

**VILLAGE OF NEW SQUARE
INTRODUCTORY LOCAL LAW
ZONING AMENDMENTS**

BE IT ENACTED by the Board of Trustees of the Village of New Square, County of Rockland, State of New York, as follows:

Section 1. Legislative findings, Purpose, and Intent. The Board of Trustees of the Village of New Square adopted its zoning law in 1967, which was last modified in 2007. Since that time, and although the Village was an early adopter of zoning regulations, the Village has not adopted a traditional, stand-alone Comprehensive Plan nor comprehensively updated its zoning code to guide the Village's development. In light of increasing development pressure in the Village, the Village Board hereby determines that in order to build upon the goals and visions contained within the 2019/2020/2021 Comprehensive Plan, the Village shall also simultaneously adopt corresponding zoning code amendments. These zoning code amendments seek to provide for and guide future development in the Village and regulate land use for the purpose of protecting the public health, safety and general welfare of the citizens.

Section 2. Local Law No. 1 of 1967, as amended by Local Law No. 1 of 2007, is hereby repealed and amended in its entirety as follows:

ARTICLE I
ADOPTION OF PROVISIONS

1.1 Adoption of provisions.

There is hereby established and adopted, pursuant to Article 7 of the Village Law of the State of New York, and for the purposes set forth therein, a Zoning Law in accordance with a Comprehensive Plan for the development of the Village of New Square in the Town of Ramapo, Rockland County, New York. This chapter implements a Comprehensive Plan designed for the protection and promotion of the public health, safety, and welfare.

1.2 Findings and purposes.

The purpose of this law is to create a zoning code for the Village of New Square that will guide and control future development in the Village as undeveloped land becomes scarcer while the Village population continues to grow. The provision of this law will help promote the public health, safety and morals and the general welfare of the community as set forth in section one hundred seventy-seven of the Village Law of the state of New York.

ARTICLE II
WORD USAGE AND DEFINITIONS

2.1 Word usage.

For the purpose of this law, certain words and terms are herein defined as follows:

- A. Words used in the present tense include the future terms; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicated otherwise.
- B. The word "shall" is mandatory, not directory. Unless otherwise specified, all distances shall be measured horizontally. The word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "used" shall be deemed also to include "construction", "reconstructed", "altered", "placed" or "moved".
- C. The terms "land use" and "use of land", shall be deemed also to include "building use" and "use of building." The word "use" shall be deemed also to include "designed, intended or arranged to be used." The word "person" includes an individual person, a firm, a corporation, a co-partnership and any other agency of voluntary action. The word "adjacent" means "nearby," and not necessarily "contiguous."
- D. The word "village" means the Village of New Square, Rockland County, New York. The terms "Village Board", "Planning Board", "Board of Appeals", "Building Inspector", and "Health Officer", mean the respective boards and officers of said village. The words "County Planning Board" mean the Rockland County Planning Board.

2.2 Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows. Any words and terms used herein and not defined within Section 2.2 shall be defined according to the latest version of the New York State Fire and Building Code.

Alteration.

Any construction or renovation to an existing structure other than a repair.

Alteration, structural.

Any change in the supporting member of a building such as bearing walls, columns, beams or girders.

Attic.

The space between the ceiling beams of the top story and the roof rafters. No attic shall be used for habitable living space unless it meets New York State Fire and Building Code standards, has been approved by the Planning Board, and has received a building permit from the Building Inspector, as required per Section 4.2(E).

Basement.

A story partly below curb level but no more than one story below street grade (see "Grade, street.") No basement shall be used for habitable living space unless it meets New York State Fire and Building Code standards, has been approved by the Planning Board, and has received a building permit from the Building Inspector, as required per Section 4.2(E).

Building

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, accessory.

A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

Building, area.

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, including building extensions that project beyond the foundation but excluding uncovered porches, terraces and steps.

Building, detached.

A building surrounded by open space on all sides on the same lot.

Building, frontage.

The extent of a parcel of land along a public or private street, opposite the front of the building.

Building, front line of.

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, height.

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building, main.

A building in which is conducted the principal use of the lot on which it is located.

Deck.

An exterior, roofless floored area adjoining a building and supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Dwelling unit.

A residence providing complete, independent living facilities for one or more persons living as a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, as defined under the New York State Fire and Building Code.

A. Dwelling, single-family.

A building designated for or occupied exclusively by one family and containing not more than one dwelling unit.

B. Dwelling, two family,

A dwelling with two single-family dwelling units.

C. Dwelling, multifamily.

A building or group of buildings on one lot, used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein. The term shall include apartments, townhouses, and multifamily flats.

D. Dwelling, multifamily (flats).

A multifamily residential dwelling in a building consisting of a series of three (3) or more attached, non-communicating, one-family dwellings, each with its own entrance.

E. Dwelling, townhouse.

A multi-story, multifamily residential building consisting of a series of three or more attached, non-communicating, one-family dwellings typically stacked vertically, each with its own entrance.

F. Apartment.

A self-contained dwelling unit that occupies only part of a building, typically as a condominium or rental.

Essential services. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, storm drainage systems, sanitary sewer or water transmission or distribution systems.

Family.

One or more persons occupying the premises and living as a single housekeeping unit.

Fence.

Fences shall be allowed in front, side and rear yards. Front yard fences must allow views through the fence, e.g. chain link or picket, and are limited in height to four feet. Side and rear yard fences may be opaque for privacy, and are limited in height to six feet.

Floor area ratio (FAR).

The measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on. FAR is expressed as a decimal number and is derived by dividing the total floor area of the building by the total area of the parcel (building area ÷ lot area). FAR does not include the garage footprint, but may include basement or attic space if occupied for habitable living space (which must meet the habitable living standards stated within the NYS Fire and Building Code and in Article IV Section 4.2 of this Zoning Code).

