

**STONY POINT TOWN BOARD MEETING – April 27, 2021**

The Town Board of the Town of Stony Point convened on Tuesday, April 27, 2021 at 7:00 pm. This meeting was conducted via Zoom video conferencing online at <https://us02web.zoom.us/j/82816042434?pwd=WkpnVjZuWlcvWTY2NVFqRHZhc1ozdz09> and hosted by Brian Nugent, Esq., Attorney for the Town. The meeting was also accessible by telephone at 1-929-205-6099, webinar ID: 828 1604 2434. Supervisor Monaghan opened the meeting in memory of Jim Gilmartin. Jim was the cantor of Immaculate Conception Church and often sung at ceremonies for the town. The Supervisor called the meeting to order and led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

PRESENT: Mr. Thomas Basile Councilman  
Mr. Karl Javenes Councilman  
Mr. Paul Joachim Councilman  
Mr. Michael Puccio Councilman  
Mr. James Monaghan Supervisor

Attorney: Mr. Brian Nugent Esquire

**SUPERVISOR’S REPORT**

Supervisor Monaghan reported as follows:

- Thanked the participants of the Keep Rockland Beautiful cleanup.
- The annual Memorial Day Parade this year due to COVID-19. There will be a wreath laying ceremony on Memorial Day.

**PURCHASE ORDER REQUEST**

A motion was made by Councilman Puccio, seconded by Councilman Joachim, and unanimously carried by a voice vote of all board members present to approve the following purchase orders:

Highway Dept:			
PO#3431	Hudson River Truck & Trailer		\$ 2,175.98
PO#3434	GOECM		\$ 1,495.00
Golf Course			
PO#3433	Environmental Construction		\$8,419.30

**AUDIT OF BILLS**

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman Puccio, seconded by Councilman Javenes, and unanimously carried by a voice vote of all board members present, to approve the bills as presented for payment:

**CONTRACTUAL GENERAL-April 27, 2021**

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	419-454	\$273,901.66
Highway	155-161	\$ 31,447.49
Sewer	122-131	\$ 20,886.49
Special Districts		
Enterprise	90-97	\$ 42,364.11
Street Light	8-9	\$ 18,403.96
Solid Waste	11-12	\$ 4,215.08

**MINUTES** - A motion was made by Supervisor Monaghan, seconded by Councilman Joachim, and carried by a voice vote of those board members present, with to approve the minutes of April 13, 2021.

**CORRESPONDENCE** – None

**PUBLIC INPUT**

Mari Morrison Rodriguez, 53 E. Main St., questioned when the Town resume in person meetings.

Supervisor Monaghan responded – May if possible.

Jeff Tew, Ray Jack Dr., questioned approving the Public Assembly law.

Supervisor Monaghan stated the Public Hearing opened on December 8, 2020 and held open up until April 11, 2021.

**Continue Public Hearing-Proposed Local Law-Outdoor Dining**

At 7:09pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the continued public hearing for the proposed Local Law-Outdoor Dining.

**No Public Input**

**Close Public Hearing-Proposed Local Law-Outdoor Dining**

At 7:10pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to close the public hearing for the proposed Local Law-Outdoor Dining.

**Adopt Local Law-Outdoor Dining**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to adopt the following Local Law:

The following resolution was duly offered and seconded to wit:

**RESOLUTION 2021/11  
RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2021  
OUTDOOR DINING, TEMPORARY**

WHEREAS, within the Town Board for the Town of Stony Point, New York (“Town Board”) there is a need to protect the public health and safety from time to time with regard to the enactment of Local Laws pursuant to the powers of the municipality under the Municipal Home Rule Law, and

WHEREAS, certain events have brought to the attention of the Town Board the need to further protect public health, safety and welfare with regard to the enactment of a Local Law pursuant to the aforementioned statutory powers; and

WHEREAS, the Town Board after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled “**OUTDOOR DINING, TEMPORARY**” is a Type II and is determined not to have a significant effect on the environment.

Section 1. All “Whereas” clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. That the introductory Local Law entitled “**OUTDOOR DINING, TEMPORARY**” be and hereby is adopted as Local Law No. 3 of 2021 of the Town of Stony Point on April 27, 2021.

Section 3. The Town Board hereby directs the Town Clerk to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and to take all steps to process and file said Local Law amendment with the State of New York.

Section 4. This Resolution shall be effective immediately.

### **LOCAL LAW NO. 3 of 2021**

A Local Law known and cited as Temporary Outdoor Dining Permits

Be it enacted by the Town Board of the Town of Stony Point as follows:

**SECTION 1.** Purpose and Intent. The Town of Stony Point wants to provide restaurants and food service establishments the opportunity to provide outdoor dining when indoor space cannot be used to maximum capacity or if in the interest of the restaurants and food service establishments to provide their patrons additional dining options. This Local Law creates a permitting process to allow for temporary outdoor seating. It is the intent of this Local Law that construction of permanent outdoor dining facilities require site plan approval by the Planning Board pursuant to Chapter 215 (Zoning).

**SECTION 2.** A new chapter, Chapter 151, shall be added to the Town Code entitled “Outdoor Dining, Temporary” and shall read as follows:

#### Article I Temporary Outdoor Dining Permit

§151-1 Permit Required. Except where approved as part of a site plan or pursuant to §215-93 (Nonconforming Uses and Noncomplying Bulk), no commercial outdoor dining shall be permitted without a Temporary Outdoor Dining Permit issued by the Building Department subject to the following procedure:

- A. An application for a Temporary Outdoor Dining Permit must be made at least 14 days in advance of the date that an applicant seeks to provide outdoor dining.
- B. The Temporary Outdoor Dining Permit will be valid from the date of issuance or April 1, whichever occurs later and October 31.
- C. A Temporary Outdoor Dining Permit application fee shall be provided consistent with the Town of Stony Point Fee Schedule. An application for more than 100 outdoor seats shall require an operational permit and fee in addition to the temporary outdoor dining application fee.
- D. Upon receipt of an application meeting the requirements of §151-3 and demonstrating compliance with the conditions set forth in §151-4 to the satisfaction of the Building Inspector, the Building Inspector is hereby authorized to issue a permit to provide temporary outdoor dining subject to ongoing compliance with the requirements of §151-4. The permit shall be issued to the holder of a valid Department of Health Permit to Operate a Food Service Establishment and is not transferable to another location or Health Department permit holder. The permit shall be valid for the calendar year of issuance.
- E. The Building Inspector may inspect the premises to determine whether the submitted plan accurately reflects site conditions, whether the proposed plan is practically

workable and whether any potentially hazardous conditions may exist with implementation of the plan.

