

## ARTICLE XII

### Conditional Use and Special Permit Standards

#### 1. General conditions.

Prior to approving any conditional use, the Planning Board or Village Board, as the case may be shall determine the conformity of such use and the proposed development therefor with conditions and standards as set forth in this local law, including the conditions and standards as set forth for site development plans. The Planning Board may adopt additional rules and regulations pursuant to Article XX of this local law. Conditions pre-requisite to approval of such uses are of a general and specific nature. In various provisions of this local law, specific standards are enumerated for certain uses, which standards shall be the minimum conditions for such use. Where required, conditional uses and special permit uses shall be referred to the Rockland County Department of Planning (see Article XVII, Sec. 4). The general conditions and standards for conditional use and special permit approval are as follows:

- A. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in

which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.

- B. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.
  
- C. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.
  
- D. The proposed use will not require such additional public facilities or services, or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.

- E. As a condition of all special permits and conditional use permits, right of entry for inspection with reasonable notice shall be provided for to determine compliance with the conditions of said permit.
  
- F. As a condition of all special permit and conditional use permits, a limitation may be imposed upon the time period for which the permit is valid, or upon the transfer of the permit from one owner or user to another.
  
- G. In addition to the general standards for conditional uses and special permits as set forth above, the approving board may, as a condition of approval of any such use, establish any other additional standards, conditions and requirements, including a limitation on hours or days of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this local law.

2. Dormitories.

Dormitories are permitted only as accessory uses to schools of general instruction, subject to the following

supplemental requirements.

- A. There shall be a minimum lot area of one thousand eight hundred (1,800) square feet provided per dormitory bed, exclusive of the lot area allocated and devoted to the principal and other accessory buildings on any site, including the required yards and/or setbacks, buffers and parking facilities for said buildings.
- B. The minimum distance between a dormitory and any other building on the lot shall be fifty (50) feet.
- C. The minimum distance between any dormitory and any interior driveway shall be twenty-five (25) feet.
- D. The maximum height of any dormitory shall be two (2) stories or twenty-five (25) feet, whichever is less.
- E. No dormitory room or dwelling unit shall be permitted in any cellar.
- F. All dormitories shall be equipped with sprinkler and fire alarm systems in accordance with the New York State Uniform Fire Prevention and Building Code.

3. Hotels and motels.

- A. Hotel and motel units shall not contain kitchen or cooking facilities of any nature, shall not be used as apartments for nontransient tenants, shall not contain more than two (2) rooms and shall not be connected by interior doors in groups of more than two (2). There shall be no more than one (1) hotel or motel unit for each two thousand five hundred (2,500) square feet of site area exclusive of required setbacks.
  
- B. Each hotel or motel room shall have an area of at least three hundred (300) square feet. Each hotel or motel unit shall have a bath facility with shower or bath, one (1) toilet facility and sink. No motel or hotel building shall exceed a height of two (2) stories or twenty-eight (28) feet, whichever is less. Access to all hotel and motel rooms shall be from interior corridors.
  
- C. Each hotel or motel shall have at least one (1) coffee shop for hotels or motels with no more than one hundred (100) rooms. For hotels or motels of over one hundred (100) rooms, a restaurant is required and a coffee shop

is permitted. Such facilities shall be located within the hotel or motel building and shall be subject to the provisions of Section 10 of Article XII (Amended May 18, 1989).

- D. Each hotel or motel shall have amusements and sports facilities for the exclusive use of hotel guests, including:
  - (1) Swimming pool
  - (2) Children's playground
  - (3) Tennis and other game courts
  - (4) Game or recreation rooms
  
- E. Each hotel or motel shall have an office and lobby.
  
- F. Each hotel or motel shall have meeting and/or conference rooms.
  
- G. All hotels and motels shall be equipped with sprinkler and fire alarm systems in accordance with the New York State Fire Prevention and Building Code.
  
- H. One (1) apartment with or without kitchen facilities

for the use of the hotel or motel manager or caretaker and family within the motel building is a permitted accessory use.

I. No parking, other than deliveries, for tractor-trailers.

4. Stables and riding academies.

A. One (1) stable shall be provided for each horse housed on the site, and there shall be no stabling of animals or storage or use of manure or other dust-producing substances within a distance of two hundred (200) feet of any lot line. If outdoor lighting is provided for riding areas, the applicable setbacks shall be doubled.

All lighting shall be located so as not to be visible at the source from any adjoining property. Screening shall be required between such use and any other nonagricultural use.

B. Public events, demonstrations, horse shows, rodeos and competitive events held in connection with riding academies or stables shall be considered principal uses for purposes of lot area and setback and shall conform to Article IV, Section 2, Bulk Table.