Garage, private.

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased for a nonresident of the premises.

Grade, street.

Surface elevations of the street.

Grade, finished.

The completed surface elevations of lawns, walks and roads.

Habitable Space

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces pursuant to NYS Building Code.

Home occupation.

An occupation or a profession which:

- A. Is customarily carried on in a dwelling unit or a building or other structure accessory to a dwelling unit; and
- B. Is carried on by a member of the family residing in the dwelling unit; and
- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- D. Which conforms to the following additional conditions:
 1. The occupation or profession shall be carried on wholly within the principal building or within a building (or other structure) accessory thereto.
 2. Not more than one person outside the family shall be employed in the home occupation.
 3. There shall be no exterior display, no exterior sign, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
 5. The home occupation activity, whether located within the dwelling or in a basement, shall occupy an enclosed space of no more than 1,000 square feet or 50% of the gross floor area, whichever is less.
 6. An outdoor entrance, separate from the residential entrance, must be provided for all home occupation spaces.
 7. There shall be no indication of the home occupation from the exterior of the building except for a single sign not exceeding four square feet. Modifications to a structure shall not alter its primary residential character.
 8. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted in the front yard of the premises. Such goods, equipment or materials may be displayed or stored elsewhere on the property if appropriately screened by a fence or natural vegetation, provided that any such outdoor storage does not occur within 20 feet of an adjacent property line.
 9. Visitation to the dwelling for purposes of the home occupation by any persons other than members of the household shall be limited to the business hours of 8:00 a.m. to 6:00 p.m., Sunday through sundown Friday. Only members of the household occupying such dwelling shall be employed on the premises in the conduct of a home occupation outside of these hours.
 10. Sufficient off-street parking shall be provided in accordance with the Table of Bulk Standards and all other applicable zoning code provisions for the underlying zoning

- district. Such spaces shall be accessed from the residence driveway and designed so as to minimize disturbance to adjacent units or properties, including screening if necessary.
11. The home occupation shall be fully consistent with all other provisions of this chapter. When the use exceeds the relevant home occupation standards, the use shall no longer be considered such a home occupation. Any home occupation that exceeds these requirements shall, upon notice from the Building Inspector, cease and desist all activity related to such use until such time as a permit as provided hereunder for an allowed principal use has been obtained from the Village Building Inspector or the operation has been made to again conform with the applicable limitations for a home occupation.
 12. The home occupation shall not utilize substantially more water than a residential use. The home occupation shall comply with all necessary Health Department requirements in regards to the utilization of water or solid waste disposal and shall be subject to separate water and solid waste disposal charges of the water and sewer service providers for the home occupation.
 13. If any home occupation causes traffic congestion on the street, the cost of traffic control and/or improving the street, shall be borne by the owner of the building or unit in which the home occupation is housed. This requirement shall be enforced by the Village as appropriate.

Hospital.

Unless otherwise specified, the term "hospital" shall be deemed to include any place for the diagnosis, treatment or other care of human ailments.

Lot line, front.

The dividing line between the street and the lot.

Lot.

A subdivided parcel of land.

Lot, area.

The total area within the property lines excluding external streets.

Lot, corner.

A parcel of land at the junction of and fronting on two or more intersecting streets. The Planning Board shall have the discretion to determine which of these streets will count for frontage requirements.

Lot, coverage.

That lot area covered by the building area, including main buildings and accessory buildings, expressed as a percentage (see also "Building, area").

Lot, depth of.

A mean horizontal distance between the front and rear lot line.

Lot, interior.

A lot other than a corner lot.

Lot lines.

The lines bounding a lot as defined herein.

Lot line, zero.

A lot line that occurs when a dwelling or structure is built immediately adjacent to a side lot line.

Lot, through.

An interior lot having frontage on two parallel or approximately parallel streets.

Lot, width of.

The lot width measured from side lot lines at the building setback line.

Neighborhood or community center.

A building, including exterior space, used for neighborhood or community gatherings.

Nonconforming use.

Use of a building or land that does not conform to the use or bulk regulations for the district in which it is situated, which was lawful at the time this chapter, or amendments thereto, became effective.

Nursing or convalescent home.

Any residential building where persons are housed or lodged and furnished with meals and nursing care for hire, as approved by the NYS Department of Health..

Nursery school.

A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive.

Open space.

An unoccupied space open to the sky on a lot.

Parking, centralized.

Off street parking accessed by a driveway that provides adequate width and geometry to allow vehicles to leave the area in a forward direction.

Parking space.

The area required for parking one automobile, of nine feet wide and twenty feet long, not including passageways, and giving access direct or indirect to a street or vehicle right-of-way.

Patio.

An outdoor space for dining or recreation, not elevated above the surrounding grade, that adjoins a dwelling and is improved for that purpose by continuous paving or the placement of paving units on a sand, gravel, crushed stone, or continuous paving base.

Playground or Tot Lot.

An improved recreation area containing facilities for young children to play upon, including but not limited to items such as slides, swings, climbing structures, sandboxes, and other play items. Benches for caregivers may also be included.

Porch or Stoop.

A covered platform at an entrance to a building on a plane higher than the adjacent ground area, and typically having a separate roof.

Poultry processing facility.

A facility for processing poultry for human consumption.

Sign.

A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. A "sign" includes any "billboard" but does not include the flag, pennant, or insignia of any nation, or group of nations, or of any state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event. A "sign" as defined herein shall not include a similar structure or device located within a building.

