

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Catskill

Local Law No. 1 of the year 2024

A local law amending the Code of the Town of Catskill
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Catskill

as follows:

Section 1. Purpose

The purpose of this local law shall be to adopt amendments to the Code of the Town of Catskill, specifically Chapter 160 Zoning, Chapter 140 Subdivision of Land, Chapter 138 Streets and Sidewalks, Chapter 115 Junk.

Section 2. Authority

This local law is enacted pursuant to the Town Board's authority in Article 16 Section 264 of Town Law and Section 10 of Municipal Home Rule Law.

Section 3. Amendment to the following Chapters: Chapter 140 LL 3-2023, Chapter 160 LL 3-2023, Chapter 138 LL 4-2023, Chapter 115 LL 4-2023. The aforementioned local laws are amended in their entirety and reenacted subject to the modifications and amendments as provided herein.

Section 4. Inconsistent local laws and resolutions.

This local law contains references to only the new, amended or repealed sections of the state chapters of Town Code. The new and amended sections shall supersede all prior inconsistent sections and provisions of these chapters.

Section 5. Severability.

Should an paragraph, section or portion of these Articles be declared by a court of competent jurisdiction to be invalid or unlawful, the same shall not affect the remainder of these Articles as a whole or any part thereof than the part so declared to be invalid.

Section 6. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)~~(Town)(Village) of Catskill was duly passed by the Catskill Town Board on April 2 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

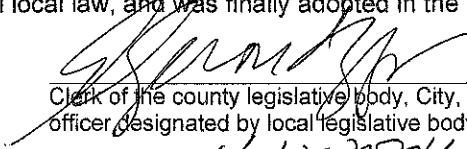
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____ above.



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
Date: 4/10/2024

(Seal)

Chapter 115
Junk

General References

Solid Waste – See Ch. 135.

Zoning – See Ch. 160.

ARTICLE I
Junk Dealers
[Adopted 5-18-1982]

§ 115-1. Legislative intent.

By the adoption of this article the Town Board of the Town of Catskill declares its intent in so doing to be to regulate, control and license the activities or businesses known as “auto graveyards,” “junkyards,” “secondhand parts collection areas,” “the processing of used metals for resale and the dumping, storage and disposal of waste,” “secondhand or used materials” of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute a hazard to property and persons and a public nuisance. Such materials may be highly inflammable and sometimes explosive. Gasoline tanks and old autos often contain in some quantity of combustible gasoline; the engine and other parts of such autos are frequently covered with grease and oil which is also inflammable. The tire, plastic seats, tops and other elements of such autos are also inflammable. Batteries and other elements of such autos can contain sharp metal or glass edges or points upon which a human could receive serious cuts and abrasions. These autos can constitute attractive nuisances to children and certain adults. The presence of such junkyards even in areas zoned for business or industry is unsightly and tends to detract from the value of surrounding land and property unless such areas are properly maintained and operated.

§ 115-2. Definitions.

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

AUTO – A passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment.

PERSON – Any individual, an association, a partnership or a corporation.

§ 115-3. License required.

- A. No person shall engage in or conduct on real property within the Town of Catskill either for himself or for and on behalf of any other person, directly or indirectly as agent, employee or otherwise, any activity or business, either for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for

sale, storage or disposal or otherwise of bodies, engines or parts of autos, or of any other secondhand or used property of whatever material it is composed or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement, or otherwise without first obtaining a license therefor as hereinafter provided.

- B. Any place where there is located two or more unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways and held, whether for the purpose of resale or used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, for the purpose of disposing of the same or for any other purpose, or the storage or deposit for any such purposes of used parts or waste materials from motor vehicles, which, taken together, equal in bulk two motor vehicles shall constitute real property for the conduct of secondhand junk and auto parts. "Motor vehicles" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on the public highway.

§ 115-4. Application for license.

- A. Each applicant for a license hereunder shall execute under oath an application therefor to be supplied to him by the Town Clerk, which shall contain the following information: that the applicant is over 18 years of age, that he is a citizen of the United States, whether he has ever been convicted of a felony or misdemeanor and such other facts or evidence as is deemed necessary to establish that he is a person fit and capable of properly conducting the activity or business for which the license is sought; a description of the exact type of business he intends to conduct; the nature of the materials he intends to handle; the number of employees he intends to engage; and the name and address of the owner or owners of the land and the nature of the right of occupancy of the application to the use of such land.
- B. The applicant shall submit and file, with the application and plan, a schedule of expected compliance with the requirements set forth in § 115-11 stating when the office will be established, when the fence is to be completed and when sanitary facilities will be available.
- C. At the time of making the application, the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct the activity or business for which he is making application for a license hereunder with the area of such real property which it is proposed to use for such purposes, the location of the fence required hereunder indicated thereon as well as the location of any buildings on such land and the location of any streets or highways abutting or passing through such land and the location of any water, sewer or gas mains or laterals available thereto as well as the general drainage pattern of such land.
- D. In the application the applicant shall agree that if granted the license applied for he will conduct the activity or business pursuant to the regulations set forth in § 115-11 of this article and that upon his failure to do so such license may be revoked.

§ 115-5. Hearing; notice.

A hearing on the application shall be held by the Town of Catskill not less than two weeks nor more than six weeks from the date of the receipt of a complete application by the Town Clerk. Notice of the hearing shall be given to the applicant by mail, to the address given in the application, and shall be published once in the official newspaper of the Town of Catskill, not less than seven days before the date of the hearing.

§ 115-6. License requirements.

At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the secondhand junk and auto parts activities and business. In considering such application, it shall take into account the suitability of the applicant with reference to his or her ability to comply with the fencing requirements or other reasonable regulations concerning the proposed activity or business, to any record of convictions for any type of larceny or possession of stolen property and to any other matter within the purposes of this section.

§ 115-7. Location requirements.

At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application, taking into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke or other causes.

§ 115-8. Aesthetic considerations.

At the hearing regarding location of the junkyard, the Town Board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection, the Town Board may consider collectively the type of road servicing the activity or business or from which the activity or business may be seen, the natural or artificial barriers protecting the activity of business from view and the proximity of the activity of the business to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the activity or business.

§ 115-9. Grant or denial of application; appeal.

After the hearing the Town Board shall, within four weeks, make a finding as to whether or not the application should be granted, giving notice of its finding to the applicant by mail. If approved, the license shall be issued to remain in effect until the following December 31. The determination of the Town Board may be reviewed by the applicant under Article 78 of the Civil Practice Law and Rules.

§ 115-10. Issuance of license; fee; renewal.

- A. A temporary license shall be issued upon the original application, if granted by the Town Board, and shall be effective from the date of its issuance until four months after the date of issuance. If, after four months' time, there has not been substantial compliance with the provisions of §115-11, no permanent license will be granted. If compliance has been effected by the licensee, the permanent license will be granted. Upon termination of the temporary license all materials on the premises associated with the activity or business shall be removed by the applicant. Removal shall be accomplished within four months of written notification from the Town of the termination of the temporary license.
- B. The fee for the license is hereby fixed in the sum of \$150, which sum covers not only the cost of issuing the licenses themselves, but also the cost of making the necessary inspections of the premises to ascertain compliance with the regulations hereinafter prescribed. **[Amended 5-4-1999 by L.L. No. 1-1999]**
- C. Such license shall be effective from the date of its issuance until the 31st day of December of the year of such issuance after which a new application for license must be made yearly if the licensee desires to continue such activity or business. Licenses shall be renewed by an application for renewal upon payment of the annual license fee without hearing, provided that all provisions of this article are complied with during the license period, the activity or business does not become a public nuisance and the applicant is not convicted of any type of larceny or the possession of stolen property.
- D. Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred or disposed of.
- E. Such license may be revoked by the Town Board with a public hearing thereon at which the licensee shall have an opportunity to be heard. Upon revocation of a license, the Town Board may require the removal of autos, parts and materials left as above provided in the case of an application for a temporary license which fails to qualify for a license.
- F. In the event that an applicant for a license as provided herein shall have been duly issued a valid and effective junk dealer's license by the Supervisor of this town, pursuant to the provisions of Article 6 of the New York State General Business Law,

then such applicant shall be entitled to and allowed a credit against the above provided license fee in the amount of \$150, such junk dealer's license fee actually paid by such applicant; otherwise, this article shall be fully binding upon and applicable to the holder of any such junk dealer's license. [Amended 5-4-1999 by L.L. No. 1-1999].

§ 115-11. Regulations.

- A. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
- B. The licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
- C. Before use, the area of the activity or business shall be completely surrounded with a fence at least eight feet in height which substantially screens and is adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the licensee, and with a suitable gate which shall be closed and locked at any time the area is not supervised by the licensee or his employees. Such fence shall be erected not nearer than 50 feet from a public highway or, if such area abuts a residential area, not nearer than 100 feet from the boundary line thereof. Where the topography, natural growth of timber or other considerations accomplish the purposes of this section in whole or in part, the fencing requirements may be reduced by the Town Board, provided that the natural barrier conforms with the purposes of this section.
- D. Inside and adjacent to and contiguous with such fence, a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth or other combustible material so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
- E. The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than by burning, except when it is done at a distance of 300 feet or more from any street or highway or adjacent property, and even in that event no burning of tires, tubes or other rubber substances shall be allowed or permitted. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
- F. There shall be maintained at each such place of activity or business for which a license is issued at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.

- G. No such activity or business shall be licensed to operate if any part thereof shall be within 500 feet of a church, school, hospital, public building or place of public assembly.
- H. Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use and convenience of the employees of the licensee as well as the general public visiting the area.
- I. The area of the licensee's activity or business shall not be used as a dump area nor as a place for the burning and disposal of junk or trash.
- J. The Town Police, the Town Clerk or the Town Board or any of its representatives shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith.

§ 115-12. Existing businesses.

- A. A person presently engaged in or conducting an activity or business such as described herein on real property within the Town of Catskill must, within 30 days after the effective date of this article, make an application to the Town Clerk of the Town of Catskill for a license and at the same time must file a map or plan of the real property upon which he is conducting such activity or business.
- B. In the application such applicant shall agree that, if granted the license applied for, he will conduct the activity or business pursuant to the regulations set forth in this section and that upon his failure to do so such license may be revoked.
- C. The special provisions provided in this section applicable to a person presently engaged in or conducting an activity or business as described hereinabove are personal and they may not be enjoyed by any person to whom the licensee may transfer such business or activity nor the land upon which it is situated by gift, sale, devise or otherwise, nor may such licensee make any substantial changes in the area or scope of such activity or business without complying with all the provisions of §§ 115-4 and 115-7 of this article.
- D. The fee for the license in the case of a person presently engaged in or conducting an activity or business such as is described herein shall be \$150 annually and all other provisions in relation to such license as are contained in § 115-5 hereof shall be applicable to such licensee. **[Amended 5-4-1999 by L.L. No. 1-1999]**
- E. If the person conducting such activity or business is not the sole owner thereof, he shall state such fact at the time of making application to the Town Clerk as above provided, and the Town Clerk at the time of issuing a license to such person shall send the owners or each of them a notice of the issuance of such license to such person together with a copy of this article.

- F. Persons issued a license pursuant to this section shall operate their activity or business pursuant to the following regulations:
- (1) The autos, parts and materials dealt in by the licensee shall be disassembled, or dismantled by means other than by burning, except when it is done at a distance of 300 feet or more from any street or highway or adjacent property, and even in that event no burning of tires, tubes or other rubber substances shall be allowed or permitted. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
 - (2) Inside and adjacent to and contiguous with the boundary lines of adjoining properties owned by others, a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth, or other combustible materials, so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
 - (3) All materials handled or dealt in by the licensee shall be kept at a distance of not less than 25 feet from the edge of any public street or highway on which it abuts.
 - (4) The area of the licensee's activity or business shall not be used as a dump area or a place of the burning and disposal of junk or trash.

§ 115-13. Penalties for offenses.

- A. The owner or licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this article shall be deemed to have committed an offense against this article, and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- B. For every violation of any provisions of this article, the person violating the same shall be subject to a fine of not more than \$250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment [**Amended 5-4-1999 by L.L. No. 1-1999**]
- C. Conviction for any above-mentioned violation shall constitute and effect an immediate forfeiture of this license.
- D. Any person violating this article shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$250 for each offense. Such penalty shall be collectable by and in the name of the town for each day that such violation shall continue.
- E. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of

competent jurisdiction to compel compliance with or to restrain by injunction the violations of this article.

- F. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then the following mailing of the notice described herein, the unpaid fines shall be doubled and shall be assessed by the Town as a lien against the fine debtor's real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by certified mail, return receipt requested, and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. **[Added 6-2-2015 by L.L. No. 4-2015]**

§ 115-14. Nonconforming uses.

A nonconforming use is a use of premises within the Town of Catskill under an existing and effective license issued pursuant to any prior Town of Catskill ordinance licensing and regulating dealers in secondhand junk and auto parts activities and businesses which, as of the effective date of this article and continuously for 60 days prior thereto, is and was that of a junkyard inconsistent with the provisions of this article. Such nonconforming use may be maintained, restored, reconstructed or altered, notwithstanding the provisions of this article, so long as the nonconforming use is not extended in its degree of nonconformity. Whenever the nonconforming use has been discontinued for a period of six months, such use shall not thereafter be reestablished.

ARTICLE II
Storage
[Adopted 7-5-26 by L.L. No. 4-2006²¹]

§ 115-15. Title; purpose.

- A. This article shall be known as “A Local Law Regulating Junk Material Storage in the Town of Catskill, New York.”
- B. The Catskill Town Board hereby finds that the deposit, accumulation, maintenance, storage or presence of junk material, as defined in § 115-18 herein, on private property creates a public and private nuisance and is harmful to the public health, safety and welfare. Such junk material presents a source of serious injury, particularly to children, seriously harms the aesthetic qualities of the Town and tends to depreciate the value of properties in the neighborhood and in the Town. By adoption of this article, the Town Board declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community in general.

§ 115-16. Authority.

By the authority of the resolution of the Town Board of the Town of Catskill, adopted on July 5, 2006, pursuant to the police power vested in and granted to the Town of Catskill under Section 10 of the New York State Municipal Home Rule Law, Article 9 of the Town Law of the State of New York, and Article IX of the New York State Constitution, the Town Board of the Town of Catskill is authorized and empowered to regulate the storage of junk material, as defined in § 115-18 herein, to protect the general health, safety and well-being of persons and property in the Town.

§ 115-17. Applicability; conflicting provisions.

The provisions of this article shall apply in addition to the provisions of any other local law or ordinance adopted by the Town. Where there is a conflict, the more restrictive provision shall apply.

§ 115-18. Definitions.

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

DMV – The New York State Department of Motor Vehicles.

ENFORCEMENT OFFICER – The person(s) appointed by the Town Board to enforce the provisions of this article.

²¹ **Editor’s Note:** This local law also repealed former Art. II, Storage. See § 115-28.

GARBAGE – All animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including the container in which packaged.

JUNK APPLIANCE – Any abandoned, wrecked, discarded, dismantled or partly dismantled household appliance, including but not limited to stoves, washing machines, dryers, dishwashers, freezers, refrigerators, air conditioners, water heaters, computers or televisions, that is stored or placed outside of any residence or structure.

JUNK FURNITURE – Any abandoned, wrecked, discarded, dismantled or partly dismantled furniture, including but not limited to sofas, mattresses, bed frames, desks, tables, lawn furniture, chairs and chests of drawers, that is stored or placed outside of any residence or structure.

JUNK MATERIAL – Any abandoned, wrecked, discarded, dismantled or partly dismantled material, including but not limited to a junk appliance, junk furniture, a junk vehicle, or garbage, rubbish, clutter and debris.

JUNK VEHICLE

- A. Any vehicle, or used parts or waste materials from vehicles, that is:
- (1) Uninspected or unregistered; or
 - (2) Abandoned, wrecked, discarded, dismantled or partly dismantled; or
 - (3) Not in condition for legal use upon the public highways.
- B. The fact that a vehicle does not display a current vehicle registration, inspection sticker or license plate shall be rebuttably presumptive evidence that such vehicle is not in any condition for legal use upon the highways and is a junk vehicle, unless rebutted by verifiable and credible proof.
- C. The fact that such vehicle has remained unused for more than six months and not in condition to be removed under its own power shall be rebuttably presumptive evidence that such vehicle is a junk vehicle, unless rebutted by verifiable and credible proof.

RUBBISH, CLUTTER, LITTER AND DEBRIS – Household or commercial trash, including, but not limited to, paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials, no longer intended or in condition for customary use, and any and all tangible personal property no longer intended or in condition for customary use.

UNINSPECTED VEHICLE – A vehicle that has not been currently inspected for the State of New York or does not bear an appropriate or valid inspection sticker by regulating agencies of any state or other governmental entity.

UNREGISTERED VEHICLE – A vehicle that has not been currently registered for the State of New York or does not bear an appropriate or valid registration sticker by regulating agencies of any state or other governmental entity.

VEHICLE – A device or conveyance used for the purpose of carrying or transporting passengers or goods or equipment or any combination of the above purposes, including but not limited to automobiles, buses, trailers, trucks, tractors, motor homes, mobile homes, campers, motorcycles, mini bikes, recreational vehicles, boats, all-terrain vehicles or snowmobiles.

§ 115-19. Prohibited acts.

- A. Subject to the exceptions contained in § 115-20 herein, no person shall within the Town of Catskill deposit, store, accumulate, place or abandon upon any real property, nor cause, consent, or commit to be deposited, stored, placed or abandoned upon any real property owned by such person, any junk material outside of an enclosed structure, building or container.
- B. It shall be unlawful for any person to use a bus, mobile home, truck, truck trailer, horse trailer, semi trailer, tank truck, or similar vehicles or units for storage of junk material. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than 90 days or when actively used in connection with active farming or agricultural operations.

§ 115-20. Exclusions.