5. Gasoline service stations.

Gasoline service stations are conditional uses in NS Districts and subject to the restrictions as set forth in Article III, Section 2, Use Table, as well as the following standards:

- A. No stations shall be located closer than two hundred (200) feet from a school of general instruction, public recreation area, or church, measured to the lot lines thereof.
  
- B. Access points shall be located a minimum of one hundred (100) feet from the intersection of the designated street lines. All accesses shall be defined by the use of concrete curbing and shall be designed to provide safe and convenient travel without the potential for backing vehicles into the public street.
  
- C. Pumps, pump islands and canopies are structures and shall not be located in any required yards or setbacks, except that the Planning Board may allow canopies to extend into the setback but not into any yard. No outdoor display of products not associated with the gasoline service station use shall be permitted.



D. Screening. A ten-foot wide landscaped area shall be provided along all gasoline service station property lines, excluding the front line, property lines adjacent to existing commercial uses and access points.

The landscaped area shall be densely planted with a mixture of shrubs, trees and a fence, not less than six (6) feet high, which will create an opaque screen. All landscaped areas along property lines which are crossed by access drives shall be planted with low shrubs no greater than three (3) feet high and trees with a branching habit which begins at least eight (8) feet above ground level. Furthermore, planting shall not interfere with the normal line of sight (three hundred fifty (350) feet in either direction) needed for safe entering and exiting maneuvers by motor vehicles.

D. Maintenance and operation. Due to the extent of land use impacts from such stations which are a product of exterior operations, the following requirements shall be made and noted on the site development plan:

(1) All vehicles at gasoline service facilities, except for one (1) tow truck, shall be stored

within a building when the facilities are not open for business. However, licensed vehicles parked for minor repairs may be left outside for a period not to exceed seventy-two (72) hours. At no time shall any unlicensed or dismantled automobiles, trucks, tractors, trailers or accessories thereof be outside of a building. No car, truck or trailer rentals shall be permitted.

- (2) There shall not be any outside storage or display of accessories or portable signs when gasoline service facilities are not open for business.
- (3) Rubbish, oil cans, tires, discarded motor vehicle parts and components and any other waste materials may be temporarily stored in a completely fenced-in opaque enclosure adjacent to the gasoline service station building. The area of such enclosure shall not exceed two hundred (200) square feet. There shall be no storage of any of the above mentioned items outside of such enclosure.
- (4) No repair work may be performed out of doors.

This does not preclude, however, adding oil to motor vehicles, changing windshield wipers or other similar simple repairs normally performed in conjunction with the sale of gasoline.

(5) During the hours that a gasoline service station is open, all cars of employees and customers and tow trucks must be parked only in areas designated on the site development plan.

(6) All landscaped areas designated on the gasoline service station site development plan and/or landscaping plan shall be maintained in a neat and healthy condition.

F. Vehicle sales prohibited. The offering for sale and sale of new or used motor vehicles is prohibited. This prohibition includes the display of registered or unregistered vehicles with any "for sale" sign thereon.

G. Discontinuance of use. In the event a gasoline service station is abandoned, as determined by the Building Inspector, the owner, lessee and/or motor-fuel supplier of said gasoline service station shall immediately

remove the tanks, gasoline pumps, all identification signs and lighting poles. In lieu of removing the tanks, said owner and/or lessee shall remove the flammable liquids therefrom and fill all tanks with water for a three month period only, and thereafter with a solid material. The owner and/or lessee shall also provide adequate protection against unlawful entry into the buildings and onto the property and shall close all vehicular entrances to the property to prevent the storage of abandoned vehicles thereon.

6. Camps and recreational facilities.

A. The Planning Board may permit camps, day camps, and recreational facilities upon terms and conditions limiting the periods of operation.

(1) Access to such facilities shall be limited to improved state, county town or village roads shown as major roads on the Official Map. Such facilities shall be adequate to preclude the necessity of pedestrian traffic outside the approved facility, except for travel within a state or county park or parkway.

(2) Camps and day camps may include such structures as tent stands, provided that no heating or plumbing facilities are installed that permit residential year-round occupancy. Covenants precluding such occupancy shall be recorded in the County Clerk's office.

(3) Camps and day camps shall not be deemed to include any trailer or recreation vehicle campers' facilities, nor shall accommodations of any sort be offered for transient or overnight camping.