- F. After issuance of the first Temporary Outdoor Dining Permit and expiration of that permit, a new application must be made and approved for each subsequent calendar year for which the establishment wishes to provide Outdoor Dining. The Building Inspector may reduce or modify the requirements of §151-3 where the proposed temporary outdoor dining is substantially identical to that for which a permit was issued in the immediately preceding calendar year.

§151-2. Definitions. Only for the purpose of interpreting this Chapter, the following terms shall have the meanings indicated.

**FOOD SERVICE ESTABLISHMENT** – A restaurant, bar, or local convenience commercial use, as defined pursuant to §215-5, holding a Department of Health Permit to Operate a food service establishment and/or a State Liquor Authority License to serve alcoholic beverages.

**OUTDOOR DINING** – The use of a designated area by patrons to consume food or drink outside of permanent structures.

**OUTDOOR DINING AREA** – The area of a lot designated to be used for outdoor dining, including any paths of circulation for employees or patrons between the area used for outdoor dining and the structure of the Food Service Establishment containing kitchen and rest facilities.

**TEMPORARY** – Not permanent and not intended for use beyond the established permit term of April 1 thru October 31 of the calendar year in which the permit is issued. Any permanently installed structure that cannot be removed as required by the terms of this Chapter shall not be deemed temporary.

§151-3 Application Requirements.

An application to the Building Inspector for a Temporary Outdoor Dining Permit shall include the following information:

- A. Certificate of Occupancy or other documentation demonstrating that the food service establishment is legally operating within the Town.
- B. Written consent by the owner/landlord acknowledging the permit application may be undertaken by the tenant/lessee and authorizing Town personnel to enter and inspect the site.
- C. A copy of the valid Permit to Operate a Food Service Establishment in Rockland County.
- D. A copy of the valid New York State Liquor Authority License where alcoholic beverages are to be served in the outdoor dining area.
- E. A plan drawn to scale showing the following (note that for the purpose of this temporary use, the plans showing the layout need not be prepared by a licensed professional):
  - 1. Location of tables and seating, waiting areas, service areas, bar areas, preparation areas and storage for both indoor and outdoor areas.
  - 2. Location of entrances and exits to the outdoor dining area and to the structure.
  - 3. Location of existing and proposed exterior lighting.

4. Number of parking spaces that will be available for patrons.
  5. Where dining is proposed within five (5) feet of an area accessible to vehicular traffic or parking, a plan showing: vehicular and pedestrian access, proposed method of separation (barriers) between vehicular and dining areas, internal vehicular circulation and the number of parking spaces available for patrons.
  6. Location and manufacturer specifications for any outdoor heating elements.
- F. Any other information the Building Inspector determines to be reasonably necessary.

§151-4. Requirements for Temporary Outdoor Dining.

- A. The food service establishment shall not be in violation of the NYS building or the Town of Stony Point zoning code at the time of application.
- B. All improvements in support of the Temporary Outdoor Dining Permit shall be temporary in nature and not require the issuance of a building permit. Where permanent structures are proposed, site plan approval by the Planning Board shall be required.
- C. The outdoor dining area may be utilized during the permit term but no earlier than April 1 or later than October 31. All temporary structures associated with the temporary outdoor dining area including but not limited to tables, chairs, tents, umbrellas, outdoor furniture, structures for delineating areas, planters, and temporary storage lockers, shall be removed from the site and/or stored away in a manner consistent with the Code of the Town of Stony Point.
- D. Outdoor dining areas shall be located entirely on the same lot as the food service establishment and not within 20 feet of a property line abutting a residence or the curbline of a street.
- E. Outdoor seating capacity. The total number of seats for patrons in outdoor dining areas and in the existing structure shall not exceed the total permissible indoor seating capacity at any time except as provided in §151-4 D. When outdoor dining seats are in use, the indoor seats must be removed, or otherwise made unavailable to patrons.
- F. Special seating capacity considerations relevant to pandemics. In the event that the interior seating capacity of a food service establishment has been reduced by order of the Governor or State or County Department of Health in response to a public health crisis or pandemic, that reduced seating shall be deemed to have been made unavailable with respect to the preceding Paragraph E (Outdoor Seating Capacity). In such cases, all emergency order requirements including but not limited to distancing between seats, wearing of masks, and sanitizing of services shall be strictly followed as a condition of this permit.
- G. Bonus outdoor seating capacity. Where a food service establishment is in conformance with its parking requirements pursuant to Chapter 215, additional outdoor seats may be provided and used concurrently with interior seating based on the number of parking spaces available to patrons as follows, except that the seating shall not exceed the capacity of on-site sanitary facilities and restrooms:
  1. For a site containing a total of five (5) parking spaces or less: Four (4) temporary outdoor seats
  2. For a site containing a total of six (6) or more spaces: One (1) temporary outdoor seat per parking space
- H. Any outdoor dining areas over 200 square feet, that are roofed (including tent roofs) must include illuminated EXIT signs and portable fire extinguishers.

- I. Outdoor dining shall be limited to 7:00 AM to 11:00 PM.
- J. Seating must not reduce pedestrian pathways to less than 44 inches in width. For applications utilizing off-street parking lot areas, seating must not occupy or block handicap/ADA parking stalls or access aisles and may not block ADA accessible routes.
- K. Outdoor dining areas in or within five (5) feet of an area open to vehicular traffic shall be separated from vehicular traffic by substantial movable structures delineating the boundary between vehicular and dining areas as large planters, crowd barricades, removable bollards, A-frame barriers, or other device sturdy enough and large enough at the Building Inspector's sole discretion to provide a visual divide apparent to drivers and providing an auditory cue alerting drivers that they are entering into dining and pedestrian circulation areas in the event that they strike the dividing structure while backing up or driving through the parking area at slow speeds. Such delineating structures shall be at least 36 inches in height (including plants or shrubs in the case of planters).
- L. All furniture within the outdoor dining area including umbrellas and awnings shall be of sturdy construction, and appropriately affixed to the ground or weighted to avoid movement from wind. Umbrellas and retractable awnings shall be closed when the food service establishment is not in operation.
- M. Where outdoor dining is proposed to occur later than 30 minutes prior to local sunset, the outdoor dining area shall be lit by existing or proposed site lighting to no less than 1 footcandle at the walking surface. Any light source proposed for satisfaction of this requirement and emitting more than 450 lumens (approximate to a 40W incandescent or 6W LED bulb) shall be fully shielded as to prevent light trespass or glare to streets and adjoining properties. Floodlighting of temporary outdoor dining areas is not permitted.
- N. Outdoor seating areas must be maintained in clean and orderly appearance and kept free of trash and other debris and trash receptacles shall be provided at all times.
- O. When the Food Service establishment is not in operation, the outdoor dining area shall be clean and orderly in appearance and there shall be no storage of food or perishable items open to the elements or attractive to vermin or pests.

