¹]**
 - (f) Animal husbandry.
- (3) Special permit uses. The following uses may be permitted subject to a special use permit as provided for in Article IX of this chapter.
 - (a) Educational or philanthropic uses. **[Amended 4-19-2006 by L.L. No. 3-2006]**
 - (b) Utility service, local.
 - (c) Schools, private.

60. Editor's Note: Former Subsection A(2)(d), which permitted outdoor recreation, sports and entertainment facilities, was repealed 6-14-2017 by L.L. No. 2-2017.

61. Editor's Note: This local law also repealed former Subsection A(2)(f), which permitted animal husbandry.

- (d) Schools, business or trade.
 - (e) Commercial stables and riding academies.
 - (f) Camps.
 - (g) Golf courses, country clubs and driving ranges. **[Amended 6-14-2017 by L.L. No. 2-2017]**
 - (h) Communication towers.
 - (i) Forestry management/timber harvesting.
 - (j) Houses of worship. **[Added 4-19-2006 by L.L. No. 3-2006]**
 - (k) Recreation, sports and entertainment, outdoors. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (l) Theaters/cinemas. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (4) Accessory uses. The following uses, accessory and incidental to permitted uses, may be permitted as provided in Article VII of this chapter.
- (a) Off-street parking of passenger and commercial vehicles in the open or in private garages, in accordance with the provisions of Article X of this chapter.
 - (b) Maintenance, security or utility structures serving the specific needs of the principal use.
 - (c) Recreation buildings or uses serving the specific needs of the use. Excluded are air-supported structures. **[Amended 6-14-2017 by L.L. No. 2-2017]**
 - (d) Indoor storage facilities incidental to the principal use.
 - (e) Other accessory uses that are incidental to the principal use of the site.
- (5) Lot and bulk regulations.
- (a) The bulk, height and yard (setback) requirements, minimum lot sizes, minimum street frontage and related standards for the PD District shall be as set forth in § 165-14 of this article.
 - (b) Minimum distance between structures shall be 100 feet.

§ 165-12. Provisions for residential districts.

A. CD Conservation District.

- (1) Purpose and intent. The CD District is intended to implement Master Plan provisions for single-family residential development

while maintaining substantial areas of open space, protecting natural resources and preserving environmental features.

- (2) Permitted uses.
 - (a) Single-family detached residences.
 - (b) Single-family cluster detached residences.
 - (c) Libraries or museums.
 - (d) Municipal buildings.
 - (e) Schools, public.
 - (f) Home occupation or offices.
 - (g) Parks and recreation services, public or private.
 - (h) Amateur/ham radio antennae.
 - (i) Farm operations. **[Amended 8-19-2009 by L.L. No. 8-2009⁶²]**
 - (j) Animals, domestic.
- (3) Special use permits. The following uses may be permitted subject to a special use permit as provided for in Article IX of this chapter.
 - (a) Community residential facilities.
 - (b) Accessory apartments.
 - (c) Clubhouse or lodge.
 - (d) Schools, private.
 - (e) Schools, business or trade.
 - (f) Utility services, local.
 - (g) Antiques stores.
 - (h) (Reserved)⁶³
 - (i) Home businesses or trades.
 - (j) Hotels, motels or inns.
 - (k) Commercial kennels.
 - (l) Restaurants, general.

62. Editor's Note: This local law also repealed former Subsection A(2)(j), which permitted animal husbandry, and redesignated former Subsection A(2)(k) as Subsection A(2)(j).

63. Editor's Note: Former Subsection A(3)(h), which permitted by special permit bed-and-breakfast establishments/boardinghouses, was repealed 6-14-2017 by L.L. No. 2-2017.

- (m) Roadside stands.
 - (n) Athletic clubs, health clubs and health spas.
 - (o) Commercial stables and riding academies.
 - (p) Camps.
 - (q) Golf courses, country clubs and driving ranges. **[Amended 6-14-2017 by L.L. No. 2-2017]**
 - (r) Recreation, sports and entertainment facilities, outdoor.
 - (s) Communication tower.
 - (t) Forest management/timber harvesting.
 - (u) Veterinary hospitals.
 - (v) Houses of worship. **[Added 4-19-2006 by L.L. No. 3-2006]**
 - (w) Theaters/cinemas. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (4) Accessory uses. The following uses accessory and incidental to permitted uses and specially permitted uses, may be permitted as provided for in Article VII of this chapter.
- (a) Off-street parking of passenger and commercial vehicles in the open or in private garages, in accordance with the provisions of Article X of this chapter.
 - (b) Swimming pools, tennis and deck or paddle tennis facilities, in accordance with the provisions for such uses as set forth in Article VII of this chapter.
 - (c) Maintenance, security or utility structures serving the specific needs of the principal use.
 - (d) Recreation buildings or uses serving the specific needs of the use. Excluded are air-supported structures. **[Amended 6-14-2017 by L.L. No. 2-2017]**
 - (e) Indoor storage facilities incidental to the principal use.
 - (f) Other customary accessory structures subject to the applicable provisions of Article VII hereof, such as playhouses, greenhouses, porches, sun decks, house decks, trash containers, outdoor air conditioners, compressors and the like, provided that said use, building or structure is incidental to the principal use of the site.
- (5) Lot and bulk regulations.

- (a) The minimum lot size, height, lot and bulk regulations, minimum frontage and related standards for the CD District shall be as set forth in § 165-14 of this article.
- (b) The minimum distance between structures shall be 60 feet.

B. R-3 Low-Density Residence District.

- (1) Purpose and intent. The R-3 District is a low-density residentially zoned district. The land included in this district is considered to have substantial environmental constraints that significantly affect the development potential and development pattern of the land. The purpose and intent of the R-3 District is to:
 - (a) Provide for the establishment and control of low-density residential areas located and maintained in accordance with the Master Plan.
 - (b) Encourage the preservation of the rural character of the community.
 - (c) Encourage the permanent preservation of open space, agricultural lands and other natural resources.
 - (d) Maintain the existing rural character and land use pattern of the town.
 - (e) Encourage development that consumes less open land.
 - (f) Protect adjacent open space from negative impacts.
- (2) Permitted uses.
 - (a) Single-family detached residences.
 - (b) Single-family cluster detached residences.
 - (c) Libraries or museums.
 - (d) Municipal buildings.
 - (e) Schools, public.
 - (f) Home occupations or offices.
 - (g) Parks and recreation services, public or private.
 - (h) Amateur/ham radio antennae.
 - (i) Farm operations. **[Amended 8-19-2009 by L.L. No. 8-2009⁶⁴]**

64. Editor's Note: This local law also repealed former Subsection B(2)(j), which permitted animal husbandry, and redesignated former Subsection B(2)(k) as Subsection B(2)(j).

- (j) Animals, domestic. **[Amended 6-14-2017 by L.L. No. 2-2017]**
- (k) Multifamily. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.
 - (a) Accessory apartments.
 - (b) Adult day care, nursing homes or rest homes.
 - (c) Child day care, nursery schools or family care.
 - (d) Hospitals.
 - (e) (Reserved)⁶⁵
 - (f) Schools, private.
 - (g) Utility services, local.
 - (h) Antiques stores.
 - (i) Bed-and-breakfast establishments/boardinghouses.
 - (j) Home businesses or trades.
 - (k) Hotels, motels or inns.
 - (l) Commercial kennels.
 - (m) Restaurants, general.
 - (n) Roadside stands.
 - (o) Athletic clubs, health clubs and health spas.
 - (p) Commercial stables and riding academies.
 - (q) Camps.
 - (r) Golf courses and country clubs.
 - (s) Golf driving ranges.
 - (t) Recreation, sports and entertainment facilities, outdoor.
 - (u) Forestry management/timber harvesting.
 - (v) (Reserved)⁶⁶
 - (w) Houses of worship.⁶⁷ **[Added 4-19-2006 by L.L. No. 3-2006]**

65. Editor's Note: Former Subsection B(3)(e), which permitted by special permit convalescent homes, was repealed 6-14-2017 by L.L. No. 2-2017.

66. Editor's Note: Former Subsection B(3)(v), which permitted by special permit veterinary hospitals, was repealed 6-14-2017 by L.L. No. 2-2017.

- (4) Accessory uses. The following uses, accessory and incidental to permitted uses and specially permitted uses, may be permitted as provided for in Article VII of this chapter.
 - (a) Off-street parking of passenger and commercial vehicles in the open or in private garages, in accordance with the provisions of Article X.
 - (b) Swimming pools, tennis and deck or paddle tennis facilities, in accordance with the provisions for such uses as set forth in Article VII of this chapter.
 - (c) Maintenance security or utility structures serving the specific needs of the use.
 - (d) Recreation buildings or uses serving the specific needs of the use. Buildings or uses serving the specific needs of the use, excluding air-supported structures. **[Amended 6-14-2017 by L.L. No. 2-2017]**
 - (e) Indoor storage facilities incidental to the principal use.
 - (f) Other customary accessory structures subject to the applicable provisions of Article VII hereof, such as playhouses, greenhouses, saunas, porches, sun decks, house decks, trash containers, outdoor air conditioners and the like, provided that said use, building or structure is incidental to the principal use of the site.
 - (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the R-3 District shall be as set forth in § 165-14 of this article.
- C. R-2 Moderate-Density Residence District.
- (1) Purpose and intent. The R-2 District includes land that is generally located adjacent to existing areas of concentrated population. The purpose and intent of the R-2 Moderate-Density Residence District is to provide for the establishment and regulation of residential areas developed with single-family detached and semi-attached units in a single-family neighborhood environment.
 - (2) Permitted uses.
 - (a) Single-family detached residences.
 - (b) Single-family cluster detached residences.
 - (c) Multifamily residences.
 - (d) Libraries or museums.

67. Editor's Note: Former Subsection B(3)(w), Senior citizen multifamily residences, added 6-5-2002 by L.L. No. 3-2002, was repealed 11-17-2004 by L.L. No. 6-2004.

- (e) Municipal buildings.
 - (f) Schools, public.
 - (g) Home occupations or offices.
 - (h) Parks and recreation services, public or private.
 - (i) Amateur/ham radio antennae.
 - (j) Farm operations. **[Amended 8-19-2009 by L.L. No. 8-2009⁶⁸]**
 - (k) Animals, domestic.
- (3) Special permit uses. The following uses may be permitted to a special use permit as provided for in Article IX of the chapter.
- (a) Accessory apartments.
 - (b) Adult day care, nursing homes or rest homes.
 - (c) Child day care, nursery schools or family care.
 - (d) (Reserved)⁶⁹
 - (e) Schools, private.
 - (f) Utility services, local.
 - (g) Antiques stores.
 - (h) (Reserved)⁷⁰
 - (i) Home businesses or trades.
 - (j) Hotels, motels or inns.
 - (k) Restaurants, general.
 - (l) Roadside stands.
 - (m) Athletic clubs, health clubs and health spas.
 - (n) Golf courses and country clubs.
 - (o) Golf driving ranges.
 - (p) Recreation, sports and entertainment facilities, outdoor.
 - (q) Forestry management/timber harvesting.

68. Editor's Note: This local law also repealed former Subsection C(2)(k), which permitted animal husbandry, and redesignated former Subsection C(2)(l) as Subsection C(2)(k).

69. Editor's Note: Former Subsection C(3)(d), which permitted by special permit convalescent homes, was repealed 6-14-2017 by L.L. No. 2-2017.

70. Editor's Note: Former Subsection C(3)(h), which permitted by special permit bed-and-breakfast establishments/boardinghouses, was repealed 6-14-2017 by L.L. No. 2-2017.

- (r) Houses of worship.⁷¹ **[Added 4-19-2006 by L.L. No. 3-2006]**
- (4) Accessory uses. The following uses accessory and incidental to permitted and specially permitted uses, may be permitted as provided for in Article VII of this chapter: all accessory uses permitted in the R-3 Districts.
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the R-2 District shall be as set forth in § 165-14 of this article.
- D. R-1 Medium-Density Residence District.
- (1) Purpose and intent. The R-1 District covers the existing concentrated population nodes. The purpose and intent of the R-1 Medium-Density Residence District is to provide for the establishment and regulation of residential areas developed with single-family and two-family homes or zero-lot-line homes, townhouses, attached or detached, located and maintained in accordance with the Master Plan.
- (2) Permitted uses.
- (a) Single-family detached residence.
- (b) Single-family cluster detached residences.
- (c) Single-family zero-lot-line residences.
- (d) Multifamily residences.
- (e) (Reserved)⁷²
- (f) Libraries or museums.
- (g) Municipal buildings.
- (h) Schools, public.
- (i) Home occupations or offices.
- (j) Parks and recreation services, public or private.
- (k) Amateur/ham radio antennae.
- (l) Farm operations. **[Amended 8-19-2009 by L.L. No. 8-2009]**
- (m) Animals, domestic.
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.

71. Editor's Note: Former Subsection C(3)(r), Senior citizen multifamily residences, added 6-5-2002 by L.L. No. 3-2002, was repealed 11-17-2004 by L.L. No. 6-2004.

72. Editor's Note: Former Subsection D(2)(e), Senior citizen residences, was deleted 6-5-2002 by L.L. No. 3-2002.

- (a) Accessory apartments.
 - (b) Adult day care, nursing homes or rest homes.
 - (c) Child day care, nursery schools or family care.
 - (d) (Reserved)⁷³
 - (e) Schools, private.
 - (f) Utility services, local.
 - (g) Antiques stores.
 - (h) Bed-and-breakfast establishments/boardinghouses.
 - (i) Home businesses or trades.
 - (j) Hotels, motels or inns.
 - (k) Restaurants, general.
 - (l) Roadside stands.
 - (m) Athletic clubs, health clubs and health spas.
 - (n) Golf courses and country clubs.
 - (o) Golf driving ranges.
 - (p) Recreation, sports and entertainment facilities, outdoor.
 - (q) ⁷⁴Forest management/timber harvesting.
 - (r) Houses of worship.⁷⁵ **[Added 4-19-2006 by L.L. No. 3-2006]**
- (4) Accessory uses. The following uses accessory and incidental to permitted and special permit uses may be permitted as provided for in Article VII of this chapter: all accessory uses and accessory structures permitted in the R-2 and R-3 Districts.
- (5) Lot and bulk regulations. The minimum lot size, height lot and bulk regulations, minimum street frontage, and related standards for the R-1 District shall be as set forth in § 165-14 of this article.

E. LP Lake Peekskill Residence District.

- (1) Purpose and intent. The LP District is the residential district with the highest density and covers the areas surrounding Lake

73. Editor's Note: Former Subsection D(3)(d), which permitted by special permit convalescent homes, was repealed 6-14-2017 by L.L. No. 2-2017.

74. Editor's Note: Former Subsection D(3)(q), which permitted animal husbandry by special permit, was repealed 8-19-2009 by L.L. No. 8-2009. This local law also redesignated former Subsection D(3)(r) and (s) as Subsection D(3)(q) and (r).

75. Editor's Note: Former Subsection D(3)(s), Senior citizen multifamily residences, added 6-5-2002 by L.L. No. 3-2002, was repealed 11-17-2004 by L.L. No. 6-2004.

Peekskill. The purpose and intent of the LP Lake Peekskill District is to provide for the regulation of mixed single-family and multifamily residential areas and resemble a village atmosphere. Regulations for development in the LP District are intended to reflect existing residential densities and patterns and should be restricted to those areas with an adequate supply of water and adequate parking.

- (2) Permitted uses.
 - (a) Single-family detached residences.
 - (b) Single-family cluster detached residences.
 - (c) Multifamily residences.
 - (d) (Reserved)⁷⁶
 - (e) Libraries and museums.
 - (f) Schools, public.
 - (g) Home occupations or offices.
 - (h) Parks and recreation services, public or private.
 - (i) Amateur/ham radio antennae.
 - (j) Animals, domestic.
- (3) Special permit uses. The following special permit uses may be permitted as provided in Article IX of this chapter.
 - (a) Single-family zero-lot-line residences.
 - (b) Accessory apartments.
 - (c) Adult day care, nursing homes or rest homes.
 - (d) Child day care, nursery schools or family care.
 - (e) (Reserved)⁷⁷
 - (f) Schools, private.
 - (g) Utility services, local.
 - (h) Antiques stores.
 - (i) Bed-and-breakfast establishments.
 - (j) Home businesses or trades.

76. Editor's Note: Former Subsection E(2)(d), Senior citizen residences, was repealed 11-17-2004 by L.L. No. 6-2004.

77. Editor's Note: Former Subsection E(3)(e), which permitted by special permit convalescent homes, was repealed 6-14-2017 by L.L. No. 2-2017.

- (k) Hotels, motels or inns.
 - (l) Restaurants, general.
 - (m) Recreation, sports and entertainment facilities, outdoor.
 - (n) Forest management/timber harvesting.
 - (o) Houses of worship. **[Added 4-19-2006 by L.L. No. 3-2006]**
- (4) Accessory uses. The following uses accessory and incidental to permitted and specially permitted uses may be permitted as provided for in Article VII of this chapter.
- (a) Off-street parking of passenger and commercial vehicles in the open or in private garages, in accordance with the provisions of Articles VII and X of this chapter.
 - (b) Swimming pools, tennis and deck or paddle tennis facilities, in accordance with the provisions for such uses as set forth in Article VII of this chapter.
 - (c) Indoor storage facilities incidental to the principal use.
 - (d) Other customary accessory structures subject to the applicable provisions of Article VII hereof, such as playhouses, bathhouses, greenhouses, saunas, porches, sun decks, house decks, trash containers, outdoor air conditioners and the like, provided that said use, building or structure is incidental to the principal use of the site.
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage, and related standards for the LP District shall be as set forth in § 165-14 of this article.

§ 165-13. Provisions for nonresidential districts.

A. CN Neighborhood Commercial Districts.

- (1) Purpose and intent. The purpose and intent of the CN District is to:
- (a) Encourage the integration of the small-scale shopping area into the neighborhood which it serves.
 - (b) As the name implies, these districts would provide limited services to the small business districts. These areas are designed to serve the adjacent residential community and should not compete with the general commercial uses and services found in the CC-1 and CC-2 Districts.
- (2) Permitted uses.
- (a) Residences above commercial stores.
 - (b) Libraries or museums.

- (c) Municipal buildings.
 - (d) United States Government Post Offices.
 - (e) Utility services, regional.
 - (f) Administrative and business offices.
 - (g) Apparel and accessory stores.
 - (h) Bakery shops, retail.
 - (i) Convenience stores with gas pumps.
 - (j) Convenience stores without gas pumps.
 - (k) Delicatessens.
 - (l) Florists.
 - (m) Liquor sales, retail.
 - (n) Medical offices.
 - (o) Nurseries, retail.
 - (p) Personal convenience services.
 - (q) Professional offices and services.
 - (r) Retail stores, individual/general.
 - (s) Amateur/ham radio antennae.
 - (t) Hardware stores.
 - (u) Dance/artistic studios, galleries. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (v) Data processing and computer-related services. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (w) Dry-cleaning services; dropoff. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (x) Financial services. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (y) Photography, digital. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (z) Delivery/messenger service. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (aa) Printing establishments. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.

- (a) Child day care, nursery schools or family care.
- (b) Clubhouse or lodge.
- (c) Utility services, local.
- (d) Antiques stores.
- (e) Catering establishments.
- (f) Cocktail lounge/bar.
- (g) (Reserved)⁷⁸
- (h) Laundry services, storefront.
- (i) Restaurant, general.
- (j) Retail, mini mall/shopping centers.
- (k) Automotive, sales or rental.
- (l) Schools, businesses or trades. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (m) Consumer repair services. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (n) Convenience storage. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (o) Exterminating services. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (p) Kennel, commercial. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (q) Laundromat-on-site. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (r) Photography. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (s) Restaurant, fast food. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (t) Amusement arcades. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (u) Athletic and health clubs and health spas. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (v) Theatres and cinemas. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (w) Contractor yard. **[Added 6-14-2017 by L.L. No. 2-2017]**

78. Editor's Note: Former Subsection A(3)(g), which permitted by special permit storefront dry-cleaning services, was repealed 6-14-2017 by L.L. No. 2-2017.

- (x) Assembly of component parts. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (y) Veterinary hospitals. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (z) Automotive limo and taxi. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (aa) Automotive repairs/service. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (bb) Automotive gas station. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (4) Accessory uses CN District. The following uses, accessory and incidental to permitted uses and specially permitted uses, may be permitted as provided for in Article VII of the chapter.
- (a) Off-street parking and loading in accordance with the provisions of Article X of this chapter.
 - (b) Maintenance, security or utility structures serving the specific need of the use.
 - (c) Indoor storage facilities incidental to the principal use.
 - (d) Other customary accessory structures subject to the applicable provisions of Article VII hereof, such as trash receptacles, dumpsters and other large trash containers, air conditioners, air condensers, temporary outdoor displays and the like, provided that said use, building or structure is incidental to the principal use of the site.
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the CN District shall be as set forth in § 165-14 of this article.
- B. CC-1 Community Commercial-One District.
- (1) Purpose and intent. The purpose and intent of the Community Commercial-One District (CC-1) is to provide for a variety of highly regulated and intense commercial activities within the Oregon Corners portion of the Central Business District (CBD). The CC-1 District is designed to accommodate most of the retail and service needs of the residents in the town. The CC-1 District is intended to establish the commercial character of the Town through its well-balanced mixture of land uses, architecture, street environment and pedestrian orientation.
 - (2) Permitted uses.
 - (a) Residence above commercial stores.
 - (b) Clubhouses or lodges.

- (c) Libraries or museums.
- (d) Municipal buildings.
- (e) United States Government Post Offices.
- (f) Utility facilities, regional.
- (g) Administrative and office buildings.
- (h) Antiques stores.
- (i) Apparel and accessory stores.
- (j) Bakery shops, retail.
- (k) Catering establishments.
- (l) Cocktail lounges or bars.
- (m) Data processing and computer-related services.
- (n) Consumer repair services.
- (o) Convenience storage facility.
- (p) Convenience stores with gas pumps.
- (q) Convenience stores without gas pumps.
- (r) Delicatessens.
- (s) Financial services, financial institutions and banks.
- (t) Florists.
- (u) Funeral homes.
- (v) Hardware stores.
- (w) Liquor sales, retail.
- (x) Medical offices.
- (y) Medical centers or complexes.
- (z) Nurseries, retail.
- (aa) Personal convenience stores.
- (bb) Pet grooming services.
- (cc) Professional offices and services.
- (dd) Restaurant, general.
- (ee) Retail stores, individual/general.

- (ff) Athletic clubs, health clubs and health spas.
 - (gg) Theaters or cinema.
 - (hh) Amateur/ham radio antennae.
 - (ii) Dance/artistic studio, galleries. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (jj) Dry-cleaning services, dropoff. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (kk) Photography, digital. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (ll) Delivery/messenger services. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.
- (a) Adult day care, nursing homes or rest homes.
 - (b) Schools, business or trade.
 - (c) Utility services, local.
 - (d) (Reserved)⁷⁹
 - (e) Photography studios.
 - (f) (Reserved)⁸⁰
 - (g) Laundry services, storefront.
 - (h) Dry-cleaning services, on-site.
 - (i) Laundromat, on-site.
 - (j) Exterminating services.
 - (k) Printing establishments.
 - (l) Retail mini malls or shopping centers.
 - (m) Restaurants, fast-food.
 - (n) Amusement arcades.
 - (o) Recreation, sports and entertainment facilities, indoor.
 - (p) Construction material sales.

79. Editor's Note: Former Subsection B(3)(d), which permitted by special permit artistic and dance studios and galleries, was repealed 6-14-2017 by L.L. No. 2-2017.

80. Editor's Note: Former Subsection B(3)(f), which permitted by special permit storefront dry-cleaning services, was repealed 6-14-2017 by L.L. No. 2-2017.

- (q) Automotive sales or rentals.
 - (r) Automotive repair or service.
 - (s) Automotive gas station.
 - (t) Child day care, nursery or preschool. **[Added 6-17-1998 by L.L. No. 7-1998; amended 11-18-1998 by L.L. No. 12-1998]**
 - (u) Kennel, commercial. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (v) Massage therapy. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (w) Contractor yard. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (x) Assembly of component parts. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (y) Veterinary hospitals. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (z) Automotive, limo. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (4) Accessory uses. The following uses accessory and incidental to permitted and special permit uses as provided for in Article VII of this chapter.
- (a) All accessory uses and accessory structures as permitted in the CN District.
 - (b) Research, design and development laboratories, excluding wet laboratories, provided that said use is clearly incidental to the principal use.
 - (c) Eating facilities for the use of employees and visitors of the principal use.
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the CC-1 District shall be as set forth in § 165-14 of this article.
- C. CC-2 Community Commercial-Two District.
- (1) Purpose and intent. The purpose and intent of the CC-2 District is to provide for a variety of commercial activities that are of moderate intensity in scale and traffic generation, of a character similar to but more restricted than the CC-1 District. The uses within this district are to serve the convenience and needs of the greater Putnam Valley community and must be compatible with the residential character and environment of the adjacent neighborhood. These uses generally result in limited traffic generation. The Lake Peekskill portion of the Central Business District (CBD), the Adams Corners Business District and the east side of Bryant Pond Road/Taconic State Parkway intersection

(Smith's Corners) shall be included in the CC-2 Commercial District.

(2) Permitted uses.

- (a) Residences above commercial stores.
- (b) Libraries or museums.
- (c) Municipal buildings.
- (d) United States Government Post Offices.
- (e) Utility facilities, regional.
- (f) Administrative and business offices.
- (g) Antiques stores.
- (h) Apparel and accessory stores.
- (i) Bakery shops, retail.
- (j) Data processing and computer-related services.
- (k) Consumer repair services.
- (l) Convenience storage facilities.
- (m) Convenience stores with gas pumps.
- (n) Convenience stores without gas pumps.
- (o) Delicatessens.
- (p) Financial services, financial institutions and banks.
- (q) Florists.
- (r) Funeral homes.
- (s) Liquor sales, retail.
- (t) Medical offices.
- (u) Nurseries, retail.
- (v) Personal convenience stores.
- (w) Pet grooming.
- (x) Professional offices and services.
- (y) Restaurants, general.
- (z) Retail stores, individual or general
- (aa) Theaters or cinema.