- A. A "business sign" which directs attention to a business or profession conducted or to products sold upon the same lot. A "FOR SALE" or "TO LET" sign relating to the lot on which it is displayed shall be deemed a "business sign".
- B. An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.
- C. An "illuminated sign" is any sign designed to give forth any artificial light or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- D. An "electronic message change sign" is a sign or device that displays a message composed of multiple small lighted points that are or may be controlled by electronic mechanism so as to vary its display, either to vary the text of the message itself or the manner in which the lighted message is displayed (e.g., flashing, appearing to move across a screen).

Special use permit

An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to special requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there be no floor above it, the ceiling next above.

Story, half

A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Story, height of

The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street

A public or private way, defined for and with adequate width without obstruction for vehicles, which affords the principal means of access to abutting properties.

Subdivision

The division of any parcel of land into two or more lots, blocks or sites for any purpose including, but not limited to, sale, transfer of ownership or development. The term "subdivision" may also include any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the County Clerk.

Use

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained, as specified in the Table of Use Regulations. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use. Land uses are specified in the Table of Use Regulations.

Use, accessory

A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Variance, area

The authorization of the Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the Table of Bulk Regulations.

Variance, use

The authorization of the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the Table of Use Regulations.

Way

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard

An unoccupied space open to the sky, on the same lot with a building or structure.

Yard, front

An open unoccupied space situated between the street line and the building, and extending to the side lines of the lot.

Yard, rear

An open unoccupied space extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building.

Yard, side

An open unoccupied space situated between the side line of the building and adjacent side line of the lot and extending the length of the building.

ARTICLE III
ESTABLISHMENT OF DISTRICTS

3.1. The village of New Square is hereby divided into the following districts:

- R** Residential
- P** Public
- C** Commercial
- NS** Neighborhood Shopping

3.2 Said districts are bounded as shown on a map entitled “Zoning Map of the Village of New Square” herewith, and certified by the Clerk of the Village of New Square, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this law.

3.3 The location of district boundaries as shown on the zoning map shall be interpreted as follows:

- A. Where district boundaries are indicated as following the center line of streets or highways, or the right of way line of streets or highways, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as following lot lines, such lot lines shall be construed to be said boundaries.

ARTICLE IV
APPLICATION OF REGULATIONS

4.1 Application.

In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection of public health, morals, safety, comfort, convenience and general welfare of the community. This chapter shall not be deemed to affect, in any manner

whatsoever, any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land or upon the erection, construction, establishment, moving, alteration or enlargement of buildings than are imposed by other ordinances, rules, regulation, license, certificates or other authorizations, by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as hereinafter provided, the following general regulations shall apply.

4.2 Prohibitions.

- A. No building or land shall hereafter be used or occupied and no building or any part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected or altered to exceed the height, accommodate a greater number of families, occupy a greater percentage of lot area, have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building is located.
- C. No part of a yard or the open space about any building required for the purpose of complying with the provisions of this law shall be included as a part of a yard or the open space similarly required for another building.
- D. All use(s) of spaces within a building (residential or commercial) in any district shall be labeled on the architectural plans.
- E. No attic or basement may be used for habitable living space unless:
 - 1. that attic or basement meets the standards for habitable living space as defined by the New York State Fire and Building Code; and
 - 2. a valid Certificate of Occupancy from the Village Building Inspector has been received for the attic or basement.
- F. Lots under water or subject to periodic flooding. No portion of the minimum area requirement of a lot may be achieved by including wetlands as defined by the Army Corps of Engineers, land under water, land with an elevation below mean high water, or land subject to periodic flooding. All minimum front, side and rear yard requirements must be satisfied by measurement on dry land.

4.2 Use and Bulk Tables.

The general regulations affecting the use of buildings and the bulk and arrangement of buildings, material and/or equipment occupying the land, and the bulk and arrangement of material and/or equipment occupying land in connection with a non-building use are hereby established as shown or stated in the annexed tables which are appended and made a part of this law.

- A. The tables of general bulk and use regulations are referred to as the "Bulk Table" and "Use Table," respectively.
- B. Use restrictions and Use Table. No structure or land shall be used except as provided in the annexed Use Table.
- C. Bulk regulations and Bulk Table. All structures, materials, and equipment shall conform to the Bulk Table regulations in placement and all dimensions.

- D. The Use and Bulk tables are read from the top down, district by district. A previous district is a district listed earlier in such sequence and a subsequent district is a district listed later in such sequence.
- E. Where a question exists as to the proper application of any of the regulations of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Planning Board shall determine how such regulations shall be applied.

ARTICLE V
SUPPLEMENTARY REGULATIONS

5.1 Address identification.

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. The building number shall be a minimum of fifteen (15) inches high. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

5.2 Signs.

No sign, billboard, advertising display, poster or other such device, shall be erected except as expressly permitted in this law, and except state, county, town and village signs as are necessary for public purposes. The regulations contained in this section shall apply to all signs and zoning districts, regardless of designation, of the Village of New Square.

- A. All Residential and Public Uses may have one sign each, which sign(s) shall not be over two square feet in size and shall not be illuminated with the exception of religious uses, which sign(s) may be indirectly illuminated.
- B. Premises for sale or rent in any district shall be permitted one non-illuminated sign, not over eight square feet, and shall be located no less than fifteen feet from any property line.
- C. One sign is permitted per commercial tenant in the Neighborhood Shopping and Commercial districts. Such signboard shall not be over forty square feet in area, and shall be parallel to the face of the building or structure and it shall not project more than one foot beyond the building.
- D. No outdoor advertising billboards or signs shall be permitted in any district.
- E. No flashing signs, reflective signs, or any sign device that interferes with, competes for attention with, or may be mistaken for a traffic signal or sign shall be permitted in any district.