B. Swimming clubs or swimming pools, other than private residential swimming pools, shall be classified and located as follows:

<u>Type of Pool (Class)</u>	<u>Maximum Area (square feet)</u>	<u>Minimum Setback from any Property Line (feet)</u>
A	over 3,500	200
B	over 2,500	175
C	over 1,500	150
D	1,500 or less	100

C. All recreational facilities shall comply with the minimum setback requirements of Article IV, Section 2, Bulk Table.

- D. Lighting. If outdoor lighting is provided for any of the foregoing recreational facilities, including swimming pools, which permits use of the facilities after 10:00 PM, the applicable setback requirements for such facility shall be doubled. All lighting shall be located so as not to be visible at the source from any adjoining property.
  - E. Noise. A public-address system or any other amplified noises are prohibited.
  - F. Parking. All parking areas and spaces shall have dustless surfaces.
  - G. Enclosed buildings. All facilities, such as casinos and recreational halls shall be located within completely enclosed buildings.
7. Senior citizen housing developments.
- The standards for senior citizen housing developments shall be as follows:
- A. It shall be the duty of the owner or his agent to file a certification with the Building Inspector indicating compliance with this chapter's requirements relating

to the number of occupants and the age of the occupants in each dwelling unit. Such certification shall be filed no later than January 15 of each year.

- B. No more than fifteen percent (15%) of the dwelling units shall be two-bedroom units. No dwelling unit shall contain more than two (2) bedrooms, except that one (1) dwelling unit for each superintendent may be provided which shall consist of no more than three (3) bedrooms.
  
- C. Except for the superintendent and family, the occupancy of a senior citizen housing development shall be limited to 1) persons who qualify as senior citizens under present, future or amended definitions of a governmental agency providing subsidy or support to the project; or 2) to families, the head of which so qualifies, except that occupancy of a dwelling unit by a family, the head of which is younger than a senior citizen, shall be permitted if it is established that the presence of such person is essential for the physical care of an eligible occupant; or 3) persons who are 55 years of age or older (Amended April 19, 1990).

- D. Within the senior citizen housing development, certain related ancillary facilities may be permitted, either in a separate building or in combination with dwelling units, such as cafeterias, self-service laundries, lounges, game rooms, workshops or medical infirmaries, only to the extent that they meet the needs of the occupants of the development. Such facilities shall be subordinate to the residential character of the development and shall be located out of public view with no outside advertising. Such facilities shall be expressly approved by the Village Board. Approval of a special permit and site development plan for dwelling units in a senior citizen housing development in no way constitutes approval for installation of any type of related facility.
- E. The gross site density shall not exceed twenty (20) units per acre.
- F. The development coverage shall not exceed forty percent (40%), including buildings, walks, parking areas and driveways. Parking areas above the ground floor, if any, within a building shall not be counted in computing said coverage. Building coverage shall not



exceed twenty percent (20%).

- G. The maximum building height shall be thirty-five (35) feet or two (2) stories, whichever is less.
- H. The minimum distance between detached buildings shall be fifty (50) feet.
- I. Suitably equipped and adequately maintained recreation and open space shall be provided. Group sitting areas shall be well-defined by walls, fences, hedges or other plantings designed to impart a sense of containment or security and to provide group privacy.
- J. There shall be provided a safe and convenient system of drives, service access roads and walks with due consideration given in planning such facilities to such items as handrails and ramps. Such facilities shall be adequately lighted, and said lighting shall not be directed on adjacent streets or properties.
- K. Central refuse collection areas shall be located for the convenience of all units. They shall be supplied with an adequate number and type of covered receptacles

and shall be provided with proper screening and maintenance.

L. All parking areas, driveways, recreation areas and refuse collection areas shall be no closer than (10) feet to any building or lot line, and any swimming pool shall be no closer than thirty (30) feet to any building and fifty (50) feet to any lot line. The requirement which prohibits parking in required yards (Article VII, Section 2.A) may be waived by the Planning Board along property lines which abut parking areas or drives in contiguous senior citizen housing developments.

M. The required side and/or rear yard may be decreased to ten (10) feet where abutting another senior citizen housing development.

8. Automobile sales and service.

Automobile sales and service agencies for the sale and servicing of new and used motor vehicles, accessories and customary accessory uses may be permitted, provided that such agencies are franchised dealers or factory-owned dealerships of new motor vehicles and that all operations

are conducted from the same site and subject to the following requirements:

- A. No such facility shall be closer than five hundred (500) feet (measured along the designated street line) to any residential district boundary, institutional or nonprofit use or school of general instruction. Such use may be permitted within one hundred (100) feet of a residential district along a rear lot line.
  
- B. The display area for vehicles shall not exceed one hundred ten (110) feet, extending between the front yard line and principal building, and not more than ten (10) vehicle display spaces shall constitute a display group, with each group being separated by significant landscape elements.
  