#### §151-5. Compliance with All Other Laws

All Temporary Outdoor Dining Permit holders shall be required to comply with all other applicable Federal, State and Local Laws, rules, regulations and executive orders, including but not limited to, the Uniform Fire Prevention and Building Code, New York State Department of Health Regulations, New York State Liquor Authority Regulations and the Town Code.

#### §151-6. Building Inspector Authority

- A. The Building Inspector is authorized to review applications and issue permits only when all applicable conditions and requirements of this Chapter have been satisfied.
- B. In the event the Building Inspector determines that after a permit is issued the permittee is not complying with the conditions and requirements of the permit, or if the Building Inspector identifies a condition that may result in a hazard to the health or safety of persons or property arising from the Temporary Outdoor Dining, the Building Inspector may immediately revoke the Temporary Outdoor Dining Permit and all activity authorized by the Temporary Outdoor Permit will cease immediately. At the Building Inspector's discretion, the permittee may be given a reasonable amount of time up to and not exceeding 14 days to remedy violations that do not pose an immediate threat to health or safety of persons or property.

C. In receiving the Temporary Outdoor Dining Permit, the food service establishment authorizes the Building Inspector, and any other designated Town official or employee, to enter the property and the interior of the premises in order to ensure compliance with the permit.

#### §151-7. Penalties for Offenses

A violation of this chapter is hereby declared to be an offense punishable by a fine not to exceed \$350 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation of this chapter as is now or may hereafter be provided by law.'

#### §151-8. SEQR.

The issuance of a Temporary Outdoor Dining Permit shall be a Type II action under SEQR.

**SECTION 3.** Fee Schedule. §A221-1 (Fee Schedule) is hereby amended to establish a Temporary Outdoor Dining Application fee of \$50 for up to 10 outdoor dining seats, plus \$10 per outdoor dining seat beyond 10.

**SECTION 4.** Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

**SECTION 5.** Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

#### **Approve Use of Commuter Lot-Lions Club**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to approve the request by Stony Point Lions Club to use the commuter lot on Rt. 9W for a yard sale on May 22, 2021 with a rain date of May 29, 2021.

#### **Renew Service Contract-Centurion Telephone Contract**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to renew the annual service contract for telephone systems at Town Hall, the Police Dept, Justice Court and Patriot Hills Golf Club in the amount of \$5,900.00 with Centurion Telephone Sales and Service Inc.

#### **Approve Building Permit Refund**

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve a refund to John Prince in the amount of \$1475.00 for a building permit application fee. The project was unable to be completed due to Covid-19.

#### **Approve Use of Commuter Lot-Powerhouse Dance Center**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to approve the request by Powerhouse Dance Center to use the commuter lot on Rt. 9W for a yard sale on Saturday, May 15<sup>th</sup> and Sunday, May 16<sup>th</sup> with a rain date of Sunday, May 23<sup>rd</sup>.

#### **Approve Hiring Bus Driver for Senior Citizens Bus**

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the hiring of Lori McWeeney as the bus driver for the Senior Citizens bus at a rate of pay of \$18.50/hr.

**Approve Hiring Student Laborers-Parks Department**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of all board members present to hire Student Laborers for Buildings & Grounds Dept. for the summer of 2021 at a rate of pay of \$12.50 per hour.

**Adopt Local Law to Amend Chapter 215 Zoning Code**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of all board members present to adopt the following Local Law to amend Chapter 215 of the Zoning code:

The following resolution was duly offered and seconded to wit:

**RESOLUTION 2021/12  
RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2021  
AMENDING CHAPTER 215, ZONING, TO ESTABLISH COMPREHENSIVE  
REGULATIONS GOERING PUBLIC ASSEMBLY IN HOMES, PLACES OF WORSHIP,  
SCHOOLS AND DORMITORIES**

WHEREAS, within the Town Board for the Town of Stony Point, New York (“Town Board”) there is a need to protect the public health and safety from time to time with regard to the enactment of Local Laws pursuant to the powers of the municipality under the Municipal Home Rule Law, and

WHEREAS, the Town Board seeks to adopt the proposed local law to further the protection of the public health, safety and welfare consistent with the aforementioned statutory powers; and

WHEREAS, the Town Board previously declared itself lead agency under SEQRA for the adoption of the proposed local law; and

WHEREAS, the Town Board reviewed a Part 1 and Part 2 Environmental Assessment Form as well as a Part 3 Negative Declaration; and

WHEREAS, the Town Board after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that:

- Section 1.** All “Whereas” clauses are hereby incorporated by reference as though set forth in full herein.
- Section 2.** The proposed local is determined not to have any significant impact on the environment.
- Section 3.** That the proposed Local Law entitled “AMENDING CHAPTER 215, ZONING, TO ESTABLISH COMPREHENSIVE REGULATIONS GOERING PUBLIC ASSEMBLY IN HOMES, PLACES OF WORSHIP, SCHOOLS AND DORMITORIES” be and hereby is adopted as Local Law No. 4 of 2021 of the Town of Stony Point.
- Section 4.** The Town Board hereby directs the Town Clerk to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and to take all steps

to process and file said Local Law amendment with the State of New York.

Section 5. This Resolution shall be effective immediately.

**TOWN OF STONY POINT  
LOCAL LAW NO. 4 OF 2020  
A LOCAL LAW AMENDING CHAPTER 215, ZONING, TO ESTABLISH  
COMPREHENSIVE REGULATIONS GOVERNING PUBLIC ASSEMBLY IN HOMES,  
PLACES OF WORSHIP, SCHOOLS AND DORMITORIES.**

**BE IT ENACTED** by the Town Board of the Town of Stony Point by authority of Article 16 of Town Law of the State of New York and Article 10 of the Municipal Home Rule Law of the State of New York as follows:

**Section 1:** Purpose and intent.

It is the purpose and intent of the Stony Point Town Board in adopting this legislation to establish conditional use (special permit) criteria, which are the most appropriate means for processing applications for proposed Schools of General Instruction, Schools of Special instruction, Dormitories, Places of Worship, Public Assembly in Residences (Residential Gathering Places) and to add specific definitions to the Town of Stony Point Zoning Code. The conditional use process, which entails review and approval of site plans, parking facilities, and other features of each of the proposed uses, is beneficial in that it will afford the Planning Board the opportunity to consider the proposed uses in relation to neighboring land uses and to mitigate any adverse effects by the imposition of reasonable conditions. The conditional uses being adopted are designed to require criteria necessary for the grant of a permit that would lessen or mitigate impacts to relevant areas of environmental, social and economic concern, including sewer and water capacity, public safety, traffic and pedestrian safety, community character, historic preservation, municipal services and conformance with the Town of Stony Point Code, as may be amended from time to time.