Section 115-19 shall not apply to the storage or placement on the premises of the following material:

- A. Wood intended for consumption in a wood-burning stove, furnace or fireplace located in a building on the premises, in compliance with the New York State Fire Code.
- B. Operable farm, garden and yard machinery and apparatus used on the premises.
- C. Standing fences.
- D. Hoses and sprinklers used for watering lawns or gardens.
- E. The storage, placement or accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and accumulation is expressly permitted by the laws of the Town.

- F. Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued and remains current.

§ 115-21. Enforcement.

- A. This article shall be enforced by the Enforcement Officer. Said person(s) shall have the authority to enforce the provisions of this article and to inspect premises within the Town as necessary for said enforcement.
- B. The Enforcement Officer is hereby authorized, pursuant to Criminal Procedure Law § 150.20, Subdivision 3, to issue an appearance ticket to any person who the Enforcement Officer has reason to believe has violated this article, and shall cause such person to appear before the Municipal Justice.

§ 115-22. Complaints.

Any person may file a complaint with the Enforcement Officer that a violation of this article may have taken place. The Enforcement Officer shall properly record and investigate any such complaint. The Enforcement Officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring. Following an investigation of the property, the Enforcement Officer may prepare and serve a notice of violation as set forth in § 115-23 herein.

§ 115-23. Notice of violation.

- A. Upon an initial determination that a prohibited act under § 115-19 herein has occurred, the Enforcement Officer shall send a written notice of violation to the record owner of the property, notifying the owner and directing corrective action within five days after receipt of such notice. The notice of violation shall be sent by certified mail, return receipt requested. Possession by the Enforcement Officer of the United States postal receipt indicating delivery of the notice to the addressee, whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of said notice. The five-day compliance period shall commence on the date of delivery of the notice as indicated on the postal receipt. The notice may also be personally served on the addressee, in which event the five-day compliance period shall commence on the date of the personal service of the notice.
- B. If the notice of violation cannot be either personally served or delivered by certified mail to the record owner because the record owner cannot with due diligence be ascertained or is not locatable, then the notice may be served by publication. The notice shall be published in the official newspaper of the Town, in each of two successive weeks. If there is a building situated on the property, the notice shall also

be posted on the front door of the structure. The five-day compliance period shall commence on the date of the second publication of the notice.

- C. The notice of violation shall contain the following information:
- (1) The name of the record owner to whom the notice shall be addressed;
 - (2) The location of the premises involved in the violation;
 - (3) The statement of the facts which it is alleged violate the article;
 - (4) A demand that the junk material be removed or placed so as to come into compliance with this article within the five-day compliance period;
 - (5) A statement that a failure to comply with the demand may result in issuance of an appearance ticket, prosecution, or other action by the Town as authorized by § 115-24 of this article;
 - (6) A copy of the article.
- D. The notice of violation shall advise the record owner that if the junk material is not removed within the five-day compliance period, the Town may proceed with the administrative removal and disposition of said junk material pursuant to § 115-25 herein and shall cause the costs of such removal and disposition to be charged against the owner and/or the subject property.

§ 115-24. Penalties for offenses.

- A. An offense of this article shall be punishable as a violation and subject to the following; each week that the offense is continued shall constitute a separate additional violation:
- (1) A fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first violation;
 - (2) For conviction of a second violation, the second committed within a period of five years of the first, 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
 - (3) Upon conviction for a third or subsequent violation, 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.
- B. In addition or as an alternative to the above penalty, the Town may commence an administrative removal proceeding pursuant to § 115-25 herein.

- C. In addition or as an alternative to the above-provided procedures and penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.
- D. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then following mailing of the notice described herein, the unpaid fines shall be doubled and shall be assessed by the Town as a lien against the fine debtors' real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by certified mail, return receipt requested, and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. [Added 6-2-2015 by L.L. No. 4-2015]

§ 115-25. Public hearing; removal by town; costs; acquisition of title; sale or disposal.

- A. Upon the failure of an owner with notice to correct violation within the time period provided by such notice, the Town Board may hold a public hearing to determine whether the violation constitutes a public nuisance requiring abatement by the Town. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested, or served on the owner by personal service. The notice shall be published in the official newspaper of the Town. Publishing, posting and service of such notice shall not be less than 15 calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:
 - (1) Identify the premises as it appears on the current assessment roll;
 - (2) Contain a statement of the conditions on the property deemed upon inspection to constitute a public nuisance;
 - (3) Contain a demand that the condition or conditions constituting the public nuisance be immediately abated or removed before the date of the hearing specified in the notice;
 - (4) Contain a statement that a failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and abating or removing the public nuisance; and
 - (5) Contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner and, without limitation on the Town's

potential remedies to recoup its expenses, such cost shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

- B. Where the Town Board finds, based on substantial evidence in the public hearing record, that a violation or violations amount to a public nuisance requiring abatement by the Town, the Town Board may cause the abatement or removal of the public nuisance. The abatement or removal may be performed by the Town or by its designee or agent, including a private contractor lawfully engaged and authorized by the Town. The Town Board shall ascertain the cost of the removal and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.
- C. The removal of any nuisance by the Town shall not operate to excuse such owner from properly maintaining the premises as required by this article. Such owner shall, in addition to the remedies provided herein, be subject to any other penalties provided by this article.
- D. Acquisition of title to junk vehicles by Town after a public hearing. In addition to and subsequent to Subsections A through C of § 115-25, the following applies to junk vehicles:
 - (1) If a junk vehicle has no current registration, inspection sticker or license plate and is of a wholesale value, taking into consideration the condition of the vehicle, of \$1,250 or less, ownership shall immediately vest in the Town; provided, however, that a Town shall not be required to obtain title to a junk vehicle that is subject to the provisions of this subsection if the vehicle will be sold or otherwise disposed of as rubbish, clutter, litter, or debris, dismantled for use other than as a motor vehicle, or otherwise destroyed.
 - (2) Except for junk vehicles governed by Subsection D(1), the Town shall make an inquiry concerning the last owner of such vehicle as follows:
 - (a) Junk vehicle with license plates affixed: to the jurisdiction that issued such license plates;
 - (b) Junk vehicle with no license plates affixed: the DMV.
 - (3) Except for junk vehicles governed by Subsection D(1), the Town shall notify the last owner, if known that the junk vehicle in question has been recovered and that, if unclaimed, it will be sold at public auction after 10 days from the date such notice is given. If the agency described in Subsection D(2) also notifies the Town that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such junk vehicle shall be

required to pay the costs of removal and storage of such vehicle and any other applicable charges or penalties provided by this article.

- (4) Except for junk vehicles governed by Subsection D(1), ownership, if unclaimed, shall vest in the Town 10 days from the date such notice is given or, if the last owner cannot be ascertained, when notice of such fact is received.
- (5) Acquisition of title.
- (6) The Town shall determine if a recovered, unclaimed junk vehicle is suitable for operation on the public highways. If so, the junk vehicle may be sold at public auction to the highest bidder or converted pursuant to Subsection D(9) below.
- (7) If the Town determines that junk vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to § 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business.
- (8) Notwithstanding the provisions of this Subsection D, a vehicle without a vehicle identification number plate shall be sold only to a vehicle dismantler or a scrap processor registered or certified pursuant to § 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business.
- (9) The Town may convert to its own use those junk vehicles not affected by Subsection D(1) of this section or may, by sale or gift, transfer title to any of such vehicles to any other municipal corporation for use by its law enforcement agency; provided, however that the total number of vehicles converted and/or transferred in any calendar year may not exceed 1% of the Town's unclaimed junk vehicles not affected by Subsection D(1) of this section or two such vehicles, whichever is greater.
- (10) Any proceeds from the sale of a vehicle less any expenses incurred by the Town and other applicable charges and penalties as provided by this article shall be held by the Town, without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Town.

§ 115-26. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this article now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but

shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 115-27. When effective.

This article shall take effect 20 days after it is filed as provided in § 27 of the Municipal Home Rule Law.

§ 115-28. Repeal of prior junk storage law.

The following local law is hereby repealed and replaced with this law: Town of Catskill Code, Chapter 115, Junk, Article II, Storage, adopted 5-4-2004 by L.L. No. 1-2004.

Chapter 138

STREETS AND SIDEWALKS

GENERAL REFERENCES

Building construction – See Ch. 87.

ARTICLE I

Driveway Construction

[Adopted 5-2-1972]

§ 138-1. Standards for construction. [Amended 12-16-2009 by L.L. No. 4-2009]

Before an impervious (hard surface) or gravel driveway to provide vehicular entrance into or exit from private property to a public highway or private street is constructed or improved, the owner shall conform to the following standards:

- A. Beginning at the surfaced edge of the finished roadway, the driveway (hard-surfaced or gravel) shall drain away from the roadway toward the property at a minimum pitch of 3/4 inch per foot along the center line of the driveway to a point where the driveway center line intersects the plane of the center line of the water drainage ditch.
- B. Where a driveway passes over a drainage ditch, the owner shall furnish and install a culvert of proper size and material to the satisfaction of the Town Highway Superintendent and/or Town Engineer in order that the unrestricted flow of water in drainage ditches shall be assured.
- C. Where a gentle drainage exists on the outside of the shoulder from the roadway and does not violate the requirements of this article as to the grade and water drainage, the Town Highway Superintendent (on Town highways), or Planning Board (on private streets), may permit the developer or lot owner to install the finished driveway without a culvert, provided that the driveway finished surface is flush with the grade of the ditch.

§ 138-2. Permit required; issuance; inspection of driveways. [Amended 12-16-2009 by L.L. No. 4-2009]

Before any construction is permitted in the Town of Catskill, Greene County, New York, for a new driveway providing access to a Town highway, an access permit shall be obtained from the Town of Catskill Highway Superintendent and the Highway Superintendent and/or other official of the Town of Catskill shall be authorized to inspect said driveway access for construction adequacy during its construction. For driveways providing access to private streets, as provided for in this chapter, approval of driveway access locations and construction standards shall be obtained from the Town of Catskill

Planning Board as part of the subdivision approval process pursuant to Chapter 140 of the Town Code. The Code Enforcement Officer, Town Engineer, and/or other official of the Town of Catskill shall be authorized to inspect said driveway access for consistency with the approved subdivision plat and for construction adequacy.

§ 138-3. Penalties for offenses. [Added 5-4-1999 by L.L. No. 1-1999]

Any person or persons who shall violate any provisions of this article shall be guilty of an offense punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate offense.

ARTICLE II
Dedication of Streets¹
[Adopted 2-5-1991²]

§ 138-4. Purpose.

The Town Board of Catskill, New York, does hereby adopt the following regulations and procedures in an effort to create uniformity in the design and construction of all future streets and to ensure that said streets will be adequate to serve the needs of the residents of the Town and others in the future, as well as at present. All prior ordinances concerning the dedication of Town roads and streets are hereby repealed.

§ 138-5. Title.

This article shall be known and may be cited as the "Street or Highway Resolution of the Town of Catskill."

§ 138-6. Word usage.

- A. Wherever used in this article, the word "street" shall also be construed to mean a thoroughfare or highway.
- B. Wherever used in this article, words in the singular numbers include the plural and words in the plural numbers include the singular.

¹ Editor's Note: Regulations pertaining to road specifications are included in Appendix A, Minimum Road Specifications, included at the end of this chapter.

² Editor's Note: The Town Board adopted Res. No. 65-93 on 9-7-1993, which provided as follows: WHEREAS, the Town of Catskill enacted a road dedication ordinance on February 25, 1991, and WHEREAS, there are certain roads which were constructed prior to the adoption of said ordinance, and WHEREAS, the time of construction of such roads, such roads did meet the then existing specifications, and WHEREAS, the Town Board of the Town of Catskill believes that it is in the best interest of the residents of the town that provide roads completed prior to the enactment of the road dedication ordinance on February 21, 1991, be eligible to be accepted as town roads upon compliance with the then existing specifications for dedication of streets and roadways to the Town of Catskill. WE THEREFORE RESOLVE, to adopt an ordinance known as the Town of Catskill Road Dedication Ordinance, a copy of which is attached hereto and made a part hereof.

- C. The word "shall" is mandatory and not directory. Words used in the present tense include the future.
- D. All definitions found and included at Chapter 140 Subdivision of Lands shall apply to Chapter 138 as well.

§ 138-7. Requirements for dedication.³ [Amended 5-4-1999 by L.L. No. 1-1999; 12-16-2009 by L.L. No. 4-2009]

- A. New streets shall be laid out so as to form a continuation of existing principal streets, where practical.
- B. The minimum right-of-way widths of streets shall be 50 feet, and deeded to the Town of Catskill measured from lot line to lot line, and incorporating a typical roadway section consisting of 18 feet of pavement and three-foot shoulder widths on each side of the pavement. The widths shall be measured normal to lot lines on tangents and the radial lines on curves. However, more than 50 feet may be required where a cut or fill is used. The extra amount of right-of-way width necessary shall be given an easement to the Town of Catskill as recommended by the Superintendent of Highways and approved by the Town Board.
- C. Each new street shall be marked by monuments of granite or concrete with a cross on top at block corners and other perimeter corners consistent with surveyors' professional practice. Said monuments are to be at least three inches square and four feet long, and are to be installed with two inches showing above the surface of the ground.
- D. Cul-de-sacs.
 - (1) Through streets are preferred in the Town of Catskill. Pursuant to Chapter 140, Subdivision of Land, where the Planning Board determines that a through street cannot be constructed due to the physical constraints of the subdivision parcel and/or adjoining properties and where streets have been designed to have one end permanently closed, upon the recommendation of the Superintendent of Highways, a waiver may be issued in accordance with § 140-20 of the Town Code for the provision of a cul-de-sac street providing access to no more than 15 lots and having a maximum length of 800 feet and a minimum turnaround radius of 30 feet. All buildings on the cul-de-sac shall be set back a minimum of 95 feet from the center of the turnaround. The cul-de-sac shall otherwise be governed by all stated requirements of the Town's Minimum Road Specifications, set forth in Chapter 138, Appendix A, attached hereto.⁴

³ Former § 138-7, Minimum number of lots, was repealed 12-16-2009 by L.L. No. 4-2009. This local law also provided for the redesignation of former §§ 138-8 through 138-17 as §§ 138-7 through 138-16, respectively.

⁴ Editor's Note: Appendix A is included at the end of this chapter.

- (2) It may also be necessary, for those streets which provide the only method of entrance or egress to an area, for the developer to supply an easement for a street which shall be deemed an "emergency" thoroughfare, for times when the normal street cannot be used. Such an easement shall be recommended by the Superintendent of Highways and decided upon by the Town Board.
 - (3) A "T" or "Y" shaped turnaround may be approved for a cul-de-sac providing access for five or less lots where the Planning Board, upon recommendation from the Superintendent of Highways, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
- E. As far as practical, acute angles between streets at their intersection are to be avoided, and where a deflection angle of more than 10° in a street line occurs at any point between two intersecting streets, a curve of a reasonably long radius is to be introduced.
 - F. Grades of all roads shall conform to the general terrain and shall be no less than 1/2 of 1% nor more than 10% except in cases of unusual terrain or other features where the Planning Board, upon the recommendation of the Superintendent of Highways, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
 - G. All streets shall have adequate drainage, including necessary inlet and outlet ditches. Reinforced concrete pipe, corrugated aluminum pipe (sixteen-gauge minimum), ADS N-12 HDPE (high-density polyethylene pipe) or PVC (SDR 26 or 35) shall be used for all culverts and surface drains. All drainage problems must either conform to or be corrected to the specifications of the Superintendent of Highways. Said materials used for the same must conform to standard usage adopted by the Superintendent of Highways. Drainage easements may be required by the Town of Catskill where necessary.
 - H. The roadway of such streets shall be filled to a minimum depth of 16 inches with material conforming to the requirements of NYSDOT Item 304.15 (Option D-Type 4). The material shall be placed in accordance with the requirements of Section 304-3.02 of the NYSDOT Standard Specifications of May 1, 2008, or any subsequent amendments thereto. All work must be approved by the Superintendent of Highways.
 - I. After the roadway meets the requirements in Subsection H, the developer or builder must then secure the approval of the Superintendent of Highways to motor pave said street. The street shall be motor paved in accordance with the requirements of Section 405-Cold Mix Bituminous Pavement (Open Graded) of the NYSDOT Standard Specifications of May 1, 2008; or paved with 1 1/2 inches of asphalt concrete binder course (Type 3, NYSDOT Item 403.138902) and one inch of asphalt concrete wearing course (Type 6, NYSDOT Item 403.178902). If motor paved, it shall be sealed one month after paving.

- J. Landscaping, including fencing, on any proposed or existing street shall be set back 35 feet from the center of the street.
- K. All driveways and private streets connecting with any Town streets shall have a culvert pipe of at least 12 inches installed at a point where the driveway or private street meets the Town street, said culvert to be installed under the supervision of the Superintendent of Highways, who has the discretion to require a larger-sized culvert when necessary. All streets dedicated to the Town must meet the requirements for connection to Town streets as stated herein or any other requirements for access or connection to any other public street or highway. This provision is to become effective for all private driveways and streets approved and built after the date of the adoption of this provision.
- L. Guide rails may be required in accordance with common engineering standards at the time, such as those provided by the American Association of State Highway and Transportation Officials (AASHTO), upon the recommendation of the Superintendent of Highways.
- M. An engineer licensed to practice in the State of New York must certify to the Town, in writing, that the street is in the center of said right-of-way and is built to the standards set forth in this chapter.
- N. Streets to be constructed between November 15 and April 15 can only proceed with the permission of the Superintendent of Highways.
- O. Any necessary engineering services required by the Town of Catskill to review said street construction must be paid by the developer or builder prior to the approval or acceptance by the Town of said street.
- P. No ninety-degree curves shall be allowed on any new Town streets.
- Q. In addition to the foregoing, all streets shall comply with the Minimum Road Specifications set forth in Chapter 138, Appendix A, attached hereto.⁵
- R. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street shown on such subdivision plat.

§ 138-8. Procedure for dedication.