5.2 Fences, walls, hedges.

- A. Yard requirements of this law will not prohibit any necessary retaining wall, or any fence, wall or hedge provided that such fence, wall or hedge shall not exceed six feet in height in side and rear yards, or four feet in height in any front yard.
- B. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and the line connecting them at a point twenty-five feet from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot line within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

5.3 Topsoil.

No person, firm or corporation shall strip, excavate, or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

5.4 Height exceptions.

The height limitations of this law shall not apply to spires, cupolas, domes and penthouses not used for occupancy; not to chimneys, ventilators, skylights, water tanks and all necessary mechanical appurtenances usually carried on above roof level. Such features shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

5.5 Yards.

- A. A paved terrace at ground level shall not be considered in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls or other forms of enclosure. Such terrace may have a guard rail, not exceeding four feet in height, and shall not project into any yard at a point closer than six feet from any lot line.
- B. An open or enclosed porch shall be considered a part of the building in determination of the size of the yard or lot coverage.
- C. Yard regulations of this law shall not prohibit temporary (not exceeding thirty (30) days) structures used in keeping with religious and historical custom, provided that they are not constructed within ten feet of any lot line.

ARTICLE VI
SITE PLAN REGULATIONS

All permitted principal and special permit uses, with the exception of single- and two-family dwellings (attached and detached), shall be subject to site plan review and approval by the Village Planning Board as set forth below and within the Table of Use Regulations.

6.1 Application for site plan review.

Application for site plan review shall be made to the Village Planning Board. The Planning Board shall be authorized to undertake all necessary reviews and make all determinations, including approvals or disapprovals, of such applications. The Planning Board shall, before approving a site plan hereunder, find that all of the following conditions and standards have been met, which shall be in addition to those applicable to certain uses and/or districts as set forth in Article 7, and such other requirements as are applicable to specific uses and set forth below:

- A. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- B. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit will be laid out so to achieve maximum safety. Parking areas shall include sufficient area for a vehicle to safely maneuver in and out of every space.
- C. All site plans shall include a parking calculation table. Handicapped parking shall be provided in the location and quantity to meet the guidelines of the Americans with Disabilities Act (ADA). All parking spaces must be built before a certificate of occupancy is issued.
- D. The amount of required parking spaces for each use is found in the Table of Bulk Regulations.
- E. Each parking space shall include not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, and driveways not in the public right-of-way may be considered parking spaces. The minimum size parking space shall be nine feet in width and 18 feet in depth.
- F. All parking areas which are designed to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control.
- G. Parking areas should be designed such that no vehicle might directly back out onto a pedestrian walkway or sidewalk. Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public street or through road.
- H. Any building erected, converted or enlarged for commercial, retail, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles.

1. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials and no loading area shall be designed so as to require the backing of vehicles out over a sidewalk or into the street.
 2. The minimum size loading space shall be 60 feet in depth and 12 feet in width, with an overhead clearance of 14 feet.
- I. Access to and from all nonresidential off-street parking, loading and vehicle service areas shall comply with all permitting requirements and standards of the Village of New Square, County of Rockland and/or New York Department of Transportation standards. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. All nonresidential parking and loading areas shall be separated from the paving edge of a street or adjoining property line by a planting strip at least 10 feet in depth.
 - J. A minimum of one shade tree of 2-1/2-inch trunk caliper, and 12 feet to 14 feet in height, shall be planted per each dwelling unit or 2,500 square feet of commercial space, on the lot in a location approved by the Planning Board or, if offsite, as directed by the Village Department of Public Works.
 - K. All signs must follow Section 5.2.
 - L. All uses shall provide space for garbage enclosures adequate for anticipated solid waste, including recycling bins, and must be set back from the front lot line by at least ten (10) feet. Any garbage enclosure blocking side yard access must be movable.

6.2 Required plans.

Plans for a proposed development shall be submitted with a completed site plan application. The plans shall show the location for all existing and proposed buildings, parking areas, traffic access and circulation drives, the general layout of roads (if applicable), water supply lines, sanitary sewers, storm drainage facilities, street lighting, open spaces, landscaping, topography, special features, and any other pertinent information about neighboring properties that may be necessary to determine and provide for the enforcement of this chapter.

6.3 Complete site plan application.

The following drawings will be required for a complete application. Where appropriate, information required on separately listed drawings below may be combined on one or more drawings. All drawings must be signed and sealed by an architect, engineer, surveyor, or landscape architect, as appropriate.

- A. **Cover sheet.** Cover sheet with location map and list of plans.
- B. **Architectural rendering.** Architectural elevation views showing color and materials for all building sides, roof, and decks.
- C. **Existing conditions survey.** Show topography, structures, surface types, property boundaries, adjacent features within 200 feet, utilities.
- D. **Site plan.** Show roads, curbs, sidewalks, walkways, walkway easements, ADA requirements, driveways, buildings, parking, pavement markings, traffic control signs, trash enclosures.

- E. **Grading plan.** Show site plan features with existing and proposed grading.
- F. **Utility plan.** Show water service, sewer, electric connections, hydrants.
- G. **Lighting plan.** Show location of fixtures. light intensity (lumens) across site.
- H. **Drainage plan.** Show stormwater calculations, retention requirements, pipes, and structures.
- I. **Landscape plan.** Show street trees, lawn. building foundation, and other plantings.
- J. **Details plan(s).** Show all relevant construction details, e.g. pavement, curb and storm inlet details, trash enclosures, light fixtures, etc.