- (bb) Amateur/ham radio antennae.
 - (cc) Assembly of component parts.
 - (dd) Hardware stores.
 - (ee) Dance/artistic studios and galleries. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (ff) Dry cleaning services, dropoff. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (gg) Photography, digital. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (hh) Athletic clubs and health spas. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (ii) Delivery and messenger services. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (jj) Printing establishments. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.
- (a) Child day care, nursery schools or family care.
 - (b) Clubhouses or lodges.
 - (c) Utility services, local.
 - (d) (Reserved)⁸¹
 - (e) Catering establishments.
 - (f) Cocktail lounges or bars.
 - (g) Photography studios.
 - (h) (Reserved)⁸²
 - (i) Laundry services, storefront.
 - (j) (Reserved)⁸³
 - (k) Retail mini malls or shopping centers.
 - (l) Recreation, sports and entertainment facilities, indoor.

81. Editor's Note: Former Subsection C(3)(d), which permitted by special permit artistic and dance studios and galleries, was repealed 6-14-2017 by L.L. No. 2-2017.

82. Editor's Note: Former Subsection C(3)(h), which permitted by special permit storefront dry-cleaning services, was repealed 6-14-2017 by L.L. No. 2-2017.

83. Editor's Note: Former Subsection C(3)(j), which permitted by special permit printing establishments, was repealed 6-14-2017 by L.L. No. 2-2017.

- (m) Automotive sales or rentals.
 - (n) Automotive repair service.
 - (o) Automotive gas station.
 - (p) Construction material sales.
 - (q) Schools, business or trade.
 - (r) Childcare center, nursery school. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (s) Exterminating services. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (t) Kennel, commercial. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (u) Laundromat on site. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (v) Massage therapy. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (w) Amusement arcade. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (x) Contractor yard. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (y) Veterinary hospital. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (z) Automotive, limo. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (4) Accessory uses. The following uses accessory and incidental to permitted and specially permitted uses may be permitted as provided for in Article VII of this chapter: all accessory uses and accessory structures permitted in the Community Commercial-One District (CC-1).
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the CC-2 District shall be as set forth in § 165-14 of this article.⁸⁴

D. PC Planned Commercial Park District.

- (1) Purpose and intent. Except for limited accessory uses, the Planned Commercial Park District provides for employment locations characterized by office and compatible research, laboratory (dry lab) and prototype development functions. These activities are often on a site providing substantial visual amenities, compatible with surrounding residential areas, as well as with other open space and recreation uses.

84. Editor's Note: Former Subsection C(6), Commercial Floating District, which immediately followed this subsection, was deleted 6-26-2002 by L.L. No. 8-2002.

- (2) Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following:
- (a) Libraries or museums.
 - (b) Municipal buildings.
 - (c) United States Government Post Offices.
 - (d) Utility facilities, regional.
 - (e) Administrative and business offices.
 - (f) Artistic and dance studios and galleries.
 - (g) Catering establishments.
 - (h) Data processing and computer-related services.
 - (i) Conference centers.
 - (j) Convenience storage facilities.
 - (k) Financial services, financial institutions and banks.
 - (l) Hotels, motels or inns.
 - (m) Medical offices.
 - (n) Medical centers or complexes.
 - (o) Nurseries, retail.
 - (p) Professional offices and services.
 - (q) Restaurants, general.
 - (r) Agricultural/farm sales and services.
 - (s) Residential above commercial. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (t) Apparel and accessories. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (u) Consumer repair services. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (v) Photography, digital. **[Added 6-14-2017 by L.L. No. 2-2017]**
 - (w) Printing establishments. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (3) Special permit uses. The following special permit uses may be permitted as provided for in Article IX of this chapter.

- (a) Clubhouses or lodges.
- (b) Schools, business or trade.
- (c) Utility services, local.
- (d) Photography studios.
- (e) Printing establishments.
- (f) Athletic clubs, health clubs and health spas.
- (g) Golf courses, country clubs and driving ranges. **[Amended 6-14-2017 by L.L. No. 2-2017]**
- (h) Recreation, sports and entertainment facilities, indoor.
- (i) Bio-technical research.
- (j) Communication tower.
- (k) Construction material sales.
- (l) Forestry management/timber harvesting.
- (m) Assembly of component parts.
- (n) Medical technical research (instrumentation).
- (o) Sawmilling operations.
- (p) Research laboratories.
- (q) Automotive sales or rentals.
- (r) Automotive gas station.⁸⁵
- (s) Hospital. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (t) Restaurant, fast food. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (u) Retail mini mall shopping center. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (v) Parks and recreational services, public/private. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (w) Recreational sports and entertainment, outdoor. **[Added 6-14-2017 by L.L. No. 2-2017]**
- (x) Automotive, limo. **[Added 6-14-2017 by L.L. No. 2-2017]**

85. Editor's Note: Former Subsection D(3)(s), Senior citizen multifamily residences, 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.

- (4) Accessory uses. The following uses accessory and incidental to permitted and specially permitted uses may be permitted as provided for in Article VII of this chapter.
 - (a) Eating facilities for the use of employees and visitors of the principal use.
 - (b) Maintenance and utility facilities incidental to the principal use as provided in Article VII of this chapter.
 - (c) Other customary accessory uses incidental to the principal use on the site.
 - (d) Retail sales.
- (5) Lot and bulk regulations. The minimum lot size, height, lot and bulk regulations, minimum street frontage and related standards for the PC District shall be as set forth in § 165-14 of this article.

§ 165-14. Height, lot and bulk regulations by district.

The height, lot and bulk regulations set forth the basic requirements for the districts identified. More restrictive limitations may be imposed in a particular geographic area pursuant to the provisions of Articles VI and VIII of this chapter. The height, lot and bulk regulations are set out in the table entitled "Height, Bulk and Lot Regulations."⁸⁶

§ 165-15. Calculation of minimum building area.

To determine the minimum building area required for development in a particular district, the following formula shall be applied:

Calculation of Minimum Building Area

1. Determine gross site area in square feet (actual survey required).
2. Subtract from gross site area right-of-way areas occupied by improved roads, paper streets and utility and access easements in square feet.
3. Subtotal of 1 and 2 above.
4. Calculate areas considered to be unbuildable as follows:
 - a. Wetlands (square feet) _____ x 100%
 - b. Lakes, ponds and watercourses (square feet) ____ x 100%
 - c. Slopes 20% + (square feet) _____ x 100%
 - d. Rock outcroppings greater than 20,000 square feet in area _____ x 50%
5. Subtotal of Item 4 above.
6. Subtract Item 5 from Item 3 above for total minimum building area.

86. Editor's Note: The Height, Bulk and Lot Regulations Table is included at the end of this chapter.

Calculation of Minimum Building Area

7. Total minimum building area in square feet. (Refer to the table entitled "Height, Bulk and Lot Regulations," § 165-14)

ARTICLE IV

Special Provisions for Residential Districts**§ 165-16. Development approval plan.**

- A. Purpose and intent. The purpose and intent of this section is to ensure that development in residential districts is consistent with the policies of the Master Plan, generally furthers the orderly, efficient and economical development of the Town and ensures that subdivisions are designed so as to be safe for building purposes without danger to health, safety and welfare. Such development plans in residentially zoned districts shall provide for drainage, water, sewage and the necessary infrastructure; protect environmental features, such as water bodies, watershed areas, flora and fauna, scenic views and other natural resources; ensure that proposed access to and from the site conforms to Town goals and is compatible with existing and future development in the area; ensure that access and drives are of such width, grade and location to accommodate existing and future traffic patterns; facilitate fire protection and provide access to emergency vehicles and firefighting equipment to buildings; and ensure that open spaces are reserved for recreational and public use. This section is also intended to ensure that development is designed to harmonize with the neighborhood, to accomplish a transition of character between areas of unlike character to protect property values and to preserve and enhance the appearance and beauty of the community and to avoid an adverse impact on adjacent land uses.
- B. Applicability of regulations. Where a development approval plan is required by this section, no site shall be disturbed (including, but not limited to, removal of trees), and no building permit or certificate of occupancy shall issue until such a plan has been reviewed and approved by the Planning Board. No certificate of occupancy shall be issued for such premises until all of the requirements of the Planning Board's approval, including any conditions attached thereto, have been met. A development approval plan is required for any proposed use, change in use of land, buildings and other structures, or for determining an "envelope" in which construction and/or site development may occur. A development approval plan shall be required for the following actions: **[Amended 10-22-2003 by L.L. No. 8-2003]**
- (1) Any subdivision in the PD (Preservation District), CD (Conservation District), R-3 (Low Density Residence District), R-2 (Moderate Density Residence District), R-1 (Medium Density Residence District) and LP (Lake Peekskill Residence District).
 - (2) Any development and use that falls within any Environmental Management District, as defined in Article VI of this chapter, but excepting therefrom: **[Amended 8-13-2003]**

- (a) Alterations which do not change or affect the use and occupancy of a building. **[Amended 5-11-2011 by L.L. No. 2-2011]**
 - (b) Enclosed additions to floor space that do not exceed 800 square feet. **[Amended 5-11-2011 by L.L. No. 2-2011]**
 - (c) Accessory structures and uses pursuant to Article VII, except for:
 - [1] Construction of new enclosed accessory buildings in excess of 800 square feet; and
 - [2] Additions to existing enclosed accessory buildings that result in an increase of more than 800 square feet in enclosed area.
- (3) Any development or improvement in the PD (Preservation District) or CD (Conservation District), including alterations of any kind to accessory uses and/or change(s) or expansion of any existing use, including alteration of land, but excepting therefrom: **[Amended 8-13-2003]**
- (a) Alterations which do not change or affect the use and occupancy of a building. **[Amended 5-11-2011 by L.L. No. 2-2011]**
 - (b) Enclosed additions to floor space that do not exceed 800 square feet. **[Amended 5-11-2011 by L.L. No. 2-2011]**
 - (c) Accessory structures and uses pursuant to Article VII, except for:
 - [1] Construction of new enclosed accessory buildings in excess of 800 square feet; and
 - [2] Additions to existing enclosed accessory buildings that result in an increase of more than 800 square feet in enclosed area.
- (4) Any special use permits for which the Planning Board has determined that a plan of development is required under Article IX, § 165-34C of this chapter.
- C. Application procedures.
- (1) Application requirements.
 - (a) Applications for a development approval plan shall be presented to the Planning Board at least three weeks prior to a public meeting and shall be accompanied by appropriate fees and a sketch plan including the following:

- [1] A location map, at a scale of one inch equals 1,000 feet showing the applicant's entire property and all easements and streets and existing structures within 200 feet of the applicant's property. The location shall include the names of owners of record for all parcels within 200 feet.
 - [2] The proposed location, size and use of all buildings and structures, at a scale of one inch equals 50 feet.
 - [3] Any proposed division of buildings into units of separate occupancy.
 - [4] Any special use permits for which the Planning Board has determined that a plan of development is required under Article IX, § 165-34C of this chapter.
- (b) In the event that the proposal does not conform in some way with the zoning regulations, the application shall be denied by the Planning Board and the applicant may seek relief from the Zoning Board of Appeals. After receiving sketch plan approval, the applicant shall present a detailed site plan prepared by a qualified individual or firm, including a registered architect, professional engineer, landscape architect or professional planner, and shall contain at least the following information:
- [1] Existing topography and proposed grade elevations of the project area at a contour interval of not more than two feet, unless otherwise specified by the Planning Board.
 - [2] Soil types using data available from the Soil Conservation Service or, if required by the Planning Board, a detailed on-site soil analysis.
 - [3] The location, size and function of local and New York State Department of Environmental Conservation (NYSDEC) designated wetland areas, lakes, ponds, streams and other natural drainage features.
 - [4] One-hundred-year floodplain areas and/or other drainage or flood areas as specified by the Planning Board.
 - [5] Terrain with slopes that fall within 15% to 20% and slopes in excess of 20%.
 - [6] A tree plan pursuant to Article VA of this chapter. **[Amended 10-22-2003 by L.L. No. 8-2003]**
 - [7] The location and capacity or number of all existing and proposed roads, paper roads, parking and loading areas, including access and egress drives.
 - [8] The location, description and design of all existing and proposed site improvements, including pavements, walks,

curbing, drains, culverts, retaining walls and fences, parks, open space and recreation facilities, stone walls and other stone structures.

- [9] A description of the method of sewage disposal and location of such facilities.
- [10] A description and the location of all existing and proposed water supply facilities, including wells, casings, pumps, mains, hydrants and storage tanks.
- [11] The location, height, design and size of all temporary and permanent signs.
- [12] Identification of proposed landscaping and buffer screening areas, including a landscape plan, and species and quantities of existing and proposed vegetation.
- [13] The location and design of lighting and security features.
- [14] The location and character of all power distribution and transmission lines.
- [15] The location and description of all subsurface site improvements and facilities.
- [16] A grading plan showing before and after contours. The site plan should also show the extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads and the disposition of any cut and fill in excess of 500 cubic yards. The grading plan shall include an erosion control plan during and after construction.
- [17] All stormwater retention/detention facilities. Adequate provisions for the handling of stormwater runoff should be made to include retention/detention, piping or channeling to existing drainage systems during and after construction.
- [18] At the request of the Planning Board, any other pertinent information as may be necessary to determine and provide for the proper enforcement of specific provisions of this section shall be provided.
- [19] The Planning Board may also require a long environmental assessment form and/or other pertinent information.
- [20] Compliance with Chapter 155, Soil Erosion and Sediment Control, of the Code of the Town of Putnam Valley.

(2) Approval process.

- (a) The Planning Board shall schedule and conduct a public hearing on a development approval plan application within 62 days after receipt of all items required and the recommendations of the following, if required:
- [1] Putnam County Planning Department.
 - [2] Putnam County Health Department.
 - [3] New York State Health Department.
 - [4] Putnam Valley Commission for the Conservation of the Environment.
 - [5] Putnam Valley Highway Department.
 - [6] Putnam Valley Town Emergency Services.
 - [7] Putnam County Department of Highways and Facilities.
 - [8] Putnam County Soil and Water Conservation District.
 - [9] Other pertinent agencies.
- (b) Within 62 days of the date of the close of the public hearing, the Planning Board shall act to approve, disapprove or approve with conditions the plan application.
- (c) Revisions or amendments. **[Amended 10-15-2008 by L.L. No. 6-2008]**
- [1] Except as provided in Subsection C(2)(c)[2] hereof, revisions or amendments to an approved plan shall be acted upon in the same manner as the application for approval of the original plan.
 - [2] Minor revisions.
 - [a] Minor revisions to an approved plan, necessitated by field conditions experienced during the course of construction, which were not or could not reasonably have been anticipated during the original approval process and which, if executed, will not materially affect the approval plan from a visual or operational standpoint, and which will not adversely impact the community or the environment, may be approved by the Town Engineer in consultation with the Code Enforcement Officer, Highway Superintendent, Town Attorney, Town Planner, and Town Wetlands Inspector, as applicable.
 - [b] All requests for minor revisions to an approved plan pursuant to Subsection C(2)(c)[2][a] hereof shall be made to the Planning Board, in writing, and shall be

accompanied by a drawing and referred by said Board to the Town Engineer.

- [c] All minor revisions approved by the Town Engineer shall be made in writing and shall be filed in the Office of the Planning Board.
 - [d] Upon receipt of a referral from the Planning Board pursuant to Subsection C(2)(c)[2][b] hereof, the Town Engineer may determine that the proposed revision is not minor and shall refer same back to the Planning Board for the filing of a formal application to amend the approved plan.
 - [e] Minor revisions contemplated under this Subsection C(2)(c)[2] include, by way of example, the following:
 - [i] Minor movement of a catch basin.
 - [ii] Minor movement of a driveway entrance.
 - [iii] Minor grading changes.
- (3) Security. A cash bond, letter of credit or other security in a form approved by the Town Attorney, and in an amount determined by the Planning Board, shall be submitted by the applicant before the development approval plan is signed by the Planning Board Chairman or Secretary. The bond shall cover the full cost of the improvements required by the Planning Board and shall ensure the Town of Putnam Valley that the applicant will conform to the approved development approval plan and applicable regulations. The bond shall be an escalating bond, and the face value shall escalate as follows: 125% of the actual cost of improvements in the first year, 150% of the original cost of improvements in the second year. Prior to the end of the two-year period, the Planning Board shall review the work remaining to be done and revise the amount of the security. The revision of the amount shall follow the same procedure adopted for the original security. Should a portion of the work be done during the first two years to the satisfaction of the town, the Planning Board shall recommend to the Town Board, upon request by the applicant, that the amount of the security be reduced. The amount of reduction shall be based on the original cost breakdown approved by the Planning Board at the time of the initial development plan approval.
- (4) Engineering/inspection fee. An engineering/inspection fee equal to 5% of the estimated cost of the improvements, required by the Planning Board as a condition of the development approval plan, shall be submitted in the form of a certified check. The Planning Board may waive the above fee if and to the extent that the Town's actual inspection fees, including but not limited to engineering, planning, wetlands and/or environmental, are paid from an escrow

account funded by the development approval plan applicant.
[Amended 5-20-2009 by L.L. No. 3-2009]

- (5) Duration of approval. The approved development approval plan shall be valid for a period of 18 months after the development approval plan has been signed by the Chairman or Secretary of the Planning Board and may be extended once by the Planning Board for a period not to exceed six months. After 24 months, if an extension has been approved, but before 36 months after the development approval plan has been signed and prior to the issuance of a building permit, the Code Enforcement Officer shall reaffirm that conditions of the approval have not changed. If in the opinion of the Code Enforcement Officer site conditions have changed, or the conditions of approval are no longer relevant, the development plan shall be referred to the Planning Board for review. After 36 months after the development approval plan has been signed, the development approval plan (or, in the case of a subdivision, the portion of the development approval plan relating to the lot in question), or the portions of the development approval plan for lots for which a building permit has not been issued) shall be deemed to have expired. No building permits may be issued for lots for which the development approval plan has expired.
[Amended 6-26-2002 by L.L. No. 7-2002]

§ 165-17. Clustered residential development plans.

- A. Purpose and intent. For the purpose of promoting the health, safety and general welfare of the Town of Putnam Valley and to preserve and make available open space, and in accordance with the procedures, standards and conditions hereinafter specified, the Planning Board may, in approving a subdivision plat under Chapter 158, Subdivision of Land, of the Code of the Town of Putnam Valley, permit clustered subdivisions as authorized by § 278 of the Town Law of New York State. Clustered subdivisions are designed to permit flexibility in layout, lot size and bulk requirements in order to preserve open space resources and to increase the efficiency of road and utility services without increasing the density of the base zoning district. All requirements of this section are in addition to other requirements applicable in the district in which the subdivision is to be relocated. **[Amended 4-15-1998 by L.L. No. 5-1998]**
- B. Applicability.
 - (1) Applicants have the option to propose cluster development for the Planning Board's overview which shall be based on the density permitted in a particular zoning district. The Planning Board may approve a cluster development, if it has determined that a cluster subdivision is to be preferred to a conventional subdivision layout.
 - (2) If the land lies within an Environmental Management District, or other environmentally, visually or historically significant resources,

including but not limited to wetlands, steep slopes, watersheds, stream corridors, ridgelines, erosive soils or scenic landscapes, would be adversely affected by a conventional subdivision layout, the Planning Board may require an applicant for subdivision approval to apply for a clustered subdivision under this section in order to protect these resources from adverse impacts.

- C. Application procedures. Application for a clustered subdivision shall be submitted to the Planning Board with appropriate forms and fees. The application shall be accompanied by the following:
- (1) A standard subdivision plan, meeting the requirements for a preliminary layout under the subdivision regulations and conforming in all respects to said regulations and the regular provisions of the base zoning district and any applicable overlay district.
 - (2) A modified subdivision sketch plan showing a clustered subdivision in accordance with this section.
 - (3) The Planning Board may request the submission of such additional information as it deems necessary in order to decide on the application.
- D. Preliminary review. The Planning Board shall first review the standard plan and after concept approval by the Putnam County Health Department, and by resolution, determine the number of lots that constitute a reasonable subdivision of the land. The applicant shall then submit a clustered subdivision plan meeting the requirements for a preliminary layout under the subdivision regulations. The Planning Board shall review, taking into account, among other factors, the suitability of the plans, administrative methods for water supply and sewage disposal, the location and suitability of proposed open space land and the proposed ownership and administrative methods to assure proper maintenance thereof and the effect of the clustered subdivision on the neighborhood. The Planning Board may then approve the application in the same manner as any preliminary layout submitted under the subdivision regulations. This shall constitute preliminary approval of the clustered layout.
- E. Final action. The Planning Board shall act on the clustered subdivision plan in the same manner as required for action on subdivision plans under the subdivision regulations.
- F. Development standards. The clustered subdivision shall conform to the following standards:
- (1) Minimum site area. The area covered by the application, excluding existing roads, shall consist of a minimum fifteen-acre parcel.
 - (2) Minimum lot area. Each lot, except land reserved for open space purposes, shall have a minimum lot size of 2/3 acre if there is a

community sewer or water system and one acre if the development is reliant on individual septic and water systems.

- (3) Minimum lot width. The minimum lot width shall be 100 feet along the building line.
- (4) Maximum building coverage. The maximum building coverage shall be 15% of the lot area.
- (5) Maximum site development coverage (total coverage by impervious surfaces). The maximum site development coverage shall be 35%.
- (6) Maximum building height. The maximum building height shall be 21/2 stories or 35 feet, whichever is less.
- (7) Minimum front and rear setbacks. The minimum front and rear setback shall be no less than 50 feet from the lot line.
- (8) Minimum side yard setbacks. The minimum side yard setbacks shall not be less than 25 feet, zero lot line excepted.
- (9) Minimum distance of structures within a project. The minimum distance a structure within a project shall be is as follows:
 - (a) From an existing public road: 150 feet.
 - (b) From a public recreation use: 500 feet.
 - (c) From a project boundary: 100 feet.
- (10) Water and sewer facilities. Unless served by central water and sewer facilities, no residential lot may be created without a finding by the Planning Board that, based upon sufficient information on soils, geology, hydrology and/or technology, the installation of an on-site well, community well, septic disposal system or community wastewater treatment system would not be likely to have an adverse impact upon the surrounding groundwater or surface water quality or supply and that there is a sufficient area of suitable soils for future extension or replacement of initial systems.
- (11) Recreation and open space. Each clustered subdivision shall result in preservation of land for park, recreation, conservation or other open space purposes as follows:
 - (a) The open space shall have access, shape, dimensions, character, location and topography suitable for the purpose intended as approved by the Planning Board.
 - (b) The open space shall be shown on the site plan and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space purposes.

- (c) The open space shall be owned in common by a homeowners' association. The Planning Board shall assure that proper provision has been made for ownership and maintenance of the open space.
- (d) In the CD, R-3, R-2, R-1 and LP Districts, the area of open space shall consist of not less than 30% of the area of the tract to be subdivided. A minimum of 1/3 of the land to be dedicated for open space purposes shall be considered usable for the specific purpose intended, as determined by the Planning Board. Any improvement within the open space shall require development plan approval by the Planning Board. Buffer zones along property lines shall be included as part of the requirement for open space set aside in perpetuity.

(12) Additional regulations.

- (a) Each lot containing eight dwelling units shall be held in fee simple ownership.
- (b) The balance of the land not contained in the lots or within the road rights-of-way shall be continuous and of such condition, size and shape as to be usable for recreation. Such land shall be held by the homeowners' association with ownership limited to the owners of the family units in proportion to the number of family units actually owned within the development, and the developer shall incorporate into the deeds of all property within the development a covenant running with the land giving to the owners an interest in such open land which shall be used for recreational purposes only or else in a natural state. No structure, save those incidental to the recreational use, shall be permitted thereon.
- (c) Each deed shall show that at no future time may the open space be subdivided, sold or leased. The homeowners' association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities. Homeowners must pay their proportionate share of these costs. Unpaid assessments levied by the homeowners' association shall become a lien upon the family unit property of the delinquent homeowner, who shall bear the costs of recovery of unpaid assessments and interest on the unpaid sum.
- (d) The right-of-way and pavement widths for internal roads serving the development shall conform to street and highway construction and layout standards adopted by the town.
- (e) Buffers shall be designed to substantially limit the visibility of the development from outside the project area and shall include areas left essentially in their natural state. No parking, loading or accessory buildings in a buffer zone shall be visible

from a perimeter road with the exception of preexisting buildings; a gate or security house with a maximum floor area of 125 square feet and a height of 15 feet; and required utility structures designed to service the proposed development.

- (f) Significant ecological features, such as trees and stands of trees of significant size or character, and streams and wetlands shall be preserved and incorporated into the landscaping of the development to the maximum extent possible.
- (g) Significant topographical features, such as steep slopes, large rock outcrops and stone walls, and root cellars shall be preserved to the maximum extent possible.
- (h) If development is planned in stages, it must receive preliminary approval for the entire project. Final approval for each stage may be granted individually.

§ 165-18. Mixed use residential-office.

Where mixed residential and office uses in single buildings are permitted, there shall be no dwelling units on the first floor of such building. Furthermore, the building and site must be adequate to accommodate the off-street parking, traffic and other special demands imposed by both uses.

§ 165-19. Multifamily residential.

- A. Standards to be met. The following standards shall be met in a multifamily development:
 - (1) The minimum lot area shall be five buildable acres with a maximum density of eight dwelling units per buildable acre and with a maximum number of 100 dwelling units per project.
 - (2) Each multifamily project shall have adequate frontage on a public road to provide two means of ingress to and egress from the project, separated by no less than 100 feet and in no case shall such project have less than 200 feet of frontage on an existing public road.
 - (3) Yard requirements to be met. Minimum yard for principal and accessory uses shall be as follows:
 - (a) Front: 100 feet.
 - (b) Side: 50 feet.
 - (c) Rear: 50 feet.
 - (4) The yard requirements for principal and accessory uses may be increased, and fencing or landscape screening may be required, at the discretion of the Planning Board.