**Section 2.** Chapter 215 (Zoning) of the Code of the Town of Stony Point shall be amended as follows:

**§ 215-5** Definitions.

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

\* \* \* \* \*

**CAMP**

Any plot, including its area of land or water, or land and water, on which are located two or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes, primarily for children, but not including a day camp, trailer camp, rooming house, tourist home, hotel, motel, summer colony, hospital, place of detention, school of general instruction, dormitory or nursery school.

\* \* \* \* \*

**DORMITORY**

A building or part of a building containing private or semiprivate rooms which open to a common hallway, which rooms are sleeping quarters for administrative staff, faculty or students, along with the following communal facilities: dining hall, kitchen, laundry, lounge and recreation facilities, as required. Dormitory rooms shall not contain separate cooking, dining or housekeeping facilities, except that one dwelling unit with complete housekeeping facilities may be provided for use of a superintendent or supervising staff for every 50 dormitory rooms or major part thereof. No more than one communal dining room shall be provided in any building or structure used for dormitory purposes. Single-family, two-family and/or other multiple residential facilities other than that described above are not to be considered as "dormitories." Private rooms may be occupied by no more than one person, and semiprivate rooms may be occupied by no more than two persons.

**DUMP**

See "junkyard."

**DUSTLESS SURFACE**

A surface which is adequately covered with screenings, stone, gravel, concrete or bituminous products, or adequately treated with oil, calcium chloride or similar dust-inhibiting substances, and maintained in good condition at all times.

**DWELLING UNIT**

A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A house trailer, boarding or rooming house, convalescent home, dormitory, fraternity house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

**GATHERING PLACE, RESIDENTIAL**

The accessory use of a residence, or any portion thereof, occurring more than 10 times per year for gatherings of 30 or more resident and non-resident persons or occurring more than 12 times in any 90-day period for gatherings of more than 20 resident and non-resident persons.

**PLACE OF WORSHIP**

See the following definitions: COMMUNITY PLACE OF WORSHIP; and NEIGHBORHOOD PLACE OF WORSHIP.

**PLACE OF WORSHIP, COMMUNITY**

The principal use of a building or structure, for regular organized religious assembly other than a Neighborhood Place of Worship.

**PLACE OF WORSHIP, NEIGHBORHOOD**

The principal use of a building or structure for regular organized religious assembly with a maximum capacity of 200 seats.

**RESIDENCE**

A building or part thereof designated, principally used or occupied for one or more dwelling units but not including a tourist home, hotel, motel, tourist cabin, summer colony or trailer. No structure accommodating the assembly of more than 49 persons more than three times per year shall be deemed a residence or part thereof, with the exception of recreation facilities such as clubhouses designed to serve several multifamily or one-family attached residential dwellings. The assembly of more than 49 persons more than three times per year in a structure otherwise considered a residence shall constitute a nonresidential use, the appropriate specific category of which shall be determined by the Building Inspector based upon the definitions and requirements of this Chapter.

**RESIDENCE, MULTIFAMILY**

A residence containing three or more dwelling units.

**RESIDENCE, ONE-FAMILY**

A residence containing one dwelling unit only.

**RESIDENCE, ONE-FAMILY ATTACHED**

A one-family residence which is attached to one or more one-family residences by party walls or walls, but which occupies all space between foundation and roof.

**RESIDENCE, ONE-FAMILY DETACHED**

A one-family residence which is separated from any other dwelling units by open space.

**RESIDENCE, TWO-FAMILY DETACHED**

A residence containing two dwelling units in common ownership. A residence containing two dwelling units in separate ownership shall be considered two one-family attached residences.

**RESIDENTIAL GATHERING PLACE**

See: "Gathering Place, Residential"

**SCHOOL OF GENERAL INSTRUCTION**

Any public or nonpublic pre-K, kindergarten, elementary, junior high, or high school subject to 8 NYCRR part 100 regulations; or any college, university or postgraduate school that offer instruction at least five days per week and seven months per year.

**SCHOOL OF SPECIAL INSTRUCTION**

Any nonpublic school conducting a regularly scheduled curriculum of specialized or vocational study, such as trade or technical programs, except that a school offering religious vocational training at least five days per week and seven months per year shall be deemed a School of General Instruction.

**STUDENT, FULL-TIME**

A student who is enrolled for no less than six weeks and no less than thirty (30) hours of instruction per week for elementary and secondary schools, or fifteen (15) hours of instruction per week for post-secondary schools.

## **STUDENT SUPERVISOR, FULL-TIME**

Supervisory Staff including:

1. Teachers or professors of the School of General or Special Instruction who perform no less than fifteen (15) hours per week of classroom instruction for said School of General or Special Instruction, or
2. Any other employee of the School of General or Special Instruction who performs no less than (30) hours per week of work for said School of General or Special Instruction.

### **§ 215-47 Definitions.**

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

#### **SIGN, ANNOUNCEMENT**

Any sign used to announce the use of the lot or direction or location of buildings and structures on the lot for an office, home occupation place of worship, charitable or other institutional use.

### **§ 215-48 Exempt signs.**

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this article and other conditions specifically imposed by the regulations:

- A. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies, places of worship or nonprofit organizations, not exceeding four square feet.
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- C. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, and similar signs, as shown on an approved site development plan or installed pursuant to order of traffic control agencies and conforming to the Manual of Uniform Traffic Control Devices, New York State Department of Transportation.
- D. Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face and not more than one sign per 100 feet of street frontage.
- E. One on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for an approved home professional office or home occupation or residential gathering place, not exceeding four square feet and set back at least 10 feet from the designated street line. Such sign may state name and vocation only.
- F. Numbers and nameplates identifying residents, mounted on house or mailbox, not exceeding one square foot in area.
- G. Private-owner merchandise sale sign for garage sale or auction, not exceeding four square feet on the owner's property only for a period not exceeding seven days.
- H. Not more than one temporary nonilluminated "for sale" or "for rent" real estate sign concerning the premises upon which the sign is located; in a residential zone, one sign not exceeding 15 feet and, in a nonresidential zone, one sign not exceeding 30 square feet in area total of all sides; and set back at least 10 feet from designated street lines. All such signs shall be removed within three days after the sale, lease or rental of the premises.
- I. Real estate signs advertising an open house for the resale of residential property upon the condition that the signs are not put up until the morning of the open house and are removed within two hours after the open house ends. A temporary permit is necessary to display an "open house" sign for new homes in a subdivision when the "open house" sign will remain for more than one day, and the sections of this article relating to temporary signs will apply.
- J. Temporary window signs and posters not exceeding 50% of the total area of glass fronting a street.
- K. At gasoline service stations:
  - (1) Integral graphics or attached price signs on gasoline pumps.
  - (2) Two auxiliary per station, each not exceeding two square feet.
- L. Directional signs for meetings, conventions and other assemblies.

