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Town of OSSINING

Local Law No. _____ of the year 2016

A local law entitled "Local Law # _____ of 2016, for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code."

Be it enacted by the TOWN BOARD of the

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

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

LOCAL LAW # ___ OF THE YEAR 2016

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

SECTION 1: TITLE

This Local Law shall be known and cited as “Local Law #___ of 2016, for the Purpose of Respectively Amending the Zoning and Cabaret Chapters of the Town Code.”

SECTION 2: LEGISLATIVE INTENT

The Ossining Town Board has a desire to respectively amend the Zoning and Cabaret chapters of the Town Code with respect to a variety of matters in order to update and improve these chapters. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. This local law also serves to implement recommendations of the Town's Comprehensive Plan.

SECTION 3: CHAPTER 200, ZONING, AMENDMENTS

1. Section 200-18.A(18) shall be deleted as follows:

~~(18) Self-storage facilities and related business offices, subject to the following special requirements:~~

~~(a) No outdoor storage of any kind shall be permitted.~~

~~(b) No such use shall be permitted on a lot having less than 100,000 square feet.~~

~~(c) No building on a lot devoted to such use shall have a footprint more than 10,000 square feet.~~

~~(d) All buildings on a lot devoted to such use shall have the narrowest side of such buildings facing toward the principal public street on which the lot is located.~~

~~(e) Notwithstanding any provisions of this chapter to the contrary, the following shall apply:~~

~~[1] The minimum front yard setback for a detached, small security gatehouse and fencing shall be 50 feet.~~

~~[2] The minimum front yard setback for principal buildings shall be 90 feet.~~

~~[3] The minimum side yard setback adjacent to a nonresidential district shall be 10 feet.~~

2. **Sections 200-18.A(19) and (20) shall be renumbered (18) and (19) respectively.**

3. **Section 200-18.D shall be revised to read as follows:¹**

D. Setback and ~~screening~~~~landscape~~ requirements for nonresidential uses that are contiguous to residentially used or residentially zoned lots.

- (1) All nonresidential buildings and structures shall be set back at least 30 feet from the lot lines of a contiguous residentially used or residentially zoned lot.
- (2) Between any nonresidential use and a residentially used or residentially zoned lot, a buffer area at least ~~20~~15 feet wide with landscape screening shall be provided. Such plantings shall be a mix of evergreen shrub and coniferous tree species, shall have an initial height of at least six feet, shall have a depth of 10 feet and shall be planted close enough to form a visual barrier~~create a buffer and adequately screen views of the nonresidential use. At the sole discretion of the approval authority, a six-foot-high wall or fence, suitable in appearance to the surrounding area, may be substituted for the landscape plantings. Proper maintenance of all fencing and landscape plantings shall be a continuing requirement. All fences shall be installed with the more attractive side facing neighboring properties.~~
- (3) Driveways for any nonresidential use shall be located at least ~~20~~15 feet from a residentially used or residentially zoned lot.
- (4) Parking areas for any nonresidential use shall be located at least ~~20~~15 feet from a residentially used or residentially zoned lot. Such parking areas shall be screened from adjoining lots with a mix of evergreen shrub and coniferous tree plantings having an initial height of at least six feet, a depth of ~~10~~eight feet, and planted close enough to form a visual barrier. At the sole discretion of the approval authority, a six-foot-high wall or fence, suitable in appearance to the surrounding area, may be substituted for the

¹ Temporary footnote: These amendments relate to Zoning Issue #1: Evaluation of the buffer requirements for commercial uses and the transition setbacks for non-residential uses adjacent to residential areas, and recommendations as to whether the provisions are sufficient or need to be updated.

landscape plantings. Proper maintenance of landscaping shall be a continuing requirement. All fences shall be installed with the more attractive side facing neighboring properties.

4. Section 200-18.1 shall be revised to read as follows:²

§ 200-18.1 GB-1 General Business District-1.