- (5) The maximum lot coverage for all structures on the parcel shall be 25%.
 - (6) The maximum building height shall be 2 1/2 stories or 35 feet, whichever is less.
 - (7) No building shall be more than 100 feet in length on any facade nor have more than 10 dwelling units in a single structure.
 - (8) The project shall comply with all regulations as set forth in the Multiple Residence Law of the State of New York.
- B. Permitted uses. The following uses are permitted in a multifamily development:
- (1) Principal uses: multifamily dwellings.
 - (2) Accessory uses:
 - (a) Recreation areas and facilities.
 - (b) Pump house, garden house, gatehouse, greenhouse, toolhouse, refuse and recycling storage, storage building and other similar uses incidental to the residential use of the premises, and provided that any such structure complies with all setback requirements, except that a gatehouse may be located within the front yard setback at least 25 feet from the front property line.
 - (c) Off-street parking facilities and private garages and carports for storage of motor vehicles used by residents and their guests.
- C. Density requirements. The minimum gross land area per dwelling unit in a multifamily development shall be in accordance with the following schedule:

Land Area

(square feet)	Type of Dwelling Unit
4,000	Studio or efficiency apartment
6,000	One-bedroom apartment
8,000	Two-bedroom apartment
10,000	Three-bedroom apartment

- D. Development requirements for dwelling units. The maximum floor area per dwelling unit shall be as follows:

Floor Area¹

(square feet)	Type of Dwelling Unit
600	Studio or efficiency apartment
800	One-bedroom apartment
1,200	Two-bedroom apartment
1,400	Three-bedroom apartment

NOTES:

¹Floor area shall not include crawl spaces, cellars, attics and basements, none of which may ever be converted into apartments or become living space.

E. Development requirements for common land and community facilities.

(1) Open space.

(a) A minimum of 40% of the entire site shall be designated as open space. The open space shall include:

[1] A recreation area to be designed, improved and maintained for the exclusive use of the residents of the development and their guests. The recreation area shall contain at least 200 square feet of lot area per dwelling unit. The plan for the recreation area shall be subject to the Planning Board's approval as to design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units.

[2] Each principal dwelling unit shall be provided with a private outdoor space in the form of a patio, terrace, garden, deck or balcony. This space shall be immediately adjoining and directly accessible to the dwelling unit which it serves.

[3] All portions of any multifamily development which are not used for one or more of the purposes permitted above shall either be landscaped or preserved in their natural state, in accordance with plans approved by the Planning Board.

(b) Open space and recreation areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics with access, shape, drainage, location, topography and extent of improvements suitable for the intended purposes.

(c) At the discretion of the Planning Board, a per-dwelling-unit recreation fee may be required in lieu of or in addition to improved recreation areas, according to the schedule of fees adopted by annual resolution of the Town Board.

- (d) Each deed shall contain a covenant, running with the land, stating that at no future time shall the open space or recreation areas be subdivided, separately sold or leased.
 - (2) Road and drainage specifications.
 - (a) Road and drainage specifications shall conform to the requirements of Article II, Construction Specifications, of Chapter 103, Streets and Sidewalks, of the Code of the Town of Putnam Valley. Stricter criteria may be specified by the Planning Board, the Town Superintendent of Highways, and/or the Town Planner/Engineer, although the intent of this section is not to have the roads dedicated to the Town.
 - (b) The roads shall be maintained by the developer/owners or by a homeowners' association.
 - (3) All utilities within any multifamily development, including electric, telephone, natural gas and cable television, shall be placed underground.
 - (4) Each multifamily development shall be provided with a central water system to be approved by the County and State Health Departments and any other such agency having jurisdiction.
 - (5) The sewage disposal system in a multifamily development shall be an individual or a central system depending upon the determination of the Planning Board, based upon the requirements of the County Health Department.
 - (6) All site plans for multifamily development shall provide proper access for fire-fighting equipment and personnel and shall provide hydrants in such number and location and with such water pressure as may be determined adequate and approved by the Planning Board, based upon recommendations by the Town Planner/Engineer and the Putnam Valley Volunteer Fire Department.
 - (7) Where a cable television system is not to be installed, a central radio-television antenna system shall be provided for each multifamily development with a maximum structure height of 20 feet above the maximum building height within each project, except in the case of a satellite dish antenna which shall be on the ground. Separate exterior antennas for individual dwellings are prohibited.
- F. Responsibility for maintenance of common land and community facilities.
- (1) The permanent preservation, maintenance, repair and improvement of the community facilities enumerated in Subsection E of this section shall be legally assured, to the satisfaction of the

Town Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements and other agreements.

- (2) Except for development comprised solely of rental units, ownership of such community facilities shall be divided among all property owners according to a formula of shares approved by the Planning Board. A homeowners' association, in which membership shall be mandatory for all owners in the development, shall be incorporated and shall be responsible for preservation, maintenance, repairs and improvement of community facilities, liability insurance, local taxes and user charges. Such association shall be empowered to levy assessments against property owners for unpaid charges and assessments. Homeowners who do not pay charges or assessments shall bear the cost of recovery of unpaid assessments and interest on the unpaid amount, plus reasonable attorney fees.
 - (3) In the case of a multifamily development consisting of rental dwelling units, all of the responsibilities listed in Subsection F(2) shall be the responsibility of the developer or owner of the project.
- G. Site development plan. The applicant for development plan approval for a multifamily development shall file with the Planning Board an application fee in accordance with the schedule of fees adopted annually by resolution of the Town Board. No grading permit or building permit shall be applied for until development plan approval has been granted by the Planning Board in accordance with the procedures contained in § 165-16B of this article. The Planning Board may grant site development plan approval in sections. However, the entire water supply system, all sewage disposal facilities, all utilities and recreational facilities, including required access roads, shall be completed as part of the first section. No certificate of occupancy shall be issued until the Town Planner/Engineer, the Code Enforcement Officer and the Superintendent of Highways concur that the above-mentioned items, including access roads to the dwelling units in the first section, have been satisfactorily completed in accordance with the development plan approved by the Planning Board.

§ 165-20. (Reserved)⁸⁷

87. Editor's Note: Former § 165-20, Senior citizen residential, was deleted 6-5-2002 by L.L. No. 3-2002.

ARTICLE V

Special Provisions for Nonresidential Districts**§ 165-21. Site plan approval.**

- A. Purpose and intent. The purpose and intent of this section is to ensure that the site plan, location and dimension of buildings shall be of such character as to preserve and protect environmental features and harmonize with the surrounding environs, to accomplish a transition in character between areas of unlike character, to protect property values, to preserve and enhance the appearance and beauty of the community and to avoid an adverse impact on adjacent land uses.
- B. Applicability of regulations.
- (1) Where site plan approval is required by this section, no site shall be disturbed (including, but not limited to, removal of trees) until such site plan has been reviewed and approved by the Planning Board. **[Amended 10-22-2003 by L.L. No. 8-2003]**
 - (2) No building permit shall be issued or change of use permitted in the CN, CC-1, CC-2 and PC Districts, except in conformity with a site plan approved by the Planning Board, and no certificate of occupancy shall be issued until all the requirements, set by the Planning Board, under the provisions of this section and § 274-a of Town Law have been met.
- C. Application procedures.
- (1) Application requirements.
 - (a) Applications for site plan approval shall be presented to the Planning Board at least four weeks prior to a public meeting and shall be accompanied by appropriate fees and a sketch plan including the following:
 - [1] A location map, at a scale of one inch equals 1,000 feet, showing the applicant's entire property and all easements and streets, including all abutting parcels and their ownership.
 - [2] The proposed location, size and use of all buildings and structures at a scale of one inch equals 50 feet.
 - [3] Any proposed division of buildings and the amount of building area proposed for retail sales, office use or other uses to be contained within the building.
 - [4] A conceptual layout of site configurations and improvements.
 - (b) In the event that the proposal does not conform in some way with the zoning regulations, the application shall be denied,

and the applicant shall be referred to the Zoning Board of Appeals for a decision pertaining to the nonconformance.

- (c) After receiving sketch plan approval, the applicant shall present a survey prepared by a surveyor licensed in the State of New York and a detailed site plan prepared by a qualified individual or firm, including but not limited to a registered architect, professional engineer, licensed land surveyor or landscape architect or professional planner, and shall contain information required by the Planning Board as follows:
- [1] Existing topography of the project area and proposed grade elevations at a contour interval of not more than two feet, unless otherwise specified by the Planning Board.
 - [2] Soil types using data available from the Soil Conservation Service, or if required by the Planning Board, a detailed on-site soil analysis.
 - [3] The location, size and function of local and NYSDEC designated wetland areas, lakes, ponds, streams and other natural drainage features.
 - [4] One-hundred-year floodplain areas.
 - [5] Terrain with slopes that fall within 15% to 20% and slopes in excess of 20%.
 - [6] A tree plan pursuant to Article VA of this chapter. **[Amended 10-22-2003 by L.L. No. 8-2003]**
 - [7] The location and capacity or number of all existing and proposed roads, paper roads, parking and loading areas, including access and egress drives.
 - [8] The location, description and design of all existing features and structures on the property and all existing and proposed site improvements, including pavement, walks, curbing, drains, culverts, grease traps, oil separators, retaining walls and fences, outdoor storage, parks, open space and recreation facilities, stone walls and other stone structures and fire protection facilities.
 - [9] A description of the method of sewage disposal and location of such facilities.
 - [10] A description and the location of all existing and proposed water supply facilities, including wells, casings, pumps, mains, hydrants and storage tanks.
 - [11] The location, height, design and size of all temporary and permanent signs.

- [12] Identification of proposed landscaping and buffer screening areas, including a landscape plan and species and quantities of existing and proposed vegetation.
- [13] The location and design of lighting and security features, both above and below grade.
- [14] The location and character of all power distribution and transmission lines.
- [15] The location and description of all subsurface site improvements and facilities.
- [16] A grading plan showing before and after contours. The plan should also show the extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads and the disposition of any cut and fill in excess of 500 cubic yards. The grading plan shall include an erosion control plan during and after construction.
- [17] Proposed stormwater management plan, including retention/detention facilities. Adequate provisions for the handling of stormwater runoff should be made to include methods to include retention/detention, piping or channeling to existing drainage systems during and after construction and oil separators.
- [18] Any other pertinent information which the Planning Board deems necessary to the particular application.

(2) Approval process.

- (a) A public hearing on a site plan application shall be scheduled and conducted by the Planning Board within 62 days after receipt of all items required above, and the recommendations of the following, if required:
 - [1] Putnam County Planning Department.
 - [2] Putnam County Health Department.
 - [3] New York State Health Department.
 - [4] Putnam Valley Commission for the Conservation of the Environment.
 - [5] Putnam Valley Highway Department.
 - [6] Putnam Valley Emergency Services.
 - [7] Putnam County Department of Highways and Facilities.
 - [8] Putnam County Soil and Water Conservation District.

- [9] Other pertinent agencies.
- (b) Within 62 days of the date of the close of the public hearing, the Planning Board shall act to either approve, disapprove or approve with conditions the site plan application. If the application is denied, the Planning Board's decision shall include written findings.
- (c) Revisions or amendments. **[Amended 10-15-2008 by L.L. No. 6-2008]**
- [1] Except as provided in Subsection C(2)(c)[2] hereof, revisions or amendments to an approved plan shall be acted upon in the same manner as the application for approval of the original site plan.
- [2] Minor revisions.
- [a] Minor revisions to an approved plan, necessitated by field conditions experienced during the course of construction, which were not or could not be reasonably have been anticipated during the original approval process and which, if executed, will not materially affect the approval plan from a visual or operational standpoint, and which will not adversely impact the community or the environment, may be approved by the Town Engineer in consultation with the Code Enforcement Officer, Highway Superintendent, Town Attorney, Town Planner, and Town Wetlands Inspector, as applicable.
- [b] All requests for minor revisions to an approved plan pursuant to Subsection C(2)(c)[2][a] hereof shall be made to the Planning Board, in writing, and shall be accompanied by a drawing and referred by said Board to the Town Engineer.
- [c] All minor revisions approved by the Town Engineer shall be made in writing and shall be filed in the Office of the Planning Board.
- [d] Upon receipt of a referral from the Planning Board pursuant to Subsection C(2)(c)[2][b] hereof, the Town Engineer may determine that the proposed revision is not minor and shall refer same back to the Planning Board for the filing of a formal application to amend the approved plan.
- [e] Minor revisions contemplated under this Subsection C(2)(c)[2] include, by the way of example, the following:

- [i] Minor movement of a catch basin.
 - [ii] Minor movement of a driveway entrance.
 - [iii] Minor grading changes.
- (3) Duration of approval. A building permit shall be obtained and construction must be commenced within 12 months of the date of approval of a site plan and completed within a period of time specified by the Planning Board. If there is no substantial change in the condition of the site and/or its environs, and upon request by the applicant, a site plan approval may be extended by the Planning Board but only for two additional twelve-month periods. Thereafter, a new application, with appropriate fees, shall be required.
- (4) Security. A cash bond, letter of credit or other security in a form approved by the Town Attorney and in an amount determined by the Planning Board, shall be submitted by the applicant before the site plan is signed by the Planning Board Chairman or Secretary. The bond shall cover the full cost of the improvements required by the Planning Board and shall ensure the Town of Putnam Valley that the applicant will conform to the approved site plan and applicable regulations. The bond shall be an escalating bond, and the face value shall escalate as follows: 125% of the actual cost of improvements in the first year, 150% of the original cost of the improvements in the second year. Prior to the end of the two-year period, the Planning Board shall review the work remaining to be done and revise the amount of the security. The revision of the amount shall follow the same procedure adopted for the original security. Should a portion of the work be done during the first two years to the satisfaction of the town, the Planning Board shall recommend to the Town Board, upon request by the applicant, that the amount of the security be reduced. The amount of reduction shall be based on the original cost breakdown approved by the Planning Board at the time of the initial site plan approval.
- (5) Engineering/inspection fee. An engineering/inspection fee equal to 5% of the estimated cost of the improvements required by the Planning Board as a condition of the site plan approval shall be submitted in the form of a certified check. The Planning Board may waive the above fee if and to the extent that the Town's actual inspection fees, including but not limited to engineering, planning, wetlands and/or environmental, are paid from an escrow account funded by the site plan applicant. **[Amended 5-20-2009 by L.L. No. 3-2009]**

ARTICLE VI

Tree Protection**[Added 10-22-2003 by L.L. No. 8-2003]****§ 165-21.1. Tree plan; tree removal; replacement of trees.**

- A. Applications for approvals pursuant to Articles IV and V of this Chapter 165 shall be subject to the following additional requirements in respect to tree protection and preservation:
- (1) Every application for approval pursuant to Articles IV and V of this Chapter 165 (hereinafter collectively referred to as "development applications") shall include 12 copies of a tree plan designating the trees to be removed, trees to be saved and trees to be planted and showing the location, size and types thereof. Upon receipt of a complete set of development approval plans (residential districts) or site plans (nonresidential districts), the Planning Board shall forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment ("CCE") for its review and recommendations. In considering the development application, the Planning Board shall require the applicant, as a condition of such approval, to conform to the aforesaid tree plan, as approved by the Planning Board. In lieu of a separate tree plan, the Planning Board may permit the information required to be shown on a tree plan on the site development plan or development approval plan, whichever the case may be, in which case such site development plan or development approval plan shall be deemed the "tree plan." In considering the development approval plans, the information required to be shown on the tree plan shall be limited to areas within 50 feet of areas of disturbance associated with the development.
 - (2) If the trees to be removed cover an acre or more in the aggregate, the area proposed for tree removal shall first be reviewed by a consulting forester or certified arborist to be retained by the applicant to advise the applicant in writing concerning the environmental impact of the proposed tree removal operations. Said report is to be submitted to the Planning Board along with the tree plan.
 - (3) Certificate of occupancy. A certificate of occupancy shall not be issued for any improvement shown on a plan approved by the Planning Board until all trees designated by the Planning Board for preservation and all trees to be planted shall in fact be in existence. If any trees designated by the Planning Board for preservation have been removed without the Planning Board's approval, then the Planning Board may require such trees to be replanted in accordance with the following schedule:

**dbh of Removed Tree at
4 1/2 Feet Above Grade
(dbh)****(inches)**

6 to 12

13 to 24

25 or greater

**Number and dbh of
Replacement Trees**3 trees at 2 inches or 2 trees at 3
inches

3 trees at 3 inches

5 trees at 3 inches

- B. The term "tree" as used herein shall mean a woody perennial, whether deciduous or coniferous, having a diameter six inches or greater measured 4 1/2 feet above ground level.

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 those 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.

ARTICLE VIIA
Special Provisions for County Agricultural District Properties
[Added 8-19-2009 by L.L. No. 8-2009]

§ 165-26.1. Purpose.

The purpose of this Article VIIA is to provide special regulations with respect to properties now or hereafter located in agricultural districts created under Article 25-AA of the New York State Agriculture and Markets Law and § 283-a of the New York State Town Law, in recognition of § 305-a(1) of the Agriculture and Markets Law.

§ 165-26.2. Districts.

A. The following two floating zoning districts are hereby created:

Zoning District Name	Abbreviated Designation
Agricultural District	AG
Residence Agriculture District	RA

B. Properties falling within the Agricultural District (AG) shall be those properties designated from time to time by the County of Putnam as included within the County Agricultural District under Article 25-AA of the New York State Agriculture and Markets Law. The Agricultural (AG) District shall be a floating zone corresponding to and including only those properties so designated. Removal or withdrawal of a property from the County Agricultural District shall result in that property's being located in the Residence Agricultural (RA) District.

§ 165-26.3. Permitted uses; bulk and site development plan regulations.

A. AG Agricultural District.

- (1) Permitted uses: farm operations as defined in Agriculture and Markets Law § 301(11);
- (2) Special permit uses: bed-and-breakfasts, commercial stables, camps and outdoor recreational facilities.
- (3) Accessory uses: residential uses to house the owner of the farm operation, his/her immediate family, and those exclusively employed by him/her in connection with the farm operation.
- (4) Lot and bulk regulations.
 - (a) All lots shall contain at least seven acres; all principal and accessory structures other than fences and walls shall be no closer than 50 feet to any lot line; all structures designed for the housing, care and/or feeding of livestock shall be no closer

than 100 feet to any lot line; and no structure (except for silos) shall exceed 35 feet in height.

- (b) Any lot which lawfully existed on the effective date of enactment of this Article VIIA, which fails to meet the minimum lot area requirement for a lot in the AG District, shall be considered a legal nonconforming lot and may be employed for farm operations subject to all other dimensional regulations specified herein. Any abutting nonconforming lot(s) located in the AG District, which is/are owned by the same owner or owners, shall be considered as one merged lot for the purposes of this chapter.
- (5) Site development plan review in agricultural districts. Activities which comprise farm operations in agricultural districts shall be subject to the site development plan approval procedures outlined in this Subsection A(5), rather than § 165-16 or 165-21 of this Code, unless the proposed activity poses a threat to public health or safety, including ground and surface water, in which case the provisions of §§ 165-16 and/or 165-21, as applicable, shall apply. A proposal for a new structure with a footprint of less than 800 square feet or for an addition that expands the existing footprint by no more than 800 square feet and is used for farm operations shall be exempt from this section in its entirety.
- (a) Site development plan submission requirements:
 - [1] Application form, required fees and escrow.
 - [2] A scaled drawing of the site and location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways, prepared by a New York State licensed architect, engineer, or land surveyor.
 - [3] Existing contours showing elevations at ten-foot intervals; a United States Geologic Survey (USGS) topographic quadrangle map is acceptable.
 - [4] Illustration of regulated wetlands, wetland buffers, water bodies and/or watercourses and buffers associated with the water bodies and/or watercourses delineated in accordance with Chapter 144 of the Putnam Valley Town Code.
 - [5] Illustration of existing and proposed water supply and sewage disposal systems.
 - [6] Proposed location and arrangement of buildings and structures on site, including means of ingress and egress, parking, circulation of traffic, and signage, exterior

dimensions of buildings and structures along with any available blueprints, plans or drawings.

- [7] A description of the project including the intended use of the land and proposed buildings, structures, signs and any anticipated changes in the existing topography and natural features of the site to accommodate the changes.
- [8] A soil erosion and sediment control plan shall be prepared in conformance with state requirements and Chapter 155 of the Code of the Town of Putnam Valley.
- [9] A stormwater pollution prevention plan under Chapter 102 of the Putnam Valley Town Code.
- [10] Additional information as required by the Planning Board.

(b) Procedure:

- [1] Application shall be submitted to the Planning Board and shall be placed on the next available agenda.
- [2] An application will be deemed complete when all the information and documentation required under Subsection A(5)(a) above has been received and reviewed by the Planning Board.
- [3] The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant, all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.
- [4] The Planning Board shall approve the proposed farm operation upon the applicant's demonstrating that:
 - [a] The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law § 301(11).
 - [b] The proposed project does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, water bodies, and/or groundwater.
- [5] The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this

section, it shall issue its decision no later than 30 days after such public hearing.

- [6] The Planning Board may impose reasonable conditions upon the approval specified in Subsection A(5)(b)[4] above.

B. Residence Agricultural District.

- (1) Permitted uses: all uses allowed in the AG Zone, as well as single-family detached residences on individual lots.
- (2) Special permit uses: accessory apartments.
- (3) Accessory uses: those accessory uses specified in § 165-12A(4) of this chapter, to the extent that same apply to single-family detached residences as a permitted principal use.
- (4) Lot and bulk regulations: Except as provided in § 165-26.5, each lot shall meet the bulk requirements for a lot in the base zoning district, i.e., the zoning district in which the subject parcel was located prior to its incorporation into the Putnam County Agricultural District and the Agricultural District established by this Article VIIA.

§ 165-26.4. Exemptions.

This article shall not apply to farm operations on properties located in agricultural districts to the extent that the excavation and/or removal of material is exempt from permitting requirements of the New York State Department of Environmental Conservation ("DEC") under 6 NYCRR § 420.1(K).

§ 165-26.5. Future subdivisions.

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

- A. The maximum number of lots into which any AG or RA lot may be subdivided may not exceed that number of lots into which the AG or RA lot could have been subdivided prior to that lot's inclusion in the AG District. This calculation shall be made by the Town's planning, engineering and wetland consultants based on submission of requisite documentation provided by the applicant prior to any site disturbance, shall be certified by the Town's planning, engineering and wetland consultants, and shall be filed with the Town Clerk.
- B. Where the above calculations cannot be made because an AG parcel has already been disturbed to facilitate farm operations, all lots resulting from any future subdivisions of that parcel shall conform to the bulk

requirements of the CD Zoning District, except that no lot shall contain fewer than 10 acres of net lot area.

ARTICLE VIII
Accessory Structures and Uses

§ 165-27. Residential districts.

- A. The purpose of these provisions is to establish the relationship between principal and accessory uses and to establish provisions governing the conduct of accessory uses. Principal uses specified as permitted uses or special permit uses for a district by this chapter shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental and subordinate to such principal uses. Accessory uses shall be subject to the same regulations that apply to principal uses in each district, except as otherwise provided in this section. No permit for the building or erection of an accessory building shall be issued prior to the issuance of the building permit for the main building. No certificate of occupancy may be issued for an accessory building except in conjunction with or after the issuance of the certificate of occupancy for the main building.
- B. Swimming pools. All swimming pools (in-ground and aboveground) shall be constructed, installed and maintained in compliance with state requirement for same.
- (1) All swimming pools and attached decks must comply with the setback requirements of the base zoning district.
 - (2) All lights used in connection with the pool shall be so placed or shaded as to eliminate direct or reflected rays of light beyond the property line.
- C. Tennis courts, paddle courts and similar accessory recreation facilities.
- (1) No tennis court, paddle court or similar recreation facility shall be permitted to encroach into the rear, side or front yard setback.
 - (2) The fencing around tennis courts, paddle courts or similar recreation facility shall not exceed 12 feet in height.
 - (3) The maximum height for tennis court lighting (fixture and pole) shall not exceed 18 feet. All such lights shall be shielded so as to confine all direct rays to the subject property and minimize spillover outside of the tennis court area.
- D. Docks, piers and similar structures.
- (1) A dock, pier or similar structure may not be constructed on a lot with a lake frontage of less than 25 feet in the case of private owners, nor less than 100 feet for developers or operators of public associations and district beaches. No dock, pier or similar structure may extend into or over the surface of any lake in the Town for a distance of more than 25 feet from the high-water mark. No dock,

pier or similar structure may cover more than 25% of the width of the lake frontage and shall not in any event cover more than 25 feet of lake frontage.

- (2) The maximum area of a dock, pier or similar structure shall be 150 square feet.
- (3) There shall be only one dock, pier or similar structure on a lot.
- (4) A permit from the New York State Department of Environmental Conservation and a Putnam Valley freshwater wetlands watercourses and water bodies permit may be required.

E. Carports and garages.

- (1) Carports. Carports, open on at least three sides and for use by no more than two cars, may be erected and maintained within not less than 10 feet of any property line.
- (2) Garages.
 - (a) Garages on parcels smaller than one acre shall not have any exterior dimension exceeding 27 feet.
 - (b) The setbacks for a garage shall be the same as those for a principal structure.

F. Porches, sun decks and house decks and other attached accessory structures. No porch, sun or house deck or other such attached accessory structure, whether open or enclosed, shall encroach upon any required front, back or side setback, and no such porch or deck shall be erected, covered, roofed, sided or otherwise enclosed unless approved by the Code Enforcement Officer, and all necessary permits therefor have been issued. Porches, decks or other attached accessory structures, whether open or enclosed, shall be included in any computation of building coverage.

G. Barns, pole barns, sheds and other detached accessory structures. Detached accessory structures shall satisfy all of the following requirements:

- (1) No accessory building exceeding 120 square feet permitted in this article shall be constructed nearer to the street line or lake front, nor any nearer to side or rear lot line, respectively, than is permitted for its principal building.⁸⁸
- (2) For firesafety purposes, an accessory building shall be separated by at least 10 feet from the principal structure. If the accessory building exceeds the principal building in height, it shall be

88. Editor's Note: Former Subsection G(2), regarding size of accessory structures, was repealed and former Subsection G(3), (4) and (5) was renumbered as G(2), (3) and (4) 5-30-2001 by L.L. No. 3-2001.

separated by an additional two feet for every one foot by which the accessory building exceeds the height of the principal structure.

