

D. Special uses. Special uses shall be as follows:

- (1) One-family dwellings.
- (2) Institutional or philanthropic uses.
- (3) Public utilities.
- (4) Veterinarian offices, animal hospitals or kennels.

E. Yard and lot requirements. Yard and lot requirements shall be as follows:

Minimum Lot Size (acres)	Minimum Lot Width (feet)	Minimum Yard Dimensions		
		Front (feet)	Side (feet)	Rear (feet)
5	250	100	200	100

ARTICLE V
Supplemental Regulations

§ 160-17. Special use permits.

A. General procedures and provisions.

- (1) All uses of land listed in the schedules of regulations as special uses (Article IV of this chapter) shall be allowed upon issuance of a special use permit by the Planning Board.
- (2) Applications for special use permits shall be filed with the Zoning Enforcement Officer, who shall forward the application to the Planning Board for decision.
- (3) A site plan for the development of a special use shall be submitted with each special use permit application. The site plan shall show the location of all buildings, parking areas, traffic access and circular drives, open spaces, landscaping, topography, special features and any other information, including such information about neighboring properties, as may be necessary to determine and provide for the enforcement of this chapter.
- (4) To cover the cost of processing special use permits and applications, an application fee in accordance with the Schedule of Fees⁶ as promulgated by the Town Board of Catskill, New York, shall accompany any application for a special use permit, and shall be in addition to the zoning permit fee as described in this chapter.

⁶ Editor's Note: The Schedule of Fees is on file in the Town offices.

- (5) A special use permit shall be deemed to authorize only one particular special use, and such permit shall be considered null and void if within one year from the date of issue all improvements required for this special use are not completed, and if the special use shall cease for more than one year for any reason, unless otherwise provided by the Planning Board.
 - (6) The Planning Board shall attach conditions, limitations and safeguards to the special use permit as are necessary to assure continual conformance to all applicable standards and requirements.
 - (7) A use authorized by special use permit may be revoked by the Planning Board if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit.
 - (8) The Planning Board shall hold a public hearing on the special use within 62 days of the filing of a complete and proper special use permit application, and said hearing shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing.
 - (9) The Applicant shall notify, by Certified Mail (Return Receipt Requested) postmarked at least fifteen (15) days prior to the date of the Public Hearing, all owners of properties within three hundred (300) feet of the property which is the subject of the application. The Return Receipts must be delivered to the Planning Board Secretary prior to the start of the Public Hearing.
 - (10) The Planning Board shall render its decision on the application within 62 days after the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. Decisions of the Planning Board shall be in writing and shall specify the particular conditions for such approval or the grounds for denial. The written decision of the Planning Board shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy mailed to the applicant.
- B. Standards for all special use permits. The following standards shall apply to all special use permits:
- (1) Adequate access for fire and police protection.
 - (2) The location, size and character of the special use must be in harmony with the orderly development of the zoning district and must not be detrimental to the orderly development of adjacent properties.
 - (3) Safe, convenient and adequate vehicular and pedestrian access to and from the use through adequate, but not excessive, points in ingress and egress having sufficient width, proper grading and alignment and clear visibility, and which are not located too near street corners or places of public assembly.

- (4) Adequate off-street parking and loading areas which are properly located on the lot so as to provide safe and convenient circulation.
- (5) Locations and heights of buildings and structures shall be such that the special use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (6) Landscaping and screening of parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.

§ 160-18. Additional regulations for Industrial Districts.