- C. The lighting level shall not exceed three (3) footcandles within a display area, and no banners, pennants and string flags are permitted. No signs, including numbers, prices or other advertising message, shall be displayed so as to be visible to the public right-of-way, except display window area pursuant to the site development plan rules and regulations.

- D. All motor vehicle storage, other than the display area and customer parking, shall be fully fenced and screened from the side and rear property lines. All other accessory uses, including servicing, shall be conducted within fully enclosed structures. Gasoline service, if provided, shall be located to the rear of the principal building. Oil and gasoline storage shall be solely in underground tanks.
  
  - E. Where the use involves display or sales of recreational vehicles, with gross vehicle weight exceeding five thousand (5,000) pounds, or trucks and commercial vehicles, such as buses or tractors, the Planning Board shall increase the applicable yards by a factor computed on the basis of the vehicle height divided by five (5) feet six (6) inches.
9. Housing developments for the handicapped.
- A. No dwelling unit shall contain more than two (2) bedrooms, except that one (1) dwelling unit for a superintendent may be provided which shall consist of no more than three (3) bedrooms.

- B. Except for the superintendent and family, the occupancy of a housing development for the physically handicapped shall be limited to single persons who qualify as physically handicapped under present, future or amended definitions of the governmental agency providing subsidy or support to the project (Federal Department of Housing and Urban Development, New York State Division of Housing and Community Renewal or similar or successor agencies of the federal or state government) or to families, the head of which so qualifies, except that occupancy of a dwelling unit by a family, the head of which is not physically handicapped, shall be permitted if it is established that the presence of such person is essential for the physical care of an eligible occupant.
- C. Within the housing development, certain related accessory facilities may be permitted either in a separate building or in combination with dwelling units, such as cafeterias, self-service laundries, lounges, game rooms, workshops or medical infirmaries, only to the extent that they meet the needs of the occupants of the development. Such facilities shall be

subordinate to the residential character of the development and shall be located out of public view with no exterior advertising. Such facilities shall be expressly approved by the Village Board. Approval of a special permit and site development plan for dwelling units in a housing development for the physically handicapped in no way constitutes approval for installation of any type of related facility.

- D. The gross site density shall not exceed ten (10) units per acre.
- E. The maximum building height shall be fifteen (15) feet or one (1) story.
- F. The minimum distance between detached buildings shall be one and one-half ( $1\frac{1}{2}$ ) times the taller building.
- G. Suitably equipped and adequately maintained recreation and open space shall be provided. Group sitting areas shall be well defined by walls, fences, hedges or other plantings designed to impart a sense of containment or security and to provide group privacy.

- H. There shall be provided a safe and convenient system of drives, service access roads and walks with due consideration given in planning such facilities to the needs of the physically handicapped; such facilities shall be adequately lighted and said lighting shall not be directed on adjacent streets or properties.
  
- I. Facilities for refuse disposal shall be provided for all dwelling units. Central collection areas shall be maintained and conveniently located for all groups of units. The collection areas shall be properly screened and supplied with all covered receptacles required for tenant use.
  
- J. All parking areas, driveways, recreation areas and refuse collection areas shall be no closer than ten (10) feet to any building or lot line, and any swimming pool shall be no closer than thirty (30) feet to any building and fifty (50) feet to any lot line; these dimensions may be reduced by the Planning Board upon site plan approval where local conditions warrant. Such areas between said facilities and lot lines shall be landscaped with suitable screening.

K. The front yard depth may be reduced by the Planning Board upon site development plan approval where local conditions warrant and substitute measures are provided for the protection of neighboring properties.

10. Restaurants (Amended May 18, 1989).

A. Restaurants in PO zones are permitted only as accessory uses to a use permitted by right, subject to the following supplemental requirements:

- (1) The restaurant shall be entirely enclosed within a principal building on the lot and shall not occupy more than twenty-five (25%) per cent of the gross floor area of said building.
- (2) Not more than one restaurant shall be permitted on a lot.
- (3) The restaurant shall not be a drive-in or drive through or other fast-food type facility.
- (4) There shall be no exterior display or exterior advertisement of the restaurant on the lot except for such signs as may be approved by the Planning



Board.

- (5) No amplified music nor video games shall be permitted within the restaurant.
- (6) The Planning Board shall require, as part of site plan review, such acoustical materials to be installed as may be necessary to limit noise levels emanating from the restaurant in order to protect the quiet enjoyment of other users of the building.
- (7) In addition to all other requirements of the zoning district in which it is situated, the minimum parking requirement for a restaurant shall be one parking space for every four seats within the restaurant plus five (5) additional spaces.
- (8) The Planning Board shall require, as part of site plan review, such filtration or other systems as may be necessary to limit the emission of odors emanating from the restaurant.
- (9) The Planning Board shall require, as part of site

plan review, the placement and manner of storage of garbage so as to be rodent and vermin free and non-odorous.