- (3) If less than 120 square feet in gross floor area, a building permit may be issued by the Code Enforcement Officer for not more than one accessory structure located within five feet of the side and/or rear property lines. However, in lake districts, such structures must be located at least 75 feet from the lake.
 - (4) No more than two detached accessory structures, one of which may be a garage, shall be permitted on parcels of less than one acre.
- H. Satellite earth stations. Satellite earth stations (satellite dish antennas) shall be permitted, provided that they are in the rear yards or side yards and meet all applicable provisions of this section. The establishment of a satellite earth station requires a building permit and is subject to the following conditions:
- (1) No more than one satellite earth station shall be allowed on any lot and shall conform to the setbacks for a principal structure.
 - (2) All satellite earth stations shall be installed within the manufacturer's recommended standards.
 - (3) Satellite earth stations shall be designed and located to minimize visual impact on adjacent property and roadways.
 - (4) A satellite earth station shall not exceed a diameter of 12 feet or a height of 20 feet from the existing grade.
 - (5) Wiring for a satellite earth station shall be placed underground.
 - (6) Satellite earth stations shall be ground-mounted only and at existing grade.
- I. Fences, walls and enclosures. For the purpose of the section, the words "fence," "wall" and "enclosure" shall have the same meaning, and any reference to fences shall include walls and enclosures as well.
- (1) Fences, walls and enclosures may be erected within required yard setbacks in all residential districts subject to the requirements of this section. A building permit shall be required for the erection of all fences, walls and enclosures within five feet of any property line or roadway and, in the case of any such fence, wall or enclosure, the "good" or "finished" side of the fence shall face the adjacent property or roadway, as applicable. **[Amended 7-21-2004 by L.L. No. 3-2004]**
 - (2) Fences erected within required side or rear yards shall not exceed a height of six feet from existing grade.
 - (3) Fences within the front property lines shall not exceed a height of four feet from the existing grade.

- (4) Fences enclosing swimming pools shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code and shall be no less than four feet in height.
 - (5) No fence shall be located closer than 10 feet from any principal structure.
 - (6) If any fence or wall is found by the Code Enforcement Officer to be unsafe, insecure or hazardous, it shall be removed or repaired within 14 days of a notice of violation by the Code Enforcement Officer.
 - (7) No barbed wire shall be used as a part of any fence, except for agricultural purposes.
 - (8) No fence, wall, hedge, shrubbery or other obstruction to vision in excess of three feet in height, as measured above the adjacent street grade, shall be placed or allowed to grow at intersections within the triangle area formed by the intersecting street lines and a straight line joining such street line at points which are 20 feet from the point of intersection measured along the street line.
- J. Recreational vehicles. **[Added 1-21-2009 by L.L. No. 2-2009]**
- (1) No recreational vehicle shall be parked for more than seven days in any thirty-day period on a lot which does not also contain a residence of that recreational vehicle's owner.
 - (2) No recreational vehicle shall be parked in the front or side yard of a lot.
 - (3) Except for recharging batteries, no recreational vehicle shall be connected to electric, water and/or sanitary disposal facilities.
 - (4) No recreational vehicle shall be inhabited when parked on a lot.
 - (5) The provisions of this Subsection J shall not apply to those parks and camps as may hereafter be lawfully established, in which the use of recreational vehicles is lawfully permitted.
- K. On all properties where their use is otherwise lawful, trash compactors, trash dumpsters (excluding construction dumpsters) and other trash containers with a capacity of one cubic yard or more (collectively referred to hereafter as "trash containers") shall be subject to the following requirements: **[Added 11-14-2012 by L.L. No. 3-2012]**
- (1) Trash containers shall be located no closer to the property line than is permitted for an accessory structure in the zoning district in which the property is located.
 - (2) Trash containers shall not be located in any required loading berth or in any required off-street parking space.

- (3) Trash containers shall be maintained on a concrete pad, shall be enclosed on all four sides with permanently installed opaque fencing, at least one foot higher at all points than the trash container it encloses, and shall be gated and locked when not in use.
- (4) Trash containers shall be located and maintained so as to minimize their effect on surrounding uses.
- (5) The design and operation of trash containers shall be rodentproof and watertight and shall be approved by the Code Enforcement Officer.
- (6) The location of trash containers shall be indicated on all site plans.
- (7) This subsection shall apply to all properties within its scope, including but not limited to those already containing trash containers. Properties already containing trash containers shall be brought into compliance with the fenced-enclosure requirements of this subsection on or before April 1, 2013, and no fees shall be imposed for the issuance of any permits or approvals required from the Town for such purpose.

§ 165-28. Nonresidential districts.

- A. The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses, after compliance with Article V of this chapter. Principal uses specified as permitted uses or special permit uses for a district by this chapter shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental and subordinate to such principal uses. Accessory uses shall be subject to the same regulations that apply to principal uses in each district, except as otherwise provided in this section. No permit for the building or erection of an accessory building shall be issued prior to the issuance of the building permit for the main building. No certificate of occupancy may be issued for an accessory building except in conjunction with or after the issuance of the certificate of occupancy for the main building.
- B. Location of accessory structures.
 - (1) An accessory structure shall be located and operated as an integral part of the principal use and shall not comprise a separate business use or activity.
 - (2) Detached accessory structures shall satisfy the same requirements of Subsection G(3) and (4) as listed for residential districts in § 165-27 of this article.

- C. On all properties where their use is otherwise lawful, trash compactors, trash dumpsters (excluding construction dumpsters) and other trash containers with a capacity of one cubic yard or more (collectively referred to hereafter as "trash containers") shall be subject to the following requirements: **[Amended 11-14-2012 by L.L. No. 3-2012]**
- (1) Trash containers shall be located no closer to the property line than is permitted for an accessory structure in the zoning district in which the property is located.
 - (2) Trash containers shall not be located in any required loading berth or in any required off-street parking space.
 - (3) Trash containers shall be maintained on a concrete pad, shall be enclosed on all four sides with permanently installed opaque fencing, at least one foot higher at all points than the trash container it encloses, and shall be gated and locked when not in use.
 - (4) Trash containers shall be located and maintained so as to minimize their effect on surrounding uses.
 - (5) The design and operation of trash containers shall be rodentproof and watertight and shall be approved by the Code Enforcement Officer.
 - (6) The location of trash containers shall be indicated on all site plans.
 - (7) This subsection shall apply to all properties within its scope, including but not limited to those already containing trash containers. Properties already containing trash containers shall be brought into compliance with the fenced-enclosure requirements of this subsection on or before April 1, 2013, and no fees shall be imposed for the issuance of any permits or approvals required from the Town for such purpose.
- D. Outside storage and displays.
- (1) Outdoor storage areas shall not be located within 20 feet of any residential zoning district.
 - (2) Material and/or merchandise stored outdoors shall not be stacked more than 15 feet high.
- E. Fences, walls and enclosures. Requirements for fences, walls and enclosures in commercial districts shall be the same as the requirements in residential districts, except fences erected in commercial districts shall not exceed six feet in height except chain link fences which may extend to a height of eight feet.
- F. Microwave relay stations. See Article XIII, Public Utilities and Domestic Services.

ARTICLE IX
Supplemental Lot and Bulk Regulations

§ 165-29. Lot standards.

- A. Designation of lot lines. The owner of a plot abutting two or more streets does not have the privilege of specifying which street lot line should be deemed the front line for the purposes of this article.
- B. Required setbacks for lot fronting on two or more roads.
 - (1) Corner lots. All corner lots shall have front yards on both street frontages.
 - (2) Through lots. All through lots shall have front yards on both street frontages and two side yards.
 - (3) Two-corner lots. All two corner lots shall have front yards on all street frontages.
- C. Measurement of lot width. The width of any lot shall be measured along its street frontage, and the minimum required width shall not be decreased more than 20% when measured across the lot on the front setback line of the main building.

§ 165-30. Yard and setback regulations.

Minimum yard and setback regulations are established to ensure safety, light, air, privacy, building separation and open areas appropriate to each use and district and to minimize impacts of uses and structures of one site upon adjoining sites.

- A. Front yards.
 - (1) The front yard shall be measured from the property line to the front face of the building, porch, deck or terrace or attached accessory building. Eaves and roof extensions may project into the required front yard not more than four feet.
 - (2) Attached accessory buildings shall have a front yard not less than the main building.
- B. Side yards. Every part of a required side yard shall be open and unobstructed, except for the ordinary projections of window sills, cornices and other architectural features projecting not more than 12 inches into the required side yard and roof eaves projecting not more than four feet.
- C. Rear yards. Every part of a required rear yard shall be open and unobstructed to the sky, except for accessory uses and structures as permitted in Article VII of this chapter and the ordinary projections of window sills, cornices and other architectural features projecting not

more than 12 inches and roof eaves projecting not more than four feet into the required rear yard.

§ 165-31. Height regulations.

Height regulations are established to ensure that buildings and structures shall not exceed heights generally compatible with purposes of the district and other uses therein and shall not unnecessarily impact upon the privacy, views or desirability of development of adjoining sites.

A. Measurement of height.

- (1) **Building.** The height of a building shall be measured from the average of the highest and lowest grade adjacent to the building to the highest point of the coping of a flat roof, deck line of a mansard roof or to the mean height between the eaves and ridge for gable, hipped or gambrel roof.
- (2) **Linear structures and features.** The height of linear features, such as fences, walls, hedges or line features, shall be the average height measured from grade to the highest portion of such feature at all points along the feature.

B. Permitted exceptions to height limits.

- (1) The following uses may exceed the maximum height for the zoning district in which they are located, subject to the limits specified herein.
 - (a) Churches, schools, hospitals, water towers, electric power transmission standards and towers and other public and semipublic buildings may be allowed to exceed the height limitations of this chapter, provided that the required front, rear and side yards are each increased by two feet for each one foot said height limitations are exceeded.
 - (b) The maximum building height in any zone may be varied by the permitting authority, provided that each required setback is increased by three feet for each one foot such building exceeds the permitted height requirement of the base zoning district. However, in no case shall any building exceed a total height of 60 feet.
- (2) The following features and structures may exceed the maximum height for the base zoning district in which they are located, subject to the limits specified herein:
 - (a) Parapet walls, chimneys, vents and mechanical or safety features, such as fire towers, stairways, heating and cooling equipment and protective covers. Such features, however, shall be erected only to such height as is necessary to accomplish their intended purposes.

- (b) Ornamental towers, cupolas, domes and spires not designed for occupancy may not exceed the height limit of any zoning district by more than 15%, or such height as may be necessary to comply with generally accepted engineering practices or any applicable federal or state law, regulation, guidelines or order.
- (c) Amateur/ham radio antennae and supports may exceed the height limit of any zoning district as may be necessary to comply with generally accepted engineering practices and designs for usage in the amateur radio service, or any applicable federal law, regulation or guideline.

§ 165-32. Lot coverage.

Lot coverage limitations are established to ensure that building coverage and site development coverage (impervious coverage) of each lot are compatible with the nature of uses allowable in each base zoning district, with environmental objectives of the Master Plan and to avoid overcrowding of sites with buildings and paved or impermeable surface materials.

- A. Building coverage. Building coverage of a lot shall be the total horizontal area of all buildings, porches or other covered space on the lot, decks or terraces, expressed as a percent to total lot area. Eaves and overhangs extending not more than four feet from the supporting walls or members of a building shall not be counted as building coverage.
- B. Site development or impervious coverage. Site development or impervious coverage requirements of a lot shall include the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways and other site improvements or structures contributing to runoff greater than would occur on the site in its natural state.

ARTICLE X
Special Permit Uses

§ 165-33. Purpose.

- A. The special permit uses as set forth in this article shall be deemed to be permitted uses in their respective base zoning districts. However, as special permit uses possess certain characteristics which make them incompatible with existing uses, contiguous zoning, permitted uses or future uses, each application for a special use permit shall be considered on its individual merits.
- B. The special permit uses as set forth in this section shall be subject to compliance with the requirements and standards set forth herein in addition to all other applicable codes and requirements. Any law, ordinance or code which is more restrictive than the provisions of this article shall be deemed controlling, unless otherwise specified.

§ 165-34. Application procedures.

- A. Applications for approval of the following special use permits shall be made to the Planning Board: **[Amended 6-5-2002 by L.L. No. 3-2002; 11-17-2004 by L.L. No. 6-2004; 4-19-2006 by L.L. No. 3-2006; 8-19-2009 by L.L. No. 8-2009]**

Accessory apartments

Adult day care, rest homes, nursing homes, convalescent homes

Amusement arcades

Antiques stores

Artistic studios and galleries

Assembly of component parts

Athletic, health clubs and health spas

Automotive/gas station

Automotive rental, repair, sales and detailing

Bed-and-breakfast establishments, boardinghouses

Camps

Catering

Child day care, nurseries and preschools

Cocktail lounges and bars

Commercial kennels and veterinary hospitals

Commercial stables and riding academies

Community residential facilities

Clubs or lodges

Communication antennae (excluding ham/amateur radio)

- Delivery/messenger services
 - Driving ranges (golf)
 - Dry-cleaning establishments (on site/storefront)
 - Educational and philanthropic uses
 - Exterminating services
 - Forest management/timber harvesting
 - Golf courses and country clubs
 - Home businesses or trades
 - Hospitals
 - Hotels, motels and inns
 - Laundromats and laundries (on site/storefront)
 - Photography studios
 - Printing establishments
 - Recreation, sports and entertainment (indoor/outdoor)
 - Research laboratories and facilities
 - Residential above commercial
 - Restaurants, catering establishments (on and off premises)
 - Restaurant, fast-food
 - Roadside stands
 - Sales of construction and building materials
 - Saw mills
 - Schools
 - Shopping centers and mini malls
 - Single-family zero-lot-line
 - Veterinary hospitals
- B. On application, and after a public notice given at least five days before a public hearing, the Planning Board may authorize the issuance of a permit for any of the special use permits allowed.
- C. The Planning Board may require that a plan of development for a proposed special use permit shall be submitted. If a plan of development is required in a residential area, the provisions of Article IV, Special Provisions for Residential Districts, of this chapter shall apply. If a plan of development is required in a nonresidential area, the provisions of Article V, Special Provisions for Nonresidential Districts, of this chapter shall apply. The Planning Board may also require other pertinent information that may be necessary to determine if the proposed special permit use is in harmony with the intent of this article, is unlikely to result in depressed values of property in the neighborhood

and is unlikely to cause or result in any condition which would impair the use of property in accordance with this chapter.

- D. Any data, plans or drawings, including architect's plans, voluntarily submitted by the applicant or the applicant's duly authorized agent in support of the application and not required by this and other applicable sections of this article may be accepted in whole or in part by the Planning Board and made additional requirements and conditions of the permit when granted.
- E. The Planning Board reserves the right to request that additional items be submitted and may impose additional conditions if these additional items and conditions are pertinent to the particular application or will serve to protect the health, welfare and safety of the community.
- F. Applications shall be accompanied by an appropriate fee as established by resolution of the Town Board annually.

§ 165-35. Standards for special use permit.

- A. In granting a special use permit, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general.
- B. The special use permits as set forth in this article shall be subject to compliance with the requirements and standards set forth herein in addition to all other applicable codes and requirements. Any local law, ordinance or code which is more restrictive than the provisions of this article shall be deemed controlling, unless otherwise specified.
- C. Except in the case of legal, preexisting nonconforming uses, a special permit use shall conform to the area, yard, lot, coverage and height restrictions of the base zoning district in which it is located, unless otherwise specified.
- D. Where two or more special use permits are applied for on the same premises, the minimum lot area shall be the total of the minimum requirements for each use as specified in this chapter.
- E. Before granting a special use permit, the Planning Board shall have concluded that the proposed special permit use:
 - (1) Will have adequate off-street parking for the proposed use.
 - (2) Will be unlikely to cause or result in traffic problems that will imperil public safety.
 - (3) Will not adversely affect the quantity or quality of the water supply in the neighborhood.
 - (4) Will not cause a degradation in air quality or of ground- or surface water quality.

- (5) Will not create erosion or cause sedimentation or siltation.
 - (6) Will have adequate screening and landscaping, if appropriate.
 - (7) Will not create unreasonable noise, glare or other nuisance in the neighborhood.
 - (8) Will be accessible to emergency services.
 - (9) Will not create any hazardous condition.
 - (10) Will be properly maintained after the granting of a special use permit.
 - (11) Will be certified by the Fire Inspector as being in compliance with fire safety requirements.
 - (12) Will submit detailed exterior and interior layout plans at the time of application.
 - (13) Will have New York State, Putnam County Health Department and any other required licenses, permits or approvals.
 - (14) Will comply with site plan regulations.
 - (15) Will provide the Fire Inspector with a list of all chemicals and hazardous materials kept on the premises, if any, and any hazard associated with their exposure to heat, fire and water. All public warnings must be posted.
- F. Unresolved violations.⁸⁹ **[Added 9-15-2010 by L.L. No. 8-2010]**
- (1) No application for special use permit approval shall be entertained for a property where a Notice of Violation has been issued under this chapter or any other local law or ordinance of the Town unless the granting of such special use permit application, together with such other approvals as may be required from the Town, will result in the correction of said violation. Unless waived by the Planning Board for good cause shown in writing by the applicant, and except as otherwise stated below, all activities on the site for which special use permit approval is sought shall cease.
 - (2) The application and permit fees (including, but not limited to, building permits) for those special use permit applications subject to Subsection F(1) above shall be double the fees which would apply to an application for which no Notices of Violation are outstanding.
 - (3) Prior to Planning Board review of any special use permit application subject to Subsection F(1) above, the property in

89. Editor's Note: Former Subsection F, as amended 5-30-2001 by L.L. No. 4-2001, was deleted 6-26-2002 by L.L. No. 7-2002.

question shall be stabilized to the satisfaction of the Town Engineer and Wetland Inspector.

- (4) In all cases subject to Subsection F(1) hereof, relief granted by the Planning Board shall expressly be made subject to the assessment of a civil penalty by the Town Board pursuant to § 165-101D of this chapter, or to the Town Board's waiver of such penalty.

G. In addition to the general conditions and requirements listed in this section, there exist additional requirements and conditions for particular special use permits as listed in § 165-36.

§ 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. ⁹⁰Antiques stores.

- (1) The Planning Board may restrict outdoor display of merchandise.
- (2) No furniture stripping shall be permitted on the premises.

D. Artistic studio.

90. 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.

- (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 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.

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.⁹¹

§ 165-37. Duration of special use permits.

- A. Special use permits may terminate with any change of use, expansion of use, failure to abide by the conditions of the special use permit or misrepresentation on an application.

91. 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.

- B. Temporary special use permits shall terminate upon any transfer of the property to a new owner or lessee, a violation of terms of the permit or upon any change of use. Temporary special use permits shall be limited as follows: **[Amended 6-26-2002 by L.L. No. 7-2002]**
- (1) A special use permit for an accessory apartment shall be valid for a period of three years.
 - (2) The following special use permits shall be valid for a period of four years:
 - (a) Dry-cleaning establishments.
 - (b) Roadside stands.
 - (3) Other special use permits granted for a particular operation shall terminate at the completion of the operation or upon expiration of the permit. Such limitation shall be specified as a condition of the special use permit.
- C. Renewal of temporary special use permits. No less than 30 days prior to the expiration of a temporary special use permit, the permit holder shall make application to the Planning Board for a renewal. Where the applicant is in full compliance with the previously approved conditions, including the standards in § 165-35 of this article, the permit shall be renewed. Where the Code Enforcement Officer finds that the applicant is not in compliance with those decisions, the application shall be referred to the Planning Board for review.
- D. Revocation of a special use permit. Upon notice of violation issued by the Code Enforcement Officer, the holder of a special use permit may remedy the violation within a period of 30 days, request a hearing before the Planning Board or forfeit the special use permit which shall become null and void.

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 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 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 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.

§ 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.

ARTICLE XII
Nonconforming Buildings and Uses

§ 165-42. Purpose and intent.

- A. At the time of the enactment of this chapter, all actual uses, lots and structures in effect in a lawful manner shall remain in effect as is currently pending in respect to same.
- B. Any building for which a building permit has been issued prior to the enactment or amendment of this chapter and erection of which is in conformity with the plans submitted prior to the enactment shall be commenced within 90 days after the effective date of such enactment or amendment. If such building does not conform to the provisions of this chapter, it shall be a nonconforming use.
- C. Furthermore, it shall be the intent of this chapter to provide for the regulation of such existing uses, lots and structures by specifying the circumstances and conditions under which they may continue to exist, as specified in this article.

§ 165-43. Nonconforming lots.

Any lot which lawfully existed on the effective date of this chapter and fails to meet the area, shape, frontage or other applicable requirements of this article shall be considered a legal nonconforming lot. Provided that the following requirements are met, a structure may be placed on such lots.

- A. A structure may be constructed on a legal nonconforming lot, provided that:
 - (1) It meets with the current zoning regulations relating to coverage, setbacks, parking and landscaping for the district in which the lot is located.
 - (2) The Putnam County Health Department has approved the sewage disposal and water supply systems.
 - (3) The appropriate agency has granted approval for any disturbance within any Environmental Management District.
- B. Any abutting nonconforming lots which are owned by the same owner or owners, notwithstanding any subsequent conveyance(s), shall be considered as one merged lot for the purpose of this chapter, unless more than one livable structure exists on the merged lot. **[Amended 6-26-2002 by L.L. No. 7-2002; 12-18-2002 by L.L. No. 14-2002]**

§ 165-44. Nonconforming structures.

- A. Changes, alterations, additions and/or repairs to all existing structures that are nonconforming, whose setbacks are nonconforming, or are on

lots that are nonconforming and that were built prior to the effective date of this chapter shall be permitted, provided that:

- (1) The nonconforming front, side and rear setbacks are not decreased, and no additions in height or footprint are made to any side of the structure where a setback nonconformity exists.
 - (2) The added living space shall not exceed 20% of the existing livable floor space except when the space is in the basement within the footprint of the residence. **[Amended 3-9-2016 by L.L. No. 1-2016]**
 - (3) The use of the structure is conforming.
 - (4) All other applicable laws are met.
- B. Any exception permitting the enlargement, extension or relocation shall not be construed to extend the termination date, if any, of the subject nonconformity.
- C. Where parking and loading requirements are the cause for nonconformity, the associated structure or use may not be enlarged or altered to create additional dwelling units, guest rooms, seating capacity or floor area, unless additional parking and loading requirements are supplied and maintained to meet the parking requirements, subject to the provisions of Article X of this chapter.
- D. If any of the above conditions cannot be met, application for a variance may be made to the Zoning Board of Appeals.
- E. Any nonconforming structure damaged or destroyed by any means may be rebuilt without variances or a site plan or development approval plan provided: **[Added 8-19-2009 by L.L. No. 9-2009]**
- (1) The new structure is reconstructed on or within the original building footprint at all points;
 - (2) The new structure shall contain no more habitable area than the structure it is replacing;
 - (3) The new structure shall be no higher at any point than the structure it is replacing;
 - (4) A building permit for the new structure is issued within two years of the original structure's damage or destruction.

§ 165-45. Nonconforming uses.

- A. Nonconforming use of land. Where no structure is involved, the nonconforming use of land may be continued, provided that:
- (1) Enlarging or increasing use.

- (a) In residence districts, such nonconforming use shall not be enlarged or increased, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of the adoption of this chapter. An exception to these limitations is nonconforming educational, philanthropic or religious uses which would require approval by the Planning Board under the provisions of Article IV.
 - (b) In commercial districts, such nonconforming use may be enlarged or increased or extended to occupy a greater area of land than occupied by such use at the time of the adoption of this chapter with the approval of the Planning Board under the provisions of Article V.
- (2) The lot on which such nonconforming use is located shall not be reduced in size.
 - (3) Movement of use.
 - (a) In residence districts, such nonconforming use shall not be moved in whole or in part to another portion of the lot or parcel of land. An exception to these limitations is nonconforming educational, philanthropic or religious uses which would require approval by the Planning Board under the provisions of Article IV.
 - (b) In commercial districts, such nonconforming use may be moved, in whole or in part, to another portion of the lot or parcel of land with the approval of the Planning Board under the provisions of Article V.
 - (4) If the nonconforming use of land or any portion thereof is inactive or ceases, for any reason whatsoever, for a continuous period of more than two years or is changed to a conforming use, any future use of such land shall be in conformity with all provisions of this chapter.
 - (5) No nonconforming use of land shall be changed to another nonconforming use.
- B. Nonconforming use of structures. The nonconforming use of a structure may be continued, subject to the following restrictions:
- (1) Such structure shall not be enlarged or extended. An exception to this limitation is nonconforming educational, philanthropic or religious uses, for which a development approval plan or site plan approval shall be required, depending upon the nonconforming use's location in a residential or nonresidential district. **[Amended 6-17-2009 by L.L. No. 7-2009]**
 - (2) Such structure shall not be altered or reconstructed except for such alterations, maintenance and repair work as required to keep

said structure in a safe condition. An exception to this limitation is nonconforming, educational, philanthropic or religious uses, for which a development approval plan or site plan approval shall be required, depending upon the nonconforming use's location in a residential or a nonresidential district **[Amended 6-17-2009 by L.L. No. 7-2009]**

- (3) Such nonconforming use shall not be changed except to a conforming use. In commercial districts, such use changes require the approval of the Planning Board under the provisions of Article V.
- (4) If the nonconforming use of a structure or any portion thereof is inactive or ceases for any reason whatsoever (including, but not limited to, damage to or destruction of the structure) for a continuous period of more than two years, or if such structure or any portion thereof is changed to a conforming use, any future use of such structure (or portion thereof wherein the nonconforming use became inactive or ceased for two or more years), including any replacement or rebuilt structure, shall be in conformity with all provisions of this chapter. **[Amended 6-17-2009 by L.L. No. 5-2009]**
- (5) A structure devoted to a lawful nonconforming use, which structure is damaged or destroyed by any means, may be rebuilt without variances, a site plan or a development approval plan and the nonconforming use may be resumed, provided that: **[Added 5-19-2010 by L.L. No. 4-2010]**
 - (a) A building permit is obtained, a certificate of occupancy issued, and the lawful nonconforming use is resumed within two years of the structure's damage or destruction; and
 - (b) The new structure is rebuilt on or within the original building footprint, contains no more habitable area than the structure it is replacing, and will be no higher at any point than the structure it is replacing.