Uses permitted in Industrial Districts are subject to the following additional regulations:

- A. Performance standards. No land or building in any Industrial District shall be used or occupied in such a manner as to create any dangerous, injurious, noxious or other hazard due to odor, fire, noise, explosion, vibration, smoke, dust or other form of air pollution, glare, electrical or other disturbance. The determination of potentially dangerous or objectionable elements shall be made at locations as follows:
 - (1) At the point of origin for fire and explosion hazards, for radioactivity and electrical disturbances and for air pollution.
 - (2) At the property line for noise, vibration, glare, odors and other hazards or nuisances.
- B. Required findings. For each use permitted in Industrial Districts, the Planning Board shall determine in its judgment that:
 - (1) It is reasonably necessary in the interest of public health, safety and general welfare.
 - (2) It is appropriately located and served with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
 - (3) It has adequate off-street parking facilities available on site.
 - (4) It reasonably safeguards the neighborhood character and surrounding property values.
 - (5) It will not cause traffic congestion or traffic hazards.
 - (6) It has adequately designed grades, paving, gutters, drainage and treatment of turf to handle stormwater and to prevent erosion and dust.
 - (7) Its signs and lighting devices are properly designed and arranged with respect to traffic and adjacent neighborhoods.

- (8) It has adequate screen planting, fencing or walls to shield adjacent residential properties.

§ 160-19. Site plan review.

Prior to the issuance of a zoning permit for any commercial building or structure, the Zoning Enforcement Officer shall require the preparation of a site plan. (NOTE: The definition for "commercial" is provided in the definition section, § 160-5, of these zoning regulations.)

- A. Sketch plan. A sketch plan conference shall be held between the Planning Board and applicant to review the site plan concept and generally determine the information to be required on the site plan. The filing of a sketch plan and the sketch plan conference may be waived by formal action of the Planning Board at the applicant's request. At the sketch plan conference, the applicant should provide the data discussed below, in addition to a statement and/or rough sketch describing what is proposed:
 - (1) An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, basements and buildings within 500 feet of the boundaries thereof. Said map should show existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees and flood hazard areas.
 - (2) A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two-foot intervals of elevation should also be provided.
 - (3) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs and other planned features.
- B. Application for detailed site plan approval. An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by an application fee in accordance with the Schedule of Fees⁷ as promulgated by the Town Board of Catskill, New York, and a map of the site plan that includes information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference:
 - (1) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (2) North arrow, scale and date.
 - (3) The boundaries of the property plotted to scale.

⁷ Editor's Note: The Schedule of Fees is on file in the Town offices.

- (4) Existing watercourses, wetlands, fish and wildlife habitats, flood hazard zones, special plant communities and wooded areas.
- (5) A grading and drainage plan showing existing and proposed contours.
- (6) The design and use of nonstructural and structural means to avoid stormwater runoff and nonpoint source water pollution.
- (7) The location, proposed use and height of all buildings.
- (8) The location, design and construction materials of all parking and truck-loading areas, showing ingress and egress.
- (9) Provision for pedestrian access.
- (10) The location of outdoor storage, if any.
- (12) The location, design and construction materials of all site improvements, including drains, culverts, retaining walls and fences.
- (13) A description of the method of sewage disposal and location, design and construction materials of such facilities.
- (14) A description of the method of securing public water and location, design and construction materials of such facilities.
- (15) The location of fire and other emergency zones, including the location of fire hydrants.
- (16) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (17) The location, size, design and construction materials of all proposed signs.
- (18) The location and proposed development of all buffer areas, including existing vegetative cover.
- (19) The location and design of proposed outdoor lighting facilities.
- (20) Identification of any elements or areas contributing to or detracting from local visual quality and character, and of existing or potential scenic views.
- (21) Designation of the amount of building area proposed for retail sales or similar commercial activity.
- (22) A general landscaping plan and planting schedule, and location of groups of mature trees over 18 inches at four feet above the base of the trunk.

(23) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any county, state or federal permits required for the project's execution.

C. Planning Board review of site plan. The Planning Board's review shall include, as appropriate, but is not limited to the following:

(1) General considerations.

- (a) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (b) The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
- (c) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (d) The location, arrangement, size, design and general site compatibility of buildings, structures, lighting and signs.
- (e) The adequacy of stormwater and drainage facilities.
- (f) The adequacy of water supply and sewage disposal facilities.
- (g) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- (h) In the case of an apartment complex or other multiple-family dwelling, the adequacy of usable open space for plan areas and informal recreation.
- (i) Protection of scenic views and visual quality and character.
- (j) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (k) The adequacy of fire lands and other emergency zones and the provision of fire hydrants.
- (l) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (m) The adequacy of site restoration scheduled to follow construction.