(10) The restaurant shall not be cafeteria style nor provide food counter service. Table waiter/waitress service shall be provided.

(11) The restaurant shall comply with all federal, state, county and local laws, rules and regulations governing the operation of such facilities.

(12) The Planning Board shall consider, as part of Site Plan Review, the following:

(a) provisions for indoor waiting area;

(b) provisions for delivery of food and supplies;

(c) provision for kitchen exhaust, preferably through the roof of the building;

(c) restrictions on the amount of space within the restaurant to be used for bar liquor service.

(13) Special Permits for restaurant uses shall expire automatically upon a change in use or ownership of the restaurant.

B. Restaurants in NS districts shall be subject to the following supplementary requirements:

- (1) The restaurant(s) shall be fully enclosed within a building. (Amended November 2, 1993)
- (2) All lighting shall be located so as not to be visible at the source from any adjoining property. (Amended November 2, 1993)
- (3) The restaurant shall not be a drive-in or other fast-food type facility.
- (4) There shall be no exterior display or exterior advertisement of the restaurant on the lot except for such sign as may be approved by the Planning Board.
- (5) No amplified music nor video games shall be permitted within the restaurant.

- (6) The Planning Board shall require, as part of site plan review, such acoustical materials to be installed as may be necessary to limit noise levels emanating from the restaurant in order to protect the quiet enjoyment of other users of the property or adjoining properties.
- (7) In addition to all other requirements of the zoning district in which it is situated, the minimum parking requirement for a restaurant shall be one parking space for every four seats plus five (5) additional spaces.
- (8) The Planning Board shall require, as part of site plan review, such filtration or other systems as may be necessary to limit the emission of odors emanating from the restaurant.
- (9) The Planning Board shall require, as part of site plan review, the placement and manner of storage of garbage so as to be rodent and vermin free and non-odorous.
- (10) The restaurant shall comply with all federal, state, county and local laws, rules and regulations governing the operation of such facilities.

(11) The Planning Board shall consider, as part of Site Plan Review, the following:

- (a) provisions for indoor waiting area;
- (b) provisions for delivery of food and supplies;
- (c) provision for kitchen exhaust, preferably through the roof of the building.

(12) Special Permits for restaurant users shall expire automatically upon a change in use or ownership of the restaurant.

11. Facade signs in PO, PI and LO districts: (Amended June 23, 1993)

A. Signs shall meet all requirements of Article VIII of this zoning local law.

B. The Planning Board shall consider the proposed size, color, proportion and illumination of each sign in relation to the building on which it is proposed to be located, visibility from the street, and effect on nearby properties, particularly residentially zoned or used properties.

12. Food Sales and Service Establishments (Amended November 2, 1993 and March 17, 1994).

Food Sales and Service Establishments shall be subject to the following supplementary requirements:

- A. The food sales and service establishment shall be entirely enclosed within a building.
- B. No single food sales and service establishment shall be more than two thousand five hundred (2,500) square feet in area.
- C. No food sales and service establishment shall have a drive-in, walk-up window, or other fast-food type feature;
- D. There shall be no exterior display or exterior advertisement of the food sales and service establishment on the lot except for such sign as may be approved by the Planning Board.
- E. No amplified music nor video games shall be permitted within the food sales and service establishment.
- F. The Planning Board shall require, as part of site plan

review, such acoustical materials to be installed as may be necessary to limit noise levels emanating from the food sales and service establishment in order to protect the quiet enjoyment of other users of the property or adjoining properties.

- G. In addition to all other requirements of the zoning district in which it is situated, the minimum parking requirement for seats or counter stools at a food sales and service establishment shall be one parking space for every four (4) seats or counter stools.
- H. The Planning Board shall require, as part of site plan review, such filtration or other systems as may be necessary to limit the emission of odors emanating from the food sales and service establishment.
- I. The Planning Board shall require, as part of site plan review, the placement and manner of storage of garbage so as to be rodent and vermin free and non-odorous.
- J. The food sales and service establishment shall comply with all federal, state, county and local laws, rules and regulations governing the operation of such

facilities.

K. The Planning Board shall consider, as part of site plan review, the following:

- (1) provisions for indoor waiting area;
- (2) provisions for delivery of food and supplies;
- (3) provisions for food preparation area exhaust, preferably through the roof of the building.