6.4 Miscellaneous requirements.

- A. All site plan applications will be subject to review in accordance with the regulations of the New York State Environmental Quality Review Act (SEQRA) prior to any site plan decisions.
- B. The Planning Board will follow all requirements for site plan review stipulated in New York State Village Law.
- C. All site plan applications must be approved by a majority of the Planning Board, except in the case where a county-mandated review under § 239-m of the General Municipal Law recommends modification or disapproval of a proposed action, in which case a vote of a majority plus one will be required.
- D. All site plan applications shall require drawings signed and sealed by appropriate professional(s) licensed by the State of New York Department of Education.
- E. All site plan approvals will include a resolution specifying what the approval is for, and listing all conditions of approval. All site plan denials will include a resolution specifying the reasons for the denial.
- F. A site plan approval is valid for one year, during which time a building permit must be obtained and work progressed. Two six-month extensions may be granted, for cause, on application to the Planning Board. Once work has progressed the site plan approval is valid until work is complete and a certificate of occupancy is issued.

6.5 Site plan hearing.

After review of the site plan application materials, the Planning Board shall set a public hearing in accordance with Article 7 of the Village Law. The Planning Board shall thereafter render a report which approves, disapproves, or approves subject to stated modification. If the application was for a special permit pursuant to Article 6 of this Zoning Law, the site plan hearing shall also constitute the special permit hearing pursuant to § 7-725-B of the Village Law; thereafter, any site plan approval shall also constitute special permit approval, and the applicant developer may thereafter apply for all required building permits in accordance with such special permit and may be required to post performance bonds to assure the installation of all necessary roads, utilities, and other required features.

ARTICLE VII
SPECIAL PERMIT USES

7.1 General provisions and standards.

- A. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to Planning Board review, which includes the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this ordinance, including site plan review pursuant to Article VI.
- B. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit to the Village Planning Board, and such plan shall show location of all buildings, driveways, landscaping, parking and other pertinent information that may be necessary to determine if the special use meets the requirement of the law.
- C. The special permit use shall be such that it will be in harmony with adjacent uses and with the proposed development of the district and will not discourage the appropriate development and use of adjacent land and buildings. The special permit use must also meet specific criteria delineated below for each use.
- D. All Special Uses shall demonstrate that:
 - 1. No significant noise light or odor impacts will impact adjacent uses.
 - 2. No use impacts will extend beyond normal business hours of 8:00 am to 6:00 pm.
 - 3. No traffic impacts will affect the use and enjoyment of neighboring properties.
 - 4. Use and bulk will be in substantial conformity with adjacent uses.
- E. Operations in connection with any special use shall not be more objectionable to nearby property by reason of traffic congestion, traffic hazard, fumes, noise, vibration, and lighting than would be the operations of any permitted use, and will not otherwise impair the public health, safety, morals, convenience, prosperity and other aspects of the general welfare of the community.

7.2 Special conditions and safeguards for certain uses.

- A. **Poultry Processing Facility.** All facilities are subject to Special Use Permit approval and must comply with the following:
 - 1. Processing of poultry shall take place inside a closed building in a confined area to prevent transmission of offensive sounds or odors.
 - 2. Off-street parking for customers, employees, trucks, or other transport vehicles must be provided.
 - 3. The main entrance to the facility shall be from a Village street.

4. The site must be served by an approved sanitary sewer connection and an approved oil and grease trap in accordance with all laws, rules, and regulations. This shall include, but not be limited to, all sewage, processed and unprocessed poultry parts, manure, entrails, blood, skin, and bones.
5. The facility shall have all required Federal, State, and County licenses and approvals, and shall comply with all Federal, State, County, and local health and safety regulations.
6. The maximum area for the keeping and processing of poultry shall not exceed the bulk requirements of the "Commercial" district in which it is permitted. The Planning Board shall determine the maximum number of animals to be permitted on site for processing as part of the Special Permit approval, with consideration given to humane caging and slaughter practices.
7. The facility hours shall be determined by and subject to the discretion of the Planning Board as part of the Special Permit review.
8. Exterior storage areas for vehicle and trailer storage shall be fenced and screened from adjacent properties and from the public right of way.
9. Waste processing byproducts shall be disposed of in accordance with all applicable Federal, State, County, and local laws and regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in an airtight, chilled (minimum temperature of 40 degrees Fahrenheit) containers and shall be confined in fully enclosed structures.
10. All buildings and structures shall comply with the setbacks set forth in the Zoning Law.
11. All loading and unloading shall be screened from view from adjacent properties and streets.
12. A 20-foot-wide buffer shall be maintained between the poultry processing lot and surrounding residential properties. A screened buffer shall also be required between said lot and a State highway.

B. Neighborhood or community center. All facilities located within the "Residential" district are subject to Special Use Permit approval from the Planning Board and shall comply with the following:

1. Each neighborhood or community center shall provide adequate parking for staff per the Bulk Table requirements. The Planning Board is empowered to exercise its discretion to lessen or otherwise waive the parking requirements, if the Board determines that the health, safety, and welfare of the Village shall remain adequately protected.
2. Deliveries shall be limited to the hours of eight o'clock a.m. to six o'clock p.m.
3. Each facility shall adhere to the following hours of operation: eight o'clock a.m. to six o'clock p.m.

C. Nursing or convalescent home. All facilities located within the "Residential" district are subject to Special Use Permit approval from the Planning Board and must comply with the following:

1. Each neighborhood or community center must provide adequate parking for staff per the Bulk Table requirements. The Planning Board is empowered to exercise its discretion to vary the parking requirements, if the Board determines that the health, safety, and welfare of the Village shall remain adequately protected. -
2. Deliveries must be limited to the hours of eight o'clock a.m. to six o'clock p.m.
3. Each facility shall adhere to the following hours of operation for public visitation: eight o'clock a.m. to eight o'clock p.m.
4. Each facility must be bordered on at least one side by an existing or planned multifamily, public, neighborhood shopping, or commercial use.