§ 165-46. (Reserved)⁹²

§ 165-47. Reduction of adverse external effects.

In order to reduce the adverse external effects of nonconforming uses, the owner of the land or structure, so used, may be permitted to make limited changes to structures or uses in conjunction with a site or development plan review whereby, through landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of

92. Editor's Note: Former § 165-46, Damage to nonconforming structures, was repealed 8-19-2009 by L.L. No. 9-2009. See now § 165-44E.

parking areas and access drives, or by any other appropriate means, these purposes may be achieved.

§ 165-48. Violations; discontinuation of nonconforming status.

In addition to other penalties prescribed by law, any of the following violations shall immediately terminate the right to operate a nonconformity:

- A. The owner of a nonconformity has taken an action increasing the nonconformity of the land, structure or use, not in compliance with the provisions of this chapter.
- B. The owner of a nonconformity has abandoned the structure or use of the structure for a period greater than two years.
- C. A nonconforming use has been changed to another nonconforming use.

ARTICLE XIII
Billboards and Advertising Signs

§ 165-49. Purpose and intent.

All signs shall be safe, secure and shall not pose a hazard to the public or block any sight distances.

§ 165-50. Exempt signs.

The provisions of this chapter shall not apply to the following signs:

- A. Signs of or required by a duly constituted governmental body or its agency where such signs are established in the interest of the safety, convenience or welfare of the general public, including traffic signs and legal notices.
- B. One bulletin board not exceeding 15 square feet in area for a public, charitable or religious institution, when it is located on the premises of such institution.
- C. Memorial plaques, cornerstones or historic tablets that are cut into the masonry surface or that are of a permanent type and made an integral part of the structure.
- D. Residential identification signs designating name and house number, not exceeding two square feet in area.
- E. Lettering on marquees denoting the attraction, film or exhibit being shown or to be shown by or in a theater containing the marquee.
- F. "No trespassing," "posted" and "private drive" signs.
- G. Signs not exceeding three square feet in area, identifying historic properties. **[Added 3-21-2007 by L.L. No. 1-2007]**

§ 165-51. Signs in residential zones.

In order to maintain the character of residential zoning districts, the following sign restrictions shall apply:

- A. No sign shall be permitted that advertises any business or commercial activity unless it is a permitted or specially permitted use on the premises and is carried out on the premises. No sign shall be permitted on a lot where there is no residence.
- B. In the case of a permitted home office or occupation, or specially permitted home business or trade, only one sign, whether designating a business or otherwise, shall be permitted for any single dwelling, and that sign shall not exceed two square feet in size. Where there are two or more units in a dwelling, no sign may exceed one square foot in area.

- C. No part of any sign shall be placed within two feet of any property boundary. Mailbox signs identifying the house number and occupant of the lot and signs identifying historic properties are exempt from this regulation. **[Amended 3-21-2007 by L.L. No. 1-2007]**
- D. The source of illumination for signs shall be oriented or shielded so that it is not visible from any residence.
- E. Subdivision identification signs shall designate the subdivision by name or symbol only. There may be no more than one such sign with a maximum total area of 12 square feet at each street entrance to the subdivision.
- F. Any sign for a special permitted use in a residential area that is in excess of two square feet in area shall not be erected unless a variance has been granted by the Zoning Board of Appeals. The special use permit shall terminate with the transfer of the property to a new owner or with a change of use, and such sign shall be removed within 30 days thereafter.

§ 165-52. Signs in nonresidential districts.

The following provisions are intended to prevent sign clutter and to contribute to the public safety, aesthetics and economic vitality of the CN, CC-1, CC-2 and PC districts.

- A. Maximum sign area. **[Amended 9-19-2012 by L.L. No. 1-2012]**
 - (1) On a building lot improved or to be improved with one or more commercial buildings, there shall be allowed for each such building one square foot of wall signage for each linear foot of building frontage, to a maximum of 80 square feet of wall signage per building. No single wall sign shall exceed 12 square feet in area.
 - (2) On a building lot improved or to be improved with one or more commercial buildings, which lot fronts or two or more streets or vehicular rights-of-way, the total allowable wall signage referenced in Subsection A(1) above may be increased by up to 50%.
 - (3) Each building lot improved or to be improved by one or more commercial buildings shall be permitted to have one two-sided freestanding sign, neither of which side shall exceed 12 square feet in area. Building lots described in Subsection A(2) above shall be permitted to have one such freestanding sign for each such street or right-of-way frontage, provided that each such frontage has an approved driveway access.
- B. In no case shall a sign in a nonresidential district exceed 25% of the total area of the wall on the side of the structure on which such sign is to be placed.

- C. All signs shall pertain only to goods sold, services rendered and establishments, enterprises, activities, persons, organizations and facilities on the lot where the sign is located. When the sale of such goods or the rendering of such services on the lot is terminated or when the establishment, enterprise, activity, person, organization or facility on such lot is moved, discontinued or otherwise terminated, all signs pertaining thereto shall be removed within 90 days after such termination.
- D. No sign shall be located within a public right-of-way or project horizontally into a public right-of-way.
- E. No sign shall be displayed which endangers traffic or pedestrians, causes confusion with official street signs or signals, obstructs the window of any door, ventilation system, fire escape or exit, or causes any other hazard to the public health and safety.
- F. A variance granted by the Zoning Board of Appeals shall become invalid with a change of use.
- G. Illumination.
 - (1) Illumination shall be only from indirect light sources which create no glare in the street or adjoining properties.
 - (2) Flashing, intermittent, changing intensity or other such forms of illumination shall be prohibited with the exception of signs which alternate temperature and time message.
- H. No sign shall extend more than two feet beyond the face of a building, beyond the extension of a straight line of any face of the building, nor shall any freestanding sign be placed higher than the roof of the principal building on the premises.
- I. Gasoline service stations shall be permitted two additional signs, not exceeding a total area of 12 square feet or six square feet per side, if located on the pump island, or set no closer than 10 feet from the edge of the pavement, so as not to impair visibility for pedestrians or motorists.

§ 165-53. Temporary signs.

Temporary signs, which call attention to a single activity or event for a limited period of time, may be displayed as follows, provided that all requirements listed below are met.

- A. Political signs, which are designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate or candidates to public office, shall be permitted as follows:
 - (1) Such signs shall be placed on private property with consent of the owner thereof.

- (2) Such signs shall be removed within five days after the voting is concluded.
 - (3) Signs shall not exceed 32 square feet in area.
 - (4) Political signs shall not be illuminated in any residential zoning district.
- B. Signs advertising flea markets and garage sales. Any sign advertising a flea market, garage sale, barn sale, tag sale, or the like shall not be posted more than 10 days before the event it advertises and shall be removed within two days following the event.
- C. Construction signs denoting the architect, engineer or contractor.
- (1) Construction signs shall be limited to one, relating to the project, and shall not exceed four square feet in area.
 - (2) Construction signs shall not be placed within a distance of 10 feet from a property line and shall not exceed six feet in height above ground level.
 - (3) Construction signs shall be removed within 30 days of completion of the services.
- D. Real estate signs advertising the sale, rental or lease of a property.
- (1) Real estate signs shall be limited to one for a single property and shall not exceed six square feet in area in a residential zone or 12 square feet in a nonresidential zone.
 - (2) Real estate signs shall be removed from a property within 30 days after its sale, rental or lease.
- E. Temporary window signs hung or affixed inside or outside windows.
- (1) Temporary signs painted on a window pane or hung or otherwise affixed directly inside a window for the purpose of identifying the premises or advertising "specials" shall not exceed in area 25% of the area of the window in which they are displayed.
 - (2) Such signs displayed longer than 30 days shall be considered permanent and shall be required to conform to all requirements for permanent signs.
- F. Portable signs.
- (1) A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever comes first.
 - (2) A portable sign used on a regular basis to advertise sales, specials or items of interest shall be safe, secure and shall not pose a hazard

to, or interfere with, the safe passage of the public. Such signs shall not exceed four feet in width nor five feet in height and shall be kept indoors during nonbusiness hours.

§ 165-54. Directional signs.

Directional signs are those limited to providing information for the convenience of the public, including indications as to the locations of exits, entrances and parking lots.

A. For a single residence or business.

- (1) Directional signs for a single residence or business establishment shall not exceed six inches in height, 36 inches in length or one inch in thickness.
- (2) No signs shall be displayed which endangers traffic or pedestrians, causes confusion with official street signs, causes any other hazard to public health and safety or contributes unnecessarily to visual sign clutter.
- (3) The number and location of directional signs for individual establishments shall be under the jurisdiction of the Superintendent of Highways.
- (4) No off-premises directional sign shall be placed on any premises without the permission of the owner.

B. For multiple residences and businesses.

- (1) Off-premises directional signs for two or more businesses in the same area may be permitted by the Zoning Board of Appeals if such signs will promote public safety without a negative visual impact, provided that the owner of the premises where the directional signs are to appear has given permission.
- (2) The Zoning Board of Appeals shall approve the placement, size and design of such off-premises directional signs.

§ 165-55. Directories for structures with multiple occupants.

Directories for residential or commercial structures with multiple occupants shall conform to the following:

- A. A directory outside a building to identify multiple occupants shall have site plan or development plan approval from the Planning Board.
- B. A freestanding directory may be permitted in addition to a directory on the facade of the structure.
- C. The Planning Board shall adhere to the intent of this chapter with respect to design, location and size in issuing an approval; however,

strict adherence to total area limitations of signs need not be observed for directories with multiple listings.

- D. All directories placed outside of a building to identify multiple occupants shall prominently display the number of the street address of the building.

§ 165-56. Nonconforming signs.

Any nonconforming permanent sign that was conforming prior to the adoption of this chapter may remain in its current size, until or unless there is a change in use of the premises.

§ 165-57. Unsafe signs.

If any sign is found by the Code Enforcement Officer to be unused, abandoned, unsafe, insecure or hazardous, it shall be removed within 14 days of a notice of violation by the Code Enforcement Officer and shall not be replaced unless a variance shall have been granted by the Zoning Board of Appeals.

ARTICLE XIV

Public Utilities and Domestic Services**§ 165-58. Services permitted.**

The Town Board, in order to facilitate the adequate provision of public utility and municipal services, may, upon application and after public hearing held upon notice, permit for a term of years or otherwise any land and the buildings and structures erected or to be erected thereon to be used, maintained and operated in any district of the Town for such facilities of a public utility or municipal corporation or special district as said Town Board shall find to be necessary in order to provide adequate public utility or municipal services to the residents of the Town of Putnam Valley.

- A. **Underground lines.** No public utility not directly servicing the Town of Putnam Valley shall install lines for the transmission of electric power through said Town unless the same is underground. The Town Board shall, upon granting of a permit hereunder, impose such reasonable and appropriate conditions, restrictions and safeguards as it may deem necessary or desirable to promote the health, safety and general welfare of the public community.
- B. **Exceptions.** In addition, nothing herein shall prevent public utilities from providing electrical power or telecommunication services for the direct consumption of users in the Town of Putnam Valley along conventional secondary lines.
- C. **Fees.** The fee to accompany each application shall be determined on an annual basis by resolution of the Town Board, and a copy of the schedule of fees shall be available during business hours at the office of the Town Clerk.

§ 165-59. Public utility station or substation.

The Town Board may grant a special use permit for the establishment of a public utility station or substation, subject to the following conditions:

- A. When the station or substation is located in a residential district, there will be no storage of vehicles, equipment or materials in connection with such station or substation, and the property will be suitably landscaped to conform to the residential character of the neighborhood.
- B. The proposed station or substation shall not be detrimental to the public health, safety and property values in the neighborhood.
- C. The design of the station or substation buildings shall be harmonious with the character of the neighborhood and shall not detract from the appearance and beauty of the neighborhood.

§ 165-60. Public utility buildings.

The Town Board may grant a special use permit for the establishment of buildings and structures for the generation of electric power, telecommunication services and for water supply, treatment and storage facilities in any district, subject to the following conditions:

- A. The proposed use will not create any nuisance.
- B. The development of the lot conforms to the lot coverage and setback requirements of the base zoning district in which it is located.
- C. When the buildings and structures are located in a residential district, the property will be suitably landscaped to conform to the residential character of the neighborhood.
- D. In residential districts, fuel shall not be used for the generation of electric power by a public utility.
- E. The proposed buildings and structures shall not be detrimental to the public health, safety and property value in the neighborhood.
- F. The design of the buildings and structures shall be harmonious with the character of the neighborhood and shall not detract from the appearance and beauty of the neighborhood.

§ 165-61. Personal wireless service facilities and towers. [Added 9-17-1997]

- A. Special use permits. **[Amended 10-21-1998 by L.L. No. 11-1998]**
 - (1) Applicability. Personal wireless service facilities and personal wireless service towers shall be permitted principal uses subject to special use permit by the Town Board pursuant to the special requirements of this section. In the case of a personal wireless service facility and personal service tower, the use may be a second permitted principal use, provided that the lot has at least twice the minimum net lot area required in the zoning district (see table: Height, Bulk and Lot Regulations⁹³).
 - (2) The following special use permit standards and requirements shall apply to all personal wireless service facilities and towers:
 - (a) For new tower construction or major modification of an existing tower, a tower construction special use permit is required.
 - (b) For a new personal wireless service facility, or a major modification of an existing facility, a personal wireless service facility special use permit is required, except in the case of a

93. Editor's Note: The Table of Height, Bulk and Lot Regulations is located at the end of this chapter.

new personal wireless service facility to be collocated on an existing tower with empty available space which has been approved under an existing valid special use permit.

- B. Purposes. The purposes of this personal wireless service facilities and towers section are to:
- (1) Preserve the character and appearance of the Town while simultaneously allowing adequate personal wireless services to be developed.
 - (2) Protect the scenic, historic, environmental and natural or man-made resources of the community.
 - (3) Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of personal wireless service facilities.
 - (4) Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify personal wireless service facilities.
 - (5) Preserve property values.
 - (6) Minimize the total number and height of towers throughout the community.
 - (7) Locate towers so that they do not have negative impacts, such as but not limited to attractive nuisance, noise and falling objects, on the general safety, welfare and quality of life of the community.
 - (8) Require owners of towers and personal wireless service facilities to configure them so as to minimize and mitigate the adverse visual impact of the towers and facilities.
 - (9) Require tower sharing and the clustering of personal wireless service facilities where possible.
- C. Consistency with federal law. These regulations are intended to be consistent with the Telecommunications Act of 1996 in that: they do not prohibit or have the effect of prohibiting the provision of personal wireless services; they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.
- D. Exempted wireless telecommunications uses. This section of Article XIII specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing commercial radio tower and radio dispatch services for local businesses. No

personal wireless service facility shall be considered exempt from this section of Article XIII for any reason whether or not said facility is proposed to share a tower or other structure with such exempt uses.

- E. Provision of independent consultants.
- (1) Upon submission of an application for a special use permit under this section of Article XIII, the Town Board shall hire independent consultants of their choosing whose services shall be paid for by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering, structural engineering, or others as determined necessary by the Town Board.
 - (2) The Town Board shall select the independent consultant(s) after consultation with the Planning Board, which may propose a list of qualified candidates.
- F. Prohibition of teleports. There shall be no teleport(s) within the Town of Putnam Valley.
- G. Application requirements.
- (1) No tower or personal wireless service facility shall be erected, constructed or installed without first obtaining a special use permit from the Town Board. One or both of two kinds of special use permits are required:
 - (a) For new tower construction (or major modification of an existing tower).
 - (b) For personal wireless service facilities.
 - [1] For personal wireless service facilities (or major modification of an existing facility) to be mounted on an existing, or newly permitted, tower or structure where empty available space, approved under an existing valid special use permit, is not available.
 - [2] Personal wireless service facilities to be co-located on an existing tower or structure with empty available space, approved under an existing valid special use permit, may be erected, constructed or installed after obtaining a building permit from the Building Inspector. The applicant shall provide the Building Inspector, the Planning Board, the Town Board and the Town Clerk with an updated safety analysis, prepared by radiation protection experts, of the cumulative electromagnetic environment in the vicinity of the proposed personal wireless service facility.
 - (c) If applicant is applying for both permits, they shall be submitted and examined concurrently. Applications shall be submitted on the relevant forms for special use permit and site

plan approval or development approval plan. The following additional information must also be submitted.

- (2) Justification of need.
 - (a) Applicant shall provide written documentation of any facility sites in Putnam Valley or in abutting towns in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. From each such facility site, it shall demonstrate with written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site to provide, adequate coverage to the Town of Putnam Valley. A map of Putnam Valley which illustrates the areas which presently have and those which do not have adequate coverage (based upon engineering evaluations, such as drive-by testing) shall be provided along with a report of the supporting engineering data suitable for review by an independent consultant. The documentation shall include, for each facility site listed, the exact location, ground elevation, height of tower or structure, type of antennas, antenna manufacturer, antenna model number, antenna gain, antenna downtilt, height of antennas on tower or structure, number of channels, maximum effective radiated power per channel, actual radiated power per channel and actual radiated power. Radial plots from each of these facility sites shall be provided as part of the application.
 - (b) Applicant shall demonstrate with written documentation that they have examined all facility sites located in Putnam Valley and in abutting towns in which applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing facility sites can be used to provide adequate coverage to the Town of Putnam Valley. The documentation shall include, for each facility site listed, the exact location, ground elevation and height of tower or structure as well as the applicant's proposals for type of antennas, antenna manufacturer, antenna model number, antenna gain, antenna downtilt, height of antennas on tower or structure, number of channels, maximum effective radiated power per channel, actual radiated power per channel, and actual total radiated power. Radial plots from each of these facility sites shall be provided as part of the application.
 - (c) Applicant shall provide a safety analysis of the electromagnetic environment in the vicinity of a proposed personal wireless service facility prepared by radiation protection experts.
 - (d) Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters (if appropriate for the technology in question) in conjunction with all facility

sites listed in compliance with Subsection G(2)(a) or (b) above to provide adequate coverage to the Town of Putnam Valley. Radial plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

- (3) Required documentation.
 - (a) Copies of all submittals made by the applicant, if required, pertaining to: FCC licensing; environmental impact statements; FAA Notice of Construction or Alteration; aeronautical studies; and all data, assumptions and calculations relating to service coverage and power levels, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
 - (b) The exact legal name, address or principal place of business and phone number of the applicant. If any applicant is not a natural person, it shall also give the state under which it was created or organized.
 - (c) The name, title, address and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
 - (d) Name, address, phone number and written consent to apply for this permit of the owner of the property on which the proposed tower shall be located, or of the owner(s) of the tower or structure on which the proposed facility shall be located.
 - (e) Required plans and engineering plans, prepared, stamped and signed by a professional engineer licensed to practice in New York. (NOTE: Survey plans should also be stamped and signed by a professional land surveyor registered in New York.) Plans shall be on sheets no larger than 36 inches by 48 inches, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below and which show the following information: Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s) and original seal and signature of the professional engineer and other professionals who prepared the plan.
- (4) For new tower construction, or major modification of an existing tower, a tower construction special use permit is required.
 - (a) Applicant shall provide a written commitment, valid for the duration of the existence of the tower, to rent or lease available space for co-location on the tower where legally, technically

and economically feasible, without discrimination to other personal wireless service providers.

- (b) If applicant is not simultaneously applying for a personal wireless service facilities special use permit, it shall provide a copy of its existing lease/contract with a personal wireless service provider. A tower construction special use permit shall not be granted for a tower to be built on speculation.
- (c) The following plans and maps shall be required:
 - [1] A location map, at a scale of one inch equals 1,000 feet showing the applicant's entire property and all easements and streets and existing structures within 200 feet of the applicant's property. The location shall include the names of owners of record for all parcels within 200 feet.
 - [2] A survey showing the proposed location, size and use of all buildings and structures at a scale of one inch equals 50 feet.
 - [3] A conceptual layout of site configurations and improvements, including proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries and dimensions of all proposed improvements.
 - [4] In addition to the detailed site plan requirements listed in either § 165-16C(1) (for residential districts) or § 165-21C(1) (for nonresidential districts) of this chapter, the Planning Board will require:
 - [a] A statement of whether an environmental assessment has been prepared under the National Environmental Policy act of 1969 and, if so, a copy of the findings.
 - [b] Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
 - [c] Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage and traveled width. Plans shall include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
 - [d] Details of the proposed tower and appurtenances:

- [i] Plans, elevations, sections and details at appropriate scales but no smaller than one inch equals 10 feet.
 - [ii] Two cross sections through proposed tower, drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing and showing any guy wires or supports. Dimension the proposed height of tower above average grade at tower base. Show all proposed antennas, including their location on the tower.
 - [iii] Details of proposed tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
 - [iv] Detail proposed exterior finish of the tower.
 - [v] Indicate relative height of the tower to the tops of surrounding trees as they presently exist and the height to which they are expected to grow in 10 years.
 - [vi] Illustration of the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
 - [vii] A structural professional engineer's written description of the proposed tower structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height.
 - [viii] A description of available space on the tower, providing illustrations and examples of the type and number of personal wireless service facilities which could be mounted on the structure.
- [e] Proposed communications equipment shelter:
- [i] Floor plans, elevations and cross sections at a scale of no smaller than 1/4 inch equals one foot (1:48) of any proposed appurtenant structure.

- [ii] Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.
- (5) For new personal wireless service facility, or major modification of an existing facility, a personal wireless service facility special use permit is required, except in the case of a new personal wireless service facility to be co-located on an existing tower with empty available space which has been approved under an existing valid special use permit.
- (a) The following plans and maps:
- [1] A location map, at a scale of one inch equals 1,000 feet, showing the applicant's entire property and all easements and streets and existing structures within 200 feet of the applicant's property. The location shall include the names of owners of record for all parcels within 200 feet.
 - [2] Proposed facility plan. A recent survey of the facility site at a scale of one inch equals 50 feet showing:
 - [a] Horizontal and radial distances of antenna(s) to nearest point on property line.
 - [b] Horizontal and radial distances of antenna(s) to nearest dwelling unit.
 - [c] Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines and whether underground or aboveground.
 - [d] Any changes to be made to the existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking or other infrastructure as a result of this proposed modification of the facility.
 - [3] Proposed communications equipment shelter:
 - [a] Floor plans, elevations and cross sections at a scale of no smaller than 1/4 inch equals one foot (1:48) of any proposed appurtenant structure.
 - [b] Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.
 - [4] Proposed equipment plan:
 - [a] Plans, elevations, sections and details at appropriate scales but no smaller than one inch equals 10 feet.

- [b] Number of antennas and repeaters, as well as the exact locations, of antenna(s) and of all repeaters (if any) located on a map.
- [c] Mounting locations on tower or structure, including height above ground.
- [d] Antenna type(s), manufacturer(s), and model number(s).

H. Approval process.

- (1) Preapplication conference for new towers. The applicant is strongly encouraged to apply for a preapplication conference by requesting a joint meeting of the Town Board, the Planning Board and, if a variance is required, the Zoning Board of Appeals immediately after establishing the need for a new tower and associated personal wireless service facilities. This action should take place prior to committing to a specific site. The documentation required for review at a preapplication conference for new towers is related to justification of need and is contained in Subsection G(2)(a) and (b) of this section. **[Amended 10-21-1998 by L.L. No. 11-1998]**
- (2) Application review. The applicant is encouraged to apply for an application review by requesting a joint meeting of the Town Board, the Planning Board and, if a variance is likely to be required, the Zoning Board of Appeals for the purpose of a preliminary review of the written documentation prepared in accordance with Subsection G of this section and a concept plan prepared in accordance with Subsection G(3) of this section and, for tower construction special use permit applications, the information contained in Subsection G(4) of this section and, for personal wireless service facilities special use permit applications, the information contained in Subsection G(5) of this section. The purpose of this joint work session is to evaluate the completeness of the application. **[Amended 10-21-1998 by L.L. No. 11-1998]**
- (3) Application for special use permit(s) under this section shall be presented to the Town Board at least four weeks prior to a public meeting and shall be accompanied by the appropriate fees, written documentation prepared in accordance with Subsection G of this section and a concept plan prepared in accordance with Subsection G(3) of this section. For tower construction special use permit applications, the information contained in Subsection G(4) of this section must also be provided as part of the application. For personal wireless service facilities special use permit applications, the information contained in Subsection G(5) of this section must also be provided as part of the application. In evaluating the concept, the Town Board will apply the parameters of appropriate siting contained in Subsection I(13) of this section.

- (4) At the time of application to the Town Board for a special use permit under this section, the applicant shall also apply to the Planning Board for a development approval plan (within residential districts) in accordance with § 165-16 of this chapter or for site plan approval (in nonresidential districts) in accordance with § 165-21 of this chapter. Before proceeding to the detailed site plan review phase before the Planning Board in accordance with either § 165-16 or § 165-21 of this chapter, the applicant must have received concept approval for the special use permit(s) from the Town Board.
- (5) In order to better inform the public, the applicant shall take the following actions prior to either the public meeting of the Town Board (Subsection A above) or the public meeting of the Planning Board (Subsection B above):
 - (a) Balloon test. Applicant shall arrange to fly, or raise upon a temporary mast, a three-foot diameter brightly colored balloon at the maximum height of the proposed tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant at seven and 14 days in advance of the first test date in a newspaper with a general circulation in the Town of Putnam Valley. The applicant shall inform the Town Board and the Planning Board, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least eight consecutive hours sometime between 7:00 a.m. and 4:00 p.m. of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday.
 - (b) Sign. The applicant shall place a sign of 32 square feet on the property which is the subject of the application 10 days prior to the date of either the concept review by the Town Board or the sketch plan review by the Planning Board. The sign shall face a public street, and the information on the sign describing the nature of the application must be in lettering clearly visible to a passerby.
- (6) After receiving sketch plan approval for the site plan, a detailed site plan will be prepared in accordance with either § 165-16 or § 165-21 of this chapter. Whenever a tower construction special use permit is involved, the applicant will also provide the Planning Board with the information contained in Subsection G(4) of this section. Whenever a personal wireless service facility special use permit is involved, the applicant will also provide the Planning Board with the information contained in Subsection G(5) of this section.
- (7) Upon official receipt of a complete development approval plan application (within residential districts) or a complete site plan

approval application (within nonresidential districts), the Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations:

- (a) Within 30 days, act to establish lead agency for coordinated review.
 - (b) If designated as lead agency, make a determination of significance within 20 calendar days.
- (8) Within 30 days of the granting by the Planning Board of a DAP approval or a site plan approval conditioned upon the issuance of the appropriate special use permit(s) by the Town Board, the Town Board shall schedule and conduct a public hearing on the special use permit(s). Within 62 days of the close of the public hearing, the Town Board shall act to approve, deny or approve with conditions the application for special use permit(s) under this section.