- (n) Maximum avoidance of clear-cutting of trees and the adequacy of measures to protect and preserve as much mature vegetation as possible on the site.
 - (o) Maximum avoidance of the destruction, damage or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
 - (p) The adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of local and regional scenic quality, adjacent fish and wildlife habitats, freshwater wetlands and coastal waters.
 - (q) The extent to which structure height and bulk do not disrupt natural topography and are compatible with the site and the adjacent sites, and do not detract from the natural visual quality of the local area or region.
- (2) Consultative review. The Planning Board may consult with the Catskill Waterfront Commission, Town Code Enforcement Officer, Fire Commissioners, Conservation Council, Highway Superintendent, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.
- (3) Public hearing. The Planning Board ~~may shall~~ conduct a public hearing on the site plan. ~~If a public hearing is considered desirable by a majority of the members of the Planning Board, s~~Such public hearing shall be conducted within 62 days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing. The Applicant shall notify, by Certified Mail (Return Receipt Requested) postmarked at least fifteen (15) days prior to the date of the Public Hearing, all owners of properties within three hundred (300) feet of the property which is the subject of the application. The Return Receipts must be delivered to the Planning Board Secretary prior to the start of the Public Hearing. ~~The Planning Board shall also mail notice of said hearing to the applicant at least 10 days before said hearing.~~
- (4) Planning Board action.
- (a) Prior to taking action on the site plan, the Planning Board shall refer the plan to the Greene County Planning Board for advisory review and a report in accordance with General Municipal Law.
 - (b) Within 62 days after a public hearing (if one is held), or within 62 days after receipt of an application for site plan approval if no public hearing has been held, the Planning Board shall act on it. If no decision is made within said sixty-two-day period, the site plan shall be considered approved. The Planning Board's action

shall be in the form of a written statement to the applicant stating whether or not the site plan is approved, disapproved or approved with modifications. The Planning Board's written statement of action shall also be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

- (c) The Planning Board's statement may include recommendations of desirable modifications to be incorporated and conformance with said modifications shall be considered a condition of approval. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Zoning Enforcement Officer who shall then issue a zoning permit if the project conforms to all other applicable requirements.
- (d) Upon disapproval, the Planning Board shall so inform the Zoning Enforcement Officer and he shall deny a zoning permit. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval. In such a case, the Planning Board may recommend further study on the site plan and resubmission to the Planning Board after it has been revised or redesigned.

§ 160-20. Waterfront Overlay District regulations.

- A. A special Waterfront Overlay District is hereby established and is delineated on the Zoning Map⁸ as an overlay district. Within this district all uses, except individual, one- and two-family dwellings, shall require site plan approval, the procedure for which follows, and be consistent with the policies set forth in the Town and Village of Catskill Local Waterfront Revitalization Program (LWRP). Consistency shall be determined by the Planning Board through the site plan approval process.
- B. Special Waterfront Overlay District site plan review and approval process.
 - (1) Objective. The object of Waterfront Overlay District site plan approval is to evaluate various land uses that may cause a conflict between existing and proposed uses or may be in conflict with the policies and purposes of the LWRP or natural site conditions, and thereby minimize the adverse effects concerning health, safety and overall welfare of the residents of the community and ensure compliance with the Catskill Local Waterfront Revitalization Program.
 - (2) Procedure. Prior to the issuance of a zoning permit in the special Waterfront Overlay District for all uses, except individual, one- and two-family dwellings, the Zoning Enforcement Officer shall require the preparation of a sketch plan as identified below. The Zoning Enforcement Officer shall refer the site plan to the Planning Board for

⁸ Editor's Note: The Zoning Map is included in a pocket at the end of the Code.

ARTICLE VI
Administration and Enforcement

§ 160-21. Enforcement.