D. Multifamily.

1. Each multifamily dwelling must provide adequate parking for all tenants per the Table of Bulk requirements. The Planning Board is empowered to exercise its discretion to vary the parking requirements, if the Board determines that the health, safety, and welfare of the Village shall remain adequately protected.
2. Each multifamily building must be bordered on at least one side by an existing or planned multifamily, public, neighborhood shopping, or commercial use.
3. **Design criteria.** The following design criteria shall apply to multifamily developments:
 - a. Each dwelling must meet the square footage requirements listed in the Table of Bulk Requirements. Fire wall separations, vertical and horizontal, shall be constructed in the locations and with the materials meeting NYS Building Code standards.
 - b. No building shall be constructed within ten (10) feet of the edge of any parking area. All buildings are otherwise subject to the yard, setback, and other development standards found within the Table of Bulk Requirements.
 - c. Access roads through the development and other private streets shall comply with any other applicable Village street requirements. No parking space shall be designed such that a vehicle would be backing out over a walkway.
 - d. No multifamily dwelling shall be served by more than one entrance and one exit (combined) from any public road unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner. All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.
 - e. The amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development.
 - f. All multifamily dwellings must file the name and contact information for the individual(s) and/or association(s) that shall be responsible for the maintenance, repair, and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures, and equipment within the units. The Planning Board is empowered to require applicable covenants and restrictions as a condition of special permit approval to ensure adherence to the maintenance and repair requirements.

ARTICLE VIII
SUBDIVISION REGULATIONS

- 8.1** Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be affected in such a manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter and any rules and regulations which have been or may be adopted for the subdivision of the land.
- 8.2** The Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Village of New Square, pursuant to § 7-738 of NYS Village Law. It shall do so pursuant to the procedures of said Village Law and according to the standards contained herein. It shall be further authorized, for this purpose, to prepare and adopt additional regulations governing subdivisions for Village Board of Trustees approval.
- 8.3** The Planning Board shall also be authorized and empowered, pursuant to § 7-738 of NYS Village Law and simultaneously with the approval of a plat or plats, to modify applicable provisions of this Zoning Law, subject to the conditions set forth in § 7-738 of the Village Law.
- 8.4** The Planning Board shall also be authorized and empowered to simultaneously grant preliminary and final approvals of those subdivisions not involving the construction of new improvements (minor subdivisions), provided that lots intended for zero lot line development shall not be granted final approval until such time as building foundations are installed and final lot line metes and boundaries are matched to such foundations.
- 8.5** Minor lot line adjustments of no more than 500 square feet shall be exempt from the subdivision procedural requirements contained herein, provided three copies of a plan prepared by a licensed land surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a minor lot line adjustment, the action shall involve the transfer of land between two existing parcels that will:
- A. Improve the ability of one or both parcels to comply with setback or other building standards; or
 - B. Increase suitability of one or both parcels for building development; or
 - C. Add to the availability of open space; or
 - D. Resolve a boundary line dispute or produce a corrected deed.
- All minor lot line adjustments meeting the above requirements also shall not reduce the ability of either lot to comply with the applicable standards of this chapter.
- 8.6** The Planning Board shall, within 30 days of the receipt of the lot line adjustment plans, determine whether they comply with the exemption criteria found in Section 8.5 above. Should it fail to act in the provided time or find the plans do not meet the criteria, such

plans shall be processed in accordance with subdivision requirements. If it finds they do qualify as a lot line adjustment, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Village of New Square, and for recording purposes only, to represent an exempt lot line adjustment in accord with applicable provisions of the Village of New Square Zoning Law. No subdivision approval is required or given." No person shall record plans for any lot line adjustment without so first obtaining the Planning Board's acknowledgement.

ARTICLE VIV NONCONFORMING USES

9.1 Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter or any amendment thereto may be continued although such use does not conform to the regulations specified by this chapter for the district in which such land or building is located. Said uses shall be deemed nonconforming uses. The following provisions shall apply to nonconforming uses:

- A. **Alterations.** A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate fifty percent (50%) of the assessed value of the building unless said building is converted to a conforming use.
- B. **Extension.** A nonconforming use shall not be extended, but the extension of conforming use to any portion of the nonconforming building shall not be deemed an extension of the nonconforming use.
- C. **Construction approved prior to the amendment to the law.** Permits granted prior to the change in zoning shall be held valid provided that construction of the building shall have been diligently pursued within three months of the date of such permit and the entire building shall be completed within a year of such date.
- D. **Restoration.** No building damaged by fire or other causes to the extent of more than fifty percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this law.
- E. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of one year, regardless of intent, such use shall not thereafter be re-established and any future use shall be in conformity with the regulations of this law.
- F. **Reversion prohibited.** Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- G. **Displacement.** No nonconforming use shall be extended to displace a conforming use.
- H. **Amortization.** Notwithstanding any other provision contained herein all nonresidential nonconforming uses (except those permitted as a home occupation as defined) located in the Residential district within the village shall cease within one year of the effective date of this law.

9.2 Nonconformity, other than use. A building that is conforming in use but does not conform to the height, yard, lot area, or other bulk requirements of this chapter shall not be considered to be nonconforming within the meaning of this Article. However, no permit shall be issued that will result in the increase of any such nonconformity.

9.3 Unsafe structures. Notwithstanding any other provision contained in this Article, any structure or portion thereof of a nonconforming building declared unsafe by a proper authority may be restored to a safe condition as referenced and in accordance with the Village code provisions regarding unsafe buildings and collapsed structures.