- M. One sign, not exceeding six square feet in residential districts nor 16 square feet in the commercial districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.
- N. Painting, cleaning, change of lettering and other normal maintenance and repair of a sign or sign structure unless a structural change is made.
- O. One indirectly illuminated bulletin board or other announcement or identification sign for schools of general or special instruction or places of worship, with an area of not over 12 square feet, provided that such sign is located on the institution's property and not nearer than 20 feet to any street or property line or is attached to the building if closer.
- P. Not more than one identification sign for each tenant on the premises on each wall fronting on a street, provided that:
  - (1) The area, in square feet, of any signs on any wall shall not be greater than two times the width, in feet, of the storefront or commercial establishment to which the sign refers.
  - (2) Such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than 12 inches beyond the face of the wall to which applied nor any distance beyond or above the building in any other direction.
  - (3) Such sign or signs shall be placed so as not to obliterate, conceal or destroy architectural and decorative trim and cornices immediately above first-floor storefronts or on above stories, including at parapets and rooflines.

**§ 215-77 Decisions.**

- A. The Planning Board shall cause to be filed with the Town Clerk and Building Inspector the decision of the Planning Board and a copy thereof to be mailed to the applicant. Conditional use approval shall be deemed to be indefinite authorization in the following districts: BU, O, LI, LI-2, and PW, unless otherwise specified in the approval thereof, but in any other case with the exception of two-family residences shall expire within 18 months of the date of approval unless a building permit has been issued for the conditional use. Such period may be extended on separate application to the Planning Board.
- B. Approval of a conditional use located in the following districts: APRP, SR-R, RR, R-1, SRC, MHC, RW and SR, shall remain in effect for two years from the issuance of a certificate of occupancy or certificate of compliance and shall thereafter expire unless the following renewal procedure is followed:
  - (1) No more than 30 days prior to the expiration of the conditional use approval, the holder shall submit an application for a certificate of compliance from the Building Inspector, who shall inspect the conditional use within 14 days to ensure compliance with the conditions of the approval. If all of the conditions of the approval have been met, the certificate of compliance shall be issued by the Building Inspector and the Building Inspector shall then extend the term of the conditional use approval for five years. After the first renewal, subsequent renewals shall be required every five years under the same procedure as the initial renewal. Applications for renewal shall be made prior to expiration and no renewal shall be made after the time of expiration has passed.
  - (2) In the event the Building Inspector denies the certificate of compliance, the applicant may submit an application for renewal of the Conditional Use to the Planning Board pursuant to the procedures and standards of this Article governing a new conditional use approval within 60 days of the notice of denial. The original conditional use approval shall expire at the time that the Planning Board renders its decision on the application for conditional use renewal. In the event the Planning Board approves the application for conditional use renewal, the renewed conditional use approval will be considered as a new conditional use and will be subject to an initial two-year term as required by §195-69.B.(1). In the event the application for conditional use renewal is denied, the original conditional use approval shall expire.

- (3) If any Conditional Use approval expires, the holder may reapply for a new Conditional Use approval to the Planning Board, pursuant to the procedures and standards of this Article.

**§ 215-78 Appeal.**

Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court of the State of New York for review by a proceeding under Article 78 of the Civil Practice Law and Rules within 30 days after the filing of a decision in the office of the Town Clerk.

**§ 215-80 Schools of General Instruction, Schools of Special Instruction, Dormitories.**

- A. Schools of General or Special Instruction. The bulk standards use group for schools of general or special instruction as indicated in Column C-1 of the Table of General Use Requirements, shall apply, except for minimum lot area, which shall be calculated as in §215-80.A.(1) below.

(1) Minimum Lot Area for Schools of General or Special Instruction.

- a. Minimum Lot Area Based on Maximum Enrollment. Based upon maximum enrollment capacity, the required minimum lot area shall be 120,000 square feet for schools with 100 students or less, with an additional required minimum lot area of 50,000 square feet added for each additional increment of 50 students, or part thereof. For this purpose, the term "maximum enrollment capacity" shall be defined as the number of students that a Conditional Use applicant discloses as the maximum that can be accommodated within all proposed school structures, and that will serve as the maximum number that may be enrolled at any time for the term of that special permit including any renewals thereof."

*For example, under this code, a school with a maximum enrollment capacity of 656 students would be rounded up to 700 students, and require 120,000 sf for the first hundred students and 600,000 sf ( $600/50 \times 50,000$  sf) for the next 600 students for a total minimum lot area of 720,000 square feet or 16.5 acres. (This is similar to Stony Point Elementary School which has 656 students on 13.9 acres, while Farley Elementary School has 556 on 31.2 acres.)*

*Under this code, a school with a maximum enrollment capacity of 2,552 students would be rounded up to 2,600 students and require 120,000 sf for the first hundred students and 2,500,000 sf ( $2,500/50 \times 50,000$  sf) for the next 2,500 students for a total minimum lot area of 2,620,000 sf or 60.1 acres. (This is similar to North Rockland High School which has 2,552 students on 63.5 acres.)*

- b. Furthermore, an additional minimum lot area requirement shall be required to be added to the amount required in section a above, if a dormitory is added to the site as an accessory use to the principal school use. An additional 1,800 square feet of required minimum lot area shall be required for each dormitory bed on the school site.

*For example, a 656 student school with a dormitory containing 200 dormitory beds would require 720,000 sf as in the example above for the school plus an additional 360,000 sf ( $200 \times 1,800$  sf) for the dormitory for a total minimum lot area of 1,080,000 square feet or 24.8 acres).*

(2) Design Requirements for Schools of General or Special Instruction:

- a. Architectural Review. All applications for Schools of General or Special Instruction shall be referred to the Architectural Review Board in accordance with Article XVI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.