I. General requirements:

- (1) New towers shall be set back at least one time the height of the tower, plus 50 feet, from all boundaries of the site on which the tower is located.
- (2) If the facility or tower site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least 50 feet in width around the entire perimeter except where the access drive is located.
- (3) Fencing and signs. The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of six feet and gated. Use of razor or barbed wire is not permitted. A sign no greater than two square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, no trespassing or other warning signs must be posted on the fence.
- (4) Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- (5) New towers shall not exceed the minimum height necessary to provide adequate coverage for the personal wireless service facilities proposed for use on the tower. All applicants are encouraged to submit a request for additional height to accommodate future co-location and shall provide design information to justify such additional height. Towers shall not

exceed 150 feet in height unless the applicant demonstrates to the satisfaction of the Town Board and the Planning Board that the greater height is no more detrimental to the neighborhood or the viewshed of the Town of Putnam Valley than would be a tower of lesser height.

- (6) Tower finish. New tower(s) shall have a galvanized finish unless otherwise required. The Town Board may require the tower(s) to be painted to minimize the adverse visual impact.
- (7) Tower(s) must be of a type which will maximize potential co-location. Lattice-type structures are preferred, but where a monopole is requested, applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants.
- (8) The use of repeaters (if consistent with the technology under consideration) to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers is permitted and encouraged. An applicant who has received a personal wireless service facility special use permit under this section of Article XIII, may, with at least 30 days written notice to the Town Board, the Planning Board, Building Inspector and Town Clerk, install one or more additional repeaters by right. Site plan review by the Planning Board shall be required. The Planning Board shall publish written notice of the public meeting date at least 14 days in advance. Applicants shall detail the number, location, power output and coverage of any proposed repeaters in their systems and provide engineering data to justify their use.
- (9) Commercial advertising shall not be allowed on any antenna, tower or accessory building or communication equipment shelter.
- (10) Unless required by the Federal Aviation Administration, no night lighting of towers, or the personal wireless service facility, is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- (11) No tower or personal wireless service facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR) is permitted.
- (12) No tower or personal wireless service facility with the exception of repeaters shall be located:
 - (a) Habitable structures and places of public assembly.
 - [1] Closer than 1,500 feet, on a horizontal plane, to any structure, existing at the time of application, which is, or is able to be, occupied or habitable on the property of any school (both public and private).

- [2] Closer than 750 feet, on a horizontal plane, to an existing dwelling unit, or day-care center, hospital, library, nursing home, church, synagogue or other place of worship, or any structure routinely used for public assembly.
 - (b) No repeater shall be located closer than 50 feet to an existing dwelling unit, nor less than 25 feet above ground.
 - (c) Within any of the following prohibited areas:
 - [1] Town of Putnam Valley, New York DEC or federally regulated wetland.
 - [2] The habitat of any state-listed rare or endangered wildlife or rare plant species.
 - [3] Within 100 feet horizontally from the boundary of any New York DEC or Town of Putnam Valley regulated wetland.
 - [4] Within 50 feet horizontally from the edge of any watercourse and/or water body.
 - [5] Within 1,000 feet horizontally from any historic structure or property (except roadways, traveled ways, parkways and rights-of-way) listed or eligible to be listed on the state or federal Register of Historic Places. **[Amended 10-21-1998 by L.L. No. 11-1998]**
 - [6] Within 500 feet horizontally from any known archaeological site.
- (13) Parameters of appropriate siting:
- (a) Towers and personal wireless service facilities shall be located so as to minimize the following potential impacts:
 - [1] Visual/aesthetic. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to highly rated scenic areas.
 - [2] Diminution of residential property values. Siting shall be in as low population density areas as possible.
 - [3] Safety. In cases of structural failure and attractive nuisance.
 - [4] Safety from excessive electromagnetic radiation. In case the tower or personal wireless service facility is found to exceed the FCC guidelines.
 - (b) The following locations are ranked in order of preference:
 - [1] Shared use of personal wireless service facilities shall be strongly encouraged. Applicants who co-locate on towers

with empty available space which has been approved under an existing valid special use permit require only a building permit from the Code Enforcement Officer. In this case, the applicant shall provide the Code Enforcement Officer, the Planning Board, the Town Board and the Town Clerk with an updated safety analysis, prepared by radiation protection experts, of the cumulative electromagnetic environment in the vicinity of the proposed personal wireless service facility.

- [2] Clustering of towers. Applications for towers adjacent to existing towers shall be encouraged.
- [3] The use of municipal lands which comply with other requirements of this section, and where visual impact can be minimized and mitigated, shall be encouraged.
- [4] The use of repeaters (if consistent with the technology under consideration) to provide adequate coverage without requiring new tower(s) shall be encouraged.
- [5] The use of land, distant from higher density residential properties, and where visual impact can be minimized shall be encouraged.

(c) Towers and personal wireless service facilities shall be located so as to provide adequate coverage with the least number of towers and antennas which is technically and economically feasible.

J. Evaluation by independent consultants.

- (1) Upon submission of a complete application for a special use permit under this section of Article XIII, the Town Board shall provide its independent consultant(s) with the full application for their analysis and review.
- (2) Applicants for any special use permit under this section of Article XIII shall obtain permission from the owner(s) of the proposed property(s) or facilities site(s) for the town's independent consultant(s) to conduct any necessary site visit(s).

K. Approval criteria:

- (1) The Town Board shall, in consultation with the independent consultant(s), make all of the applicable findings before granting the special use permit, as follows:
 - (a) That applicant is not already providing adequate coverage to the Town of Putnam Valley;
 - (b) That applicant is not able to use existing towers/facility sites either with or without the use of repeaters (if appropriate for

the technology in question) to provide adequate coverage to the Town of Putnam Valley;

- (c) That the applicant has agreed to rent or lease available space for co-location on the tower where legally, technically and economically feasible, without discrimination to other personal wireless service providers;
 - (d) That proposed personal wireless service facility or tower will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources; and
 - (e) That the proposal shall comply with applicable FCC regulations regarding emissions of electromagnetic radiation (currently, FCC 96-326).
- (2) Any decision by the Town Board to deny an application for a special use permit under this section of Article XIII shall be in conformance with SEC. 332 (47 U.S.C. § 332) (7)(B)(iii) of the Telecommunications Act of 1996, in that it shall be in writing and supported by substantial evidence contained in a written record.

L. Evaluation of compliance.

- (1) Excessive emissions. Should the monitoring of a facility site reveal that the site exceeds the appropriate FCC standard (currently, FCC 96-326), then the owner(s) of all facilities utilizing that site shall be so notified. The owner(s) shall submit to the Town Board and the Code Enforcement Officer a plan for the reduction of emissions to a level that complies with the appropriate FCC standard (currently, FCC 96-326) within 10 business days of notification of noncompliance. That plan shall reduce emissions to the standard within 15 days of initial notification of noncompliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of noncompliance shall be a violation of the special use permit and subject to penalties and fines as specified in Article XX of this chapter. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site, until compliance is achieved.
- (2) Structural inspection. Tower owner(s) shall be required to conduct inspections of the tower's structural integrity and safety every five years, utilizing the services of a professional with knowledge of structural aspects of towers who is licensed to practice in New York State. A report of the inspection results shall be prepared by the licensed professional and submitted to the Town Board, the Planning Board, the Town Engineer/Town Planner, the Code Enforcement Officer and the Town Clerk.
- (3) Unsafe structure. Should any inspection of any tower reveal any structural defect(s) which, in the opinion of the Code Enforcement

Officer render(s) that tower unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the special use permit and subject to penalties and fines as specified in Article XX of this chapter. Such fines shall be payable by the owner(s) of the tower, until compliance is achieved.

M. Removal requirements.

- (1) Any personal wireless service facility which ceases to operate for a period of one year shall be dismantled and removed from the site within 60 days of receipt of a written notice from the Code Enforcement Officer. "Cease to operate" is defined as not performing the normal functions associated with the personal wireless service facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all personal wireless service facility improvements which have ceased to operate are removed. If all facilities on a tower have ceased to operate, the tower shall also be dismantled and removed from the site within 60 days of receipt of a written notice from the Code Enforcement Officer, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal.
- (2) Prior to the issuance of a building permit, the owner and operator of a communications tower shall provide the Town with a surety bond or other financial security acceptable to the Town Attorney/Counsel to assure that the funds are available to dismantle such tower, remove any debris and to restore the site to a state acceptable to the Planning Board. The estimate shall be prepared by the applicant's licensed engineer, verified by the Town Engineer/Planner and approved, as to form, by the Town Attorney/Counsel. The amount of such bond shall be approved by the Town Board.

N. Fees and insurance.

- (1) Towers and personal wireless service facilities shall be insured by the owner(s) of towers and/or personal wireless service facilities against damage to persons or property. The owner(s) of towers and/or personal wireless service facilities shall provide a certificate of insurance to the Town Clerk on an annual basis in which the Town of Putnam Valley shall be an additional named insured.
- (2) A schedule of fees for towers and personal wireless service facilities permitting and renewal, of escrow fund amounts for

independent consultants, and any other fees, shall be determined by annual resolution of the Town Board.

- O. Rehearing. A request for the Town Board to hold a rehearing to review any decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present.

§ 165-62. Gas pipes, electric power transmission lines.

The Town Board may grant a special use permit for the establishment of gas pipes or electric power transmission lines underground. The Town Board may also grant a special use permit for the establishment of above or below ground level gas pipes or overhead electric power transmission lines where such use is deemed essential to the public convenience and welfare of the Town of Putnam Valley, including any standards and towers necessary. If the Board shall find that underground installation of all or a portion of the lines is not practicable and that there is no reasonable alternative to the aboveground or overhead installation, the Board can determine that the proposed above or below ground gas pipe or overhead electric power transmission lines be installed and operated in accordance with the following standards and conditions:

- A. Satisfactory evidence is submitted establishing that there will be no interference with radio and television reception on adjoining property and in the neighborhood.
- B. The proposed buildings and structures adjacent to the transmission lines conform to all setback and height requirements of this article.
- C. The proposed transmission lines, and any standards and towers necessary therefor, are located so as to preserve and shall not detract from the appearance and beauty of the community, to preserve the scenic value of the town, to avoid occupancy of any ridgeline and to avoid intrusion upon the scenic view of any adjoining property owner or community.
- D. Existing woods, shrubs and trees will be maintained to the extent consistent with the safe operation of the lines or that trees and shrubs will be planted in cleared areas in order to maintain property values of adjoining properties.
- E. The proposed transmission lines will be appropriately and permanently guarded at all times in accordance with a guard plan approved by the Board.
- F. A roadway, not less than 12 feet in width, shall be provided along the full length of any transmission line, except over a public or private

street, right-of-way or over a pond or lake, to allow access by emergency vehicles and conduct of the guard plan.

- G. The proposed transmission lines shall not be detrimental to the public health, safety and property values and shall have a right-of-way of at least four times the height of the towers.

§ 165-63. Easement for recreational purposes.

Any special use permit granted pursuant to the provisions of this section shall provide that the permittee shall grant an easement by written instrument in recordable form which shall provide for the use of the area of the right-of-way by the residents of the

ARTICLE XV
Property Maintenance

§ 165-64. Purpose and intent.

Structures and properties shall be maintained in conformity with the standards in this article so as to assure that no structure or property will adversely affect public health, safety and welfare of the community or neighborhood.

§ 165-65. Prohibited uses.

- A. It shall be prohibited to use for sleeping purposes any kitchen or nonhabitable space.
- B. It shall be prohibited to prepare meals in units which have no kitchen or kitchenette.
- C. It shall be prohibited to use any cellar space as habitable space.
- D. Offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be prohibited.
- E. Graffiti. **[Added 2-17-2010 by L.L. No. 3-2010]**
 - (1) For purposes of this Article XV, "graffiti" shall mean a word, design, or other mark or series of marks applied to any structure by any means, other than a sign duly authorized under Article XII of this chapter.
 - (2) No person shall make graffiti upon any structure located on a lot which is not owned by that person or, if ownership is in a corporation, partnership, or limited-liability company, by a stockholder, partner, or member thereof.

§ 165-66. Exits.

- A. Safe, continuous and unobstructed exits shall be maintained from the interior of a building or structure to the exterior at a street, or to a yard, court or passageway leading to a public open area.
- B. Nothing shall be placed, accumulated or stored on a premises which will obstruct egress from stairways, passageways, doors, windows, fire escapes or other means of exit.
- C. In multiple dwellings, exits, including vestibules, passageways, corridors and hallways, but excluding fire escapes, shall be lighted with natural or electric light at all times, so as to afford safe passage.
- D. Stairways shall have handrails on at least one side.
- E. Fire escapes shall be maintained free of encumbrances.

- F. Vending machines and other equipment or materials shall not be located in lobbies, corridors or passageways if they constitute a fire hazard or interfere with the exit facility.

§ 165-67. Exterior lighting.

Required exterior lighting shall be maintained in operating condition.

§ 165-68. Exterior protection. [Added 2-17-2010 by L.L. No. 3-2010]

- A. Exterior walks, driveways, parking spaces, stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition and free of obstruction so as to afford safe passage.
- B. Graffiti shall be removed and the affected area repainted and/or restored to its former condition within 10 days following written notification from the Code Enforcement Officer.

§ 165-69. Railings and parapet walls.

Railings or parapet walls shall be provided at open sides of balconies, mezzanines, porches, accessible roofs, passageways, motor vehicle parking decks and ramps and around floor openings.

§ 165-70. Garbage and refuse; storage containers.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.
- C. Storage containers. **[Added 12-14-2011 by L.L. No. 4-2011]**
 - (1) "Storage container," as used herein, refers to containers which are designed to receive solid waste and which, when loaded, are transported by truck to disposal facilities.
 - (2) It shall be unlawful to place or maintain on any lot one or more storage containers unless said containers are employed solely for the collection and disposal of household furniture and furnishings, construction debris and/or yard waste generated by the lot upon which said container(s) is(are) located.
 - (3) No such storage container(s) may remain on any lot for a collective period of 30 or more days in any ninety-day period.
 - (4) Upon written notification of the Code Enforcement Officer that a storage container is needed for a permitted purpose for more than 30 days in any ninety-day period, the storage container may remain for a maximum of 60 days within such period, provided that such written notification is given within the initial thirty-day period.

§ 165-71. Storage of junk.

No person shall store, keep or maintain junk on property unless one of the following conditions is met:

- A. The junk is completely screened from view.
- B. The junk is temporarily stored to facilitate collection by a municipal or licensed carter, authorized salvage dealer or collector of recyclable materials for a period not to exceed seven days prior to the collection and removal of said junk or for a period established in garbage district regulations, whichever is greater.

§ 165-72. Unregistered vehicles.

In any district not more than one unregistered motor vehicle may be stored in a rear yard, and no unregistered vehicle shall be stored in any front or side yard.

§ 165-73. Performance standards.

The following performance standards shall apply to all uses of land, structures and parking facilities and shall be continuing application:

- A. No dust, dirt, fly ash or smoke shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and enjoyment of other property or to constitute a critical source of air pollution.
- B. No offensive odors shall be emitted into the air from any lot so as to impair the value and enjoyment of any other lot.
- C. No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot so as to endanger the public health and safety or to impair the safety on or the value and enjoyment of any other lot.
- D. No noxious, toxic or offensive waste shall be discharged or dumped.
- E. No offensive glare from lighting shall be transmitted so as to endanger the public and safety nor shall it be transmitted into or within any residential zoning district so as to impair the value and enjoyment of any lot therein. No radiant heat shall be outside the lot where it originates.
- F. No material which is dangerous due to potential hazard of explosion, fire or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable regulations of the State of New York.

§ 165-74. (Reserved)⁹⁴

94. Editor's Note: Former § 165-74, Penalties for offenses, was repealed 2-17-2010 by L.L. No. 3-2010.

ARTICLE XVI

Excavation**§ 165-75. Limits on excavation.**

There shall be no excavation or removal from the premises in any district of sand, gravel, stone, topsoil, loam, dirt or other earth products except in connection with necessary excavation or removal of not more than 500 cubic yards of surplus material resulting from a bona fide construction, landscaping or agricultural operation being executed on the premises, except in conformity with the following regulations.

§ 165-76. Application.

An application for permission to excavate or remove the above materials in excess of 500 cubic yards shall be submitted, in writing, to the Planning Board by the property owner or authorized agent. The statement of application shall be accompanied by a plan of operation, including the following:

- A. The location of the property on which the excavation is to take place, the location of the area to be excavated, the estimated amount of material to be removed and the names of abutting owners.
- B. Grading plan showing existing topography in the area to be excavated and proposed future topography. Contour interval shall not exceed two feet unless larger scale is required by the Planning Board. Contour lines shall include the surrounding area within 100 feet of the excavation. The North arrow, scale and date shall be indicated. The Planning Board may require that the grading plan shall be prepared by a land surveyor licensed to practice in the State of New York.
- C. Existing and proposed drainage on the site.
- D. Proposed truck access to the excavation, the machinery to be used on the site, the type of processing to be used and the location and type of any buildings to be erected.
- E. Written permission for the inspection of the site at any reasonable time by a duly authorized representative of the Planning Board.
- F. Any other information which the Planning Board deems necessary.

§ 165-77. Approval of plan; conditions.

The Planning Board shall approve the plan of operation and grant a permit to excavate for a period of not more than one year, only when it is satisfied that the following conditions will be complied with:

- A. The premises will be excavated and graded in conformity with the plan, as approved, and any deviation from the plan without the consent of the

Planning Board shall be cause for the Planning Board to revoke the permit. Topsoil removed shall be stockpiled on the premises.

- B. There will be no excavation or removal within 50 feet of any property line or street line except to an elevation equal with or above the established grade of the adjoining property or street.
- C. No screening, sifting, washing, crushing or other forms of processing of a permanent nature shall be conducted upon the premises.
- D. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties, and proper slopes shall be maintained to prevent dangerous overhang.
- E. During the period of excavating and removal, such barricades or fences shall be erected as are necessary for the protection of pedestrians and vehicles.
- F. Truck access to the excavation shall be arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of excavation shall be provided with a dustless surface when necessary.
- G. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of one over three (vertical-horizontal). All debris shall be removed. Topsoil shall be spread uniformly over the excavated area to a minimum depth of two inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass or other equally suitable vegetation and maintained until approved by the Planning Board.

§ 165-78. Performance bond.

Before the permit is granted, the applicant shall file a performance bond or other form of surety with the Town of Putnam Valley, in form approved by the Town Attorney, and in such amount as the Planning Board shall deem necessary to ensure compliance with the conditions set forth herein.

ARTICLE XVII

Building Permits, Certificates of Occupancy, and Enforcement
[Amended 3-14-2001 by L.L. No. 1-2001; 6-26-2002 by L.L. No. 7-2002; 4-16-2008 by L.L. No. 2-2008; 5-21-2008 by L.L. No. 4-2008; 5-11-2011 by L.L. No. 2-2011]

§ 165-79. Purpose and intent.

In addition to exercising the authority conferred by Article 16 of the New York State Town Law (Zoning and Planning) this chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code).

§ 165-80. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING PERMIT — A permit issued pursuant to § 165-82 of this article. The term shall also include a building permit which is renewed, amended or extended pursuant to any provision of this article.

CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to Subsection B of § 165-85 of this article.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to Subsection B of § 165-81 of this article.

CODE ENFORCEMENT PERSONNEL — The Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to Subsection A of § 165-91.1 of this article.

ENERGY CODE — The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to Subsection D of § 165-81 of this article.

OPERATING PERMIT — A permit issued pursuant to § 165-87 of this article. The term "operating permit" shall also include an operating permit which is renewed amended or extended pursuant to any provision of this article.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 165-84 of this article.

TOWN — The Town of Putnam Valley.

TOWN CODE — The Town Code of the Town of Putnam Valley.

UNIFORM CODE — The New York State Uniform Fire Prevention and building Code, as currently in effect and as hereafter amended from time to time.

ZONING CODE — The Zoning Ordinance of the Town of Putnam Valley, as same may from time to time be amended.

§ 165-81. Code Enforcement Officer and inspectors.

A. The position of Code Enforcement Officer has heretofore been established. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, this chapter, and such other chapters of the Town Code as the Code Enforcement Officer is empowered to enforce, and such additional provisions of the Town Code for which no other designated person, office, or individual is given enforcement authority. Subject to the other and further provisions of the Town Code, and to the jurisdiction, actions and approvals of the Putnam Valley Town Board, the Putnam Valley Zoning Board of Appeals and the Putnam Valley Planning Board, the Code Enforcement Officer shall have the following powers and duties under this chapter:

- (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, and operating permits, and to include in building permits, certificates of occupancy, and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to Subsection A of § 165-91.1, Penalties for offenses, of this article;
- (7) To maintain records;
- (8) To collect fees as set by the Town Board of this Town;
- (9) To pursue enforcement actions and proceedings;

- (10) In consultation with the Town's attorney and/or Town prosecutor, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, this chapter, such other chapters of the Town Code as the Code Enforcement Officer is empowered to enforce, and such additional provisions of the Town Code for which no other designated person, office or individual is given enforcement authority, and to abate or correct conditions not in compliance with the Uniform Code, the Energy Code this chapter, and the other Town Code chapters and provisions herein mentioned; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.
- B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction and fire prevention and shall, within the time prescribed by law, obtain such basic training, in service training, advanced in service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- D. One or more deputies and/or inspectors (collectively referred to hereafter as "inspectors") may be appointed by resolution of the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer. Each inspector shall, within the time prescribed by law, obtain such basic training, in service training, advanced in service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. Authority conferred in this chapter and elsewhere in the Town Code upon the Code Enforcement Officer shall likewise be deemed conferred upon his duly-appointed inspectors.
- E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board.

§ 165-82. Building permits.

- A. Building permits required. Except as otherwise provided in Subsection B of this section, and in addition to those structures and/or activities listed elsewhere in this chapter for which a building permit is required, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit, and for any change of use. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
- (1) Installation of swings and other playground equipment associated with a one or two family dwelling or multiple single family dwellings (townhouses);
 - (2) Installation of swimming pools associated with a one or two family dwelling or multiple single family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (3) Construction of temporary motion picture, television and theater stage sets and scenery in conjunction with productions by public and private schools and camps;
 - (4) Installation of window awnings supported by an exterior wall of a one or two family dwelling or multiple single family dwellings (townhouses);
 - (5) Installation of partitions or movable cases less than five feet nine inches in height;
 - (6) Painting, wallpapering, tiling, carpeting, or other similar finish work.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or any of the codes, rules and regulations of the Town or the Energy Code.
- D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an agent of the owner with written authorization. The application shall include such information and documentation as the Code Enforcement Officer deems

sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code, and all relevant provisions of the Town Code. The application shall include or be accompanied by at least the following information and documentation:

- (1) A description of the proposed work;
 - (2) The Tax Map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any proposed or affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least three sets of construction documents (drawings and/or specifications) which:
 - (a) Define the scope of the proposed work;
 - (b) Are prepared by a New-York-State-registered architect or licensed professional engineer where so required by the Education Law;
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) Substantiate that the proposed work will comply with the Uniform Code, the Energy Code and all other provisions of federal, state and local law; and
 - (e) Where applicable, include a site plan that shows existing and proposed buildings and structures on the site, the location of existing and proposed well and/or septic system, the location of the intended work, and the distances between the existing and proposed buildings and structures and the lot lines.
 - (6) Copies of any and all other approvals, permits, and plans required by the Town, the state, and the federal government.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, one set will be provided to the Town Engineer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement personnel. However, the return of a set of accepted construction

documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code, the Town Code and all other required permits and approvals. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code, the Town Code and all other required permits and approvals and, where the building permit is sought pursuant to a site development plan, development approval plan and/or wetland permit and/or major grading permit, the issuance of such building permit shall require the prior written approval of the Town Engineer and/or Town Wetland Inspector, as applicable.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed and a final certificate of occupancy issued.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit (and other amended approvals, as relevant) reflecting such change is approved and issued.
- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Permit nontransferable.
 - (1) Building permits may be issued only to the record owner of the property upon which construction is proposed. Building permits are nontransferable. If ownership of the property changes prior to the completion of construction and issuance of a certificate of occupancy, the existing permit shall expire, all work shall cease and the new owner shall apply for a new building permit to complete construction.

- (2) No building permit shall be issued, or, if issued, shall be forthwith revoked and all work hereunder immediately stopped, where it appears to the Code Enforcement Officer that the owner proposes to build only a part of the building and intends the balance to be finished by a purchaser or transferee.

K. Renewal of permit.

- (1) Building permits issued for structure(s) which are evaluated in excess of \$10,000 shall be permitted to be renewed twice at a fee of half of the original building permit fee. After the second renewal the permit application shall be reviewed by the Code Enforcement Officer, and the cost of renewal shall be calculated as for a new permit based on the current permit fee schedule.
- (2) The fee for either or both of the two authorized building permit renewals specified in Subsection K(1) above may be reduced or waived by the Town Board upon written application of the permit holder, and upon showing a personal financial hardship. Repayment of so much of such fee as was reduced or waived shall be a condition of issuance of a certificate of occupancy for the complete work for which the building permit was issued.