ARTICLE X **ADMINISTRATION AND ENFORCEMENT**

10.1 Enforcement.

This ordinance shall be enforced by the Building Inspector and/or other designated official, who shall be appointed by the Village Board of Trustees. No building permit or certificate of occupancy shall be issued by the Building Inspector and/or other designated official except where all the provisions of this law, and the provisions of the Village Law of the State of New York, have been complied with.

10.2 Building permit.

- A. No building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Building Inspector and/or proper authority. All applications for such permits shall be in accordance with the provisions of the NYS Building Code and the Village Code and Zoning Code.
- B. **Duration.** A building permit shall expire and become void if construction is not started within a period of one (1) year from the issuance of said permit.
- C. **Permits prior to adoption of provisions.** All permits for buildings or structures issued prior to the effective date of this chapter, or prior to the effective date of an amendment to this chapter shall be null and void unless substantial work has been done toward the completion of said building or structure within one year of the date of issuance of such permit.

10.3 Certificate of occupancy.

- A. No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the Building Inspector or proper authority in accordance with the provisions of the NYS Building Code and Village Code and Zoning Code.
- B. A temporary certificate of occupancy may be set by the Building Inspector or proper authority for a period not to exceed thirty (30) days, but no more than one (1) year in the aggregate. A temporary certificate of occupancy will be issued only if the building (or portion of the building for which the temporary certificate is issued) may be occupied safely, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, all required means of egress from the structure have been provided, and such temporary certificate of occupancy otherwise complies with all

requirements of 19 NYCRR 1203.3(d)(3). During the period that a temporary certificate of occupancy is in effect, the owner of the subject building is required to bring the building into full compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code. The Building Inspector shall require a cash deposit or an irrevocable letter of credit drawn on a bank and in a form satisfactory to the Village attorney to ensure and guarantee the completion of the structure and site improvements. The Building Inspector shall determine the sum of said cash or letter of credit.

10.4 Violations and Penalties.

- A. **Penalties for offenses.** Any owner, lessee, tenant, occupant, architect or builder, or the agent of any of them, who violates or is accessory to the violation of any provisions of this chapter or who fails to comply with any of the requirements thereof or who erects, constructs, alters, enlarges, converts, moves or uses any building or land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter, on conviction, shall be subject to a fine of not more than \$500 for each such violation. If any person fails to abate any violation within five calendar days after written notice has been served personally upon him, or within 10 days after written notice has been sent to him by registered mail at his home or business address, or by posting such notice in a conspicuous place on any building or structure at any premises which are in violation of any of the provisions of this chapter, the Building Inspector may revoke any building permit or certificate of occupancy for any building or structure on the premises on which such violation occurs, and such person shall be subject to a civil penalty of not more than \$500 each and every day that said violation continues, recoverable by suit brought by the Village and retained by it.
- B. **Other remedies.** Any building which is erected, constructed, altered, enlarged, converted, demolished, moved or removed or which is used contrary to any of the provisions of this chapter shall be deemed to be an unlawful use, and the same are hereby declared violations of this chapter. The proper Village authorities may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any such erection, construction, alteration, enlargement, conversion or use which is in violation of any of the provisions of this chapter.
- C. **Compliance with chapter.** No board, agency, officer or employee of the Village shall grant or approve any permit, license, certificate or other authorization, including special permits by the Village Board, for any construction, reconstruction, alteration, enlargement or moving any building, or for any use of land or building that would not be in full compliance with the provisions of this chapter.
- D. **Void permits.** Any permit, license, certificate or other authorization, issued granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and

any work undertaken or use established pursuant to any such permit, license or certificate or authorization shall be unlawful.

10.5 Fees.

Fees and charges shall be paid in connection with permit applications, as may be authorized by the Village Board.

ARTICLE XI **BOARD OF APPEALS**

11.1 Board of Appeals

A. Creation of the Board of Appeals.

A Board of Appeals is hereby created. Said Board shall consist of five members. The Board shall elect a chairman from its membership and shall appoint a secretary and shall prescribe rules for the conduct and procedure. The Board of Appeals members shall be appointed by the Village Board of Trustees. The Village Board of Trustees may also appoint alternate Board of Appeals members for the purposes of substituting a member in the event such member is unable to participate pursuant to Village Law § 7-712.

1. **Powers and authorities of the Board of Appeals.** The Board of Appeals shall have all the power and duties prescribed by Article 7 of the New York State Village Law and by this law.

2. **Variances.**

a. **Area variance.**

To approve an area variance wherein the Board may vary or adapt the strict application for any of the requirements of this law, the Board of Appeals shall, pursuant to Village Law § 7-712-b(3), take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- ii. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- iii. whether the requested area variance is substantial;
- iv. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- v. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

b. Use variance.

To approve a use variance wherein the Board may vary or adapt the strict application for any of the requirements of this law, the Board of Appeals shall, pursuant to Village Law § 7-712-b(2), require that all applicants demonstrate that the applicable zoning regulations and restrictions have caused unnecessary hardship by showing that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- i. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- iv. that the alleged hardship has not been self-created.

B. Applications.

1. All appeals and applications made to the board shall be in writing, on forms prescribed by the Board of Appeals.
2. Every appeal or application shall refer to the specified provision of the law involved, and shall exactly set forth the interpretation that is claimed and/or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, depending on the application type. Every variance application shall include reference to the factors delineated above pursuant to Village Law § 7-712-b.
3. At least twenty five days before the date of hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board, a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal and that the planning board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure of the Planning Board to submit such opinion, the Board of Appeals shall nevertheless proceed with the approval or disapproval of such application.
4. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the finding of the board in the particular case, and be filed with the Village Clerk.

ARTICLE XII
MISCELLANEOUS PROVISIONS

12.1 Amendments.

- A. The Board of Trustees may from time to time on motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal regulations and provisions of this law after public notice and hearing.