In a GB-1 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

~~(1) Any permitted use permitted in and as regulated by the GB General Business District.~~

~~(2)(1) Warehouse and storage facilities and related business offices, provided that there is no outdoor storage of any kind.~~

~~(2) Public utility structures which only serve the local area.~~

~~(3) Buildings and uses owned and operated by the Town.~~

B. Accessory uses.

~~(1) Off-street parking and loading spaces, subject to the requirements in § 200-29A(1) and B, excluding the outdoor parking of construction equipment. Any accessory use permitted in and as regulated by the GB General Business District.~~

~~(2) Accessory signs advertising only activities conducted on the lot are permitted, provided that they do not exceed two feet in height nor 25% of the length of the building. Such signs shall be attached to the wall of the building and shall not project more than 15 inches beyond the face of such wall. Signs projecting above the roof or beyond the side walls are prohibited.~~

² Temporary footnote: These amendments relate to Zoning Issue #4: The GB-1 zone refers to the GB district for most of its permitted uses, and the GB uses have changed materially in recent years. Analysis and recommendations as to whether the uses currently permitted in the GB-1 zone are appropriate.

(3) Freestanding signs advertising only activities conducted on the lot; however, no such sign shall exceed 20 square feet in area on each side and 10 feet in height from the ground level to the top of the sign, and no part of said sign shall extend over the lot or street line.

C. Miscellaneous provisions.

- (1) If there is a conflict between the provisions of this section and any other applicable section of this Zoning ~~chapter~~ Ordinance, the provisions of this section shall control.
- (2) Front, side and rear setback requirements otherwise applicable may be increased up to a factor of two, reduced or eliminated to the extent deemed appropriate by the Planning Board in their sole discretion on site plan review pursuant to Article XI hereof, based upon the topography, slopes, grades, site distances and highway conditions and configurations as found by the Planning Board and upon a finding by the Planning Board that any such increase, reduction or elimination shall not adversely impact adjacent or abutting properties in considering visual, economic, environmental, ecological, safety and health effects.

5. **Section 200-17 of the Zoning chapter shall be revised to read as follows:**³

§ 200-17. NC Neighborhood Commercial District.

In an NC Neighborhood Commercial District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

- (1) Stores and shops for the conduct of any retail business, excluding drive-~~thru~~ establishments.
- (2) Personal service establishments, ~~excluding automobile laundries, gas stations and all other similar automotive service establishments, undertakers and funeral parlors.~~

³ Temporary footnote: These amendments relate to Zoning Issue #3: Consideration as to whether to change the zoning designation and permitted uses for the General Business-1 (GB-1) and Neighborhood Commercial (NC) districts to a One-Family Residence District (R-5 or R-7.5) so that these areas are more consistent with the surrounding residential uses and zoning districts in Crotonville.

- (3) Fully enclosed eating and drinking establishments, provided that no live entertainment or live music is supplied or dancing permitted.
- (4) Business, professional and governmental offices.
- (5) Public utility structures which only serveing thea local area.
- (6) Fire and police stations.
- (7) Artist live/work spaces, subject to the following provisions:
 - (a) An artist live/work space may exist on the first floor of a structure only if the appearance and use of the live/work space on the street side is consistent with the nature of the permitted uses in the surrounding area. For example, if the surrounding area is retail in nature at the first-floor level, the live/work space shall be restricted to retail on the street side of the first floor, and said street side space shall be large enough, in the opinion of the Building Inspector, to support a typical retail enterprise.
 - (b) Each artist live/work space and its various components shall be physically separate and distinct from other live/work spaces and other uses within a particular building. The sharing of artist live/work spaces by multiple tenancies, components thereof or utilities shall not be permitted. However, access to live/work spaces may be provided from common access areas, halls or corridors.
 - (c) Each artist live/work space must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
 - (d) Each artist live/work space must be individually equipped with a kitchen consisting of a sink, non-portable stove, oven and refrigerator.
 - (e) Each artist live/work space must contain a floor area of no less than 800 square feet, of which a minimum area shall be devoted to the following: 35 square feet for an enclosed bathroom, 60 square feet for a kitchen, and 120 square feet for a sleeping area.
 - (f) No more than 30% of the floor area of the artist live/work space may be devoted to residential space.