- A. All applications for the dedication of streets shall be accompanied by a survey, prepared by a licensed surveyor, within one year from the date of application and in proper form for recording. Such survey is to be submitted in triplicate, and should

⁵ Editor's Note: Appendix A is included at the end of this chapter.

show the profiles of each existing street and the proposed street, as well as the location of trees and shrubbery if required. The surveyor shall also certify, in writing, that the proposed road has been constructed in accordance with the survey and profile as submitted.

- B. All applications shall be accompanied by a proposed warranty deed and any and all other necessary legal instruments to give clear and undisputed title to the Town, together with a thirty-year search of each parcel to be conveyed. All proposed deeds and titles shall be passed upon by the Town Attorney and his decision shall be final. In the event that any easement or rights-of-way are necessary to remove surface water or other material, in the opinion of the Superintendent of Highways, the applicant shall obtain such necessary legal documents as may be required. **[Amended 5-4-1999 by L.L. No. 1-1999]**
- C. The Town Board shall not approve the installation or erecting of any specific improvements on any street not accepted in accordance with these provisions.
- D. All applications wherein drainage or refuse problems exist as the result of the intersection of the proposed street and state, county or Town highways shall contain written permission from the New York State Department of Transportation, Greene County Superintendent of Highways or the Town Superintendent of Highways, as the case may be. **[Amended 5-4-1999 by L.L. No. 1-1999]**
- E. All culverts installed pursuant to § 138-7K of this article shall be bonded to the Town in the amount of \$250. Said money shall be refunded upon the approval of the completed project by the Town Superintendent of Highways. All work done by private individuals on Town highways will require insurance or an insurance bond in the same manner and form as those required for work on state and county roads. **[Amended 5-4-1999 by L.L. No. 1-1999]**
- F. Before any construction or land disturbance is permitted in the Town of a road which is intended for dedication as a town road, a permit shall be obtained from the Town of Catskill Code Enforcement officer, upon payment of a fee in an amount to be determined by the Town Board.

ARTICLE III

Notification of Defects

[Adopted 10-6-1992 by L.L. No. 1-1992; amended in its entirety 9-19-2001 by L.L. No. 7-2001]

§ 138-9. Short title; applicability.

This article shall be known as the "Prior Written Notice of Defective Conditions of Town Property Local Law of the Town of Catskill."

§ 138-10. Legislative declaration.

Where claims for bodily injury or damage to property are asserted against the Town arising out of alleged defective conditions of property owned by or in the care, custody or control of the Town, adequate notice to the Town of any such conditions is of substantial importance to allow the Town the opportunity to investigate and correct such conditions, if found to exist. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town. To assure that the Town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It is the purpose of this article to require that notice of defective conditions of Town property be given to the Town by prior written notice actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Catskill.

§ 138-11. Prior written notice required.

No civil action shall be maintained against the Town, its officers or employees for personal injury, including death, or damage to property related to, caused by, resulting from or arising out of any highway, bridge, culvert, street, sidewalk or crosswalk owned by the Town or any highway, bridge, culvert, street, sidewalk or crosswalk in the care, custody and control of the Town being defective, out of repair, unsafe, dangerous or obstructed unless, prior to the occurrence of the injury or damage, the Town shall have been given actual written notice of the alleged conditions complained of and shall have failed or neglected within a reasonable time to repair or remove the condition. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe, within a reasonable time after the receipt of such notice.

§ 138-12. Notice; contents.

The notice required by this article shall contain the following:

- A. The full name and address of the person giving notice.
- B. The particular property of the Town and its location which is claimed to be defective, out of repair, unsafe, dangerous or obstructed.
- C. The time such condition was first observed or made known to the person giving notice.
- D. A statement of the particulars in which the property is defective, out of repair, unsafe, dangerous or obstructed.

§ 138-13. Service of notice.

- A. The written notice provided for by this article shall be served by personal service within the Town of Catskill upon the Town Clerk and, in the case of highway property, upon the Town Superintendent of Highways. Service shall be made at their respective Town offices.
- B. Service may also be made by mailing such notice by certified mail, return receipt requested, to the officials specified in this section at their respective Town office addresses.
- C. The claimant shall have the burden of proving service of the notice in compliance with this section in any civil action maintained against the Town or any officer or employee thereof.

§ 138-14. Record of notice.

- A. The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within five days after the receipt thereof all written notices received by him or her pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.
- B. The Town Clerk shall keep a record in a separate book of all written notices received pursuant to this section. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition or the location of accumulated snow or ice.

§ 138-15. Severability; effect on existing requirements.

- A. If any section, paragraph, sentence, clause or provision of this article shall be adjudged to be invalid, such adjudication shall apply only to such portion expressly adjudged invalid, and the remainder thereof shall in all respects be valid and effective.
- B. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions. It is the purpose of this article to supplement the provision of any other statute, including but not limited to Town Law § 65-a and §§ 50-g and 50-f of the General Municipal Law. Further, this article shall supersede in its application to the Town of Catskill Subdivision 1 and 3 of § 65-a of the Town Law of the State of New York.

§ 138-16. When effective.

This article shall be effective immediately upon its filing in the office of the Secretary of State.

ARTICLE IV
Private Streets
[Adopted 12-16-2009 by L.L. No. 4-2009]

§ 138-17. Purpose.

The Town Board of Catskill, New York, does hereby adopt the following standards and procedures for the design and construction of all private streets approved pursuant to Chapter 140, Subdivision of Land, of the Town Code, and § 277 of the Town Law, to ensure that such streets be of sufficient width and suitable grade and suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings.

§ 138-18. Minimum requirements for private streets.

- A. All private streets approved in accordance with § 140-18K of the Town Code shall additionally comply with the requirements of § 138-7 herein and Chapter 138, Appendix A, Minimum Road Specifications, with the exception of the minimum pavement specifications for dedicated streets set forth in § 138-7 and the Road Section Detail, Pavement Specification-Dedicated Streets, included in Chapter 138, Appendix A, Minimum Road Specifications.
- B. In addition to the requirements of § 138-18A, all private streets shall comply with the minimum pavement specifications set forth in the Road Section Detail, Pavement Specification-Private Streets, included in Chapter 138, Appendix A, Minimum Road Specifications.
- C. For purposes of this article, except as noted herein, all references in § 138-7 and Chapter 138, Appendix A, to the requirement for a recommendation or approval by the Superintendent of Highways shall instead require the recommendation or approval of the Town Engineer for private streets.
- D. All streets intended as private streets shall contain an express note on the approved subdivision plat to the effect that no offer of dedication to the Town is made.
- E. All private streets connecting with any public streets shall have a culvert pipe of at least 12 inches installed at a point where the private street meets the public street, said culvert to be installed under the supervision of the Superintendent of Highways, who has the discretion to require a larger-sized culvert when necessary. This provision is to become effective for all private driveways and streets built after the date of adoption of this provision.

- F. Private streets may have a maximum grade of up to 10%, which may be increased in cases of unusual terrain or other features where the Planning Board, upon the recommendations of the Town Engineer, has granted a waiver in accordance with the provisions of § 140-20 of the Town Code.
- G. Any road, street, or recorded or prescriptive right-of-way on or over private land which predates December 16, 2009 and which provides access to an existing residence or building or an approved subdivision shall not be required to comply with this section, except that any such road, street, or recorded or prescriptive right-of-way must be improved so as to allow emergency vehicle access before the issuance of a certificate of occupancy for any new construction requiring the use of said access. Up to three additional lots or residential units which otherwise comply with all sections of the Catskill Town Code may be created to front on such pre-existing private road, street, or recorded or prescriptive right-of-way. [added 4-20-22 by L.L. No. 1-2022] The approval of four or more additional lots or residential units shall require compliance with Chapter 138, Appendix A standards.
- H. Before any construction or land disturbance is permitted in the Town of a road which is intended for use as a private street, a permit shall be obtained from the Town of Catskill Code Enforcement officer, upon payment of a fee in an amount to be determined by the Town Board.

§ 138-19. Responsibility for defects; civil actions. [Added 7-6-2010 by L.L. No. 3-2010]

The Town of Catskill or Town Superintendent of Highways shall have no responsibility to improve, maintain or repair any private street, bridge, crosswalk or culvert. Moreover, no civil action shall be maintained against the Town, its officers or employees for damages or injuries to person or property sustained by reason of any private street or sidewalk being defective, out of repair, unsafe, dangerous or obstructed.

ARTICLE V
Maintenance of Sidewalks
[Adopted 7-6-2010 by L.L. No. 3-2010]

§ 138-20. Intent.

It is the intent and purpose of this article to protect the health, safety and welfare of pedestrians on sidewalks and streets and of motorists using streets within the Town by placing responsibility for the maintenance of sidewalks upon property owners and occupants of land containing or adjacent to sidewalks.

§ 138-21. Time limit for removal of snow, ice and debris.

The owners and/or occupants of any real property, whether vacant or improved by any structure, containing, abutting and/or bordering on paved sidewalks along public and private streets shall remove all ice, snow, debris and/or other obstructions or substances

from the sidewalks in the Town or, in the case of ice which may be so frozen to same, shall thoroughly cover same with salt, sand or like material within 24 hours after the cessation of every fall of snow or the formation of any ice thereon and shall otherwise maintain such sidewalk in a safe and proper condition. In the event a homeowners' association is established pursuant to Ch. 140 of the Town Subdivision of Land Law to maintain common areas, including sidewalks, within approved subdivisions, then the responsibilities established by this article shall rest with such homeowners' association.

§ 138-22. Deposit of snow and ice upon streets.

No owner or occupant of any real property, whether vacant or improved by any structure, abutting and/or bordering on any street in the Town shall throw, place or deposit any snow or ice into or upon any such street.

§ 138-23. Failure to act; notice to comply.

- A. The failure of an owner or occupant of any real property to remove snow and/or ice from paved sidewalks or the failure to cover ice thereon with salt, sand, or like material in accordance with this article within 12 hours after such owner or occupant shall have been served with a copy of a notice to comply with the provisions of this article shall constitute a violation as same is defined in § 10.00 of the Penal Law.
- B. Service of a copy of the notice to comply in accordance with this article may be made by personal service or may be made by substituted service by leaving a copy of the same at the premises. Service of a copy of a notice to comply and an appearance ticket, pursuant to this article, shall be made by the Code Enforcement Officer and/or Assistant Code Enforcement Officer.

§ 138-24. Penalties for offenses; removal by Town; assessment of cost as lien.

- A. Any person being found guilty of a violation of this article shall be subject to a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both.
- B. In addition, upon the failure of an owner or occupant to comply with this article after having been duly served with a copy of a notice to comply in accordance herewith, the Superintendent of Highways shall cause the same to be done and shall charge such expense as hereinafter set forth:
 - (1) Upon the completion of the cleaning of snow and ice from sidewalks under the direction of the Superintendent of Highways, the premises in front of which such work shall have been done shall be subject to a charge to be fixed and determined by the Superintendent of Highways with the approval of the Town Board.
 - (2) During the month of May in each year, the Superintendent of Highways shall make a list of all such charges and file the same in his office and give public notice of such filing by publication in the official paper on two separate

occasions that said list has been made and filed and that for 10 days from the date of the publication of said notice said list may be examined by any person interested therein and that upon a day and hour stated in such notice, and at least 10 days after the publication thereof, he will attend at his office to hear any objections to said list and pass upon all objections and, if need be, alter and correct said list.

- (3) After said hearing and making the necessary corrections, if any, he shall attach thereto his certificate that such hearing has been had and that such list is now complete and shall file the same with the Receiver of Taxes, whereupon the Receiver of Taxes shall mail, to each owner of real property included in such list whose name and address he is able to ascertain, a statement of the amount of charges against the property.
- (4) Upon the filing of said list with the Receiver of Taxes, the several sums mentioned in said list shall be deemed to be assessed against each of the properties as a lien, and the Receiver of Taxes shall, when extending the next general tax upon the Town assessment roll, place unpaid amounts thereon as against the property of the person named in said list, and such amounts shall be collected at the same time, in the same manner and by the same proceedings as other taxes on said roll. The failure to mail any statement or failure of the addressee to receive the same shall not in any manner affect the validity of the lien or the penalties imposed by law with respect thereto.

§ 138-25. Separate offense for daily noncompliance.

Each day after a person has been served with a copy of a notice to comply in accordance with this article and fails to comply with the provisions of this article shall constitute a separate offense.

§ 138-26. Supersession of Highway Law.

This article is hereby adopted pursuant to the provision of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of Article 7 of the New York State Highway Law, including but not exclusive of §§ 140 and 151 relating to the maintenance and repair of sidewalks constructed by the state, county, or Town and the charges therefor.

Chapter 140 SUBDIVISION OF LAND

GENERAL REFERENCES

Planning Board — See Ch. 49.

Building code administration — See Ch. 87.

Flood damage prevention — See Ch. 103.

Individual sewage disposal systems — See Ch. 131.

Sewers — See Ch. 132.

Streets and sidewalks — See Ch. 138.

Zoning — See Ch. 160.

§ 140-1. Title.

This chapter shall be known as the "Town of Catskill Subdivision Regulations."

§ 140-2. Purposes.

This Catskill Town Board hereby finds that this chapter is adopted for the following purposes:

- A. Promoting the orderly growth and development of the Town.
- B. Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
- C. Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
- D. Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Catskill.
- E. To facilitate and implement the Town Comprehensive Plan.

§ 140-3. Authority.

By the authority of the resolution of the Town Board of the Town of Catskill adopted on January 17, 2007, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Catskill is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of entirely or partially undeveloped plats already filed in the Office of the Clerk of Greene County within that part of the Town of Catskill outside the limits of any incorporated city or village.

§ 140-4. Compliance required.

- A. Regardless of whether or not any formal conveyance by metes and bounds shall be made, when any subdivision is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision shall be issued or any grading, clearing, construction or other

improvements shall be undertaken, the subdivider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this chapter.

- B. It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence of such subdivision approval, a prospective purchaser shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.
- C. After the effective date of this chapter, no building permit or certificate of occupancy shall be issued for any construction, structure or development except in conformance herewith.
- D. No construction, alteration, removal, demolition, excavation, enlargement or use shall be commenced except in conformance herewith.
- E. The regulations of this chapter shall not apply to lot improvements as defined herein (see § 140-16). The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Catskill, and for recording purposes only, to represent an exempt lot improvement in accordance with § 140-16 of the Town of Catskill Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board. **[Amended 2-17-2021 by L.L. No. 1-2021]**
- F. Applications for a subdivision or lot improvements will not be approved if a violation of Town Code and State Building Code exists at the parcel which is the subject of the proposed application or real property taxes are delinquent regarding said parcel.
- G. The Town Board may from time to time, by resolution, establish fees for activities that are regulated by the State Building Code and Town of Catskill Code. All unpaid fees shall be relieved on the next town bill against the subject parcel.
- H. As a condition for Subdivision or Lot line Improvement approval, where the site which is the subject of the application has been the subject of litigation or code enforcement which resulted in an unpaid debt to the town established by stipulation or a court order, said debt to the town must be paid in full.

§ 140-5. Construal of provisions; interference with other legislation; severability.

- A. The provisions of this chapter, in their interpretation, application and enforcement, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- B. This chapter is not intended to interfere with, abrogate, or annul any other law, rule or regulation, statute or provision of law. Where any of the provisions of these regulations impose restrictions different from any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- C. If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

§ 140-6. Penalties for offenses.

- A. Any person who shall lay out, construct or open any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings located or abutting thereon, or who sells, transfers, rents, leases, conveys by other means, or agrees or enters into an agreement to do the same with any land in a subdivision, unless and until a final plat has been prepared, approved and recorded in full compliance with the provisions of this chapter, shall be deemed to have committed a violation of this chapter and shall be liable for such violation.
- B. Any person found in violation of this chapter shall be subject to a fine not exceeding \$350 per lot, parcel or dwelling. All fines collected for such violations shall be paid to the Town of Catskill.
- C. Each day that a violation continues shall be a separate violation, but nothing herein shall require the Town to post separate notice each day that a violation continues.
- D. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- E. In addition to the penalties provided above, the Town shall be authorized to initiate and maintain a civil action to obtain an injunction against subdividers who attempt the improper sale, lease, or conveyance of land or to set aside and invalidate any conveyance of land made prior to Town approval.

§ 140-7. Amendments.

Amendments to this chapter shall be made pursuant to the New York State Municipal Home Rule Law and § 261 of the Town Law. Also, should provisions of the New York State Town Law be amended to require actions different from those specified herein, the state requirements shall prevail.

§ 140-8. Word usage.

- A. As used in this chapter, words in the singular include the plural, and those in the plural include the singular. The words "shall" and "will," for the purpose of this chapter, are defined as mandatory.
- B. For the purpose of this chapter, the following terms shall be considered interchangeable:
 - (1) The words "regulation(s)" and "law."
 - (2) The terms "Town" and "Town of Catskill."
 - (3) The terms "subdivider" and "developer" and the terms "subdivision" and "development."
 - (4) The terms "State Environmental Quality Review Act" and "SEQRA."
- C. Unless otherwise expressly stated, the following definitions shall, for the purpose of this chapter, have the meanings herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

§ 140-9. Definitions.

The following is a list of specific terms found elsewhere in the chapter, along with definitions of their intended meaning:

AGRICULTURAL DISTRICT – Land used in agricultural production with designated boundaries that has been established as an Agricultural District pursuant to Article 25-AA of the State Agriculture and Markets Law.

ALLEY – A permanent serviceway providing a secondary means of access to abutting lands.

ALL-WEATHER SURFACED – The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test, but the depth and installation of the material shall be subject to the approval of Town Highway Superintendent.

APPLICANT – A landowner, developer or subdivider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

BERM OR SHOULDER – That portion of a street between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

BLOCK – A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

BUILDING – Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building were present; the term "building" shall include the term "structure."

CENTRAL SEWAGE DISPOSAL OR WATER SUPPLY – A sewage system or water supply system designed to serve more than one dwelling unit or building, not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "on-site sewage or water supply."

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the subdivider on any plat offered to the Town for approval. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

CONSERVATION SUBDIVISION – A form of development for one-family-dwelling residential subdivisions that permits a reduction in lot area and other development standards, provided that there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 50% of the total land area is devoted to permanent common open space.