- A. This chapter shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board, in the same manner and with the same powers as now or hereafter practiced or provided under the building code.¹⁰
- B. No zoning permit or certificate of occupancy shall be issued by the Zoning Enforcement Officer, and no permit or license for any purpose shall be issued by any official of the Town of Catskill, if the same would be in conflict with the provisions of this chapter.

§ 160-22. Zoning permits.

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Enforcement Officer in accordance with the provisions of this chapter.
- B. All applications for zoning permits shall be accompanied by two copies of a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot, an application fee in accordance with the Schedule of Fees¹¹ as promulgated by the Town Board of Catskill, New York, and such other information as may be required by the Zoning Enforcement Officer to determine compliance with this chapter. One copy of such plans, when approved by the Zoning Enforcement Officer, shall be returned to the applicant.

§ 160-23. Certificates of occupancy.

- A. No land shall be used or occupied and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer in accordance with the provisions of this chapter.
- B. All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a zoning permit. Such certificate of occupancy shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this chapter.

§ 160-24. Zoning Board of Appeals.

A Zoning Board of Appeals is hereby created in accordance with § 267 of the Town Law of the State of New York. Said Board shall consist of five members.

¹⁰ Editor's Note: See Ch. 87, Building Construction and Fire Prevention.

¹¹ Editor's Note: The Schedule of Fees is on file in the Town offices.

The officers of the Board shall consist of a Chairman, Acting Chairman and Secretary. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

A. Powers and duties. The Zoning Board of Appeals shall have all the powers and duties prescribed by this chapter which are more particularly specified as follows:

(1) Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(2) Variances.

(a) Area variance.

[1] An "area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.

[2] The Zoning Board of Appeals shall balance the interests of the applicant and those of the neighborhood or community. The Board of Appeals must consider the following five factors:

[a] 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;

[b] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

[c] Whether the requested area variance is substantial;

[d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[e] 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.

[3] In granting an area variance, the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time protect the character of the neighborhood and the health, safety and welfare of the community.

(b) Use variance.

[1] A "use variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

[2] No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[a] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[b] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

[c] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

[d] The alleged hardship has not been self-created.

(c) Imposition of conditions. The Zoning Board of Appeals shall, in granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

A. Application to the Zoning Board of Appeals.

(1) Appeals from decisions made by the Zoning Enforcement Officer shall be filed with the Zoning Enforcement Officer and the Secretary of the Zoning Board of Appeals, in writing, within 30 days of the date of the action specifying the grounds thereof.

(2) All applications for variances shall be filed with the Secretary of the Zoning Board of Appeals, in writing, shall be made in a form required by the Board and shall be accompanied by payment of a filing fee of \$25 and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

(3) Decisions of the Zoning Board of Appeals shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.

- (4) The Zoning Board of Appeals shall hold a public hearing on all appeals or applications within 62 days of the filing of a complete and proper appeal or application. The Board shall fix a reasonable time for the hearing and give public notice of such hearing by publication in a paper of general circulation in the Town at least five days prior to the date thereof. The Applicant shall notify, by Certified Mail (Return Receipt Requested) postmarked at least fifteen (15) days prior to the date of the Public Hearing, all owners of properties within three hundred (300) feet of the property which is the subject of the application. The Return Receipts must be delivered to the Planning Board Secretary prior to the start of the Public Hearing.
- (5) The costs of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney. The Board shall render its final decision within 62 days after the conduct of said public hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- (6) The decision of the Board of Appeals shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

ARTICLE VII Nonconforming Buildings and Uses

§ 160-25. Continuation.

The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter.

§ 160-26. Discontinuance.

Whenever a building or land used for or occupied by a nonconforming use has been discontinued for a period of one year for residential dwellings or three years for other uses, such use shall not thereafter be used or occupied as a nonconforming use.

§ 160-27. Alterations; extension.

- A. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of 50% of the appraised value of the building, unless the building is changed to a conforming use.
- B. A nonconforming use shall not be extended, but a lawful use may be extended into any portion of a nonconforming building.