- (g) Direct access between living and working areas must be provided.
- (h) In order to ensure that the use is consistent with the other commercial uses, artist live/work spaces shall not be used for classroom instructional uses with more than two pupils at any one time; the storage of flammable liquids or hazardous materials; welding; or any open-flame work. Further, the work in the live/work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond any lot line.
- (i) Not more than one person who is 18 years of age or older may reside within an artist live/work space per 300 square feet of residential floor area. Further, not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and not more than two children of said persons who are under 22 years of age may reside within a live/work space on a year-round basis.
- (j) Only one nonresident employee may be employed within an artist live/work space. This requirement may be waived for live/work spaces that provide retail space on the first floor.
- (k) Other than in a first-floor retail-oriented area, articles offered for sale within a live/work space must include those produced by the artist residing in said live/work space and may be offered with other like items.
- (l) One flush-mounted, non-illuminated sign, with a maximum area of two square feet, attached adjacent to or near the street entrance door to the live/work space may be used to identify the artist. This sign may list only the name of the artist with a one- or two-word description of the type of artwork or craft that is to be conducted within the live/work space. Where two or more live/work spaces occur within the same building, the signs must be placed in an orderly fashion in relation to each other and must be part of a coherent directory in which signs are ordered in a horizontal fashion. Where five or more live/work spaces are developed within one building, an interior directory sign shall be located in lieu of individual signs on the building exterior.

- (m) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the artist live/work spaces and permitted nonresident employees.
- (n) All live/work spaces shall conform to all applicable building codes.
- (o) For the purposes of this permitted use, artists shall only be those persons working exclusively with paint, paper, clay and/or other soft materials, and this use shall include photography, jewelry making, graphic arts and other similar relatively quiet endeavors as determined by the Planning Board in reviewing the proposed site plan application. Tattoo applicers, body piercers and musicians shall not be considered artists for the purpose of this use.
- (p) Each artist live/work space shall be inspected by the Building Department every two years in order to determine whether the artist live/work space remains in compliance with this section. Upon a satisfactory inspection report, the artist live/work space owner shall be reissued a certificate of occupancy for two additional years. If the Building Inspector determines that the artist live/work space is not in compliance, the building owner or manager shall have 60 days in which to rectify all noncomplying elements and shall apply for re-inspection with the Building and Planning Department, subject to an additional fee. If all such noncomplying elements are not rectified within the above-specified time frame, the certificate of occupancy for the use shall expire and the use as authorized by the site plan approval shall be terminated.
- (q) The owner of the live/work space shall file a certification with the Building and Planning Department every two years, and at any point in time when there is a change in ownership or a change in the use of the space, on a form provided by said department, which certifies that the live/work space is in conformance with the Zoning chapter and the approved site plan, and that the residential portion of the space has not been expanded beyond a maximum of 30% of the floor area of the live/work space, as required by subsection (f) above.
- (r) The deed, offering plan, certificate of occupancy and/or rental agreement, as appropriate, for each artist live/work space shall contain language, satisfactory to the Town Attorney in form and substance, which states that the subject dwelling is an artist live/work space as defined in § 200-53 of the Zoning chapter of the

Code of the Town of Ossining, New York, and is subject to all restrictions and limitations as set forth in said chapter and the approval resolution(s), including the requirement for a certification with the Building Department in accordance with § 200-17.A(7)(g). Proof of recording of the deed shall be provided to the Building and Planning Department within 60 days after the conveyance.

~~Self-service or hand laundry and dry-cleaning establishment, provided that not more than two workers shall be engaged in the dry-cleaning process and which contain one or more dry-cleaning units having an aggregate dry-load capacity of not more than 60 pounds.~~

(8) Mixed uses, as defined in this chapter, subject to the following provisions:

(a) The lot on which the mixed use is proposed shall be at least 20,000 square feet in size.