L. All lighting shall be located so as not to be visible at the source from any adjoining property.

M. Trash receptacles shall be provided within the establishment and near the entry door(s) outside the establishment.

13. Dog and Cat Boarding Facilities (Amended January 16, 1997)

A. There shall be no outside animal runs or kennels nor shall any animal be walked or exercised out-of-doors.

B. All buildings in connection with the use shall be constructed of such materials that no sound shall



penetrate outside the building walls and all operations in connection with the use shall be in completely enclosed buildings.

C. No building entrance shall face any residential district.

D. No parking shall be permitted in any yard or setback adjacent to any residential district.

E. Animal noise and odors shall not be permitted outside the buildings.

F. Animal hospitals shall not be permitted as part of the use.

G. All windows in the dog kennel areas shall be non-operable.

H. All refuse and fecal matter shall be disposed of off-premises and in compliance with all laws, rules and regulations of the applicable governmental agencies.

I. The use shall comply with all rules and regulations of the Health Department and all agencies having

jurisdiction.

J. All buildings shall be sprinklered and the facility shall comply with all requirements of the Village Fire Inspector and the appropriate Fire Department.

14. Public Utility Buildings and/or Structures.

Any new construction or addition or expansion to an existing public utility building and/or structure shall be subject to the following supplementary requirements

A. Towers, antennae and similar structures operated by a public utility, including Personal Wireless Service facilities.

(1) Applicant shall provide proof satisfactory to the Board of Trustees that it is a public utility, as defined in the Village of Chestnut Ridge Zoning Law.

(2) Applicant shall provide proof satisfactory to the Board of Trustees that there is a public necessity for the siting of a new public utility building and/or structure or for the expansion or addition to

an existing building or structure.

- (3) All such structures shall be required to co-locate on existing similar structures within the Village of Chestnut Ridge or within adjacent municipalities unless the public utility provides, by a preponderance of proof satisfactory to the Board of Trustees:

- (a) That such co-location will not provide adequate service to a reasonable number of persons and/or properties within the Village of Chestnut Ridge, or
- (b) That the structural capacity of the existing structures are insufficient to permit such co-location and that the cost of reinforcing, modifying or replacing the existing structures is greater than the cost of the proposed new structure, or
- (c) That such co-location would cause interference materially impacting the usability of existing or proposed antennae and that the cost of preventing such interference is greater than the cost of the proposed new structure, or

- (d) That the existing structures cannot accommodate the proposed structure at a height necessary to provide adequate service to persons and/or property within the Village of Chestnut Ridge, or
  - (e) Other unforeseen reasons that make it infeasible to co-locate the proposed structure upon an existing facility.
- (4) A Special Permit granted for co-location on an existing public utility building or structure shall supersede the requirement for site plan approval or variances. All such applications shall be referred to the Village Community Design Review Committee and to the Chairperson of the Planning Board for comment and recommendation.
- (5) Any proposed new building and/or structure that is unable to co-locate as set forth above shall be designed structurally, electrically and in all respects to accommodate additional users, to allow for future rearrangement of antennae and to accept antennae mounted at varying height.

- (6) Any proposed new building and/or structure that is unable to co-locate as set forth above shall be sited in a location and on a property to be determined by the Board of Trustees. No other location or property shall be used for such siting unless the applicant submits proof to the satisfaction of the Board of Trustees of the following:
- (a) That the owner of such property is unwilling to lease or sell such property or a portion thereof to the applicant at a reasonable cost based upon general market conditions and industrywide standards, or
  - (b) That the topography or other features of such property do not permit the proposed construction and/or use and that the cost of accommodating such proposed construction or use is not reasonable, or
  - (c) That the siting of the structure on such property or in such location will not provide adequate service to a reasonable number of persons and/or properties within the Village.
- (7) Any Special Permit granted herein shall require

the operator of the facility to provide shared use of the facility to other public utilities and shall commit such operator to:

- (a) Respond in a timely manner to a request for co-location;
  - (b) Negotiate in good faith concerning future requests for shared use of the structure by other public utilities;
  - (c) Allow shared use of the structure and, upon the request of the Board of Trustees, permit co-location by emergency services without cost.
- (8) Applicant shall certify that the functions of the public utility structure and appurtenances will not interfere with radio or television service or personal communications service enjoyed by residents and commercial properties within the Village nor with public safety communications. Any interference, disruption of signal or reception of radio, television or wireless communication services shall be remedied within 24 hours after notification thereof to the owner or operator of the building or structure except that

interference with safety communications shall be remedied within six hours.