COUNTY – The County of Greene, State of New York, and its planning agency.

CUL-DE-SAC – A minor street providing a single access to a group of lots with a turnabout area at the end of such street.

DEC – The New York State Department of Environmental Conservation.

DEIS – A draft environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

DEVELOPER – The property owner, or authorized agent of the property owner, including but not limited to any individual, partnership or corporation who undertakes a subdivision or any of the activities covered by this chapter, particularly the preparation of the subdivision plat showing the layout of the land and the public

improvements involved therein. The term "developer" is intended to include the term "subdivider" and "applicant," even though the personnel involved in successive stages of such project may vary.[Amended 12-16-2009 by L.L. No. 3-2009]

DOUBLE FRONTAGE LOT – A lot which is not a corner lot and abuts two or more streets, with possible vehicle access to both streets.

DRIVEWAY – A defined private access from an individual single lot to a public or approved private street and meeting the minimum standards of Chapter 138, Article I.[Amended 12-16-2009 by L.L. No. 3-2009]

DWELLING – A building designed or used principally as the living quarters for one or more families. The term "dwelling" shall not be deemed to include "hotel, " "motel, " "rooming house" or "tourist home."

- (1) **DWELLING, ONE-FAMILY** – A dwelling designed for or occupied exclusively by one family.
- (2) **DWELLING, TWO-FAMILY** – A dwelling designed for or occupied by two families living independently of each other.
- (3) **DWELLING, MULTIFAMILY** – A dwelling or group of dwellings on one plot containing separate living units for three or more families living independently of each other, including apartment houses, apartment hotels, town homes, flats and garden apartments.

EAF – An environmental assessment form as required by the New York State Environmental Quality Review Act, or SEQRA.

EASEMENT – A recorded right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose and within which the lessee or owner of the encumbered property shall not erect any permanent structure but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.[Amended 12-16-2009 by L.L. No. 3-2009]

EIS – An environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

ENGINEER, TOWN (ENGINEER FOR THE TOWN) – A professional engineer licensed as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.

FEIS – A final environmental impact statement as required by the New York State Environmental Quality Review Act, or SEQRA.

FLAG LOT – A lot located at the rear of another lot and where access from the rear lot to the public or approved private street is by a narrow strip of land at least 20

feet wide. Flag lots are also known as "rear lots." **[Added 12-16-2009 by L.L. No. 3-2009]**

FLAG LOT ACCESS – The narrow strip of land, generally uniform in width, that provides the flag lot with access to a public or approved private street and is sometimes referred to as the "flag pole." **[Added 12-16-2009 by L.L. No. 3-2009]**

FRONTAGE – The measurement of a lot along the street line contiguous to the street right-of-way contained in the ownership of said lot. The side of the lot designated as street frontage shall also be that area of the street in which physical access is provided to the proposed building.

HOA or HOMEOWNERS' ASSOCIATION – An incorporated organization formed under the laws of New York State and responsible for ownership, operation and maintenance of all common property and improvements within an approved subdivision, including, but not limited to, private roads, drainage, and open space. **[Added 12-16-2009 by L.L. No. 3-2009]**

LOT – A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings pursuant to Chapter 160, and which has frontage on a public or approved private street which provides access thereto, or in the case of a minor subdivision, on a driveway if otherwise in compliance with Section 140-18(12)(i). **[Amended 12-16-2009 by L.L. No. 3-2009]**

- (1) **LOT AREA** – The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.
- (2) **LOT FRONTAGE** – That portion of a lot extending along a street line. Also means "road frontage."
- (3) **LOT IMPROVEMENT** – A division or redivision of land wherein lot area is shifted from one parcel to another so as to improve the shape or dimension of each. See § 140-16.
- (4) **LOT WIDTH** – The average distance between side lot lines taken at the front yard or building line and measured at rights angles to the side lot lines along and parallel to the street.

MAJOR SUBDIVISION – Any subdivision or land development which is not a minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

MINOR SUBDIVISION – A subdivision or land development containing not more than four lots, or a cumulative development on a lot-by-lot basis for a total of not more than four lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this chapter, by the owner or the owner's duly appointed agent) where no new streets or accesses are required. Notwithstanding this, the Planning Board may, however, by waiver, classify any subdivision as minor which does not involve new improvements.

NEGATIVE DECLARATION – A determination under SEQRA that the proposed action has no potential to result in a significant adverse environmental impact and that the preparation of an EIS is not required.

OFFICIAL MAP, TOWN – A map that may be established by the Town Board under § 270 of the Town Law, showing streets, highways, parks, and/or drainage improvements laid out, adopted and established by law.[**Added 12-16-2009 by L.L. No. 3-2009**]

ON-SITE SEWAGE OR WATER SUPPLY – Any sewage system designed to treat sewage by subsurface means or to provide water from a drilled well or spring, within the boundaries of an individual lot. See "central sewage disposal or water supply" for further information.

PARCEL – An area of land resulting from the subdivision of a tract of land for the purposes of transfer of ownership, use or improvement.

PAVEMENT – Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of Chapter 138¹ of the Town of Catskill Code.

PERFORMANCE ASSURANCE OR COMPLETION GUARANTEE – A surety bond, certified check or other security meeting the requirements of § 277 of the Town Law, and the terms of which are satisfactory to the Town Board and the Town Attorney, guaranteeing the subdivider will install all required or planned improvements.

PERSON – Any individual, trust, partnership, public or private association or corporation, or other entity.

PLANNING BOARD – The Planning Board of the Town of Catskill, as established by Chapter 49² of the Town Code.

¹ **Editor's Note: See Ch. 138, Streets and Sidewalks.**

² **Editor's Note: See Ch. 49, Planning Board.**

PLAT – A drawing, map, chart, plan or plotting indicating the subdivision or resubdivision of land, which in its various stages of preparation can include the following:

- (1) SKETCH PLAN – A general plan, identified as such with the title "sketch plan" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town Planning Board or, in the case of conservation subdivisions, determining allowable density.
- (2) PRELIMINARY PLAT – A complete plan prepared by a registered professional engineer or surveyor, identified as such with the wording "preliminary plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this chapter.
- (3) FINAL PLAT – A complete and exact plan, identified as such with the wording "final plat" in the title, with a professional engineer's or surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the preliminary plat.

ROAD MAINTENANCE AGREEMENT – A recorded agreement (and/or easement) to establish the rights and duties of lot owner(s) with respect to the maintenance of a private street or shared driveway. **[Added 12-16-2009 by L.L. No. 3-2009]**

SECRETARY – The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Catskill Planning Board.

SEQRA – The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617.

SHARED DRIVEWAY – A driveway providing access to up to three lots, provided that each lot served by the shared driveway has 50 feet of frontage on a public or private road or is otherwise in compliance with Section 140-18(12)(i).**[Added 12-16-2009 by L.L. No. 3-2009]**

STREET – A highway or road providing access for four or more lots intended primarily for the purposes of vehicular traffic, including the following:

- (1) STREET, MINOR – A road, the primary purpose of which is to collect vehicular traffic from individual dwellings or places of business.
- (2) STREET, COLLECTOR – A road, the primary purpose of which is to collect vehicular traffic from minor streets and deliver it to major traffic streets.

(3) STREET, MAJOR – A road, the primary purpose of which is to collect vehicular traffic from collector streets and deliver it to destination points or arterial highways.

STREET, PRIVATE – A street providing access to four or more lots and no more than 30 lots on an approved subdivision plat that expressly notes that such street is not offered for dedication to the Town. **[Added 12-16-2009 by L.L. No. 3-2009]**

STREET, PUBLIC – A street dedicated to public use, including Town, county and state roads and highways. **[Added 12-16-2009 by L.L. No. 3-2009]**

SUBDIVIDER – Same as "developer."

SUBDIVISION – A lot, tract or parcel of land that has been divided or redivided by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SURVEYOR – A land surveyor licensed by the State of New York.

TOWN – Town of Catskill, Greene County, New York.

TOWN ATTORNEY (ATTORNEY FOR THE TOWN) – The attorney appointed by the Town Board to represent the Town of Catskill in any given matter.

TOWN BOARD – Governing council for the Town of Catskill.

TOWN LAW – The New York State Town Law which governs the operation of all towns within the state.

TOWN ROAD SPECIFICATIONS – The standards of the Town of Catskill pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town by the Town Board, pursuant to Chapter 138. **[Amended 12-16-2009 by L.L. No. 3-2009]**

UNDERGROUND UTILITIES – Electric, telephone, cable and other customary utilities constructed or placed in underground vaults or trenches so as not to be visible.

WATERCOURSE – A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations, including intermittent streams but excepting drainage ditches, swales or diversion terraces.

WETLAND – Any land that lies within the jurisdiction of the New York State Department of Environmental Conservation pursuant to Article 24, the Freshwater

Wetland Act, and/or within the jurisdiction of the United States Army Corps of Engineers and/or other federal agencies pursuant to § 404 of the Clean Water Act.

§ 140-10. Procedures and requirements for minor subdivisions.

The following procedures and requirements shall apply to minor subdivisions only (see § 140-10, Definitions). All other subdivisions and resubdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

- A. Application. Any person proposing to create a minor subdivision shall submit, along with plans required below, nine copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/ or be accompanied by:
- (1) The name, address and telephone number of the property owner of record and those of the subdivider, if different.
 - (2) The name or number of the street where the proposed subdivision is to be located.
 - (3) The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
 - (4) The type of water supply proposed.
 - (5) The type of sewer system proposed.
 - (6) The required fee or receipt for the same from the Secretary of the Planning Board.
 - (7) A completed EAF as required by SEQRA.
 - (8) Identification of names and addresses of all adjoining property owners on minor subdivision maps, which includes those on the other side of a road or highway from the lands being subdivided.
 - (9) The subdivider shall submit nine copies of a final plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a professional engineer or surveyor, with a professional engineer or surveyor's seal affixed, and shall show all the lots proposed to be created. The final plat shall meet the following requirements:
 - (a) The plat shall be not less than 8 1/2 inches by 11 inches nor more than 24 inches by 36 inches in size.
 - (b) The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.

- (c) The plat shall show the name of the municipality, name of the owner of record, North point, graphic scale, and date.
 - (d) Soil types found on the site shall be shown unless the lots involved contain existing sewage systems. Soil Conservation Service classifications shall be used.
 - (e) Existing streets shall be identified by name or route numbers and private roads by their posted names.
 - (f) Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider and show adjacent lots already taken from the parcel.
- (10) Authorized consent of the property owner, where the developer is not the current owner of the property to be subdivided, in a form acceptable to the Planning Board. **[Added 12-16-2009 by L.L. No. 3-2009]**
- (11) Authorized consent of the property owner or developer granting access to the property to be subdivided for the Planning Board and its consultants to facilitate review of the application, in a form acceptable to the Planning Board. **[Added 12-16-2009 by L.L. No. 3-2009]**
- (12) A copy of deed is required for all subdivision, site plan, variance, lot improvements and special use permit applications.
- B. Receipt of a complete final plat. A final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the DEIS has been filed in accordance with the provisions of SEQRA. Time periods for review of a final plat shall begin to run upon filing of such negative declaration or such notice of completion.
- C. Soil tests. Documentation as may be required by the New York State Department of Health, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal, shall be submitted.
- D. Private street and driveway access permits. A completed application to the Town of Catskill Highway Superintendent, the State Department of Transportation or Greene County Highway Department, as the case may be, for a permit for access to a public street or highway by a private street or driveway shall be required. **[Amended 12-16-2009 by L.L. No. 3-2009]**

- E. Improvements and common areas. Written offers of dedication to the Town of all public easements, utilities, streets, rights-of-way and open spaces shown on the plat and copies of agreements or other documents showing the manner in which such areas or improvements, title of which is reserved by the subdivider, are to be maintained shall be required, including homeowners' association and/or road maintenance agreements/easements, as applicable. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- F. For any lot created by subdivision for which access to potable water and ability to dispose of sewage is not demonstrated, the subdivision map shall indicate for said lot **NO BUILDINGS SHALL BE CONSTRUCTED ON THIS LOT.**
- G. Action on final plat.
- (1) Planning Board as lead agency under SEQRA; public hearing; notice; decision.
- (a) Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
- [1] If the Planning Board determines that the preparation of an EIS is not required, the public hearing on the final plat shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or
- [2] If the Planning Board determines that an EIS is required and a public hearing on the DEIS is held, the public hearing on the final plat and the DEIS shall be held jointly within 62 days after the filing of the notice of completion of such DEIS in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
- (b) Public hearing: notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 500 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 hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**

- (c) Decision. The Planning Board shall make its decision on the final plat as follows:
 - [1] If the Planning Board determines that the preparation of an EIS on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or
 - [2] If such Board determines that an EIS is required and a public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the FEIS, the Planning Board shall issue findings on such FEIS and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
 - (d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- (2) Planning Board not as lead agency under SEQRA; public hearing; notice; decision.
- (a) Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the DEIS. Failing such agreement or if no public hearing is held on the DEIS, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by Clerk of the Planning Board.
 - (b) Public hearing: notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 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 hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**

(c) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

[1] If the preparation of an EIS on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.

[2] If an EIS is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

H. Certification, filing and signing of final plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval, and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by a duly authorized officer of the Planning Board and filed with the Secretary.

I. Time limits on conditional approvals. A conditional approval of a final plat shall expire within 180 days unless all conditions are satisfied and certified as completed. This period may be extended for periods of 90 days where particular circumstances so warrant in the judgment of the Planning Board.

J. Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by the Planning Board, the subdivider shall be entitled to an approval by default pursuant to § 276 of the Town Law.

K. Recording of final plats. All final plats shall be filed by the applicant in the Office of the County Clerk within 62 days of approval, subject to the provisions of § 276 of the Town Law.

§ 140-11. Procedures for major subdivisions.

Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:

A. Sketch plan required. Submission of a sketch plan as provided in § 140-13 shall be required as part of the preliminary plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, to determine

whether the subdivision will involve other agencies, and to make a preliminary classification of the subdivision as a Type I or unlisted SEQRA action for determining whether a full EAF and coordinated review is necessary. The Planning Board shall also use the sketch plan for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. Planning Board will vote on whether or not to accept a sketch plan as complete.

- B. Preliminary plat required. A complete preliminary plat accurately showing proposed streets and lot layout and such other information as is required by this chapter must be submitted to the Planning Board. A preliminary plat is not complete unless a negative declaration has been filed or a notice of completion of a DEIS has been filed, pursuant to § 276 of the Town Law.
- C. When a coordinated review is conducted, the Planning Board must notify all involved agencies that a lead agency must be agreed upon within 30 days.
- D. Action on preliminary plat.
 - (1) Planning Board as lead agency under SEQRA; public hearing; notice; decision.
 - (a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
 - [1] If the Planning Board determines that the preparation of an EIS on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning Board; or
 - [2] If such Board determines that an EIS is required, and a public hearing on the DEIS is held, the public hearing on the preliminary plat and the DEIS shall be held jointly within 62 days after the filing of the notice of completion of such DEIS in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
 - (b) Public hearing: notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 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 hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**

- (c) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

- [1] If the Planning Board determines that the preparation of an EIS on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing; or

- [2] If the Planning Board determines that an EIS is required, and a public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such FEIS, the Planning Board shall issue findings on the FEIS and make its decision on the preliminary plat.

- (2) Planning Board not as lead agency under SEQRA; public hearing; notice; decision.

- (a) Public hearing on the preliminary plat. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the DEIS. Failing such agreement or if no public hearing is held on the DEIS, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning Board.

- (b) Public hearing: notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the DEIS or 14 days before a hearing held jointly therewith. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 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 hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. **[Amended 2-17-2021 by L.L. No. 1-2021]**

- (c) Decision. The Planning Board shall by resolution approve, with or without modification, or disapprove the preliminary plat as follows:

- [1] If the preparation of an EIS on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
- [2] If an EIS is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
- E. Grounds for action. The grounds for modification, if any, or the grounds for disapproval of the preliminary plat must be stated in the records of the Planning Board. If the Planning Board approves a preliminary plat, the Planning Board must state in writing any modifications that it requires for submission of the final plat.
- F. Preliminary plat certification. Within five business days of the Planning Board's adoption of a resolution approving a preliminary plat, such plat shall be certified by the Secretary as having been granted preliminary plat approval, and a copy of the plat and resolution shall be filed in the Secretary's office and filed in the Office of the Town Clerk. A copy of the resolution shall be provided to the subdivider. If the Planning Board adopts a resolution disapproving a preliminary plat, this resolution and a copy of the preliminary plat must be filed in the same manner as a resolution approving a preliminary plat.
- G. Time to submit final plat. The subdivider must submit a final plat, as provided in §§ 140-14 and 140-15, within six months of the Planning Board's approval of the preliminary plat. If the final plat is in substantial agreement with the preliminary plat, the Planning Board must by resolution conditionally approve, with or without modification, disapprove, or grant final approval of the plat within 62 days of its receipt by the Secretary. The Planning Board may revoke preliminary plat approval if a final plat is not submitted within six months or grant a limited extension of its preliminary plat approval for a time period not to exceed six months.
- H. Lack of agreement with preliminary plat. When the final plat is not in substantial agreement with the preliminary plat, the final plat is reviewed as a new sketch plan and is subject to all procedural requirements for preliminary plat approval, including the issuance of a new SEQRA determination.
- I. Certification, filing and signing of final plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk. A copy of the resolution shall be mailed to the subdivider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by a

duly authorized officer of the Planning Board and filed with the Secretary.
[Amended 12-16-2009 by L.L. No. 3-2009]

- J. Final plats by section. The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
- K. Time limits on conditional approvals. A conditional approval of a final plat shall expire within 180 days unless all conditions are satisfied and certified as completed. This period may be extended for periods of 90 days where particular circumstances so warrant in the judgment of the Planning Board.
- L. Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by the Planning Board, the subdivider shall be entitled to an approval by default pursuant to the Town Law.
- M. Recording of final plats. All final plats shall be filed by the applicant in the Office of the County Clerk within 62 days of final approval, subject to the provisions of § 276 of the Town Law.
- N. Reservations of parkland on major subdivision plats containing residential units.
 - (1) Before the planning board may approve a major subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes. Said parks shall constitute a percentage of the overall subdivision to be determined by the town board.
 - (2) Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.
 - (3) Said parkland shall be owned by the applicant or homeowner's association, to be utilized by the residents of the subdivision and their guests, unless the town, at its sole discretion, accepts said parkland for town ownership, and then said parkland shall be utilized by the public at the discretion of the town board.
 - (4) In the event the planning board makes a finding pursuant to paragraph (2) of this subdivision that the proposed subdivision plat presents a proper case for requiring that a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet

the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount to be established by the town board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of the property.