- b. Usable Open Space. The School of General or Special Instruction shall include at least one outdoor area of distinctive design with a minimum area of 10% of the minimum lot size as calculated in section (1) above, which purpose is for recreation use by students, to create an area for gathering and/or recreation for use by the students, staff, and faculty of such institution. The Usable Open Space shall be linked to an on-site pedestrian walkway network. Usable Open Space shall not be located within a required yard.
- c. Utilities. All utilities shall be installed underground or within buildings.
- d. Landscaping. Applicant shall prepare and receive approval for a landscaping plan addressing the following subjects:
  - i. All portions of the project site not used for impervious surfaces shall be attractively landscaped or left in a natural condition.
  - ii. Landscape Buffer Area. Except where the Planning Board finds that existing vegetation to remain along the property boundary provides adequate visual screening, a minimum 20-foot-wide landscaped buffer area shall be provided along all property lines, excluding the front line, and access points. The required landscaped buffer area shall be densely planted with a mixture of shrubs, trees not less than 6 feet high and/or berms, which will create an opaque screen on a continuing basis through all seasons. The required landscaped buffer area may be incorporated into the required yards or setbacks. The Planning Board also may require that a fence be added as necessary to effectuate the screening, but such a fence shall be in addition to and not relieve the need for the required landscaped buffer area plantings.
  - iii. All landscaped areas along property lines which are crossed by access drives shall be planted with low shrubs no greater than three feet high and trees with a branching habit which begins at least eight feet above ground level.
  - iv. Planting shall not interfere with the normal sight distance needed for safe entering and exiting maneuvers by motor vehicles.
- e. Parking and Internal Roadway Requirements:
  - i. All on-site drives and parking areas shall be constructed according to Article VIII of this Chapter.
  - ii. Where a parking structure is proposed, the Planning Board shall consider the effects of the proposed structure in terms of traffic and environmental concerns, such as noise, air quality and headlight glare, particularly the effects on any proximate residential properties, and shall require landscaping, fencing or other measures to mitigate any adverse effects. Parking structures shall only be incorporated into a site plan to achieve the objectives of this Chapter, including, but not limited to, preservation of open space and reduction of building coverage.
  - iii. Parking Lot Landscaping. In addition to Article VIII and Chapter A220 requirements, one shade tree designed to reach a mature height of at least 20 feet shall be planted for every 12 parking spaces.
- f. Other Traffic and Transportation Requirements
  - i. Regulation of faculty and staff arrival and departure times in both AM and PM hours shall be established for Schools of General or Special Instruction as necessary to mitigate vehicle trips in the AM and PM peak hour. The Planning Board may require the applicant to coordinate timing of such arrival and departure times with schools in the vicinity to the extent practicable in order to avoid conflicts.

- ii. For Schools of General or Special Instruction, the Applicant shall submit documentation necessary to evaluate the need for each of the following:
  - 1. Traffic control signals;
  - 2. Crosswalks;
  - 3. Speed humps; and
  - 4. Other changes in roads and traffic signals related to changes in traffic activity.
- iii. The entrance points for pedestrian/bicycle paths shall be signed indicating the need for bicyclists to share the path and properly yield to pedestrians that are present.
- iv. A traffic circulation and parking plan shall be provided prior to the issuance of a Conditional Use approval and shall be based upon the maximum student capacity and traffic characteristics of the School of General or Special Instruction. The Plan shall be updated and submitted as a prerequisite of any conditional use renewal. The plan shall provide the following information:
  - 1. Bus circulation and traffic patterns expected to be generated by the School of General or Special Instruction the design of which must ensure the safe pickup and drop-off of children and minimize impact on traffic flow;
  - 2. Demonstration that bus circulation and traffic patterns shall not cause cars or buses to queue on public or private roads at peak hours;
  - 3. Maximum student enrollment capacity and attendance policies;
  - 4. Numbers of fulltime and part time faculty and staff, with attendance policies and parking locations and requirements;
  - 5. If applicable, requirements for parental compliance with busing and driving policies;
  - 6. If applicable, community residence of students and whether busing is provided by home district, and for what grades;
  - 7. List of locations of bus drop-offs other than campus and how students reach campus;
  - 8. List of exceptions to bus ridership and number of students receiving exemption for each year;
  - 9. If applicable, number and size of buses transporting students by grade;
  - 10. Number of students riding buses by grade; and
  - 11. Number of student drivers authorized and any limitations thereto, with parking locations and requirements.
- v. All construction of internal roadway improvements shall be completed prior to the issuance of any temporary or permanent Certificate of Occupancy.
- vi. All on and off-site traffic improvements required by the Conditional Use criteria for this use shall be undertaken at Applicant's sole cost and expense.

- f. Water. Each Applicant shall demonstrate that there is sufficient water capacity for the project and shall supply a potable water delivery system capable of meeting both the domestic water and emergency firefighting needs of the facility.
- g. Signs. Signs shall be permitted for Schools of General or Special Instruction in accordance with Article IX, and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- h. Other Conditions and Safeguards. The Planning Board shall attach such other conditions and safeguards to the Special Permit as are necessary for the protection of the health, safety and welfare of the community, and to assure continual conformance with the intent of this Chapter.

(3) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Schools of General or Special Instruction herein up to 3%, for good cause shown.

#### B. Dormitories

(1) Bulk and Parking Requirements. Dormitories are permitted only as accessory uses to Schools of General or Special Instruction, and only shall be permitted as part of a Conditional Use approval for such a school, subject to the following supplemental requirements below:

- a. Bulk requirements in each zoning district for Dormitories shall be determined by the use group indicated for the principal School of General or Special Instruction use, as indicated in column C-1 of the Table of General Use Requirements, and as defined in the Table of Bulk Requirements, with the modifications below:
  - i. The required minimum lot area for a Dormitory shall be provided according to §215-80.A.(1).b above.
  - ii. The minimum distance between a Dormitory and any other building on the lot shall be 50 feet.
  - iii. The minimum distance between any Dormitory and any interior driveway shall be 25 feet.
  - iv. The maximum height of any Dormitory shall be the same as the requirement for a one-family detached residence in the district where the dormitory is located.
  - v. A Dormitory shall be permitted only in habitable floors of a structure as defined by the New York State Uniform Fire Prevention and Building Code.
  - vi. The Dormitory buildings, and any dining halls serving such, shall, in combination, contain not more than 35% of the gross floor area of all buildings on the entire school site.
  - vii. All dormitories shall be equipped with sprinkler and fire alarm systems in accordance with the New York State Uniform Fire Prevention and Building Code.
- b. Parking for Dormitories shall be provided in addition to the parking required for the School of General or Special Instruction in the Table of General Use Requirements Column F. One parking space shall be provided for every four Dormitory beds for elementary and secondary schools and for every two Dormitory beds for post-secondary schools. This parking requirement may be reduced by up to 25% pursuant to §215-34.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §215-34.A.

(2) Lighting and Landscaping

- a. All required outdoor lighting standards shall be the same for dormitories and the principal school use, as set forth in subsection A above.
- b. Required screening and landscaped buffer areas shall be the same for dormitories and the principal school use, as set forth in subsection A above.

(3) Occupancy standards. Dormitory units shall only be occupied in accordance with the limitations set forth in this Section. The School of General or Special Instruction shall provide annual reports to the Town Building Department demonstrating compliance.