L. Previously issued building permits. **[Added 9-21-2011 by L.L. No. 3-2011⁹⁵]**

- (1) Unexpired building permits issued within one year prior to the adoption of L.L. No. 2-2011 (i.e., May 11, 2011) shall remain valid for a term of one year following their original issuance, whether or not the work authorized thereby has been commenced, subject to no more than two one-year renewals under Subsection K hereof;
- (2) Unexpired building permits issued more than one year prior to the adoption of L.L. No. 2-2011 (i.e., May 11, 2011) may be renewed subject to Subsection K hereof, provided the aggregate term of the permit, with extension(s), shall not exceed three years from date of original issuance;
- (3) Unexpired building permits issued prior to the adoption of L.L. No. 2-2011 (i.e., May 11, 2011), and renewed for more than two years following the expiration date of the original permit, shall expire at the end of their present term and may not be renewed; provided, however, that if the work authorized by the permit was commenced prior to May 11, 2011, a single one-year extension of the permit may be granted by the Code Enforcement Officer pursuant to Subsection K hereof;
- (4) Work on incomplete structures for which a building permit was obtained, but which has expired, shall not be resumed unless the

95. Editor's Note: This local law also provided for the redesignation of former Subsections L through S as Subsections M through T, respectively.

owner obtains a renewal of the original permit, which shall be valid for one year only and shall not be subject to renewal. No renewal permit shall issue if the original permit was issued more than three years prior to May 11, 2011.

- (5) Completed structures for which a building permit was obtained, for which no certificate of occupancy has been issued, and for which the building permit has expired, shall not be occupied or put into use until such time as a new building permit has been issued, and until a certificate of occupancy has been obtained. For a period of 90 days following this subsection's enactment, the fee for such building permit shall be assessed as if no building permit has previously been issued. After said ninety-day period, the fee for such building permit shall include those fees which would have been payable if the originally issued building permit had been renewed and, as necessary, reissued.
- M. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error or that the work for which a building permit was issued violates the Uniform Code, the Energy Code or other relevant permits or approvals, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:
- (1) All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and other relevant permits or approvals; and
 - (2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code and all other permits and approvals.
- N. Fee. The fee specified in or determined in accordance with the provisions set forth in § 165-91.2, Fees, of this article must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.
- O. No building permit shall be issued or be renewed, nor shall an amended building permit be issued, unless all real property taxes have been paid with respect to the parcel for which the building permit, permit renewal, or amended permit is sought.
- P. No building permit shall be issued on a new Subsection road until the right-of-way has been cleared, the topsoil has been removed, the Item 4 and the base course of asphalt have been laid and the drainage and gutters have been put in place from the existing town, county or state road to a point beyond the road frontage of the lot and all of the aforesaid have been approved by the Highway Superintendent and the Town Engineer.
- Q. Notices of violation.

- (1) No application for a building permit, building permit renewal, or amended building permit shall be entertained for a property where a notice of violation has been issued under this chapter or any other local law or ordinance of the Town unless the issuance of such building permit, building permit renewal or building permit amendment, together with such other approvals as may be required by the Town, will result in the correction of said violation. Unless waived by the Code Enforcement Officer for good cause shown in writing by the applicant, and except as otherwise stated below, all activities on the site for which a building permit, building permit renewal, or amended building permit is sought shall cease pending the determination of said application.
 - (2) The application and permit fees for those applications subject to Subsection M above shall be double the fees which would apply to an application for which no notices of violation are outstanding.
 - (3) Prior to Code Enforcement Officer review of any building permit, building permit renewal, or building permit amendment application subject to Subsection M above, disturbed areas on the property in question shall be stabilized and any unpermitted construction stabilized and sealed to the satisfaction of the Code Enforcement Officer.
 - (4) In all cases subject to Subsection M hereof, relief granted by the Code Enforcement Officer shall expressly be made subject to the assessment of a civil penalty by the Town Board pursuant to § 165-101D⁹⁶ of this chapter, or to the Town Board's waiver of such penalty.
- R. No certificate of occupancy shall be issued for the last 25% of the lots, where the improvements are guaranteed by a security, unless it is determined by the Planning Board or its duly authorized representatives or agents that both of the following conditions have been complied with:
- (1) Status of street improvements. The improvement of the street or streets and driveway giving access to the structure shall have been completed in accordance with all applicable Town ordinances, rules and regulations and to the satisfaction of the Town Highway Superintendent and Town Engineer up to and including the following stages:
 - (a) All surface and subsurface drainage facilities are completed except for adjusting of catch basin, drop inlet and manhole frames, grates and covers to final grade.
 - (b) Roadway subbase, base, first course pavement, bituminous concrete curbing and sidewalks, if required, are completed.

96. Editor's Note: See § 165-91.2, Penalties for offenses.

- (c) Roadway shoulders and slopes within the right-of-way of streets and within all slope easements are final graded and stabilized with vegetative or other approved surface cover.
 - (d) All driveway grading, base, pavement, drainage and surface restoration improvements serving the structure for which the certificate of occupancy is requested are completed.
 - (2) Maintenance agreements. Written agreements have been filed with the Putnam County Clerk for the maintenance of the street or streets, including snow removal and sanding, during the period between the issuance of any certificates of occupancy and the acceptance (if any) of the fully completed street by the Town Board. If the street is not to be offered for dedication to the Town, or is not accepted for dedication by the Town, such an agreement will have been required as a condition of Planning Board final approval.
- S. Any person, firm or corporation hired to build a new house for profit on property owned by someone other than themselves must post a performance bond in the amount of \$50,000 to insure the completion of construction by themselves and their subcontractors.
 - (1) This subsection shall apply to the construction of new single-family homes only.
 - (2) This subsection shall not apply to:
 - (a) The repair, replacement, remodeling, installation, construction, alteration, conversion, modernization, beautification, improvement or addition to an existing structure or portion thereof.
 - (b) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials on a new single-family residence.
 - (c) The construction of a new single-family residence by the owner of the property upon which the residence is being constructed.
- T. False information on application. If any of the statements contained in the application for such permit, or in any of the plans or surveys or maps submitted in conjunction therewith, are false or untrue in any respect, the Code Enforcement Officer, the Zoning Board of Appeals or the Town Board may order the said permit revoked and/or the construction of the building stopped, and such revocation or stoppage may in like manner be exercised if the construction of the building or of the sewage disposal facilities therefor or of the water supply systems specified in the plans have not been approved by the State Board of Health, or shall in any way violate, contravene or fail to comply with the permits and plans issued and approved by the Code Enforcement Officer.

§ 165-83. Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) Work site prior to the issuance of a building permit;
 - (2) Footing and foundation (an as-built survey showing the completed foundation location and first floor elevation shall be submitted to the Code Enforcement Officer prior to further construction. If the foundation and first floor elevation are not located as shown on the approved plans, owner shall submit an amended building permit application and, as necessary, obtain variances and/or an amended site plan and/or development approval plan.);
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, including underground and rough in;
 - (6) Fire-resistant construction;
 - (7) Fire-resistant penetrations;
 - (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) Inspection required by Town Code Chapter 102 (Stormwater Management and Erosion and Sedimentation Control); and
 - (11) A final inspection after all work authorized by the building permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code or other relevant permits or approvals. Work not in compliance with any applicable provision of the Uniform Code or Energy Code or any other required permit or approval, shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code and all other permits and approvals, reinspected, and found satisfactory as completed.

- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 165-91.2, Fees, of this article must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 165-84. Stop-work orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:
- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code or any other permits or approvals, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work;
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall:
- (1) Be in writing;
 - (2) Be dated and signed by the Code Enforcement Officer;
 - (3) State the reason or reasons for issuance; and
 - (4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail, provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person

performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 165-91.1, Penalties for offenses, of this article or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 165-85. Certificates of occupancy.

- A. Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. No building or structure, or portion thereof, for which a building permit was previously issued may be occupied or utilized until a certificate of occupancy has been issued therefor.
- B. Issuance of certificates of occupancy.
- (1) The Code Enforcement Officer shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with the plans upon which said permit was based, and with all applicable provisions of the Uniform Code, the Energy Code, all other provisions of the Town Code, and other relevant permits and approvals, and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code, and all other provisions of the Town Code, and all other relevant permits and approvals. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy:
- (a) An as-built survey showing the completed construction and related site work (if any);
- (b) A written certification by the Town Engineer that the completed construction and site work are compliant with any

approvals granted by the Planning Board and/or Zoning Board of Appeals and other jurisdictional agencies;

- (c) A written statement of structural observations and/or a final report of special inspections, and
 - (d) Flood hazard certifications.
- (2) No certificate of occupancy shall be issued for a structure on a lot to be accessed by a new Subsection road until the road has been completed from its connection to a public road to a point beyond the frontage of the lot in question, and approved by the Town Highway Superintendent and Town Engineer.
- C. Contents of certificates of occupancy. A certificate of occupancy shall contain the following information:
- (1) The building permit number, if any;
 - (2) The date of issuance of the building permit;
 - (3) The owner's name, and the address and Tax Map number of the property;
 - (4) If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;
 - (5) The use and occupancy classification of the structure;
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;
 - (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) Any special conditions imposed in connection with the issuance of the building permit (including, but not limited to, any imposed by the Town Planning Board and/or Zoning Board of Appeals); and
 - (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy and the date of issuance.
- D. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy was issued in error, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer and a new certificate of occupancy issued within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 165-91.2, Fees, of this article must be paid at

the time of submission of an application for a certificate of occupancy or for a temporary certificate.

§ 165-86. Notification regarding fire or explosion.

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§ 165-87. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 6 of 1981, as now in effect or as hereafter amended from time to time, being designated as Chapter 66 in the Town Code.

§ 165-88. Operating permits.

A. Operating permits required.

- (1) In addition to any and all other permits and/or approvals required by the Town Code, operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR § 1225.1;
 - (b) Hazardous processes and activities, including, but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (c) Use of pyrotechnic devices in assembly occupancies;
 - (d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - (e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.
- (2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain, in addition to any and all other permits and/or approvals required by Town Code, an operating permit prior to commencing such activity or operation.

- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly, and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 165-91.2, Fees, of this article must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 165-89. Fire safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2), shall be performed at least once every 24 months.
- B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon:
- (1) The request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code, or any other chapter of the Town Code or of any Certificates or approvals issued thereunder exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- C. OFPC Inspections. Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807b. Notwithstanding any other provision of this section to the contrary:
- (1) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months;
 - (2) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property

maintenance inspections of such building or structure at least once every 12 months;

- (3) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Subsection A(3) of this section; and
 - (4) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non residential building, structure, use or occupancy not included in Subsection A(1) or (2) this section if OFPC performs fire safety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in Subsection A(3) of this section.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 165-91.2, Fees, of this article must be paid prior to or at the time each inspection performed pursuant to this section. This Subsection shall not apply to inspections performed by OFPC.

§ 165-90. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code and any other provision of the Town Code which the Code Enforcement Officer is empowered to enforce. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 165-91.2, Penalties for offenses, of this article; **[Amended 2-20-2013 by L.L. No. 2-2013]**
- C. If appropriate, issuing a stop-work order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 165-91. Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement personnel, including records of:
- (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building permits, certificates of occupancy, temporary certificates, stop-work orders, and operating permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 165-82 through 165-89, inclusive, of this article, including; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period required by state law and regulation.

§ 165-91.1. Program review and reporting.

- A. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 165-90, Recordkeeping, of this article and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

§ 165-91.2. Penalties for offense.

- A. Compliance orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist

in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter or any other provision of the Town Code or any Certificates or approvals issued thereunder. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter law which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time (including, but not limited to, the imposition of fines and/or civil penalties hereunder). The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code, and of any other provision of the Town Code which the Code Enforcement Officer is empowered to enforce.
- C. Penalties for violation of the Uniform Code.
 - (1) Any person, having been served with a compliance order under Subsection A above, who fails to comply with such order within the time specified therein, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, and any other person who shall knowingly violate any provision of the Uniform Code or of any lawful order of the Town, shall be punishable by a fine of \$1,000 per day of violation. **[Amended 10-5-2016 by L.L. No. 5-2016]**
 - (a) For a first offense, a fine of not less than \$2,000, but no more than \$3,000 per day of violation for a second offense.
 - (b) A fine of \$3,000 per day of violation for a third offense.
 - (c) In the event the offense is one of adding fill to land, in addition to the above, an additional fee of \$50 per yard of unlawfully added fill as determined by the Code Enforcement Officer.

- (2) In addition to the criminal penalties specified above, the Town may seek injunctive relief pursuant to Executive Law § 382(3).
- D. Penalties for violations of this chapter not constituting violations of the Uniform Code.
- (1) Any person, having been served with a compliance order under Subsection A above, who fails to comply with such order within the time specified therein and any owner, lessee, tenant, occupant, architect, builder or agent of any of them; any person who violates or is accessory to the violation of any provision of this chapter; who owns, occupies or uses any building, structure or premises which is in violation of any provision of this chapter; who fails to comply with any of the requirements thereof; or who erects, constructs, alters, enlarges, converts, moves or maintains any building, structure or land in violation of any provision of this chapter not constituting a violation of the Uniform Code shall constitute a violation of law and shall be punishable by: **[Amended 10-5-2016 by L.L. No. 5-2016]**
- (a) A fine not exceeding \$1,000 for a first offense;
- (b) A fine not less than \$1,000 nor more than \$2,000 for a second offense (where both offenses have occurred within a period of five years);
- (c) A fine not less than \$2,000 nor more than \$3,000 for a third or subsequent offense.
- E. Remedies not exclusive. No remedy or penalty specified in this article shall be the exclusive remedy or penalty available to address any violation described in this article, and each remedy or penalty specified in this article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this article, in § 165-84, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. Any remedy or penalty specified in this article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this article, in § 165-84, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this article shall be in addition to, and not in substitution for or limitation of, the penalties specified in § 382 of the Executive Law and § 268 of the Town Law, and any remedy or penalty specified in this article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in § 382 of the Executive Law and § 268 of the Town Law.

§ 165-91.3. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.

ARTICLE XVIII
Planning Board

§ 165-92. Site plan approval; development approval plan.

- A. Where any provision of this article requires site plan approval and/or development approval plan and subject to the limitations therein contained, the Planning Board is hereby authorized to review and approve, approve with modifications or disapprove site plans and development approval plans. Where site plan approval and/or development approval plan is required, no building permit shall be issued and no structure or use shall be established except in conformity with site plan/development plan approval procedures, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such approval and any conditions attached thereto have been met, nor shall be performed except in accordance with such site plan. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved site plan/development approval plan and conditions. Revisions of such plans shall be subject to the same approval procedure.
- B. The elements of a site plan/development approval plan shall include at least the following: parking, means of access and egress, screening, signs, landscaping, architectural features, location and dimensions of buildings, impact of the proposed use on adjacent land uses, legal data, natural features, surface drainage, existing structures and utilities, proposed development, construction sequence and such other elements as may reasonably be related to the health, safety and general welfare of the people of the Town of Putnam Valley, as determined by the Planning Board. The Planning Board may waive such elements as it deems to be not pertinent or necessary for the proposed development.
- C. In considering and acting upon site plans and development approval plans, the Planning Board shall take into consideration the recommendations of the "Master Plan -- 1990 of the Town of Putnam Valley," the health, safety and welfare of the public in general and of the residents, employees, visitors or guests of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, encourage the most appropriate use of the land, taking into account the size, location, height, bulk, appearance, character and suitability of all buildings and facilities; the safety, adequacy and convenience of vehicular and pedestrian traffic ways, parking and loading areas, access drives and areas related thereto; and the topography, landscaping and open spaces in relation to each other, to pedestrian and to vehicular traffic and to protection of adjacent properties.
- D. Within 62 days after the receipt of a complete application for site plan approval or development approval plan by the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be

advertised at least once in the official newspaper of the Town of Putnam Valley at least five days before such hearing. Within 62 days after the date of such hearing, the Planning Board shall approve, with or without modifications, or disapprove such site plan or development approval plan. The concurrent vote of a majority of the total Board shall be necessary to decide in favor of the applicant. The grounds for a modification, if any, or the grounds for disapproval shall be stated in the minutes of the Planning Board. The decision of the Planning Board shall immediately be filed in the office of the Town Clerk and a copy thereof mailed to the applicant. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on such site plan or development approval plan may be extended by mutual consent of the applicant and the Planning Board. **[Amended 4-15-1998 by L.L. No. 5-1998]**

E. Unresolved violations. **[Added 9-15-2010 by L.L. No. 8-2010]**

- (1) No application for development approval plan or site plan approval shall be entertained for a property where a Notice of Violation has been issued under this chapter or any other local law or Ordinance of the Town unless the granting of such development approval plan or site plan approval, together with such other approvals as may be required from the Town, will result in the correction of said violation. Unless waived by the Planning Board for good cause shown in writing by the applicant, and except as otherwise stated below, all activities on the site for which development approval plan or site plan approval is sought shall cease pending the determination of said application.
- (2) The application and permit fees (including, but not limited to, building permits) for those development approval plans or site plan approval applications subject to Subsection E(1) above shall be double the fees which would apply to an application for which no Notices of Violation are outstanding.
- (3) Prior to Planning Board review of any development approval plan or site plan approval application subject to Subsection E(1) above, disturbed areas on the property in question shall be stabilized to the satisfaction of the Town Engineer and Wetland Inspector.
- (4) In all cases subject to Subsection E(1) hereof, relief granted by the Planning Board shall expressly be made subject to the assessment of a civil penalty by the Town Board pursuant to § 165-101D of this chapter, or to the Town Board's waiver of such penalty.

F. Subdivision plats and revised lot lines. **[Added 6-20-2018 by L.L. No. 2-2018]**

- (1) By the authority of the Town Board of the Town of Putnam Valley, pursuant to the provisions of Article 16, § 276, Subdivision 1, of the Town Law of the State of New York, the Planning Board of the Town

of Putnam Valley, by prior resolution of the Town Board, is authorized and hereby is reauthorized and empowered, to approve subdivision plats ("plats") showing lots, with or without streets or highways. Additionally, the Planning Board is hereby authorized to approve or disapprove revised lot lines with or without conditions as the Planning Board may impose and in accordance with the provisions hereof, and to approve the development of entirely or partially undeveloped plats already filed in the office of the Putnam County Clerk, and to approve, with or without conditions, preliminary and final plats within the Town of Putnam Valley.

- (a) It is declared to be the policy of the Town Board to consider subdivisions as part of the orderly and desirable development of land. These regulations provide procedures and standards for the Planning Board in its review of subdivision plats. The intent of these regulations is to encourage the most-appropriate and best development of land in order to protect and promote the general health, safety and welfare, which is intended to include the following:
- [1] To assure that land will be subdivided will produce building sites of such character and area that will permit their development for homes or buildings without danger to health or peril from fire, flood or other menace.
 - [2] To facilitate the adequate and efficient provision of community facilities, services and utilities and require the most-desirable and -appropriate systems for drainage, water supply, sewage disposal and other needed improvements, including any appropriate parks and playgrounds.
 - [3] To promote the safe and convenient circulation of vehicles and pedestrians, and to promote the efficient design, location and construction of roads, streets, sidewalks, pathways and driveways so as to accommodate current and future needs.
 - [4] To minimize the destruction of the natural character of the land and promote the conservation of all elements of topography and vegetation which contribute to the natural beauty of the land.
 - [5] To provide, through all subdivision planning and development, for the privacy of residents while enhancing the general appearance of the community.
- (2) Approval of the Planning Board shall be required for the subdivision of any lot, tract or parcel of land.
- (3) The Planning Board shall exercise all powers conferred upon it by the provisions of the Town Law and Highway Law and shall pass

upon all matters which may be referred to it from time to time by resolution of the Town Board.

- (4) Such approval shall be exercised in accordance with the requirements of the Town Law § 276 et seq., the Code of the Town of Putnam Valley, the Town Master Plan, and the principles hereinabove set forth.
- (5) The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter or any statute after public hearing by such Board.
- (6) The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriations that may be hereinafter made for such Board.

ARTICLE XIX
Zoning Board of Appeals

§ 165-93. Records; quorum for certain decisions.

- A. The Zoning Board of Appeals shall keep minutes of the proceeding, showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. The Board shall also keep a record of its examination and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board, shall immediately be filed in the office of the Town Clerk and shall be a public record.
- B. The concurrent vote of a majority of the total Board shall be necessary to decide in favor of the applicant any matter upon which the Board is required to pass under provisions of the article.

§ 165-94. Powers and duties.

The Zoning Board of Appeals, in addition to its statutory power to adopt rules and hear and determine appeals from and to review or interpret any decisions or order of the Code Enforcement Officer, may, after due notice and hearing in a specific case, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purposes and intent. Specifically, the Zoning Board of Appeals shall have the power to:

- A. Grant a permit wherever it is provided in this article that the approval of the Zoning Board of Appeals is required.
- B. Grant a permit in an appropriate case, where the property of the applicant lies on both sides of a common boundary of, and in, two or more districts, the extension of an existing lawful conforming use in the less-restricted district into the more-restricted district or districts.
- C. Grant a permit in an appropriate case subject to such conditions as it may prescribe, where the natural grade or topographic condition of a lot or plot of land renders it difficult, or an unnecessary hardship, to comply with the front, side or rear yard requirements of this chapter, a variance permitting such lesser yard or yards, as may be reasonably possible and proper in the existing conditions and circumstances.
- D. The Zoning Board of Appeals shall have all the powers and authority which may be vested in it under and pursuant to the Town Law of the State of New York and be delegated under and pursuant to this chapter.

§ 165-95. Filing of variance with required agreements.

- A. A variance granted hereunder by the Zoning Board of Appeals, or by the Board of Standards and Appeals, pursuant to this article, or pursuant to any other section of this chapter, or pursuant to any other controlling ordinance, rule, regulation, statute or law, shall become and be

effective only upon, and as of the date of, the filing and recording of the order granting the same, together with a declaration of agreement by the owner or owners of an irrevocable restrictive covenant running with the land and containing the provisions and conditions of the order granting the variance, in the offices of the Town Clerk of the Town of Putnam Valley and the County Clerk of the County of Putnam. Such declaration or agreement shall be prepared by the Town Attorney at the request of the interested Board. The fee for filing and recording such order and agreement shall be paid by the applicant for the variance, in advance, at the time of making the application therefor. Proof of such filing and recording shall be furnished, in writing, to the Secretary or Clerk of the interested Board within five calendar days thereafter. The order granting the variance and the restrictive covenant agreement shall be endorsed for return to the Town Attorney and shall be filed by the Town Attorney with the Town Clerk of the Town of Putnam Valley, after recording thereof in the County Clerk's office together with the County Clerk's endorsements showing the liber and page of such recordings. The Clerk or Secretary for the interested Board and the Town Clerk shall make and keep a record of the dates of filing and recording of such order granting variances, and of such restrictive covenant agreements, showing the properties affected thereby and the nature and provisions thereof.

- B. The Zoning Board of Appeals shall have the right to put a limit on the amount of time between the date a decision and order is filed with the Town Clerk and the date when the application for a permit is applied for.
- C. In all cases wherein relief is sought from the Zoning Board of Appeals in respect to an existing building or structure which was erected, added to, or structurally altered without the obtainment of a building permit therefor pursuant to Article XVII of this chapter, such relief, if granted, shall expressly be made subject to the assessment of a civil penalty by the Town Board pursuant to § 165-101D of this chapter, or to the Town Board's waiver of such penalty. **[Added 8-20-2008 by L.L. No. 5-2008]**

§ 165-96. Fees.

The fee which shall accompany each application for a variance shall be determined on an annual basis by resolution of the Town Board, and a copy of the schedule of fees shall be available during business hours at the office of the Town Clerk.

ARTICLE XX
Amendments

§ 165-97. Amendments.

The Town Board may from time to time, on its own motion, or on petition or upon recommendation of any board of the town, amend, supplement or repeal any or all of the regulations and provisions of this chapter. Every such proposed amendment or change may be referred to the Zoning Board of Appeals and/or the Planning Board for written report before the public hearing hereinafter provided for.

§ 165-98. Notice of public hearing.

The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice thereof to be given as follows:

- A. By publishing a notice once a week for two consecutive weeks in at least one newspaper of general circulation in the town, the first of which shall be published not less than 10 days prior to the hearing.
- B. The notice shall state the general nature of the proposed amendment.

§ 165-99. Petitions by landowners for amendment.

Whenever the owners of 50% or more of the street frontage in any district, or specified part thereof, shall present to the Town Board a petition duly signed and acknowledged, in form approved for deeds, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or a change in the boundaries shown on the Zoning Map, including said district or specified part thereof, it shall be the duty of the Town Board to hold a public hearing in the manner prescribed above.

§ 165-100. Passage over protest.

In the case, however, of a protest against any change, signed by the owners of 20% or more either of the area of the land including such proposed change, or of that immediately adjacent extending 100 feet therefrom, or of that directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of four members of the Town Board.

ARTICLE XXI
(Reserved)⁹⁷

§ 165-101. (Reserved)

97. Editor's Note: Former Art. XXI, Penalty, as amended, was repealed 5-11-2011 by L.L. No. 2-2011. See now § 165-91.2, Penalties for offenses.

ARTICLE XXII

**Code Compliance and Violation Reports
[Added 9-15-2010 by L.L. No. 7-2010]****§ 165-102. Code compliance and violation reports.**

- A. Requests by lot owners/and or third parties to the Town for reports with respect to certificates of occupancy, building permits, and/or code compliance status with respect to a particular lot or lots, including but not limited to notices of violation and/or stop-work orders (hereinafter referred to as a "records search") shall be submitted in writing and shall be responded to in writing by the Code Enforcement Officer.
- B. Unless otherwise specifically requested, the Code Enforcement Officer's reply to a records search request shall be limited to those documents on file with the Town on the date of receipt of such request, and shall specifically state that the Code Enforcement Officer's reply is so limited and that no representation is made as to any facts, conditions or circumstances postdating the most recent document on file with the Town.
- C. If requested in writing by the owner of the lot or lots in question, or by one or more persons acting with the owner's written consent, the Code Enforcement Officer, upon payment of a fee to be established annually by resolution of the Town Board, shall conduct an inspection of a lot or lots for which a records search request has been submitted and shall, upon completion of said inspection, issue a supplemental records search report identifying any and all conditions violative of the Town Code not revealed by the records search report obtained under Subsection B hereof.
- D. Requests for reports under both Subsections B and C hereof may be combined in one document, and the Code Enforcement Officer's reply may, in such cases, be furnished in one document.