- (5) Fees required pursuant to paragraph (4) of this subdivision shall be paid as a condition of approval for any preliminary plat.

§ 140-12. Sketch plans for major subdivisions.

The sketch plan shall be at a scale sufficient to show the entire tract on one sheet, and shall show or include the following:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. An existing and natural site features analysis which depicts all structures, wooded areas, streams, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records., which includes those on the other side of a road or highway from the lands being subdivided.
- D. All streets, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- E. The tentative layout of the remainder of the tract owned by the subdivider.
- F. North point, graphic scale, date and name/address of the subdivider and the landowner.
- G. A location map with sufficient information to enable the locating of the property.
- H. Proposed open spaces.

§ 140-13. Preliminary plat requirements for major subdivisions.

- A. The preliminary plat shall be clearly and legibly drawn and shall be not less than 11 inches by 17 inches nor more than 24 inches by 36 inches in size and should, when possible, show the entire tract to be divided.

- B. The plat shall be based on the concepts presented in the sketch plan and contain the following information:
- (1) Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Greene County. The name and address of landowner and subdivider shall also be provided.
 - (2) Location by Town, county and state. The plan shall also include Tax Map numbers for affected and adjacent parcels and a location map at one inch equals 2,000 feet.
 - (3) North point, date and graphic scale.
 - (4) Boundaries of the total tract and acreage contained within it. (Also see § 140-15G.)
 - (5) Locations and, where appropriate, dimensions of parks and public grounds, permanent buildings in or adjacent to the subdivision, open space easements and other significant existing site features.
 - (6) Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other utilities above or below the ground, with direction of flow and pressure.
 - (7) Names of owners of abutting properties, and lines showing where these abutting properties intersect.
 - (8) Existing contours at intervals of at least every 20 feet. USGS maps are acceptable. The Town reserves the right to request greater detail as the scope or nature of the development requires.
 - (9) Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names, which shall not duplicate existing names, by spelling or pronunciation, in the County. The street proposals shall be accompanied by a submission of plans demonstrating consistency with the minimum road specifications of Chapter 138 of the Town Code.
 - (10) The proposed layout, numbering and approximate dimensions and acreage of legal lots, which comply with the zoning requirements of Chapter 160 of the Town Code.
 - (11) The proposed location and footprint of buildings within each legal lot.
 - (12) Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents shall be shown and marked as such.

- (13) Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- (14) All drainage easements shall be shown and marked as such.
- (15) Approximate final grades in areas of cut or fill shall be shown.
- (16) Any lots designated for uses other than residential shall be indicated.
- (17) Proposed covenants and restrictions.
- (18) Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water sources. This evidence may be in the form of recording logs made by professional well drillers for existing wells.
- (19) Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- (20) An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of watercourses or impoundments.
- (21) A stormwater management plan prepared in accord with the requirements hereof and DEC guidelines and standards.
- (22) Documentation as may be required by the New York State Department of Health or the Planning Board, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
- (23) Documentation of any state and/or federal wetlands located on or adjacent to the property.
- (24) All applicable zoning data.
- (25) Completed applications to the Town of Catskill Highway Superintendent, the State Department of Transportation or Greene County Highway Department, as the case may be, for permits to access public streets or highways by a private street or driveway. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- (26) Detailed landscaping plans for such common areas or improvements as may require new landscaping.

- (27) Written offers of dedication to the Town of all public easements, utilities, streets, rights-of-way and open spaces shown on the plat and copies of agreements or other documents showing the manner in which such areas or improvements, title of which is reserved by the subdivider, are to be maintained shall be required, including homeowners' association and/or road maintenance agreements/easements, as applicable. **[Added 12-16-2009 by L.L. No. 3-2009]**
- (28) A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.

§ 140-14. Final plat requirements for major subdivisions.

The final plat shall be prepared on one or more sheets of a uniform size coinciding with the requirements of the Greene County Clerk. Final plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this section and a subdivision checklist to be developed by the Town. The final plat shall include, in addition to the information required for the preliminary plat submission, the following:

- A. Exact locations, widths and names of all streets and all crosswalks within the subdivision.
- B. Complete street curve data for all street curves included in the plat.
- C. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- D. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.
- E. Front building lines, shown graphically with dimensions.
- F. All restrictions and covenants that will be placed in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- G. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plat sections) are not required to be based upon a field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.

- H. The final plat shall contain a certificate signed by the professional engineer indicating that all improvements have either been installed and approved by the proper officials or agencies or that a performance assurance or completion guarantee in an amount satisfactory to the Town Board and the Town Attorney sufficient to ensure their installation has been submitted to the Town.
- I. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
- J. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- K. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- L. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2,000 feet to one inch, showing the relation of the property to adjoining property and to all streets and municipal boundaries existing within 4,000 feet or any part of the property proposed to be subdivided. USGS quadrangle maps may be used as a base for such a key map.
- M. Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
- N. A statement that erosion and sedimentation and stormwater management plans, as required, have been prepared and approved by the DEC and the Greene County Soil and Water Conservation District.
- O. Copies of public street or highway access, encroachment, or occupancy permits for private streets and driveways and complete final construction plans, including agreements or easements as may be required to ensure maintenance of private streets and shared driveways. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- P. Copies of any other local, state and/or federal permits or approvals.
- Q. Each final plat submission shall, in addition to the items required above, include new submissions of preliminary plat data in any instance where there has been a change in the plans or the circumstances surrounding them.
- R. For any lot created by subdivision for which access to potable water and ability to dispose of sewage is not demonstrated, the subdivision map shall indicate for said lot **NO BUILDINGS SHALL BE CONSTRUCTED ON THIS LOT.**

§ 140-15. Requirements for guarantee of improvements.

- A. A performance assurance or completion guarantee shall be delivered to the Town to guarantee that the subdivider will cause to be constructed and completed within a reasonable time the public improvements the subdivision requires.
- B. The Planning Board may not grant final plat approval unless a performance assurance has been issued in compliance with the procedures set forth in either Subsection B(1) or (2):
 - (1) In an amount set by the Town Board from an estimate prepared by the Engineer for the Town, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required public improvements or the subdivider must obtain an irrevocable letter of credit from a banking institution located and authorized to do business in the State of New York in an amount to cover the full cost of the required public improvements. Any such performance assurance shall comply with the requirements of § 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency and manner of execution. A period of one year, or such other period as the Town Board may determine appropriate, not to exceed three years, shall be set for the installation of all required public improvements; provided, however, that the term of such performance assurance may be extended by the Town Board.
 - (2) The subdivider shall complete all required improvements to the satisfaction of the Engineer for the Town, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a letter of credit or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvements not approved by the Engineer for the Town. Any such letter of credit shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency and manner of execution.
 - (3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Engineer for the Town and a record drawing satisfactory to the Planning Board has been submitted indicating the location of monuments and accurately locating all public improvements as actually installed. The record drawing shall be certified to the Town as true and accurate by a New York State licensed professional land surveyor. If the subdivider completes all required improvements according to Subsection B(2) above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board. However, if the subdivider provides a letter of credit or certified check for all required improvements as specified in Subsection B(1) above, such performance assurance shall not be released until such a record drawing is

submitted. The Town Board may release or reduce the amount of the bond upon certification of the Engineer for the Town and the Town Attorney that all or part of the requirements of the bond have been satisfied.

- C. The subdivider shall complete all required improvements or post the required performance assurance to the satisfaction of the Town Board before any building permits will be issued. No certificate of occupancy may be issued until the Code Enforcement Officer finds that sufficient public improvements have been installed to the satisfaction of the Town to the extent necessary for the public health, welfare and safety of the occupants of the buildings.
- D. If the Town Board shall decide at any time during the term of the performance assurance that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance assurance, or that required improvements have been installed as provided in this section in sufficient amount to warrant reduction in the face amount of said assurance, or that the character and extent of such development requires additional improvements previously waived for a period stated in the original terms of such assurance, the Town Board may modify its requirements for any or all such improvements, and the face value of such performance assurance shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Town Board, and any security deposited with the assurance may be reduced or increased proportionately.

§ 140-16. Lot improvements.

- A. A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.
- B. Lot improvements shall be exempt from the requirements contained herein, when no additional lots are being created. A minimum of five (5) paper copies and one (1) mylar of a plat prepared by a NYS licensed land surveyor shall be submitted detailing the conveyances involved by metes and bounds and in sufficient detail. A note shall be added to the map that the land added to an existing parcel shall be combined to form a single undivided lot.
- C. The Code Enforcement Officer will review the application to ensure:
 - (1) No substandard lots are being created;
 - (2) No setback requirements are being violated;
 - (3) Access to public highway is in place for both parcels; and
 - (4) Written permission has been received from both parcel owners.

- D. The Code Enforcement Officer shall sign plans which meet all requirements with the following notation: “These plans are acknowledged by the Town of Catskill, and for recording purposes only, to represent an exempt lot improvement in accord with § 140-16 of the Town of Catskill Subdivision Regulations. No subdivision approval is required or given.” No person shall record plans for any lot improvement without so first obtaining the Code Enforcement Officer’s signature and notation on the plans.

§ 140-17. Fees.

At the time a sketch plan for subdivision approval is filed and at the time a final plat is submitted for approval, fees shall be paid to the Town by the subdivider, such fees to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance and the expenses of public notices and hearings.

§ 140-18. Design standards.

- A. Application. The design standards and requirements set forth in this chapter are the minimum required in the design of each subdivision within the Town of Catskill. The Planning Board may require more restrictive standards where necessary to protect the health, safety and welfare of the public and where circumstances unique to the property so dictate.
- B. General site requirements.
- (1) Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood, noise, or any other natural or nonnatural occurrence, or are uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards mitigating the hazards.
 - (2) In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating any potential hazards, may use historical records, soil evaluations, engineering studies, expert opinions, established professional standards, including standards used by licensed insurance companies, and federal, State, or local policies.
 - (3) All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations of public health, safety, and welfare.
 - (4) In all subdivisions, care shall be taken to preserve natural features such as trees, habitats, watercourses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of

land is on a site that has a slope of more than 15%, the Planning Board may require larger lot sizes than the minimum standards.

- (5) Damming, filling, relocating or other interference with the natural flow of surface water along any surface, water, drainage channel, or natural watercourse shall not be permitted except with the approval of the Planning Board and, as required, the DEC.
- (6) Wherever possible, lot lines shall follow Town boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- (7) All major subdivisions shall be designed with underground utilities. To the maximum extent practical, all minor subdivision shall be designed with underground utilities.
- (8) To the maximum extent practical, major subdivisions shall be located on county or state highways.
- (9) To the maximum extent practical, the removal of mature trees shall be minimized.

C. Blocks and lots.

- (1) Blocks shall ordinarily not exceed 1,200 feet in length.
- (2) Pedestrian interior walks maybe required to assist circulation or provide access to community facilities and open space. Such walks shall have a right-of-way width of not less than six feet, be all-weather surfaced for not less than three feet in width, and include handicap-accessible street cuts.
- (3) Blocks shall be of sufficient depth to permit two tiers of lots of appropriate depth, with each lot fronting a parallel street, except where an interior street parallels a major street or where a street borders a railroad, creek, or other natural barrier.
- (4) Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or more and carries at least 1,000 vehicles per day), the greater dimension of the Block shall front along said highway, and interior streets may be required to minimize the number of points of access. Such interior streets may be required for reasons of health and safety whenever topographic conditions, traffic density or lack of proper sight distance dictate. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement.

- (5) Cul-de-sacs. Through streets are preferred in the Town of Catskill. However, where the Planning Board determines that a through street cannot be constructed due to the physical constraints of the subdivision parcel and/or adjoining properties and where streets have been designed to have one end permanently closed, upon the recommendation of the Superintendent of Highways, a waiver may be issued in accordance with § 140-20 of the Town Code for the provision of a cul-de-sac street providing access to no more than 15 lots and having a maximum length of 800 feet. The cul-de-sac shall otherwise be governed by all stated requirements of Chapter 138 and the Minimum Road Specifications, set forth in Chapter 138, Appendix A, thereto. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- (6) All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- (7) Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- (8) If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common open space or dedicated to open space.
- (9) Either of the two sides of a corner lot may be designated as the front, provided that the rear yard shall always be opposite the frontage so designated.
- (10) All lots created under this chapter shall have a minimum of 50 feet of frontage providing access on a public street or highway which has been suitably improved to state, county or Town standards, or an approved private street suitably improved to the appropriate Town standards in Chapter 138 and the Minimum Road Specifications, set forth in Chapter 138, Appendix A, thereto of the Town Code with the exception of flag lots which require a minimum of 24 feet of frontage. The principal access to any approved subdivision shall likewise conform with Chapter 138 and the Minimum Road Specifications set forth in Chapter 138, Appendix A, thereto. This provision is subject to Town Law § 280-a. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- (11) Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.
- (12) Shared driveways. **[Added 12-16-2009 by L.L. No. 3-2009]**

- (a) A shared driveway may be approved, as part of a subdivision to serve up to three homes, provided that each lot served by such a driveway has the required lot or road frontage as set forth in this chapter.
- (b) Driveway access is typically controlled by sight line, grades, and ecological factors, such as wetlands and stream crossings.
- (c) A shared driveway may be owned in common or may be created by reciprocal easements between property owners.
- (d) A road maintenance agreement shall be required for a shared driveway.
- (e) A shared driveway shall have a minimum width of 20 feet and shall be improved with an all-weather surface with a minimum width of 16 feet suitable for passenger and emergency vehicle access.
- (f) A shared driveway shall be maintained free of all obstructions, such as trees, brush, posts, gates, etc.
- (g) Rear lots with no public or private road frontage gaining access to a public or private street only by means of an easement or right-of-way may only be approved pursuant to Town Law § 280-a.
- (h) Except as otherwise required above at 140-18(c)(12) (a) through (g), shared driveways do not need to meet the standards for private streets in Chapter 38.
- (i) In accordance with Town Law 280-a(4). In all zones, a buildable lot need not have frontage on a public or private road (a) if it has access to a public or private road by a recorded right-of-way subject to a maintenance agreement (b) there shall be no further subdivision of any lot without frontage on a public or private road, which shall be designated NOT TO BE FURTHER SUBDIVIDED on the survey map (c) only one single-family residence is permitted per lot (d) the use of the right-of-way shall be limited to three lots (e) no Certificate of Occupancy shall be issued unless any building constructed thereon have emergency vehicle access in accordance with state law and (f) no lot can provide access to additional adjacent landowner, except for pre-existing right-of-way.

(13) Flag lots. **[Added 12-16-2009 by L.L. No. 3-2009]**

- (a) A flag lot may be approved, as part of a subdivision for a lot having access but that does not meet the minimum road frontage requirements of this chapter.

- (b) The width of the flag lot access shall not be less than 24 feet at any point and shall be improved with an all-weather surface driveway with a minimum width of 16 feet suitable for passenger and emergency vehicle access.
- (c) The flag lot and flag lot access shall be approved as a single lot; however, the area of the flag lot access shall not be counted for the purpose of determining the minimum lot area compliance.
- (d) Adjoining flag lots shall be prohibited. The minimum distance between driveways serving individual flag lots shall be not less than 100 feet as measured along the road frontage.
- (e) Flag lots shall not be further subdivided. A note stating “Parcel ___ is a flag lot and shall not be further subdivided” shall be placed on all subdivision maps with flag lots.
- (f) Rear lots with no public or approved private road frontage gaining access to a public or private street only by means of an easement or right of way may only be approved pursuant to Town Law § 280-a.

D. Common open space. Except where such area would be less than one acre or the Planning Board shall waive the requirement, not less than 10% of the gross area of the entire tract shall be reserved for common open space. Common open space shall be suitable for recreational use of the residents of the subdivision. The following and similar facilities shall meet this ten-percent requirement: swimming pools; tennis courts; riding, hiking and cycling paths; playgrounds; community centers; and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. The sites are not required to be dedicated to the Town and may be maintained by the developer or a homeowners' association. The sites shall not be deemed to be accepted by the Town unless and until the Town Board has taken formal action to accept the same. The Planning Board may require the subdivider to otherwise provide a fee in lieu of common open space pursuant to § 277 of the Town Law.

E. Water supply.

- (1) Where a central water supply is available within 1,000 feet of the proposed residential development, the subdivider shall construct a system of water mains tied to such system and provide a connection for each lot.
- (2) Plans and specifications for central water supply (i.e., extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to any applicable requirements of the New York State Department of Health and the local fire district(s). Suitable agreements shall

also be established for the ownership and maintenance of a central water supply.

- (3) The Planning Board shall not approve a subdivision unless the subdivider has demonstrated provision for adequate water supply.

F. Sewage disposal.

- (1) All sewage disposal systems proposed shall comply with the provisions of Chapter 131³ of the Town Code.
- (2) All subdivision and land developments shall be provided with an adequate sewage disposal system(s). When a central sewage disposal system is available within 1,000 feet of a proposed residential development, the subdivider shall provide a system of collection lines to connect to said system. Central sewage disposal systems shall also be required for all residential lots and nonresidential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.

G. Sewers. The subdivider of any property situated within the district boundaries and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the district within 100 feet of said property line is hereby required, at the subdivider's expense, to install suitable plumbing facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of Chapter 132⁴ of the Town Code.