- B. Every such proposed amendment of change whether initiated by the Board of Trustees, or by petition shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Board of Trustees, by resolution, adopted at a public meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given in accordance with the laws of the State of New York.

12.2 Interpretation.

In the interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this law 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.

12.3 Validity.

Should any section or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

12.4 Short title.

This law shall be known and may be cited as "the Village of New Square, New York, Zoning Law."

Section 3. Supersession. The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the law inconsistent with this local law. The provisions of law intended to be superseded include all the Village Law, including Article 7, and any other provisions of law that the Village may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are requested to take notice of this legislative intent and apply it in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

TABLE OF USE REGULATIONS

ZONING DISTRICT	PERMITTED USE	SPECIAL PERMIT USE	ACCESSORY USES
R (Residential)	Residential Dwelling Units: -Single-Family Detached -Two-Family Detached - Single-Family Attached -Two-Family Attached -Multi-Families up to four (4) Dwelling units	Multifamily Residential Dwelling Units (buildings with 5 or more Dwelling Units): -Multifamily Flats -Townhouses -Apartments	Private Garage or Carport
	Private and Public Schools	Nursing or Convalescent Homes	Home Occupations, as defined in Zoning Code § 2.2
	Religious Uses		Home Occupation Signs
	Parks, Playgrounds		Tool Shed
	Public Utilities		Accessory buildings
	Village Uses and Essential Services		
P (Public)	Government Offices	Hospital Clinic	Accessory Buildings
	Private and Public Schools	Nursing or Convalescent Homes	Parking Lots or Parking Garages
	Religious Uses	Neighborhood or Community Center	Signs
	Parks, Playgrounds		
	Libraries		
	Public Utilities		
	Village Uses and Essential Services		
	Professional Office/Business*		
NS (Neighborhood Shopping)	Local Convenience Commercial Uses*	Multifamily Residential Dwelling, as per 'R zone'	Accessory buildings
	Grocery Stores*	Hotel	Signs
	Professional Office/Business*		Parking lots or parking garages
	Retail [up to 2,000 S''F] *		
	Public Utilities		
	Village Uses and Essential Services		
C (Commercial)	Area-wide Businesses* General Retail, Light industrial	Poultry Processing Facility	Accessory Buildings
	Bank*		Signs
	Mechanic Shop*		Parking Lots or Parking Garages
	Professional Offices, and Government Offices*	Multifamily Residential Dwelling, as per 'R zone'	
	Catering facilities, and Cafeterias*		
	Personal services -- *		
	Commercial Indoor Recreation Facilities*		
	Customary retail uses, --*		
	Hotel*		
	Public Utilities		
	Village Uses and Essential Services		

NOTE: * Denotes permitted uses which require Planning Board site plan approval.

- Unfinished space in a residential dwelling, in excess of one thousand (1,000) S''F shall be counted as a unit.

TABLE OF BULK REGULATIONS

DISTRICT	LOT AREA (SF.)	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD	PARKING
<u>R (Residential)</u>						
“Detached Residence” Single & 2-Family,	5000 sf.	50 ft.	30 ft.*	10 ft. clear	15 ft./10 ft.**	1 per unit***
“Semi-Attached” Single & 2-Family,	3,000 sf. per single- or two-family unit.	35 ft.	30 ft.*	0/10 ft. clear	15 ft./10 ft.**	1 per unit***
“Fully-Attached” (Townhouses, <i>[row of buildings with]</i> 3 or more)	3,150 sf end units, 4,750 sf end unit to street, 2,200 sf interior units.	35 ft. 50 ft. 25 ft.	30 ft.*	0/10 ft. 0/25 ft. 0/0 ft.	15 ft./10 ft.**	1 per unit***
Multifamily, 3 or more units	Baseline 1,750 sf. (see Note 1 below for added sf. based upon unit size)	70 ft. 35' if semi-attached	30 ft.*	10 ft. clear. 0' for semi-attached	15 ft./10 ft.**	1 per unit***
<u>P (Public)</u>						
Government, Religious Uses, Schools, Community Centers, Parks, Playgrounds, Utilities	20,000 sf	100 ft.	30 ft.*	10 ft. clear	20 ft.	1 per 750 sf net***
<u>NS (Neighborhood Shopping)</u>						
Local Convenience Commercial Use, Local Office/Business Use	20,000 sf	100 ft.	30 ft.*	10 ft. clear	20 ft.	1 per 750 sf net***
<u>C (Commercial)</u>						
All Non-Residential Use's	20,000 sf	100 ft.	30 ft.*	10 ft. clear	20 ft.	1 per 500 sf net*** Retail and office: 1/300 SF. Light Industrial: 1/1000 SF Storage: 1/2000 SF

Notes:

* Includes allowance of 5 feet for steps.

** Setback to building/setback to deck.

***One additional space per 1000 sf. of unfinished space. Centralized parking required (spaces accessed by a central drive).

**** 0' (feet) for the center line of 2 buildings semi-attached.

1. Lot area Req:

1,400 S.F. of lot area for units of 1,501 - 2,001 S.F.

1,200 S.F. of lot area for units of 1,201 S.F. – 1,500 S.F.

1,000 S.F. of lot area for units of 1,200 S.F. or less

2. All buildings limited to 35 ft high, 3 stories. Coverage for all lots not to exceed 60%,

3. Architecturals must show all rooms on all floors, and assign uses to all rooms. Building permit required for all use changes.

4. A Two (2) feet overhang / cantilever to be permitted in the side yard if: the bot. of the overhang is a min. of Eight (8) feet above the fin. Grade.

Stairs to main entrance to unit shall also be allowed to extend Two (2) feet to the side yard if it is an open based stair, “Eight (8’) feet to remain clear”