- (9) Applicant shall certify annually that it is in compliance with rules and regulations of the FCC with respect to environmental effects of radio frequency emissions and with other health and safety standards promulgated by the FCC.
- (10) Applicant shall certify that it is in compliance with the requirements of the FAA with respect to illumination and distinctive painting, if applicable. No illumination of the structure shall be permitted unless required by the FAA or as approved by the Planning Board at site plan approval.
- (11) Applicant shall certify at least once at least every three years that the facility is structurally sound and is not a danger to neighboring properties.
- (12) The use of the building or structure for signs other than as approved by the Chestnut Ridge

Planning Board is prohibited. An identification sign, not larger than six square feet shall be placed on the exterior of the structure not higher than six feet above grade to the top of the sign.

Such sign shall contain the name of the owner and a 24-hour telephone number for emergency purposes.

(13) The use of guyed towers is prohibited. Towers shall be self-supporting without the use of wires, cables, beams or other means. The design shall utilize an open framework or monopole configuration, at the discretion of the Planning Board.

(14) The exterior of the building or structure shall be camouflaged so as to blend into the surrounding environment through the use of color and architectural treatment, subject to approval of the Architectural Review Board.

(15) Noise-producing equipment shall be sited and/or insulated to prevent any measurable increase in noise as measured at the property line.



(16) Appropriate landscaping and/or fencing of the building and/or structure shall be provided for aesthetic and safety purposes and to prevent access to the facility by other than authorized personnel or governmental agencies. In no event shall there be a vertical separation of less than 30 feet from the base elevation of the tower to the first climbing rung or elevating ladder thereon.

(17) Any Special Permit granted herein shall automatically be revoked if any of the following shall occur:

(a) Nonuse of the building and/or structure for its intended purpose for a continuous period of six months or longer. In such case, the building and/or structure, including foundations, towers, antennae and other appurtenances shall be removed from the site within nine months from the first day of such nonuse. In the event the owner of such building and/or structure fails to remove such building and/or structure within such nine month period, the Village shall have the

right but not the obligation to effect such removal and to charge the cost thereof against the property on which it is situated as a tax lien, after providing the owner of the property with an opportunity to be heard with respect to such lien.

- (b) Transfer or assignment of the operation of the facility without first obtaining the approval of the Board of Trustees;
- (c) Loss of license or permit from any governmental agency having jurisdiction;
- (d) Failure to comply with any requirement of the Zoning Law of the Village of Chestnut Ridge, with the conditions of the Special Permit or with an approved site plan.

B. All other public utility buildings and/or structures:

- (1) Applicant shall provide proof satisfactory to the Board of Trustees that it is a public utility as defined in the Village of Chestnut Ridge Zoning Law.
- (2) Applicant shall provide proof satisfactory to the Board of Trustees that there is a public necessity

for the siting of a new public utility building and/or structure or for the expansion or addition to an existing building or structure.

- (3) The use of the building or structure for signs other than as approved by the Chestnut Ridge Planning Board is prohibited. An identification sign, not larger than six square feet shall be placed on the exterior of the structure, not higher than six feet above grade to the top of the sign, containing the name of the owner and a 24-hour telephone number for emergency purposes.
- (4) Noise-producing equipment shall be sited and/or insulated to prevent any measurable increase in noise as measured at the property line.
- (5) Appropriate landscaping and/or fencing of the building and/or structure shall be provided for aesthetic and safety purposes and to prevent access to the facility by other than authorized personnel or governmental agencies.
- (6) Any Special Permit granted herein shall

automatically be revoked if any of the following shall occur:

- (a) Nonuse of the building and/or structure for its intended purpose for a continuous period of six months or longer. In such case the building and/or structure, including foundations and other appurtenances thereto shall be removed from the site within nine months after the first day of such nonuse. In the event the owner or operator of such building and/or structure shall fail to remove such building and/or structure within said nine month period, the Village shall have the right but not the obligation to effect such removal and to charge the cost thereof to the property on which it is situated as a tax lien, after giving timely notice thereof to the owner of the subject property.
- (b) Transfer or assignment of the operation of the facility without first obtaining the approval of the Board of Trustees.
- (c) Loss of license or permit from any governmental agency having jurisdiction.

(d) Failure to comply with any requirement of the Zoning Law of the Village of Chestnut Ridge, any condition of the Special Permit or with an approved site plan. (Amended November 20, 1997)

15. Landscape Contractors.

Landscape Contractors shall be permitted in the LO and PI Zoning Districts subject to Conditional Use approval and subject to the following additional conditions:

- A. No equipment shall be parked or stored out of doors.  
Equipment shall include but not be limited to mowers, snow plows, bobcats, wood chippers, compressors, backhoes, front end loaders, forklifts, etc.
- B. Vehicles shall not be permitted to idle on site for more than five (5) minutes.
- C. Any noise in excess of 60 decibels generated in the operation of the business or due to the use of vehicles or equipment shall be contained so as not to be audible across property lines.
- D. Outdoor storage of materials, mulch, leaves, yard waste, debris or similar items used in connection with the business shall be prohibited.