- (1) The subdivider shall not uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Board, in compliance with the specifications provided in Chapter 132 of the Town Code.
- (2) Where a public sanitary sewer is not available for a subdivision, the building sewer shall be connected to a private sewage disposal system complying with the provisions established by the New York State Department of Health and the requirements of this chapter.

H. Erosion and sedimentation. In the event that any subdivider shall intend to make land changes by grading, filling, excavating, removing, or destroying the natural topsoil, or vegetative covering thereon, in accordance with a subdivision plan submitted to the Planning Board, the same shall be approved and accomplished only after the developer has submitted to the Planning Board an erosion and sedimentation control plan. Erosion control measures shall be employed as necessary to prevent loss of soil

³ Editor's Note: See Ch. 131, Sewage Disposal Systems, Individual.

⁴ Editor's Note: See Ch. 132, Sewers.

from erosion and to prevent resulting property damage, siltation and contamination of watercourses or impoundments. Erosion control measures may include hay bales, silt fences or other measures.

I. Storm drainage.

- (1) All subdivisions shall demonstrate compliance with DEC State Pollutant Discharge Elimination System regulations as appropriate. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- (2) A stormwater pollution prevention plan shall be required for major subdivisions. Such plan shall comply with DEC guidelines and applicable standards. **[Amended 12-16-2009 by L.L. No. 3-2009]**
- (3) The following additional requirements shall apply:
 - (a) Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
 - (b) The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development.
 - (c) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without the Planning Board's approval of the subdivider's plans for addressing these conditions.
 - (d) Stormwater calculations and designs shall be prepared by a professional engineer, land surveyor, landscape architect or other professional certified to perform such work.
 - (e) Storm drainage facilities shall be designed to handle the anticipated peak discharge from the property being subdivided.
 - (f) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 20 feet to each side of the stream from that stream bank or such additional width as will be required to preserve the unimpeded flow of natural drainage. No stream classified as protected by 6 NYCRR Part 608 regulations may be disturbed without a DEC permit.
 - (g) Drainage structures that are located on state highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Planning Board prior to final plat approval. Drainage structures that are located on county rights-of-way

shall be approved by the Greene County Highway Department, and evidence of same shall be provided to the Planning Board prior to final plat approval.

- (h) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4 inch per foot away from the center line.
- (i) All proposed surface drainage structures shall be indicated on the preliminary plat.
- (j) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- (k) Whenever storm drains are required, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Planning Board determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or street maintenance problems.
- (l) Drainage systems shall be designed in accordance with engineering practice, using hydraulic computations to show effects of the flow of water. The amount of stormwater leaving the site along any property line after development shall not exceed predevelopment stormwater flows for that area. In no case shall any pipe system of less than 15 inches in diameter be used underneath a street or driveway.
- (m) All drainage systems and structures shall be subject to the approval of the Engineer for the Town, or any such other qualified person as may be appointed for this purpose by the Planning Board.

J. Street requirements. All streets shall be constructed as shown on the preliminary and final plats approved by the Planning Board, and the arrangement, character, extent, width, grade and location of all streets shall conform with Chapter 138 and Chapter 138, Appendix A, of the Town Code as applicable to either dedicated public or approved private streets. Where no standard is provided, the Planning Board may rely upon the standards used by the New York State Department of Transportation for local streets. Every subdivision shall have access to a public street or highway. **[Amended 12-16-2009 by L.L. No. 3-2009]**

- (1) The arrangements of the subdivision streets shall be laid out so as to form a continuation of the public streets or highways now existing.
- (2) Each street shall be marked by monuments of granite or concrete with a cross on top. Said monuments are to be at least three inches square and four feet

long, and are to be installed with two inches showing above the surface of the ground. All streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure the circulation of vehicular and pedestrian traffic.

- (3) As far as practical, acute angles between streets at their intersection are to be avoided, and where a deflection angle of more than 10° in a street line occurs at any point between two intersecting streets, a curve of a reasonably long radius is to be introduced.
- (4) No curves of 90° or greater shall be allowed on any streets.
- (5) Grades of all streets shall conform to the general terrain. Internal subdivision streets may have a maximum grade of up to 10%, except in cases of unusual terrain or other features where the Planning Board, in consultation with the Superintendent of Highways and/or Town Engineer, has granted a waiver in accordance with the provisions of § 140-20.
- (6) Streets shall have adequate drainage, including necessary inlet and outlet ditches. Reinforced concrete or corrugated ADPE pipe shall be used for all culverts and surface drains. All drainage problems must either conform to or be corrected to the specifications of the Superintendent of Highways. Said materials used for the same must conform to standard usage adopted by the Superintendent of Highways. Drainage easements will be obtained on behalf of the Town of Catskill where necessary as long as they are situated on lot lines.
- (7) The roadway of subdivision streets shall be filled with suitable bank gravel, as prescribed by Chapter 138 of the Town Code, and must be approved by the Superintendent of Highways before the streets are motor paved.
- (8) Landscaping, including fencing, on any proposed or existing street shall be set back 35 feet from the center of the subdivision street.
- (9) All private driveways and streets connecting with public streets shall comply with the standards prescribed by Chapter 138 of the Town Code and be approved by the Superintendent of Highways.
- (10) Streets to be constructed between November 15 and April 15 can proceed only with the permission of the Town Superintendent of Highways.
- (11) The Planning Board may require subdivision streets to include sidewalks.
- (12) Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible, and cuts and fills which would necessitate removing such cover shall be minimized.

K. Private streets. A private street may be approved to provide access to lots in a subdivision, subject to the following minimum requirements: **[Added 12-16-2009 by L.L. No. 3-2009]**

- (1) A certification must be included on the plat that expressly states that the road is not being dedicated to the Town and is a "private street."
- (2) Written recommendation from the Town Superintendent of Highways and/or the Town Engineer shall be secured before approval of any private streets.
- (3) A homeowners' association (HOA) shall be created to own and provide for the perpetual care and maintenance of the private street. The Planning Board shall have discretion to determine whether a performance bond must be posted by the subdivider to ensure the proper completion of the private street as well as the required amount and form.
- (4) The HOA shall have the power to assess the subdivision lot owners for their share of the maintenance costs of the private street. The HOA shall ensure that the street will always be maintained and kept open to permit emergency vehicle access.
- (5) Road design shall comply with the standards for private streets in Chapter 138 (including Chapter 138, Appendix A) of the Town Code.
- (6) The Planning Board may consider a waiver of the requirement of an HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a private street maintained pursuant to a recorded road maintenance agreement or some other acceptable legal mechanism will provide the same protections to lot owners and the Town as would a private street owned by an HOA.

§ 140-19. Conservation subdivisions.

- A. The Planning Board shall be authorized, pursuant to and in supersession of § 278 of the Town Law, to modify applicable provisions of Chapter 160, Zoning, and these Subdivision Regulations so as to accommodate conservation subdivision projects. Also known as "cluster developments," conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities, and preserve open space. Conservation subdivisions shall be allowed anywhere within the Town of Catskill and processed pursuant to the subdivision plat approval procedures of this chapter.
- B. The Planning Board may require a conservation subdivision where a conventional subdivision would cause a significant loss of open space or may adversely affect the preservation of and/or function of natural areas, prime farmland or farmland of statewide importance, according to the soil survey prepared for Greene County by

the U.S. Department of Agriculture, or otherwise result in significant adverse environmental impacts. [Amended 12-16-2009 by L.L. No. 3-2009]

- C. Conservation subdivisions provide for one-family dwelling units wherein dwelling units are clustered in order to maximize open space and preserve natural settings. Proposed conservation subdivisions shall be processed in the same manner as major subdivisions and in accord with the standards below.
- D. Conservation subdivisions shall include at least five lots and 10 acres of land. For any major subdivision that is proposed, the Planning Board may require an alternative sketch plan that depicts the development of the property as a conservation subdivision. If the Planning Board determines that the sketch plan for the conservation subdivision better serves the purposes of this chapter, it may require the subdivider to use the conservation subdivision technique.
- E. Maximum permitted number of dwelling units:
 - (1) The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:
 - (a) All areas within the rights-of-way of any existing or proposed streets; and
 - (b) All areas occupied by public utility easements; and
 - (c) All wetlands, floodplains, slopes of 15% or more, water bodies and areas that are otherwise undevelopable.
 - (2) The net figure shall then be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.
- F. The Planning Board may reduce development standards for lot size, lot width and lot depth and for yard requirements, provided that no dwelling structure (one-family or two-family) is located on less than one acre of land where on-site sewer and water facilities are to be provided or 1/2 acre of land where off-site sewer and water facilities are to be provided; and further provided the total average density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this chapter and as determined from the basic sketch plan submission.
- G. No individual parcel of common open space shall be less than one acre, except for street median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features. No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space. No portion of this 50% requirement shall be met with watercourses, water bodies, wetlands, floodplains, slopes over 15% in grade or other undevelopable areas. Of the 50% of this total land

area of the conservation subdivision dedicated to permanent open space, 50% of this permanent open space land shall be usable for active recreation by residents of the subdivision and of the Town.

- H. The open space resulting from conservation subdivision design shall be permanently protected by a conservation easement providing for public use and generally titled to a property owners' association (POA) prior to the sale of any lots or dwelling units within the subdivision. Membership shall be mandatory for each property owner within the subdivision and for successive owners with voting of one vote per lot or unit under the subdivider's control, thereby passing to the individual lot/unit owners on the subdivider's sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent, and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost, and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

§ 140-20. Waivers. [Amended 12-16-2009 by L.L. No. 3-2009]

Consistent with the authority granted under Town Law § 277, the Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Such waivers are also subject to the following requirements:

- A. Applications for waivers of requirements or improvements shall ordinarily be submitted in writing by the subdivider at the time the preliminary plat is filed. The application shall state fully the grounds on which it is made.
- B. The Planning Board shall require a public hearing for any waiver application that it finds may have an impact on adjoining properties. The notice requirements for said public hearing shall be consistent with the notice requirements for subdivisions.
[Amended 2-17-2021 by L.L. No. 1-2021]
- C. Any resolution by the Planning Board authorizing a waiver of these regulations shall include the basis for its findings.
- D. In authorizing a waiver, the Planning Board shall attach conditions and require such performance guarantee or bond as it may deem necessary to assure compliance with the objectives of this chapter.

- E. Approvals of waivers pursuant to this section shall require a two-thirds majority vote of the Planning Board.

§ 140-21. When effective.

This chapter shall take effect 20 days after it is filed as provided in § 27 of the Municipal Home Rule Law.

Chapter 160
ZONING
GENERAL REFERENCES

Joint Waterfront Commission — See Ch. 39. Flood damage prevention — See Ch. 103.
Planning Board — See Ch. 49. Mobile homes — See Ch. 121.
Building Code administration — See Ch. 87. Waterfront consistency review — See Ch. 155.

Table of Contents

- § 160-1. Title.
- § 160-2. Enacting clause.
- § 160-3. Purpose.
- § 160-4. Application of regulations.
- § 160-5. Terminology; word usage.
- § 160-6. Enumeration of districts.
- § 160-7. Zoning Map.
- § 160-8. Interpretation of district boundaries.
- § 160-9. General provisions.
- § 160-10. RA Rural Residential/Agriculture.
- § 160-11. MR Moderate Density Residential.
- § 160-12. HR High Density Residential.
- § 160-13. GC General Commercial.
- § 160-14. HC Highway Commercial.
- § 160-15. I Industrial.
- § 160-16. C Conservation.
- § 160-17. Table of Uses, Yard and Lot Requirements.
- § 160-18. Additional regulations for Industrial Districts.
- § 160-19. Waterfront Overlay District regulations.
- § 160-20. Site plan review.
- § 160-21. Special use permits.
- § 160-22. Consultant Fees: Escrow deposit required.
- § 160-23. Enforcement.
- § 160-24. Zoning permits.
- § 160-25. Certificates of occupancy.
- § 160-26. Zoning Board of Appeals.
- § 160-27. Continuation.
- § 160-28. Discontinuance.
- § 160-29. Alterations; extension.
- § 160-30. Existing undersized lots.
- § 160-31. Accessory Apartments.
- § 160-32. Noninterference and precedence.
- § 160-33. Fences, gates, walls and vegetative screening.
- § 160-34. Penalties for offenses.
- § 160-35. Amendments.
- § 160-36. Certification of Zoning Map amendments.
- § 160-37. When effective.

ARTICLE I
Title and Purpose

§ 160-1. Title.

This chapter shall be known and may be cited as the "Zoning Law of the Town of Catskill, New York."

§ 160-2. Enacting clause.

The Town Board of the Town of Catskill in the County of Greene, pursuant to New York State Town Law, hereby ordains, enacts and publishes this chapter.

§ 160-3. Purpose.

The purpose of this chapter is to promote the health, safety, morals and general welfare of the community. In accordance with the Town's Comprehensive Master Plan, this chapter is designed to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent crowding the land and undue concentration of population; to facilitate transportation, water, sewage, schools, parks and other public services; to assure privacy for residents and freedom from nuisance and things harmful to the senses.

§ 160-4. Application of regulations.

- A. No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected or altered to accommodate or house a greater number of families or have narrower or smaller rear yards, front yards or side yards than is herein required for the district in which such a building is located.
- C. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.
- D. No land shall hereafter be used or occupied unless in conformity with the regulations herein specified for the district in which it is located.

ARTICLE II
Definitions

§ 160-5. Terminology; word usage.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- B. The word "shall" is always mandatory. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action.

ACCESSORY USE – A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. All accessory buildings and structures must comply with setback requirements. No building with plumbing shall be considered permitted accessory use, except for a garage with a door or doors permitting vehicular access. No accessory structures shall be placed in a front yard.

ADULT USE – Adult entertainment uses as defined in § 75-2 of this Code. Adult uses are allowed as special uses in the Industrial District on parcels with direct access to U.S. Route 9W. **[Added 5-16-2001 by L.L. No. 2-2001]**

AGRICULTURE – Raising of crops, animals and animal products, and other commonly accepted agricultural operations for commercial purposes including the sale of related agricultural products. Includes growing, processing or sale of fire wood and Christmas trees, and milling of trees harvested on site for use on-site, but does not include forestry.

BOARDINGHOUSE – A building, other than a hotel, containing a general kitchen and a general dining room, in which at least one but no more than eight sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house, or rooming house where transient use is for thirty days or more shall be deemed a boardinghouse.

BUILDING – Any roofed structure intended for the shelter, housing or enclosure of persons, animals, or personal property, and affixed to the ground.

CANNABIS DISPENSARY – A business that sells cannabis or cannabis derived products for offsite consumption.

CANNABIS LOUNGE – A business that sells cannabis or cannabis derived products for on-site consumption.

COASTAL AREA – The Town's coastal waters and the adjacent shorelands as generally shown on the Catskill Town Zoning Map, and referred to more specifically in Section One of the Catskill Local Waterfront Revitalization Program.¹

COMMERCIAL – Any use generating or intending to generate income.

CONDOMINIUM – A multi-family dwelling containing individually owned apartments, where the real property title is vested in a single owner. The owners of the apartments have rights in the common areas and facilities which serve the development.

CONSTRUCTION YARD/STORAGE YARD – Any space, whether open space, or inside or outside a building, used for storage or keeping of more than one piece of a construction equipment, machinery, vehicles or parts thereof, whether or not in active use, by a construction contractor. This includes a storage yard for building materials and/or equipment intended for commercial use.

CULTURAL FACILITIES: Uses which include art galleries, creative arts space, libraries, museums and historic sites and the like.

DAY NURSERY – Any place, however designated, operated for the purpose of providing daytime care, instruction or recreation for two or more children and operated on a regular basis, including kindergartens, day nurseries and day-care centers.

DWELLING – A building designed or used principally as the living quarters for one or more families.

DWELLING, MULTIPLE-FAMILY – A building with three or more dwelling units, each unit having a complete kitchen, and all units accessible through one direct entrance from the outside of the building. This does not include condominiums or townhouses. This includes upper floor apartments over ground floor commercial uses.

DWELLING, ONE-FAMILY – A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY – A building designed for or occupied exclusively by two families living independently of each other.

¹ **Editor's Note: The Local Waterfront Revitalization Program is on file in the Town offices.**

FAMILY – One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family unit. A fraternity club or boardinghouse shall not be considered a family. **[Amended 5-4-1999 by L.L. No. 1-1999]**

FORESTRY – Commercial milling, processing or sale of trees, wood and wood products. Does not include processing or sale of firewood or Christmas trees, or milling of trees harvested on-site for use on site.

HOME OCCUPATION – Any commercial use customarily conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the use of the lot; does not change the character of the dwelling; has no external evidence of such use or exterior storage of materials or equipment; and is carried on by residents of the dwelling or dwellings, except that no more than two persons not residents of the dwelling may be employed.

HOTEL – A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

INSTITUTIONAL OR PHILANTHROPIC USES: Uses which include public schools, colleges, correctional facilities, governmental agencies, charitable or not-for-profit agencies and the like.

KENNEL – A business that houses one or more dogs for pay or remuneration. Does not include animal hospitals or veterinarians.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) – Refers to the Town and Village of Catskill's Local Waterfront Revitalization Program prepared under guidelines from the New York State Department of State Coastal Management Program.

LOGGING – Cutting and removal of trees and wood, subject to state regulations.

LOT – A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings and which has frontage on a public or approved private street which provides access thereto, or in the case of a minor subdivision, on a driveway if otherwise in compliance with Section 140-18(12)(i). When calculating the size of a lot, any land on which automobiles travel, and the adjacent shoulders, shall not be included in the calculation.

LOT WIDTH – The average width of the lot measured across the frontage, approximate midsection and rear boundary of the lot.

MEMBERSHIP CLUB – An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

MOBILE HOME – A transportable single-family dwelling, factory manufactured on a permanent chassis, which may be transported to its site and which is not affixed to a permanent foundation. The mobile home must conform to the U.S. Code of Federal Regulations (CFR) Title 24 standards. This definition does not include recreation vehicles or modular homes. **[Amended 9-2-2003 by L.L. No. 1-2003]**

MOBILE HOME PARK – A parcel of land which has been planned for the placement of two or more mobile homes, appurtenant structures or additions.

