

VILLAGE OF CHESTNUT RIDGE

LOCAL LAW NO. K OF 2022

**A LOCAL LAW TO ADJUST THE LIST OF PROHIBITED USES IN SECTION §290-11
AND CLARIFY DEFINITIONS IN SECTION §290-116
TO BE CONSISTENT WITH PERMITTED USES.**

Be it enacted by the Village Board of Trustees of the Village of Chestnut Ridge by authority of Article 7 of the Village Law and Article 2, Section 10 of the Municipal Home Rule Law, as follows:

(Note: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikethrough symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Legislative Findings and Intent. The Village Board of the Village of Chestnut Ridge hereby finds and declares:

1. Certain land use categories have been recently added to the Use Tables of the Zoning Chapter 290, as part of the Comprehensive Plan adoption process; and
2. Some of these uses recommended to be added appear in section §290-11 of the zoning code listing prohibited uses, which causes a conflict that needs to be corrected; and
3. Some use definitions and terms need clarification, so the code is clear regarding which uses are strictly prohibited and which are allowed, after review; and
4. This local law is needed to clear up these inconsistencies and improve the administration of the zoning code chapter.

Section 2: Amend the list of prohibitions found in §290-11, Prohibited Uses, as follows:

§ 290-11 Prohibited uses.

The uses which are listed in this section are prohibited in the Village, subject to the qualifications set forth in Article II, § 290-7D.

A. Manufacturing uses involving primary production of the following products from raw materials:

- (1) Asphalt, cement, charcoal and fuel briquettes.
- (2) Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulfuric acids.
- (3) Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size.
- (4) Linoleum and oilcloth; matches; paints, varnishes and turpentine.

- (5) Rubber (natural or synthetic); soaps, including fat-rendering; starch.
- B. The following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations.
- C. Operations involving stockyards and slaughterhouses, grain elevators, slag piles and keeping, breeding and raising of pigs or cattle.
- D. Storage of explosives, except under license from the State of New York and in a manner and place conforming to the laws of the State of New York and the American Table of Distances, and provided that no more than 5,000 pounds is stored in any one magazine.
- E. Bulk or wholesale storage of gasoline above the ground.
- F. Dumps, sanitary landfills, recycling centers, resource recovery facilities and junkyards, except those operated by the Village.
- G. Quarries, stone crushers, screening plants and storage of quarry screenings.
- H. Incineration of waste materials ~~except in a plant owned and operated by the Village.~~
- I. Disposals of septic or sewage wastes.
- J. Any other use, whether specified above or not, that is of such a nature as to be detrimental to neighboring properties by reason of emission of odor, dust, refuse matter, garbage, smoke, vibration, gas, radiation, noise or any other factor that is dangerous to the comfort, peace, enjoyment, health or safety of the area or the community.
- K. ~~Freestanding water towers and freestanding water tanks, located below, on or above the ground are not permitted, except that such a tower or tank owned and operated by a public utility shall be allowed, as a conditional use of the Planning Board, on plots of three acres or more, subject to approval of the Village Board.~~
- ~~L. Contractors' Material storage yards.~~
- ~~M. Mini-storage facilities.~~
- ~~N.L~~ Bus storage and repair facilities.
- ~~QM~~. Refuse or garbage truck maintenance or storage facilities.
- ~~PN~~. Roadside mobile lunch wagons.
- ~~QQ~~. Auto, truck, or bus body repair and painting.
- P. The Planning Board may waive the prohibition on the following uses if the Planning Board finds that such use is accessory to a principal use, is located behind the principal use or in a place that can-not be seen from any of the property lines, is adequately screened from visual, acoustic, light, and or other impacts, and will not have a detrimental impacts on the surrounding properties.

1. Bus storage and repair facilities.
2. Material storage yards
3. Auto, truck, or bus body repair and painting
4. Refuse or garbage truck maintenance or storage facilities.

Section 4: Amend the definitions found in Article XVIII Terminology, §290-116, Definitions, as follows:

§ 290-116 Definitions.

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

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CONTRACTORS' STORAGE YARDS MATERIAL STORAGE YARDS

~~A building or An~~ area of land ~~where a person, firm or corporation engaged in the construction business, or a related field,~~ on which stores building materials, equipment and supplies, ~~vehicles larger than pickup trucks, used exclusively in his business as a contractor or other related materials or equipment are stored outdoors.~~ The term “material storage yard” shall not include outdoor storage of materials accessory to a “Landscape Contractor” establishment, as defined by this Chapter.

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LANDSCAPE CONTRACTOR

A ~~home improvement~~ contractor, licensed by the Rockland County Office of Consumer Protection, that provides labor, material and equipment for the construction, installation and/or maintenance of lawns, plants, shrubs, trees and architectural exterior features not part of a building. Installation and/or maintenance of exterior water features and underground lawn sprinklers, cutting and removal of trees and stumps, maintenance of interior plants, and snowplowing and removal shall be considered to be landscape contracting. Storage and application of chemicals, such as herbicides and pesticides, shall be included as landscape contracting only if the principal owner of the business is licensed by the Rockland County Department of Health to store and apply such chemicals.

Section 9: Separability. If any section, subsection, clause, or provision of this Local Law shall be deemed by any court of competent jurisdiction to be unconstitutional, ineffective, or otherwise legally invalid or unenforceable, in whole or in part, to the extent that it is not unconstitutional, ineffective, or otherwise legally invalid or unenforceable, it shall be valid and effective and no other section, subsection, clause or provision shall, on account thereof, be deemed invalid or ineffective.

Section 10: This local law shall take effect immediately upon filing with the Secretary of State.