- E. No unlicensed or dismantled vehicles shall be parked or stored out of doors nor shall any vehicles or equipment be repaired or serviced out of doors.
- F. Landscape contractors shall maintain an office for the operation of its business on the lot. Such office shall be a minimum of 200 square feet.
- G. All vehicles and/or equipment not required to be parked or stored indoors shall be parked or stored in an area designated on the site plan and adequately screened so as not to be visible from any street or adjoining property.
- H. The Planning Board shall require sufficient landscaping to be installed and maintained to screen the use from adjoining properties and from the street.
- I. The Planning Board may require the site or any part thereof to be screened with a 6 foot high solid fence. A solid self-closing gate shall be provided and closed after each entry and exit to and from the site. The gate shall be locked at night. The fence design shall be subject to approval by the Planning board.
- J. No material shall be stored at a height in excess of 6 feet nor stored in such manner as to be visible from a residential zoning district or property used

for residential purposes or from the street.

- K. Storage of materials such as, but not limited to, gravel, sand, stone, brick, pavers, railroad ties, shall be in the rear of the property only, but not in any required yard.
- L. No debris or material from job sites or from demolition shall be brought to the site or stored on the site or stored in any vehicles on the site. Such debris or material shall include but not be limited to concrete, stone, paving materials, asphalt, masonry materials, wood, brick, metals, branches, leaves, yard waste or mulch.
- M. No chipping, mulching and/or wood cutting activities, including splitting trees or branches into firewood shall be permitted on site nor shall firewood storage or sales be permitted on site.
- N. The storage of diesel fuel, gasoline or biodiesel in above ground or underground storage tanks shall be prohibited. Only the use of State-approved gasoline or diesel cans not exceeding 5 gallons may be stored for daily use.
- O. There shall be no operation between 9 P.M and 7 A.M. except for office operations and snow plowing operations during the winter months.

- P. Hours of operation at the site other than snow plowing operations shall begin not earlier than 7 A.M. and shall end not later than 9 P.M. on each work day.
- Q. Landscape contractors shall not be permitted on any lot that abuts adjoins and/or is adjacent to or across the street from, a residential zoning district nor within 200 feet of the perimeter of any property within said residential zoning district.
- R. There shall be no odors emanating from the site nor detectable across any property line.
- S. Storage of materials which could be hazardous to the environment such as chemicals, road salt and others shall be stored in a manner to insure that it will not impact on the environment. Method of storage shall be subject to approval of the County Department of Health, Fire Inspector or other governmental agencies having jurisdiction and the Planning Board.

16. Assisted Living Residences (ALR).

- A. There shall be a minimum lot area of 75,000 square feet in the NS zoned portion of the property.



- B. No dwelling units shall be allowed in a basement.
  
- C. Assisted Living Units shall not contain cooking facilities. Units shall not be used as apartments for transient tenants; units shall not contain more than 2 bedrooms, a separate living area and bathroom and shall not be connected by interior doors in groups of more than two (2). No unit shall contain more than 2 bedrooms.
  
- D. All Assisted Living units shall have access through interior corridor only.
  
- E. An ALR shall not exceed a height of twenty-five 25 feet or two (2) stories whichever is less.
  
- F. Bath facilities, which include a shower or bath and one (1) toilet may be shared by no more than two (2) assisted living units.
  
- G. The ALR shall provide a main kitchen, dining, recreational/exercise, therapeutics and personal care areas. Any outdoor sitting areas or walking paths shall

be well defined by walls, fences, hedges or planting designed to impart a sense of containment or security and to provide group privacy.

- H. A small staff kitchen/dining area is permitted.
- I. The minimum distance from the facility to any interior driveway/parking area shall be fifteen (15) feet from an Assisted Living Unit bedroom.
- J. Parking standards shall conform to General Use Table.
- K. The number of assisted living units shall not exceed thirty (30) per acre of the NS zoned land.
- L. Within the facility, certain accessory uses are permitted such as laundry, medical infirmary only to the extent that they meet the needs of the residents of the facility.
- M. The residence shall provide adequate lighted driveways and parking and said lighting shall not be directed on adjacent streets or properties.

- N. Parking and driveways shall be landscaped with suitable screening.
- O. The front yard depth may be reduced by the Planning Board upon site development plan approval where local conditions warrant.
- P. Small pantry areas with a sink, microwave oven and refrigerator are permitted in the common areas for use by residents and guests.
- Q. Loading facilities shall be determined by the Planning Board.
- R. Walking paths may be permitted in required side and rear yards; sitting areas may be permitted in required side and rear setbacks.