MOTEL – A building or group of buildings having individual sleeping units for hire which are designed primarily for transient automobile travelers. The term “motel” includes but is not limited to a motor court, motor inn, motor lodge and tourist court.

NONCONFORMING USE – The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the district in which the building or land is situated.

NURSING OR CONVALESCENT HOME – A building where persons are housed or lodged and furnished with meals and nursing care for hire.

PUBLIC UTILITIES – Uses operated by the government or a public utility include electric substations and water towers, municipal garages, firehouses and telephone substations.

RELIGIOUS INSTITUTIONS – All uses dedicated to religious objectives, including churches, synagogues, retreat houses, resorts and the like.

RESORT – A building or group of buildings having individual sleeping units for hire that includes a dining hall on the premises, offers the inclusion of the cost of meals in the room rates and has outdoor recreation facilities and entertainment. The lot shall be sufficient size such that the gross acreage of the parcel divided by the number of individual sleeping units provided is equal to at least 0.5.

SERVICE STATION – Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning

or servicing such motor vehicles. A service station is not a sales, major repair or rental agency for autos, trucks or trailers.

SET BACK – The horizontal distance from the property line, measured at right angles as set forth at § 160-17. The setback will be measured from the edge of a traveled way, not the centerline of the street or road.

SHARED DRIVEWAY – A driveway providing access for up to three lots, provided that each lot served by the shared driveway has 50 feet of frontage on or public or private road or is otherwise in compliance with Section 140-18(12)(i).

SHOPPING CENTER – A grouping of retail business and service uses on a single site with common parking facilities; or a single retail business with a floor space of 50,000 square feet or more. All such facilities shall direct access to a county, state or federal highway.²

SHORT-TERM RENTAL – A furnished house or apartment or any residence containing a kitchen where one or more rooms is rented for fewer than thirty consecutive days.

SPECIAL USE – A use that would not be appropriate generally or without restriction throughout the zoning district but which is controlled as to the number, area, location or relation to the Town would promote the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted only when the Town Planning Board finds that they meet the specific criteria provided in this chapter for them.

STRUCTURE – Anything constructed or erected, stationary and fixed to the ground, above or below the surface of land or water; examples include all buildings, stationary and portable carports and swimming pools. Sidewalks are not structures.

SWIMMING POOL – A water-filled enclosure, permanently constructed or portable, having a depth at any point greater than two feet below the level of the surrounding land or an above-surface pool having a depth of more than 30 inches, used and maintained for swimming and bathing.

TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached units, separated by common or party walls. The house and land located directly beneath the house is in the same ownership; land around the townhouse may be in the same ownership or may be in common ownership with other townhouse owners and subject to association care and maintenance. Each unit has a private outside entrance, and a totally exposed front and rear wall to be used for access, light and ventilation.

² **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).**

VARIANCE – A relaxation of the terms of the zoning regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

WATER-DEPENDENT USE – As described in Policy 2 of the Catskill Local Waterfront Revitalization Program, the following uses and facilities are considered as water-dependent: ³

- (1) Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, and mariculture activities).
- (2) Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating and wildlife viewing).
- (3) Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines and short-term storage facilities).
- (4) Structures needed for navigational purposes (for example: dams, beacons and lighthouses).
- (5) Flood and erosion protection structures (for example: breakwaters and bulkheads).
- (6) Facilities needed to store and service boats and ships (for example: marinas, boat repair and boat construction yards).
- (7) Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants and pumped storage power plants).
- (8) Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants and quarries).
- (9) Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods).

³ **Editor's Note: The Local Waterfront Revitalization Program is on file in the Town offices.**

- (10) Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities).
- (11) Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first-aid stations and short-term storage facilities). Though these uses must be near the given water-dependent use, they should as much as possible be sited inland from the dependent use rather than on the shore.

YARD – An open and unobstructed area on a parcel of land extending perpendicular from a property line for a depth specified in the appropriate district regulations.

YARD, FRONT – A yard extending from the front property line to a building.

YARD, REAR – A yard extending from the rear property line to a building.

YARD, SIDE – A yard extending from the side property line to a building.

ARTICLE III Establishment of Districts

§ 160-6. Enumeration of districts.

The Town of Catskill is hereby divided into the following zoning districts:

RA	Rural Residential/Agriculture
MR	Moderate Density Residential
HR	High Density Residential
GC	General Commercial
HC	Highway Commercial
I	Industrial
C	Conservation
WD	Waterfront Overlay

§ 160-7. Zoning Map.

The areas and boundaries of such districts are hereby established to scale as shown on the map entitled "Zoning Map of the Town of Catskill" adopted and certified by the Town Clerk and herein referred to as the "Zoning Map." Said Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this chapter.⁴

§ 160-8. Interpretation of district boundaries.

Zoning district boundaries shall be determined as follows:

⁴ **Editor's Note: The Zoning Map is included as an attachment to this chapter.**

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes or other bodies of water shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following village/Town limits shall be construed as following such village/Town limits.
- C. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- D. For all parcels fronting on a street or highway the entire parcel shall be deemed within the boundary of the district in which the street or highway frontage lies when 75% of the parcel lies within the boundary of the district in which the street or highway lies.
- E. In other circumstances not covered by the rules above, the Zoning Board of Appeals shall interpret the district boundaries.

**ARTICLE IV
District Regulations**

§ 160-9. General provisions. [Amended 8-7-2007 by L.L. No. 3-2007]

- A. The restrictions and controls intended to regulate development in each district are set forth in the following district regulations. Any uses not specifically listed in the following district regulations are prohibited in the Town of Catskill.
- B. In all districts that allow one-family and two-family residential dwellings, not more than two single-family or two-family dwelling units may be placed on a lot, provided that each dwelling is located so that it would conform to all area and bulk regulations of the district in which it is located if a separate lot were created for each dwelling. Where two single-family or two-family dwellings are permitted on one lot, said lot may not be subdivided unless there is separate water and sewer for each dwelling.

In zones where multiple-family dwellings are allowed or permitted, there may be more than one multiple-family dwelling per parcel.

§ 160-10. RA Rural Residential/Agriculture.

- A. These areas have soil conditions which generally are not conducive to intense development. They are located in the more rural areas of the Town and development which has already occurred here has taken place on large lots providing a low intensity of development. While the principal type of development should be residential, agriculture should continue in most areas and open-space types of commercial uses are allowed if properly located and designed.

§ 160-11. MR Moderate Density Residential.

- A. Most of these areas have developable soils and are located in proximity to established hamlets. They are designed to accommodate growth emanating out from the hamlets.

§ 160-12. HR High Density Residential.

- A. These districts are generally suitable for an urban scale of development and are located around existing heavily developed areas. The purpose of these districts is to encourage growth in concentrated areas and to reduce the trend toward scattered development.

§ 160-13. GC General Commercial.

- A. These areas reflect past trends toward commercial growth. The intent of these districts is to maintain commercial uses that are compatible with the surrounding moderate- and high-density residential districts.

§ 160-14. HC Highway Commercial.

- A. The intent of these districts is to encourage highway-oriented commercial uses along the heavily traveled principal routes in Town.

§ 160-15. I Industrial.

- A. These areas recognize the considerable industrial investments made in the Town. The intent of these districts is to provide areas for industrial expansion while reducing the potential for conflicts with nonindustrial land uses.

§ 160-16. C Conservation.

- A. These include wetlands and, in the waterfront area, includes lands along the Catskill and Kaaterskill Creeks. These areas are environmentally sensitive and generally should not be developed.
- B. The Zoning Map⁵ is designed to show wetlands according to the official New York State Freshwater Wetlands Map. As the New York State Freshwater Wetlands Map changes, so shall the Zoning Map be automatically changed.

⁵ **Editor's Note: The Zoning Map is included in a pocket at the end of the Code.**

§ 160-17. Table of Uses, Yard and Lot Requirements.

Catskill Town Zoning							
Table of Uses							
	<i>P — Permit-by-right, not subject to Site Plan Review</i> <i>X — Permitted Subject to Site Plan Review by the Planning Board</i> <i>SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review</i>						
Zone	RA	MR	HR	GC	HC	I	C
<i>Residential Uses</i>							
One Family Dwellings	P	P	P	P	P		SP
Mobile Homes not on permanent foundation	P				SP		
Home Occupations	P						
Accessory Uses	P	P	P	P	P		
Two Family Dwellings	SP	X	X	X	SP		
Multiple Family Dwellings	SP	SP	SP	SP	SP		
Boarding Houses	SP	SP	SP	SP	SP		
Mobile Home Parks	SP				SP		
Condominiums and Townhouses	SP	SP	SP	SP	SP		
Manufactured Homes affixed to Permanent Brick or Block Foundations	P	P	P	P	P		SP
<i>Non-Residential Uses</i>							
Accessory Uses	P	P	P	P	P	P	P
Adult Uses _i						SP	
Agriculture	P	P _{ii}	P _{ii}	P	P	P	P
Automobile Storage or Repair Shops				X	X	X	
Bars or Nightclubs	SP			X	X		
Boat Docking Facilities	SP					SP	
Boat Ramps	SP					SP	
Bowling Alleys				X	X		

Catskill Town Zoning

Table of Uses

	<p><i>P</i> — Permit-by-right, not subject to Site Plan Review</p> <p><i>X</i> — Permitted Subject to Site Plan Review by the Planning Board</p> <p><i>SP</i> — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review</p>						
Zone	RA	MR	HR	GC	HC	I	C
Campgrounds/Recreation Vehicle Parks	SP						
Cannabis Dispensary ^v	SP			X	X	X	
Cannabis Lounge ^v	SP			X	X		
Car Washing Stations					X	X	
Cemeteries	X	X	SP				
Construction Yard/Storage Yard ⁱⁱⁱ					SP	SP	
Crematories						SP	
Cultural Facilities	X	X	X	X	X		
Dance Halls or Skating Rinks	SP			X	X		
Day Nurseries or Camps	X	X	X	X	X		
Drive-in Theaters	SP						
Equipment Rental or Sales Yard					X	X	
Forestry					SP	SP	
Funeral Homes				X	X		
General or Professional Offices	SP		SP	X	X		
Golf Courses and Country Clubs	X						
Home Occupations	P	P	P	P	P		
Hospitals	SP	SP	SP				
Hotels				SP	SP		
Institutional or Philanthropic Uses	SP	SP	SP	SP	SP		SP
Large-Scale Solar Energy Systems	SP				SP	SP	
Junkyards						SP	
Kennel ^{iv}	SP			SP	SP	SP	
Laundry or Dry Cleaning Plants					X	X	
Logging	P	P	P	P	P	P	P
Manufacture, Assembly, and Fabrication	SP			SP	SP	SP	

Catskill Town Zoning

Table of Uses

	<p><i>P — Permit-by-right, not subject to Site Plan Review</i></p> <p><i>X — Permitted Subject to Site Plan Review by the Planning Board</i></p> <p><i>SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review</i></p>						
Zone	RA	MR	HR	GC	HC	I	C
Marinas	SP					SP	
Membership Club or Commercial Recreational Uses	SP	SP	SP	SP	SP	SP	X
Mining and other Extractive Operations	SP				SP	SP	
Motels	SP				SP		
Newspaper Offices and Printing Shops				X	X	X	
Nursing or Convalescent Home	SP	SP	SP				
Private Academies or Schools or Parochial	X	X	X	X	X		
Public Utilities	SP	SP	SP	SP	SP		SP
Recreational Commercial Water Dependent Uses (Public or Private)	SP						
Recreational Water Dependent Uses (Public or Private)	SP						
Religious Institutions	X	X	X	X	X		
Research Laboratories	SP					X	
Resorts	SP				SP		
Restaurants	SP			X	X		
Retail Uses, not otherwise specified	SP			X	X	X	
Schools Conducted for Profit				X	X		
Self Service Laundries				X	X		
Service Stations				SP	SP		
Shipping Containers ^{vi}	P			P	P	P	
Shopping Centers	SP			SP			
Short Term Rentals	P	P	P	P	P	P	P
Stables and riding Academies	X						
Stables for Horses for Non-Commercial Purposes	P						P

Catskill Town Zoning							
Table of Uses							
	<i>P — Permit-by-right, not subject to Site Plan Review</i> <i>X — Permitted Subject to Site Plan Review by the Planning Board</i> <i>SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review</i>						
Zone	RA	MR	HR	GC	HC	I	C
Theaters or Concert Halls	SP	SP	SP	X	X		
Veterinarian Offices, Animal Hospitals	SP			SP	SP	SP	SP
Warehousing					SP	SP	
Water Dependent Industrial Uses						SP	
Wholesale Business or Services Not Otherwise Specifically mentioned					X	X	

- i Limited to parcels within this District with Direct Frontage on US Route 9W.
- ii Roosters not permitted in MR or HR.
- iii The keeping of up to three pieces of functioning equipment is permitted if located at a primary residence of contractor, in all zones.
- iv In RA shall require a 500 foot setback from nearest residence
- v Cannabis Dispensaries and Lounges are prohibited on the same road and within 500 feet of a school or community facility, on the same road and within 200 feet from a house of worship, and within 2000 feet of another dispensary or lounge.
- vi Shipping containers are permitted in RA, GC, HC, and I subject to provisions of Chapter 132A

Yard and Lot Requirements

Shared common walls in townhouses are exempt from setback requirements. Townhouses otherwise are subject to setback requirements. Land of homeowner associations or the equivalent serving a townhouse complex in combination with the footprint of said townhouses and any other structures serving the townhouse complex shall represent a “lot” for purposes of calculating maximum lot coverage and minimum lot size.

District	Minimum Lot Size ^{iv}	Minimum Lot Width ⁱⁱ	Front Yard Setback ⁱⁱⁱ	Side Yard Setback ^v	Rear Yard Setback ^{vi}	Maximum Lot Coverage (%)	Maximum Height
RA without public water or sewer ⁱ	1.50 acres	150 feet	50 feet	30 feet	100 feet	30	35 feet
RA with public water or sewer ⁱ	1.00 acres	150 feet	50 feet	30 feet	50 feet	40	35 feet
RA with public water and sewer ⁱ	0.50 acres	100 feet	50 feet	30 feet	30 feet	40	35 feet
MR ⁱ	0.50 acres	100 feet	50 feet	30 feet	50 feet	30	35 feet
HR ⁱ	0.25 acres	75 feet	25 feet	10 feet	30 feet	30	35 feet
GC ⁱ	0.25 acres	75 feet	15 feet	10 feet	30 feet	None	35 feet
HC ⁱ	0.50 acres	100 feet	25 feet	25 feet	25 feet	None	5 stories
I ⁱ	3.00 acres	200 feet	200 feet	100 feet	40 feet	None	5 stories
C ⁱ	5.00 acres	250 feet	100 feet	200 feet	100 feet	30	35 feet

- ⁱ A parcel’s Zoning District can be seen by turning on the zoning layer on the Town’s GIS Map, a link for which is on the Town’s homepage (www.townofcatskillny.gov).
- ⁱⁱ The average distance between side lot lines taken at the front yard or building line and measured at right angles to the side lot lines along and parallel to the street.
- ⁱⁱⁱ A yard extending from the front property line to a building/structure. The front property line is considered the property line that is crossed (e.g., by a driveway) to gain access to the parcel from a public road or approved private road.
- ^{iv} Minimum lot size. Calculation of minimum lot size does not include any portion of a lot beneath a public or private roadway.
- ^v A yard extending from the side property line to a building/structure.
- ^{vi} A yard extending from the rear property line to a building/structure.

ARTICLE V
Supplemental Regulations

§ 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. Waterfront Overlay District regulations.

- A. A special Waterfront Overlay District is hereby established and is delineated on the Zoning Map⁶ 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 building permit in the special Waterfront Overlay District for all uses, except individual, one- and two-family dwellings, the Building Code/Town Code Enforcement Officer shall require the preparation of a sketch plan as identified below. The Building Code/Town Code Enforcement Officer shall refer the site plan to the Planning Board for its review in accordance with the standards and procedures set forth in this chapter.
 - (3) Sketch plan conference. A sketch plan conference shall be held between the Planning Board and applicant to review the site plan concept and the LWRP, if the proposed project is within the WD District, and generally determine the information to be required on the site plan. The Planning Board will briefly describe the Catskill LWRP to the applicant. The applicant should be aware that the project must comply with the LWRP policies and purposes. The applicant is responsible to prepare an LWRP coastal assessment form for the site plan submission. The filing of a sketch plan and the sketch plan conference may be waived by formal action of the Planning Board. 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:
 - (a) An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, easements 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.

⁶ **Editor's Note: The Zoning Map is included in a pocket at the end of the Code.**

- (b) 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.
 - (c) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs and other planned features.
- (4) Application for Waterfront Overlay District site plan approval. An application for Waterfront Overlay District site plan approval shall be made, in writing, to the Building Code/Town Code 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:
- (a) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (b) North arrow, scale and date.
 - (c) The boundaries of the property plotted to scale.
 - (d) Existing watercourses, wetlands, fish and wildlife habitats, flood hazard zones, special plant communities and wooded areas.
 - (e) A grading and drainage plan showing existing and proposed contours.
 - (f) A completed LWRP coastal assessment form.
 - (g) Design and use of nonstructural and structural means to avoid stormwater runoff and nonpoint source water pollution.
 - (h) The location, proposed use and height of all buildings.
 - (i) The location, design and construction materials of all parking and truck-loading areas, showing ingress and egress.
 - (j) Provision for pedestrian access.
 - (k) The location of outdoor storage, if any.