- a. Occupancy of a Dormitory unit shall be limited to Full-Time Students and Full-Time Student Supervisors, as defined by this Chapter. Full-Time Student Supervisors shall not exceed 10% of the total of dormitory occupants. There shall be no more Dormitory beds accessory to any School of General or Special Instruction than are reasonably required to accommodate the school's maximum enrollment capacity of Full-Time Students and their Full-Time Student Supervisors, as required under law.
- b. If a person ceases to be eligible for occupancy, said person shall vacate the Dormitory within thirty (30) days.
- c. No Dormitory unit or structure housing a Dormitory unit shall be sold in fee-simple or as any other interest in real or personal property, or otherwise subdivided from the School of General or Special Instruction use, nor shall any Full-Time Student or Full-Time Supervisory Staff be permitted to independently rent, sublet, lease or otherwise grant permission to any other individual to reside in the Dormitory.
- d. No Dormitory unit may be located in the cellar of a building.

(4) Solid Waste Disposal. Central refuse collection areas shall be located for the convenience of all Dormitories. They shall be supplied with an adequate number and type of covered receptacles and shall be provided with proper screening and maintenance. Such areas shall not be located in the required front yard.

(5) Architectural Review. All applications for Dormitories accessory to Schools of General or Special Instruction shall be referred to the Architectural Review Board in accordance with Article XVI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.

(6) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Dormitories herein up to 3%, for good cause shown.

\* \* \* \* \*

**§ 215-83 Gasoline service stations and/or auto repair.**

**[Amended 12-8-1987 by L.L. No. 6-1987; 10-8-2013 by L.L. No. 2-2013]**

Gasoline service stations and/or auto repair are subject to the following standards:

- A. No stations shall be located closer than 200 feet to a school of general instruction, public recreation area, community or neighborhood place of worship or hospital, measured to the lot lines thereof.

\* \* \* \* \*

**§ 215-92.5 Community and Neighborhood Places of Worship**

- A. Community Places of Worship

- (1) A building containing a Community Place of Worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Town of Stony Point.
- (2) No parking or loading shall be permitted within the required front yard, although a drop-off or porte cochere shall be permitted. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height to eight feet from all adjacent residential properties and the public street.
- (3) Landscape Buffer Area. A minimum 20-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- (4) A Community Place of Worship may or may not include a single residential dwelling unit, but occupancy of the unit shall be limited to clergy and/or their families. Such a

single residential dwelling unit shall be considered accessory and shall not require any additional minimum lot area.

- (5) The application for the Community Place of Worship shall be referred to the Architectural Review Board in accordance with Article XVI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (6) For Community Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and functions shall be subordinate in aggregate to the size and function of the Community Place of Worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A School of General Instruction established at the site of a Community Place of Worship shall not be considered as accessory to the Community Place of Worship, but rather as an additional principal use.
- (7) Attendance at any services, wedding receptions or other social or religious functions held at the Community Place of Worship shall be limited to the capacity of the Community Place of Worship as determined by the applicable building codes of New York State, as well as the available on-site parking, unless a Parking Management Plan (PMP) is provided. Such events demanding parking in excess of the on-site parking provided shall require a PMP to be submitted for approval by the Planning Board as part of the Special Permit application establishing a Community Place of Worship, pursuant to the requirements set forth below. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for Holy Days or other large, planned events for the particular place of worship making the application. Such PMP shall be provided to the Stony Point Police Department, the applicable Fire Department and the office of the Stony Point Town Clerk. If a PMP is required, as part of the special permit process the applicant shall address the following:
  - a. Designated off-site parking areas. The Applicant shall submit a fully executed written agreement between the Applicant and one or more providers of a location for off-site parking;
  - b. The applicant shall indicate implementation of group travel to and from the off-site parking locations by the use of shuttle vehicles;
  - c. The applicant shall use traffic control measures such as the hiring of an off-duty police officer and/or volunteers to facilitate pedestrian flow, as well as on-site and off-site traffic;
  - d. The applicant shall provide a notification processes to notify patrons of the Community Place of Worship and others regarding the locations of off-site parking areas to be used;
  - e. The applicant shall indicate a method of pre-event registration to obtain a ticket before the holiday or event to use the on or off-site parking facilities; and
  - f. In the event that off-site parking areas are not available to accommodate the full capacity of the Community Place of Worship, methods to limit the number of event attendees to the number of attendees that can be accommodated in the on-site parking area or at any available off-site locations by utilization of a pre-event registration system and distribution of tickets to registered persons that will be submitted upon arrival at the site on the day of the event.
  - g. Existing Community Places of Worship in existence prior to the adoption of this local law shall submit a PMP for large events to the Planning Board within one year of adoption.
- (8) Signs. Signs shall be permitted for Community Places of Worship in accordance with Article IX, and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- (9) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the community place of worship from adjacent residential properties, outdoor lighting, and other conditions of use of the Community Place of Worship as, in the judgment of the Planning Board, are necessary for the Community Place of Worship to be able to operate in a manner

that is consistent with public safety and neighborhood character.

- (10) Commercial kitchen and catering facilities are permitted, in compliance with all plumbing, electrical, fire, health and safety codes.
- (11) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- (12) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Community Places of Worship herein up to 3%, for good cause shown.

#### B. Neighborhood Places of Worship

- (1) A building containing a Neighborhood Place of Worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Town of Stony Point.
- (2) A Neighborhood Place of Worship may include a single residential dwelling unit, but occupancy of the unit shall be limited to clergy and their families. Such a single residential dwelling unit shall be considered an accessory use and shall not require any additional minimum lot area.
- (3) For Neighborhood Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory uses such as classrooms, social halls, administrative offices, baths, gymnasiums and/or indoor recreation facilities may be provided, so long as such accessory uses in their aggregate shall occupy a maximum of 35% of floor area. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A School of General Instruction established at the site of a Neighborhood Place of Worship shall not be considered as accessory to the Neighborhood Place of Worship, but rather as an additional principal use.
- (4) Parking Lot Landscaping. In addition to Article VIII and Chapter A220 requirements, one shade tree designed to reach a mature height of at least 20 feet shall be planted for every 12 parking spaces.
- (5) The application for a Neighborhood Place of Worship shall be referred to the Architectural Review Board in accordance with Article XVI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (6) A minimum 20-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- (7) Attendance at any services, wedding receptions or other social or religious functions for congregants held at the Neighborhood Place of Worship shall be limited to available on-site parking. Irrespective of the neighborhood place of worship meeting the parking requirements of the Table of General Use requirements, the attendance for
- (8) Signs. Signs shall be permitted for Neighborhood Places of Worship in accordance with Article IX and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- (9) Use of any outdoor areas of the property shall be limited only to parking and passive recreational uses requiring a minimum of facilities or equipment, which may include a small jungle gym or climber for children, benches and picnic tables.
- (10) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the Neighborhood Place of Worship from adjacent residential properties, outdoor lighting, and other conditions of use of the Neighborhood Place of Worship as, in the judgment of the Planning Board, are necessary for the Neighborhood Place of Worship to be able to operate in a manner that is consistent with public safety and neighborhood character.
- (11) No cooking facilities will be permitted, other than warming kitchen equipment for use by the clergy and/or congregants of the Neighborhood Place of Worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No

catering facilities are permitted.