ARTICLE XXIII
Incentive Zoning
[Added 12-15-2010 by L.L. No. 9-2010]

§ 165-103. Purpose and objectives.

- A. It is the purpose of this article to empower the Town Board to grant incentives to the private sector engaged in the land development process to advance the Town's policies in accordance with the Town of Putnam Valley's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques.
- B. This authority may be used by the Town Board to advance the following objectives from the Town's Comprehensive Plan:
- (1) To protect ecological resources and environmentally sensitive areas.
 - (2) To protect active farm operations.
 - (3) To preserve greenways and important open spaces, develop a trail system, preserve historic and archaeological resources and protect high-quality scenic resources.
 - (4) To provide a sound mix of housing types.
 - (5) To promote provision of neighborhood services in a carefully planned manner with a design quality reflecting the values of the community, and to relieve traffic congestion in the Town.
 - (6) To secure public works improvements which would not otherwise be provided, including but not limited to providing stormwater detention and treatment basins in excess of that necessitated by immediate project demand, providing recreational facilities, and contributing to a capital fund for future Town infrastructure needs.

§ 165-104. Authority.

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

§ 165-105. Applicability.

Except as specifically limited herein, this article will apply to all zoning districts in the Town.

§ 165-106. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMPREHENSIVE PLAN — The Town of Putnam Valley's Comprehensive Plan and Generic Environmental Impact Statement, as amended from time to time.

INCENTIVE ZONING — The system by which specific incentives are granted, pursuant to Section 261-b of the Town Law and the provisions of this chapter, on condition that certain physical, social, cultural and/or financial benefits or amenities are provided to the Town.

REVIEW — A preliminary, non-binding review by the Town Board of an application for use of incentive zoning to determine the merits of applying the incentive zoning concept to a particular project.

SEQRA — The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations promulgated thereunder.

§ 165-107. Permitted Incentives.

The Town Board may grant the following specific incentives:

- A. Increases in developmental density.
- B. Development of allowable residential density over a full parcel, as long as an equivalent amount of the open space that would have been required by the Planning Board is provided for elsewhere in the Town by or through the applicant.
- C. Changes in height, lot and bulk regulations as specified in § 165-14.
- D. Allowing use of the premises for a purpose or purposes not authorized in the Base Zoning District.
- E. Reduction/elimination of the recreation fee required under § 277(4) of the New York State Town Law.
- F. Modification of Town road and/or driveway construction standards, subject to the approval of the Town Engineer, and provided any such modification creates no threat to public health and safety.

§ 165-108. Community benefits or amenities.

- A. The following Town benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for one or more incentives as provided in § 165-107 above. These Town benefits or amenities may be either on or off the site of the subject application, may involve one or more parcels of land, and may be situated in any district unless otherwise specifically limited in this chapter.
 - (1) Agricultural conservation, open space, scenic, ecological, historic and/or other permanent conservation easements.
 - (2) Donations of land in fee simple for conservation and other Town benefit purposes.

- (3) Construction of recreation amenities, accessible to the general public, above and beyond those required under New York State Town Law § 277(4).
 - (4) Construction of or improvements to public works beyond that required to mitigate anticipated impacts from a project proposal in accordance with SEQRA and the Town Code.
 - (5) Preservation and/or improvement of historical and/or cultural sites and/or structures.
 - (6) Other facilities or benefits to the residents of the Town, as determined by the Town Board, including, as appropriate, financial contributions to a capital improvement and/or land acquisition fund.
 - (7) Any combination of the above-listed Town benefits or amenities.
- B. These amenities will be in addition to any mandated requirements pursuant to other provisions of the Town Code and any other applicable law or regulation.

§ 165-109. Special conditions.

- A. The particular incentive granted shall be in reasonable proportion to the value and importance of the amenity provided, as determined by the Town Board at the time of final determination.
- B. Developmental unit density increases shall not exceed 100% of the original zoned density for the particular parcel receiving the density increase.

§ 165-110. Criteria and procedure for approval.

- A. Optional preapplication review. It is recommended that the applicant meet informally with Town staff prior to completion of an application under Subsection B hereof for purposes of gathering information for the proposed amenity/incentive exchange. The applicant is advised to review the Comprehensive Plan, and any other materials the Town may have on file regarding the incentive zoning program.
- B. Applications for incentives in exchange for amenities will be submitted to the Town Board, through the office of the Town Clerk, and shall include the following information:
 - (1) A detailed description of the proposed project, including preliminary site development plan.
 - (2) The requested incentives.
 - (3) The proposed amenities.

- (4) The estimated cash value of the proposed amenities and incentives, respectively.
- (5) A narrative which demonstrates the following:
 - (a) The benefits to the Town from the proposed amenity.
 - (b) Consistency with the goals and objectives of the Town's Comprehensive Plan.
 - (c) The relative importance and need for the amenity.
 - (d) That there are adequate sewer, water, transportation, waste disposal and fire-protection facilities accessible and available to the parcel(s) for which the incentive is proposed.
 - (e) That all other applicable requirements of the law in respect to the project proposal can realistically be met.
 - (f) Any other information or support materials as needed or requested by the Town Board.
- C. Review by Town Board. Within 90 days of complete submission (as determined by the Town Board) of an incentive zoning application, pursuant to Subsection B herein, the Town Board will prepare a brief response to the proposal, outlining in writing the Town Board's determination on whether the proposal is worthy of further consideration and the basis for that determination. The Town Board may engage a consultant to assist in review of the application, the cost of which will be borne by the applicant. Suggested modifications to the proposal may also be provided by the Town Board to the applicant. If the Town Board deems the application worthy of further consideration, it shall grant concept plan approval to the application, which will then be transferred to the Planning Board for the conditional obtainment of all approvals within that Board's jurisdiction.
- D. Upon completion of its reviews, the Planning Board shall render its decision with respect to the application(s) before it subject to, and contingent upon, the Town Board's grant of the incentive zoning relief sought by the Applicant. As part of its decision the Planning Board may, but need not, render an advisory opinion to the Town Board with respect to the incentive zoning relief incorporated within the approval(s) granted by it.
- E. Upon receipt of the Planning Board's decision (and advisory opinion, if any) the Town Board shall conduct a public hearing on the conditionally approved application in accordance with the hearing procedures applicable to a Zoning Code amendment.
- F. Findings and final decision. Following the public hearing and completion of the SEQRA process, the Town Board will approve, approve with modifications or conditions, or deny the proposed incentive zoning application. A written statement of the findings will be

prepared by the Town Board documenting the basis of its decision. The findings will include, but not be limited to, the following:

- (1) SEQRA. That all requirements of SEQRA have been met, including the required findings under law.
 - (2) Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Code.
 - (3) Public benefit. The public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Town Board.
 - (4) Project quality. That the project is in harmony with the purpose and intent of this article and will promote the purposes herein, and that the project is sufficiently advantageous to render it appropriate for grant of an incentive.
 - (5) Comprehensive Plan. That the use of incentive zoning for the particular project is consistent with the Comprehensive Plan.
- G. All incentive zoning project applications shall undergo coordinated reviews under the New York State Environmental Quality Review Act (SEQRA), and the Planning Board shall serve as lead agency.

Appendix**Chapter A171****ZONING BOARD OF APPEALS****§ A171-1. Appointment; compensation of members; courtesy to residents.**

The Zoning Board of Appeals is appointed by the Town Board to serve all of the people of Putnam Valley. The members serve without compensation in that spirit they will at any meeting, time permitting, informally discuss any matter relating to zoning, as may be of interest to any resident. The Board will extend every possible courtesy to those appearing before it and will require the same treatment not alone for itself and its members, but for others having occasion to be heard.

§ A171-2. Application for appeal.

An appeal or application for a variance to the Zoning Board of Appeals must be in writing, on an application form, obtained in person from the Zoning Clerk, filed in person with the Secretary of the Board and advertised in the newspaper designated as the official newspaper by the Town Board for hearing at a time and place therein designated. At that time, the appeal will be called for a hearing by the Chairperson of the Board. The above provisions may be waived at the discretion of the Chair.

§ A171-3. Cases pending in court. [Amended 10-24-1990 by L.L. No. 5-1990]

An appeal or application shall not be heard in a matter where proceedings are pending in a court (i.e., Justice or Town Court, County Court or Supreme Court), except where there are special circumstances involving the health or welfare of the community the appeal may be heard at the discretion of the Chairperson of the Zoning Board of Appeals.

§ A171-4. Filing to be within time limit.⁹⁸

An appeal from an action of the Code Enforcement Officer, with respect to the Zoning Ordinance,⁹⁹ must be filed in writing with the Zoning Board of Appeals within 60 days of such action.

§ A171-5. Parties to appear in person or by representative.

On hearing of an application or appeal, the parties may either appear in person or by a representative who need not be an attorney. If the applicant is to be represented by a person who is not an attorney, a notarized affidavit

98. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Art. II).

99. Editor's Note: See Ch. 165, Zoning.

of appointment of a representative for the applicant must be presented to the Zoning Board of Appeals prior to the hearing. At the time of the hearing, the applicant or the designated representative of the applicant and all witnesses shall be sworn in by the Chairperson of the Zoning Board of Appeals. The Board is primarily concerned with facts, and not with technicalities, and will decide the matters before it fairly and equitably having regard to the welfare of the community as a whole and to the rights of the individual applicant and neighbors.

§ A171-6. Deferment of decisions.

The Zoning Board of Appeals may defer decision on any matter for the purpose of an appropriate inspection by the Zoning Board of Appeals or any other agency that the Zoning Board of Appeals deems to be an interested agency or to hear witnesses or procure the submission of pertinent records. An appeal or application on which determination by the Board is to be deferred shall become the order of business at the next public hearing.

§ A171-7. Variance.

The Zoning Board of Appeals has the power to grant a variance with such conditions as it shall deem fair and proper. Where conditions are imposed, a variance, if granted, shall not become valid or effective until such conditions are fully complied with.

§ A171-8. Information to be furnished with application.

In all instances, an application for a variance will not be considered unless seven copies of a survey prepared by a land surveyor licensed in the State of New York are furnished to the Zoning Board of Appeals. Such survey shall specify all distances, lot lines, exact location of all existing structures and, where applicable, well and sewage disposal systems. A photostatic copy of the recorded deed must be furnished evidencing ownership of the property. If the variance request is for expansion or conversion of the premises, seven copies of an existing and proposed floor plans must be submitted. In addition, at the discretion of the Board, other information may be required.

§ A171-9. Notice of interested parties.

- A. In addition to all other papers and documents required to be submitted for an appeal or application to the Zoning Board of Appeals, the Clerk of the Zoning Board of Appeals will submit a list of interested parties to the applicant. The Clerk will provide sufficient blank interested party notice documents to be filled out by the applicant. They shall be signed by the applicant and returned to the Clerk of the Zoning Board of Appeals with the necessary stamped, addressed envelopes. The Clerk of the Board will then review the interested parties' letters for proper address and synopsis of the variance requested. The Clerk will then mail the interested party letters in stamped addressed envelopes supplied by the applicant not less than five days nor more than 20 days

prior the date of the hearing. The Clerk, upon mailing the notices, will file an affidavit of mailing in the applicant's file.

- B. The term "interested parties" shall mean the owner or owners of property immediately adjoining or abutting the parcel or parcels to which the appeal or application relates, and the owner or owners of property directly across the road, street or avenue and any other parties deemed by the Zoning Board of Appeals to be "interested parties." It shall suffice for the purposes of this rule, if such notices are sent to the persons, firms or corporations shown as owners on the most recent tax rolls of the Town of Putnam Valley, at the address listed in the most current assessor roll book.

§ A171-10. Waiver and amendment of rules and regulations.

The Zoning Board of Appeals shall have the right to waive or amend its rules and regulations for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.

Disposition List

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of Legislation

Enactment	Adoption Date	Subject	Disposition
L.L. No. 1-1998	1-3-1998	Planning Board	Ch. 8, Art. IV
L.L. No. 2-1998	1-3-1998	Zoning Board of Appeals	Ch. 8, Art. V
L.L. No. 3-1998	1-3-1998	Citizen committees: creation and regulation	Ch. 10, Art. I
L.L. No. 4-1998	2-18-1998	Taxation: exemption for disabled persons with limited income	Ch. 108, Art. VI
L.L. No. 5-1998	4-15-1998	Adoption of Code	Ch. 1, Art. I
	4-15-1998	Fee schedule	NCM
L.L. No. 6-1998	5-27-1998	Zoning Map amendment	NCM
L.L. No. 7-1998	6-17-1998	Zoning amendment	Ch. 165

Enactment	Adoption Date	Subject	Disposition
L.L. No. 8-1998	7-15-1998	Streets and sidewalks: notification of defects amendment	Ch. 103, Art. III
L.L. No. 9-1998	7-15-1998	Retirement incentive program	NCM
L.L. No. 10-1998	8-5-1998	Vehicles and traffic amendment	Ch. 120
L.L. No. 11-1998	10-21-1998	Zoning amendment	Ch. 165
L.L. No. 12-1998	11-18-1998	Zoning amendment	Ch. 165
L.L. No. 1-1999	1-20-1999	Alternate members, Zoning Board of Appeals and Planning Board	Ch. 3
L.L. No. 2-1999	4-21-1999	Noise	Ch. 82
L.L. No. 3-1999	4-21-1999	Animals: dogs amendment	Ch. 51, Art. I
L.L. No. 4-1999	4-21-1999	Littering and dumping amendment	Ch. 79
L.L. No. 5-1999	5-19-1999	Vehicles and traffic amendment	Ch. 120
L.L. No. 6-1999	6-16-1999	Code of Ethics	Repealed by L.L. No. 5-2006
L.L. No. 7-1999	7-7-1999	Zoning Map amendment	NCM
L.L. No. 8-1999	7-21-1999	Retirement incentive program	NCM
L.L. No. 9-1999	7-21-1999	Special districts: Abele Park amendment	Ch. 100, Art. V
L.L. No. 10-1999	10-20-1999	Vehicles and traffic amendment	Ch. 120
L.L. No. 1-2000	2-16-2000	Zoning Map amendment	NCM
L.L. No. 2-2000	3-15-2000	Vehicles and traffic amendment	Ch. 120
L.L. No. 3-2000	3-22-2000	Solid waste: licensing of carriers amendment	Ch. 97, Art. II

Enactment	Adoption Date	Subject	Disposition
L.L. No. 4-2000	3-22-2000	General provisions amendment	Ch. 1, Art. I
L.L. No. 5-2000	4-12-2000	Zoning Map amendment	NCM
L.L. No. 6-2000	5-3-2000	Zoning amendment	Ch. 165
L.L. No. 7-2000	6-7-2000	Zoning amendment	Ch. 165
L.L. No. 8-2000	8-30-2000	Retirement incentive program	NCM
L.L. No. 9-2000	9-27-2000	Retirement incentive program amendment	NCM
L.L. No. 10-2000	10-4-2000	Vehicles and traffic amendment	Ch. 120
L.L. No. 11-2000	12-13-2000	Senior citizens tax exemption amendment	Ch. 108, Art. I
L.L. No. 12-2000	12-13-2000	Tax exemption for disabled persons with limited income amendment	Ch. 108, Art. VI
L.L. No. 1-2001	3-14-2001	Zoning amendment	Ch. 165
L.L. No. 2-2001	5-16-2001	Flood damage prevention amendment	Repealed by L.L. No. 1-2013
L.L. No. 3-2001	5-30-2001	Zoning amendment	Ch. 165
L.L. No. 4-2001	5-30-2001	Zoning amendment	Ch. 165
L.L. No. 1-2002	2-13-2002	Vehicles and traffic amendment	Ch. 120
L.L. No. 2-2002	5-29-2002	Vehicles and traffic amendment	Ch. 120
L.L. No. 3-2002	6-5-2002	Zoning amendment	Ch. 165
L.L. No. 4-2002	6-5-2002	Advisory Board on Architecture and Community Appearance	Ch. 8, Art. VI
L.L. No. 5-2002	6-5-2002	Freshwater wetlands amendment; zoning amendment	Ch. 144; Ch. 165

Enactment	Adoption Date	Subject	Disposition
L.L. No. 6-2002	6-19-2002	Lake Peekskill District amendment	Ch. 100, Art. IV
L.L. No. 7-2002	6-26-2002	Zoning amendment	Ch. 165
L.L. No. 8-2002	6-26-2002	Zoning Map amendment; zoning amendment	NCM; Ch. 165
L.L. No. 9-2002	6-26-2002	Water conservation	Ch. 125, Art. II
L.L. No. 10-2002	7-10-2002	Zoning amendment	Ch. 165
L.L. No. 11-2002	7-17-2002	Vehicles and traffic amendment	Ch. 120
L.L. No. 12-2002	7-17-2002	Retirement incentive program	NCM
L.L. No. 13-2002	10-30-2002	Moratorium	NCM
L.L. No. 14-2002	12-18-2002	Zoning amendment	Ch. 165
L.L. No. 1-2003	2-19-2003	Tax exemption for members of volunteer fire departments and ambulance corps	Ch. 108, Art. VII
L.L. No. 2-2003	2-19-2003	Senior citizens tax exemption amendment	Ch. 108, Art. I
L.L. No. 3-2003	2-19-2003	Zoning Map amendment	NCM
L.L. No. 4-2003	2-19-2003	Zoning Map amendment	NCM
L.L. No. 5-2003	2-19-2003	Zoning Map amendment	NCM
L.L. No. 6-2003	4-30-2003	Moratorium extension	NCM
	8-13-2003	Zoning amendment	Ch. 165
L.L. No. 7-2003	10-22-2003	Tree cutting	Ch. 161
L.L. No. 8-2003	10-22-2003	Zoning amendment	Ch. 165
L.L. No. 1-2004	2-18-2004	Senior citizens tax exemption amendment	Ch. 108, Art. I

Enactment	Adoption Date	Subject	Disposition
L.L. No. 2-2004	5-4-2004	Moratorium on senior citizen multifamily and multifamily projects in LPID District	NCM
L.L. No. 3-2004	7-21-2004	Zoning amendment	Ch. 165
L.L. No. 4-2004	9-29-2004	Surcharge on traffic violations	Repealed by L.L. No. 1-2005
L.L. No. 5-2004	11-17-2004	Littering and dumping amendment; sewers amendment; vehicles and traffic amendment; forestry amendment; freshwater wetlands, watercourses and water- bodies amendment; soil erosion and sediment control amendment; zoning amendment (penalties)	Chs. 79; 92; 120; 140; 144; 155; 165
L.L. No. 6-2004	11-17-2004	Zoning amendment	Ch. 165
L.L. No. 1-2005	2-16-2005	Vehicles and traffic surcharge repealer	NCM
L.L. No. 2-2005	6-1-2005	Zoning amendment	Ch. 165
L.L. No. 3-2005	11-16-2005	Littering and dumping amendment	Ch. 79
L.L. No. 1-2006	3-15-2006	Veterans tax exemption amendment	Ch. 108, Art. III
L.L. No. 2-2006	4-19-2006	Zoning amendment	Ch. 165
L.L. No. 3-2006	4-19-2006	Zoning amendment	Ch. 165
L.L. No. 4-2006	7-19-2006	Zoning amendment	Ch. 165
L.L. No. 5-2006	7-19-2006	Code of Ethics	Ch. 17

Enactment	Adoption Date	Subject	Disposition
L.L. No. 6-2006	11-8-2006	Temporary restoration of two-way traffic on Lovers Lane	NCM
L.L. No. 1-2007	3-21-2007	Zoning amendment	Ch. 165
L.L. No. 2-2007	4-11-2007	Senior citizens tax exemption amendment	Ch. 108, Art. I
L.L. No. 3-2007	4-11-2007	Tax exemption for disabled persons with limited income amendment	Ch. 108, Art. VI
L.L. No. 4-2007	4-11-2007	Boats and vessels amendment	Ch. 58
L.L. No. 5-2007	5-16-2007	Alternate members of Zoning Board of Appeals and Planning Board	Chs. 3 (reference only); 8, Art. VII
L.L. No. 6-2007	7-18-2007	Noise amendment	Ch. 82
L.L. No. 7-2007	8-15-2007	Alcoholic beverages amendment	Ch. 47
L.L. No. 8-2007	10-17-2007	Zoning Map amendment	NCM
L.L. No. 9-2007	12-19-2007	Illicit discharges to separate storm sewer system	Ch. 101, Art. I
L.L. No. 10-2007	12-19-2007	Stormwater management and erosion and sediment control	Ch. 102
L.L. No. 1-2008	1-16-2008	Cold War veterans tax exemption	Ch. 108, Art. VIII
L.L. No. 2-2008	4-16-2008	Zoning amendment	Ch. 165
L.L. No. 3-2008	5-21-2008	Special districts: Lake Peekskill amendment	Ch. 100, Art. IV
L.L. No. 4-2008	5-21-2008	Zoning amendment	Ch. 165
L.L. No. 5-2008	8-20-2008	Zoning amendment	Ch. 165

Enactment	Adoption Date	Subject	Disposition
L.L. No. 6-2008	10-15-2008	Zoning amendment	Ch. 165
L.L. No. 7-2008	11-19-2008	Dogs amendment	Ch. 51, Art. I
L.L. No. 1-2009	1-21-2009	Zoning Map amendment	NCM
L.L. No. 2-2009	1-21-2009	Zoning amendment	Ch. 165
L.L. No. 3-2009	5-20-2009	Zoning amendment	Ch. 165
L.L. No. 4-2009	6-17-2009	Zoning amendment	Ch. 165
L.L. No. 5-2009	6-17-2009	Zoning amendment	Ch. 165
L.L. No. 6-2009	6-17-2009	Zoning amendment	Ch. 165
L.L. No. 7-2009	6-17-2009	Zoning amendment	Ch. 165
L.L. No. 8-2009	8-19-2009	Zoning amendment	Ch. 165
L.L. No. 9-2009	8-19-2009	Zoning amendment	Ch. 165
L.L. No. 10-2009	9-16-2009	Outdoor wood boilers	Ch. 150
L.L. No. 1-2010	2-17-2010	Phosphate fertilizer	Ch. 88
L.L. No. 2-2010	2-17-2010	Septic systems: septic tank pump-out for protection of impaired water bodies	Ch. 90, Art. I
L.L. No. 3-2010	2-17-2010	Zoning amendment	Ch. 165
L.L. No. 4-2010	5-19-2010	Zoning amendment	Ch. 165
L.L. No. 5-2010	7-21-2010	Special districts: Hilltop Estates amendment	Ch. 100, Art. I
L.L. No. 6-2010	8-11-2010	Retirement incentive program 2010	NCM

Enactment	Adoption Date	Subject	Disposition
L.L. No. 7-2010	9-15-2010	Zoning amendment	Ch. 165
L.L. No. 8-2010	9-15-2010	Zoning amendment	Ch. 165
L.L. No. 9-2010	12-15-2010	Zoning amendment	Ch. 165
L.L. No. 10-2010	12-15-2010	Vehicles and traffic amendment	Ch. 120
L.L. No. 1-2011	4-29-2011	Storm sewers: on-site sanitary systems on properties in New York City Reservoir Watershed	Ch. 101, Art. II
L.L. No. 2-2011	5-11-2011	Zoning amendment	Ch. 165
L.L. No. 3-2011	9-21-2011	Zoning amendment	Ch. 165
L.L. No. 4-2011	12-14-2011	Zoning amendment	Ch. 165
L.L. No. 1-2012	9-19-2012	Zoning amendment	Ch. 165
L.L. No. 2-2012	11-8-2012	2013 tax levy limit override	NCM
L.L. No. 3-2012	11-14-2012	Zoning amendment	Ch. 165
L.L. No. 1-2013	1-16-2013	Flood damage prevention	Ch. 136
L.L. No. 2-2013	2-20-2013	Zoning amendment	Ch. 165
L.L. No. 3-2013	2-20-2013	Unsafe buildings amendment	Ch. 66
L.L. No. 4-2013	3-20-2013	Stormwater management and erosion and sediment control amendment	Ch. 102
L.L. No. 5-2013	3-20-2013	Animals: dogs amendment	Ch. 51, Art. I
L.L. No. 6-2013	7-17-2013	Parks and Recreation Commission amendment	Ch. 8, Art. I

Enactment	Adoption Date	Subject	Disposition
L.L. No. 7-2013	11-6-2013	2014 tax levy limit override	NCM
L.L. No. 1-2014	8-20-2014	Vehicles and traffic amendment	Ch. 120
L.L. No. 2-2014	8-20-2014	Zoning amendment	Ch. 165
L.L. No. 1-2015	11-4-2015	2015 tax levy limit override	NCM
L.L. No. 1-2016	3-9-2016	Zoning amendment	Ch. 165
L.L. No. 2-2016	7-20-2016	Smoking: parks and public beaches	Ch. 95, Art. I
L.L. No. 3-2016	8-17-2016	Septic systems: Roaring Brook Lake District septic tank pump-out	Ch. 90, Art. II
L.L. No. 4-2016	9-21-2016	Septic systems: Lake Peekskill Improvement District septic tank pump-out	Ch. 90, Art. III
L.L. No. 5-2016	10-5-2016	Zoning amendment	Ch. 165
L.L. No. 1-2017	6-14-2017	Protection and preservation of stone walls and chambers	Ch. 157
L.L. No. 2-2017	6-14-2017	Zoning amendment	Ch. 165
L.L. No. 3-2017	10-18-2017	Taxation: Cold War Veterans Exemption Amendment	Ch. 108, Art. VIII
L.L. No. 1-2018	6-20-2018	Zoning Amendment	Ch. 165
L.L. No. 2-2018	6-20-2018	Zoning Amendment	Ch. 165
L.L. No. 2-2018	8-15-2018	Vehicles and Traffic Amendment	Ch. 120
L.L. No. 3-2018	11-14-2018	Tax Levy Limit Override	NCM
L.L. No. 4-2018	12-12-2018	NYS Volunteer Firefighters Cancer Benefit Program	NCM

Enactment	Adoption Date	Subject	Disposition
L.L. No. 5-2018	12-12-2018	Food Vendors	Ch. 70