(b) The lot on which the mixed use is proposed shall not be adjacent to or across the street from any lot on which exists the housing of dogs as a principal use.

(c) The minimum size of the respective dwelling units shall be as follows:

[1] Studio and efficiency dwellings: 450 square feet.

[2] One-bedroom dwellings: 675 square feet.

[3] Two-bedroom dwellings: 750 square feet.

[4] Three-bedroom dwellings: 1,000 square feet.

[5] Four-bedroom dwellings: 1,200 square feet.

(d) Mixed use shall be permitted only in buildings which conform to the New York State Residential Code for the proposed mixed use.

(e) The residential and nonresidential uses in a mixed-use building shall have separate means of access (this is, the entrance/exit for residential use shall not be through the nonresidential use of the building, and vice versa), except that the Planning Board may, at its discretion, approve the use of a common lobby or plaza.

- (f) The nonresidential and residential uses of the building shall each be provided with the number of parking spaces required by § 200-29A herein.
- (g) General on-site landscaping and screening, as deemed appropriate by the Planning Board, shall be provided. Further, all utility, storage, service and parking areas on the site of the mixed-use building shall be specifically screened by means of landscaping and/or fencing, to the extent deemed necessary and practical by the Planning Board, in order to minimize the impact of these areas upon the residential use of the building and upon the surrounding area.
- (h) Dwelling units shall not be permitted above restaurants or any other use deemed by the Planning Board to be incompatible with a residential use in the building.
- (i) There shall be no outdoor storage associated with the residential use.
- (j) Dwelling units shall not be permitted in basement or cellar space.

B. Accessory uses.

- (1) Off-street parking and loading space subject to the requirements in § 200-29A(1) and B.
- (2) Accessory signs.
 - (a) Accessory signs, subject to § 200-28, advertising only activities conducted on the lot are permitted, provided that they do not exceed two feet in height nor 25% of the length of the building. Such signs shall be attached to the wall of the building and shall not project more than 15 inches beyond the face of such wall. Signs projecting above the roof or beyond the side walls are prohibited.
 - (b) Freestanding pole signs advertising only activities conducted on the lot which are affixed to a single upright pole; however, no such sign shall exceed 20 square feet in area on each side and 10 feet in height from the ground level to the top of the sign, and no part of said sign shall extend over the lot or street line.

- (c) A building on a corner may have a sign on two facades, one sign facing each street.

C. Special requirements.

- (1) Where feasible in an NC District, all buildings shall be serviced from a rear service road not less than 25 feet wide. Said service road may be counted as available for access to the required off-street parking spaces.

~~D. Uses permitted by special permit upon approval by the Town Board in accordance with Article X hereof. The following uses are permitted subject to approval by the Town Board in accordance with the provisions of Article X hereof. The uses are subject to the requirements set forth therein and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.~~

- ~~(1) Fully enclosed eating and drinking establishments where live entertainment or live music is supplied or provided.~~
- ~~(2) Fully enclosed eating and drinking establishments where music is provided for dancing and dancing is permitted.~~

6. The following definitions in Section 200-53.A of the Zoning Chapter shall be amended to read as follows:⁴

BED-AND-BREAKFAST ESTABLISHMENT – An owner-occupied one-family detached dwelling that also contains guest rooms, where short-term lodging with food and drink is provided for compensation. The term “bed-and-breakfast establishment” shall not include an inn, a boarding house or a rooming house.

HEIGHT, BUILDING – The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between eave and ridge for other types of roofs.

INN – A commercial establishment operating as a small hotel that provides lodging, food and other amenities for travelers and the public. Seating for food and beverage service shall be limited to the number of guests staying at the inn. An inn shall be limited to 15 guest rooms. The term “inn” shall not include a bed-and-breakfast establishment, a boarding house or a rooming house.