- (12) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- (13) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Neighborhood Places of Worship herein up to 3%, for good cause shown.

### **§ 215-92.6 Residential Gathering Places**

- A. A residential gathering place shall only be permitted as an accessory to a one-family detached residence complying with the bulk standards of the use group designated by the Town of Stony Point Table of General Use Requirements for one-family residences including consideration of water and sewer connection where relevant. The residence containing a residential gathering place shall further comply with the requirements of all applicable fire and building codes of New York State.
- B. Only habitable spaces in compliance with all applicable building codes may be utilized for a Residential Gathering Place.
- C. The maximum occupancy of the portion of a residence used as a residential gathering place shall be the lesser of the number of occupants permitted by the Building Code of the State of New York based on occupant load, or the number of occupants determined by dividing the number of square feet of the portion of the residence so designated as a residential gathering place by forty (40) square feet per person.
- D. No assemblies of non-resident persons may occur within a residential gathering place when the owner and/or permanent tenant is not present.
- E. The portion of a residence used as a residential gathering place shall have a maximum floor area of 2,000 square feet, or a maximum of 50% of the gross floor area of the residence, whichever is less; and
- F. Notwithstanding any other provision of this chapter, only those accessory uses permitted as-of right to a one family detached residence shall be allowed at a residence with a residential gathering place. All other accessory uses shall be prohibited including but not limited to administrative offices, bath and shower facilities, gymnasiums, indoor recreation facilities, schools and classrooms. Where such accessory uses are proposed, the use shall no longer be considered for issuance of a Conditional Use approval for a Residential Gathering Place under this Chapter.
- G. A residential gathering place shall be considered a non-residential accessory use of a residential principal use and conform to the requirements of §215-92.7.
- H. The Planning Board shall require adequate screening in the required rear and side yards, to protect the character and compatibility of adjacent uses. Screening can consist of a wall, fence and/or plantings as approved by the Planning Board.
- I. The application for a Residential Gathering Place shall be referred to the Architectural Review Board in accordance with Article XVI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- J. No regularly scheduled assembly may be held between the hours of 11:00 PM and 6:00 AM. For the purpose of this provision, regularly scheduled shall mean occurring in greater frequency than three times per calendar year.
- K. No space within the Residential Gathering Place may be rented out to or utilized for meetings or functions not directly convened or hosted by the residents of principal one-family detached residence.
- L. One sign is permitted which shall meet the standards for a home occupation sign as set forth in §215-48.E. In addition, the sign shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- M. Use of any outdoor areas of the property by non-residents shall be limited only to parking and passive recreational uses requiring a minimum of facilities or equipment, which may include a small jungle gym or climber for children, benches and picnic tables.
- N. The Planning Board may impose such additional restrictions and conditions on the

location of parking spaces, landscaping and/or fencing to screen the Residential Gathering Place from adjacent residential properties, outdoor lighting, and other conditions of use of the Residential Gathering Place as, in the judgment of the Board, are necessary for the Residential Gathering Place to be able to operate in a manner that is consistent with public safety and neighborhood character.

- O. No kitchen or cooking facilities will be permitted, in scale or type other than those customarily incidental to a one-family detached residence.
- P. A narrative summary shall be submitted to the Planning Board, providing the maximum anticipated number of persons to be assembled, square footage of the assembly spaces, days and hours of assembly, and number of parking spaces provided.
- Q. Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Residential Gathering Places herein up to 3% , for good cause shown.

**§ 215-92.7 Conditions Applicable to All Non-Residential Special Permit and Conditional Uses Located in Residential Zoning Districts.**

- A. The following provisions shall apply to any non-residential use authorized by Special Permit or Conditional Use Permit in a residential zoning district and shall be in addition to any conditions specifically imposed on the use, or generally imposed by other provisions of this chapter. Where the following conditions conflict with any other standard of this code, the more restrictive provision shall govern.
  - (1) On-site parking shall be provided according to the standards indicated in the Table of General Use Requirements, Column F. This parking requirement may be reduced by up to 25% pursuant to §215-34.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §215-34.A. Parking demand beyond that provided on-site has significant potential to impact residential neighborhoods by resulting in on-street parking that may impact the capacity of residential streets to support safe pedestrian and cyclist use. Where the applicant anticipates that the actual parking demand will exceed that required by code regularly or occasionally based on special events or functions, the applicant shall provide adequate on-site parking in excess of the code required number or submit such other plans and interventions that are unobtrusive to the character of the residential neighborhood and avoid significant use of residential streets for parking accessory to the proposed use. Observance of regular on-street parking in the vicinity of an approved use shall be deemed presumptive evidence of non-compliance with the conditions of the conditional use permit requiring review by the Planning Board at the time of permit renewal pursuant to 215-77(B)(2).
  - (2) Parking Lot Landscaping. In addition to Article VIII and Chapter A220 requirements, one shade tree designed to reach a mature height of at least 20 feet shall be planted for every 12 parking spaces.
  - (3) No parking or loading shall be permitted within the required front yard, although a drop-off or porte cochere shall be permitted. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height of eight feet from any adjacent residential properties and the public street.
  - (4) Lighting. Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to be compatible with surrounding land uses. The Applicant shall provide a lighting plan showing that exterior lighting will not be directly visible beyond the boundaries of the property line to the maximum extent practicable. Any lighting shall be directed away from adjoining streets and properties and shall be arranged as to reflect the light away from any adjoining properties and abutting streets, highways, and roads.

**Section 3: Severance.** The invalidity of any word, section clause paragraph, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part of parts.

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

**Approve New Hires-Golf Course Operations**

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to hire the following people for Golf Course Operations:

**Cart Attendant/Range**

Lyndsey Deretchin	\$12.50/hr
Kristian O'Grady	\$12.50/hr

**EXECUTIVE SESSION**

At 7:15pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile, and unanimously carried by a voice vote of those board members present to adjourn into executive session to discuss personnel matters.

**RECONVENE**

At 7:47pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile, and unanimously carried by a voice vote of those board members present to reconvene the April 27, 2021 Town Board Meeting.

**ADJOURN**

At 7:48pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile, and unanimously carried by a voice vote of those board members present to close the April 27, 2021 Town Board Meeting in memory of Jim Gilmartin.

Respectfully submitted.  
Megan Carey, Town Clerk