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

- (l) The location, design and construction materials of all site improvements, including drains, culverts, retaining walls and fences.
 - (m) The location, size and design for any docks, ramps, bulkheads or other waterside structures.
 - (n) A description of the method of sewage disposal and location, design and construction materials of such facilities.
 - (o) A description of the method of securing public water and location, design and construction materials of such facilities.
 - (p) The location of fire and other emergency zones, including the location of fire hydrants.
 - (q) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - (r) The location, size, design and construction materials of all proposed signs.
 - (s) The location and proposed development of all buffer areas, including existing vegetative cover.
 - (t) The location and design of proposed outdoor lighting facilities.
 - (u) Identification of any elements or areas contributing to or detracting from local visual quality and character, and of existing or potential scenic views.
 - (v) Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - (w) 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.
 - (x) 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.
- (5) Planning Board review of Waterfront Overlay District site plan. The Planning Board's review shall include, as appropriate, but is not limited to the following:
- (a) General considerations.

- [1] The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- [2] The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- [3] The location, arrangement, appearance and sufficiency of off-street parking and loading.
- [4] The location, arrangement, size, design and general site compatibility of buildings, structures, lighting and signs.
- [5] The adequacy of stormwater and drainage facilities.
- [6] The adequacy of water supply and sewage disposal facilities.
- [7] 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.
- [8] In the case of an apartment complex or other multiple-family dwelling, the adequacy of usable open space for plan areas and informal recreation.
- [9] Protection of scenic views and visual quality and character.
- [10] Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- [11] The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- [12] Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- [13] The adequacy of site restoration scheduled to follow construction.
- [14] 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, including but not limited to trees of six inches in diameter or more measured at four feet above grade.

- [15] Maximum avoidance of the destruction, damage or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
- [16] 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.
- [17] 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.

(b) Waterfront consistency review.

[1] The policies in the Catskill Local Waterfront Revitalization Program (LWRP), which was adopted by the Catskill Town Board, are hereby made a part of this chapter. All actions in the waterfront district that are subject to site plan review shall be evaluated for consistency with the LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Catskill LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours.

[2] Review of actions.

- [a] Whenever a proposed action is located in the WD District and is subject to site plan review, the Planning Board shall, prior to approving the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection B(5)(b)[2][d].
- [b] Whenever the Planning Board receives a site plan application for review of a proposed action to be located in the WD District, the applicant shall prepare a coastal assessment form (CAF) to assist the Planning Board with its LWRP consistency review.
- [c] The Planning Board shall make the determination of consistency with the LWRP policy standards and conditions based on the CAF, the site plan application and such other information as is deemed to be necessary in its determination. The Planning Board shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.

- [d] Actions proposed to be undertaken within the WD District that are subject to site plan review shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Catskill LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Other Town agencies which undertake direct actions shall also consult with Section VI of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
- [i] Revitalize the deteriorated and underutilized waterfront areas of Catskill (Policies 1, 1A, 1B and 1C).
 - [ii] Retain and promote commercial and recreational water-dependent uses (Policies 2, 2A, 2B, 2C and 2D).
 - [iii] Strengthen the economic base of Catskill's smaller harbor areas by encouraging traditional uses and activities (Policies 4, 4A, 4B, 4C, 4D and 4E).
 - [iv] Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5 and 5A).
 - [v] Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7 and 8).
 - [vi] Maintain and expand commercial fishing facilities to protect commercial and recreational fishing opportunities (Policies 9 and 10).
 - [vii] Minimize flooding and erosion hazards through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 11A, 13, 14, 14A and 17).
 - [viii] Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
 - [ix] Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 1B, 2, 9, 19, 19A, 19B, 20, 21, 22 and 44A).

- [x] Protect and restore historic and archaeological resources (Policies 23, 23A and 23B).
 - [xi] Protect and upgrade scenic resources (Policies 24 and 25).
 - [xii] Conserve and protect agricultural lands (Policy 26).
 - [xiii] Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 35, 35A, 36, 38, 39, 40, 41, 42, 43 and 44).
 - [xiv] Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).
 - [xv] Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 32A, 33, 34, 35, 35A, 36, 37, 38, 39, 39A, 40 and 44).
 - [xvi] Perform dredging and dredge spoil in a manner protective of natural resources (Policies 35 and 35A).
 - [xvii] Handle and dispose of solid and hazardous wastes and effluent in a manner which will not adversely affect the environment (Policies 39 and 39A).
 - [xviii] Protect air quality (Policies 41, 42 and 43).
 - [xix] Protect freshwater wetlands (Policies 44 and 44A).
- [e] Actions proposed within the special Waterfront Overlay District shall also comply with the following additional standards:
- [i] 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.
 - [ii] On lots which are located adjacent to the Hudson River, a one hundred foot setback from the mean high-water mark shall be maintained, except for appropriate and permitted water-dependent uses. On lots which are located adjacent to other surface water bodies or wetlands, a fifty-foot setback from the mean high-water mark shall be maintained, except for appropriate and permitted water-

dependent uses. In addition, a one-hundred-foot setback shall be maintained between all watercourses/wetlands and all sewage disposal systems.

[f] Findings.

[i] If the Planning Board determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the Planning Board makes a written finding with respect to the proposed action that:

[A] No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;

[B] The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

[C] The action will advance one or more of the other LWRP policy standards and conditions; and

[D] The action will result in an overriding Town, regional or statewide public benefit.

[ii] Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

[g] The Planning Board shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Catskill Waterfront Commission. Such files shall be made available for public inspection upon request.

(c) Consultant review. The Planning Board may consult with the Catskill Waterfront Commission, Building Code/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, the State Department of Environmental Conservation and the Department of State.

- (d) Public hearing. The Planning Board may 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, 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 Planning Board shall also mail notice of said hearing to the applicant at least 10 days before said hearing.
- (6) 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 Building Code/Town Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
 - (d) Upon disapproval, the Planning Board shall so inform the Building Code/Town Code Enforcement Officer and he shall deny a building 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. Site plan review.

Prior to any new commercial use or expansion of any existing commercial use, or the issuance of a building permit for any commercial building or structure, the Building Code/Town Code 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 Building Code/Town Code Enforcement Officer and shall be accompanied by an application fee in accordance with the Schedule of Fees⁸ 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.
- (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.

⁸ **Editor's Note: The Schedule of Fees is on file in the Town offices.**

- (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.
- (11) The location, design and construction materials of all site improvements, including drains, culverts, retaining walls and fences.
- (12) A description of the method of sewage disposal and location, design and construction materials of such facilities.
- (13) A description of the method of securing public water and location, design and construction materials of such facilities.
- (14) The location of fire and other emergency zones, including the location of fire hydrants.
- (15) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (16) The location, size, design and construction materials of all proposed signs.
- (17) The location and proposed development of all buffer areas, including existing vegetative cover.
- (18) The location and design of proposed outdoor lighting facilities.
- (19) Identification of any elements or areas contributing to or detracting from local visual quality and character, and of existing or potential scenic views.
- (20) Designation of the amount of building area proposed for retail sales or similar commercial activity.
- (21) 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.
- (22) 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.

- (23) A copy of Deed is required for all subdivision, site plan, variance, lot line and special use permit applications.
- 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 lanes 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, Building Code/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 shall conduct a public hearing on the site plan. 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 15 days prior to the date of the public hearing, all owners of properties within 300 feet of the property which is the subject of the application except for any proposed uses in an Industrial Zone, or any uses which may have a moderate or large environmental impact, for which all owners of properties within 500 feet of subject property shall be noticed. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing. **[Amended 2-17-2021 by L.L. No. 1-2021]**
- (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 Building Code/Town Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
- (d) Upon disapproval, the Planning Board shall so inform the Building Code/Town Code Enforcement Officer and he shall deny a building 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.
- (e) Where approved project has not been completed within one year, all special use permits or site plan approvals may be extended with no further review or costs where site plan remains unchanged for an additional year upon request to the Planning Board.
- (f) Any proposed changes to an approved site plan must be made by applicant to the Planning Board prior to construction or implementation of the change.

D. Site plan applications will not be approved if:

- (1) A violation of Town Code or State Building Code exists at the parcel or parcels which are the subject of the proposed application or
- (2) Real property taxes are delinquent regarding the parcel or parcels which are the subject of the proposed application.
- (3) As a condition for Site Plan approval, where the site which is the subject of the application has been the subject of litigation or code enforcement which resulted in an unpaid debt to the town established by stipulation or a court order, said debt to the town must be paid in full. The Town of Catskill holds an unpaid judgment against the applicant.

§ 160-21. 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 Building Code/Town Code 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. All site plan requirements found at 160-20 shall apply.
- (4) To cover the cost of processing special use permits and applications, an application fee in accordance with the Schedule of Fees⁹ as promulgated by the Town Board of Catskill, New York, shall accompany any application for a special use permit.
- (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 or Building Code/Town Code Enforcement Officer if 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

⁹ **Editor's Note: The Schedule of Fees is on file in the Town offices.**

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 15 days prior to the date of the public hearing, all owners of properties within 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. **[Amended 2-17-2021 by L.L. No. 1-2021]**
- 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.

ARTICLE VI **Administration and Enforcement**

§ 160-22. Consultant Fees: Escrow deposit required.

- A. Notwithstanding any inconsistent provision of any local code, rule, regulation, law or ordinance, any Town board or commission (reviewing board) where a permit or approval is required by local law, rule, regulation or ordinance shall, before permitting use of or construction on, under or adjacent to real property, require the applicant to deposit funds with the Town sufficient to reimburse the Town for all reasonable costs of planning, engineering, legal, architectural, accounting and/or

other consultants deemed appropriate by each reviewing board utilized in connection with the review of any application. At the time of the first hearing or appearance on the application, the reviewing board shall fix the amount of the initial deposit (escrow) to be made by the applicant. The Town's consultants shall invoice the Town no less frequently than monthly for services in reviewing each application and performing their duties with respect to such application. If at any time during the review process the amount of the escrow account falls below 50% of the initial escrow (as determined by the reviewing board), then the applicant shall be required to submit an additional deposit to bring the total escrow up to the full amount of the initial deposit (as determined by the reviewing board) unless the reviewing board otherwise waives such requirement.

- B. In the event the amount held in escrow by the Town is more than the amount of the actual billing or invoicing, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after final action is taken on the application.
- C. In the event the amount of escrow is less than the full amount actually charged by the Town's consultants, the applicant shall promptly pay any remaining balance.
- D. The applicant will not receive final approval until any remaining balance is paid. Applicant may receive conditional approval pending payment of balance.

§ 160-23. Enforcement.

- A. This chapter shall be enforced by the Building Code/Town Code 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 certificate of occupancy shall be issued by the Building Code/Town Code 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.
- C. Cease and Desist Orders. The Building Code/Town Code Enforcement Officer shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.
- D. The Town Board may from time to time, by resolution, establish fees for activities that are regulated by the State Building Code and Town of Catskill Code.
- E. All unpaid fees shall be relieved on the next town bill against the subject parcel.

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

§ 160-24. Zoning permits.

- A. All agricultural buildings which otherwise do not need a building permit must comply with setback distances and require a zoning permit.

A zoning permit is required for agricultural buildings which otherwise do not need a building permit.

§ 160-25. Inspection by Building Code/Town Code Enforcement Officer.

Where a building permit has been issued, or upon an application for a site plan review, a special use permit, a zoning permit or a variance, the Building Code/Town Code Enforcement Officer or the duly authorized representative shall have the right to enter and inspect any building or upon any land which is the subject of the permit or application at any reasonable hour in the course of their duties.

§ 160-26. 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 Building Code/Town Code Enforcement Officer in accordance with the provisions of this chapter.

§ 160-27. 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. 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.

B. Application to the Zoning Board of Appeals.

- (1) Appeals from decisions made by the Building Code/Town Code Enforcement Officer shall be filed with the Building Code/ Town Code 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) A copy of Deed is required for all subdivision, site plan, variance, lot line and special use permit applications.
- (3) 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.
- (4) 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.
- (5) 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 15 days prior to

the date of the public hearing, all owners of properties within 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. [Amended 2-17-2021 by L.L. No. 1-2021]

- (6) 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. [Added 2-17-2021 by L.L. No. 1-2021¹¹]
- (7) 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.
- (8) Applications for a variance will not be approved if a violation of Town Code or State Building Code exists at the parcel or parcels which are the subject of the proposed application or real property taxes are delinquent regarding said parcel or parcels.
- (9) As a condition for Variance approval, where the site which is the subject of the application has been the subject of litigation or code enforcement which resulted in an unpaid debt to the town established by stipulation or a court order, said debt to the town must be paid in full.

ARTICLE VII Nonconforming Buildings and Uses

§ 160-28. 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.

§ 160-29. 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.

¹¹ Editor's Note: This local law also redesignated former Subsection B(5) as Subsection B(6).

§ 160-30. 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.

§ 160-31. Existing undersized lots.

Lots of record at the time of adoption of this chapter whose size or depths are less than the specified minimum requirements set forth herein shall be deemed to meet the minimum size regulations of the chapter. No new lot shall be created which does not meet the minimum lot size regulations of this chapter.

ARTICLE VIII
Supplementary Regulations

§ 160-32. Accessory Apartments.

- A. Intent. Accessory apartments are allowed by Site Plan Review in the Town of Catskill in order to provide an affordable housing alternative in a manner which does not infringe upon the character of the existing neighborhoods.
 - (1) General Provisions.
 - (a) Only one apartment is allowed per lot, and it shall be clearly subordinate to the principal use on the lot.
 - (b) The number of bedrooms in the apartment shall not be more than two.
 - (c) The floor area of the apartment shall be greater than four hundred (400) square feet and less than eight hundred (800) square feet.
 - (d) The apartment must have safe and proper means of entrance, clearly marked for the purpose of emergency vehicles.
 - (e) Off-street parking shall be in accordance shall be located on the same parcel on which the accessory apartment is located.
 - (f) No Site Plan for an accessory apartment shall be approved unless the applicant can demonstrate that the water supply and sewage disposal systems serving the building or buildings in question meet current County Health Department requirements and shall continue to meet such requirements. The Planning Board may require that the applicant have

sufficient area on the lot to allow for the expansion of the sewage disposal system.

- (g) It shall be the responsibility of the owner of the lot to provide for adequate solid waste disposal.
 - (h) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway or fire escape be located on any wall fronting a street.
 - (i) Any legally established accessory apartment that is in existence at the time of the adoption of this amendment and which fails to conform to one (1) or more of the provisions of this law shall be subject to the provisions of Article VII.
 - (j) One accessory apartment may be created by the construction of a new, detached garage or like accessory structure which other complies with existing laws.
 - (k) No accessory apartment shall be created on a lot where two or more dwellings exist in violation of the permitted density in the district in which the lot is located.
 - (l) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special permit.
- (2) Accessory Apartments Requiring Additions to One-Family Dwellings.
- (a) No addition to create an accessory apartment shall be permitted unless it conforms to all bulk regulations for the district in which it is located.
 - (b) Design and construction of the addition must be compatible with the parent structure and with the character of the neighborhood.
- (3) Accessory Apartments in Existing Gatehouses, Garages, Barns, or Similar Detached Accessory Structures Construction associated with adaptation of buildings should be performed in manner that retains the character of the structure. The design and construction of the adaptation of the building must be compatible with the parent structure and with the character of the neighborhood.
- (4) Accessory Apartments in Non-Residential Buildings.

- (a) The apartment shall not exceed fifty (50) percent of the total usable floor area of the commercial building.
- (b) The apartment is limited to the second floor and/or the rear of the first floor of the commercial building.
- (c) In no case will accessory apartments be allowed in the same building as any use which involves the use of noxious or dangerous chemicals, gases or hazardous substances and materials. The reviewing board has the right to deny a special permit application if it is determined that the primary business use may create a hazard for accessory residential uses.
- (d) Off-street parking shall be located upon the same parcel on which the accessory apartment is located. The applicant must own or provide these parking spaces.

§ 160-33. Fences, gates, and walls.

A. General Provisions.

- (1) The height of fences, gates, and walls shall be measured from the lowest adjoining finished grade.
- (2) The finished side of the fence, gate or wall shall face neighboring properties or the street.
- (3) Fences, gates, and walls shall not encroach on any public right-of-way.
- (4) The owner of the fence, gate or wall must maintain both sides of the fence, gate or wall in a respectable condition.
- (5) The height of fences, gates, and walls located within a corner lot or parallel to the street in a front yard shall not exceed 50 inches for a solid or privacy fence or 86 inches for a see-through or non privacy fence.
- (6) Fences, gates and walls along rear and side yards shall not exceed 86 inches in height.

ARTICLE IX
Miscellaneous Provisions

§ 160-34. Noninterference and precedence.

This chapter shall not interfere with, abrogate, annul or repeal any ordinance or any rule, regulation or permit previously or hereafter enacted, adopted or issued pursuant to law,

provided that, unless specifically excepted, where this chapter imposes greater restrictions its provisions shall control.

§ 160-35. Penalties for offenses.¹²

- A. Any person or other legal entity who fails to comply with or who violates this chapter or who shall refuse a reasonable request to inspect any premises or who shall have aided or abetted the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as follows:
- (1) For a first offense, by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both.
 - (2) For a second offense, both of which were committed within a period of five years, by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both.
 - (3) For a third or subsequent offense, all of which occurred within a period of five years, by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.
- B. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation after notice constitutes a separate additional violation.

§ 160-36. Amendments.

The Catskill Town Board may amend, supplement or repeal the regulations and provisions of this chapter after public notice and hearing in accordance with New York State Town Law. Every three years, the Catskill Town Planning Board will review this chapter and thereafter recommend any amendments it deems appropriate to the Catskill Town Board.

§ 160-37. Certification of Zoning Map amendments.

The Town Clerk of the Town of Catskill must certify a new revised Zoning Map within 60 days after the enactment of any zoning amendment which changes the boundaries of any zoning district. Upon enacting any such Zoning Map amendments, the Town Board shall notify the Greene County Planning Department and shall request that the Greene County Planning Department prepare a new Zoning Map for the Town Clerk to certify.

¹² **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).**

§ 160-38. When effective.

This chapter first took effect upon initial adoption on October 4, 1988. Amendments to this chapter shall take effect immediately upon filing with the Secretary of State in accordance with § 27 of the Municipal Home Rule Law. Any building permit issued prior to this latter date shall authorize construction in accordance with said permit for a period of one year even if such construction would violate portions of this chapter. All construction must be completed within this one-year time period.