⁴ Temporary footnote: These amendments relate to Zoning Issue #6: Determination as to which pertinent uses and terms need to be defined (or better defined) such as, for example, in the difference between wholesale and retail commercial operations.

MIXED USE - A building that has a nonresidential use permitted in the zoning district in which it is located~~GB-District~~ on the street level and residential use of the level(s) above.

RETAIL STORE OR SHOP – A business enterprise which ~~only~~ sells merchandise on premises at retail prices directly to the ultimate consumers.

WHOLESALE ESTABLISHMENT – A business enterprise engaged in buying large quantities of materials or merchandise and selling such materials or merchandise at wholesale prices to other businesses or entities ~~for distribution~~, rather than selling at retail prices directly to the ultimate consumers.

7. **The following is a new definition which shall be added to Section 200-53.A of the Zoning Chapter:**

ARTIST LIVE/WORK SPACE - A single residential unit, which unit is designed for and occupied as a combination of living, artist studio and artist work space, with or without retail space for art work, for year-round residence by not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and by not more than two children of said persons who are under 22 years of age.

8. **A new Section 200-26.1 shall be added and shall read as follows:**

§ 200-26.1. Bed-and-breakfast establishments.

- A. The maximum number of guest bedrooms shall be eight and the minimum lot size for the establishment of this use shall be as shown in the following table:

<u>Maximum Number of Guest Bedrooms</u>	<u>Minimum Lot Size (square feet)</u>
<u>4</u>	<u>20,000</u>
<u>6</u>	<u>30,000</u>
<u>8</u>	<u>40,000</u>

- B. Off-street parking shall be screened from adjacent residential properties to the satisfaction of the approval authority.

- C. The outward appearance of the use shall be that of a one-family dwelling and there shall be no indication of the bed-and-breakfast establishment from the exterior of the building, except for the sign.

- D. Seating for food and beverage service shall be limited to the number of guests staying at the bed-and-breakfast establishment.

E. There shall be no kitchen facilities in the guest bedrooms except for a coffee maker and a small refrigerator.

F. The bed-and-breakfast establishment shall be owner-occupied.

9. Section 200-3 shall be amended to read as follows:

§ 200-3 Classes of districts.

The Town of Ossining is hereby divided into the classes of districts listed below:

Symbol	Title
<u>R-2A</u>	<u>One-Family Residence District</u>
R-40	One-Family Residence District
R-30	One-Family Residence District
R-20	One-Family Residence District
R-20A	One-Family Residence District
R-15	One-Family Residence District
R-10	One-Family Residence District
R-7.5	One-Family Residence District
R-5	One-Family Residence District
MF	Multifamily District
MF-I	Multifamily-Inn District
NC	Neighborhood Commercial District
GB	General Business District
GB-1	General Business District-1
O-RB	Office-Research Business District
O-RE	Office-Research Education District
BE	Business Education District

10. A new Section 200-6.1 shall be added and shall read as follows:

§ 200-6.1 R-2A One-Family Residence District.

In an R-2A One-Family Residence District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

A. Permitted uses.

(1) Any permitted use or accessory use listed in the R-40 Residence District.

B. Uses permitted by special permit upon approval by the Board of Appeals in accordance with Article IX hereof. The following uses are permitted subject to approval by the Board of Appeals in accordance with the provisions of § 200-45. These uses are subject to the requirements specified below and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in, the R-40 Residence District.

11. The title of Section 200-21 and Section 200-21.A shall be amended to read as follows:

§ 200-21 One-family residences in residential districts.

A. The following bulk regulations shall apply for one-family residences in the following districts: R-2A, R-40, R-30, R-20, R-20A, R-15, R-10, R-7.5 and R-5.^[1]

[1] Editor's Note: Said Schedule of Bulk Regulations is included at the end of this chapter.

12. A new Section 200-21.C shall be added and shall read as follows:⁵

C. The maximum floor area of a one-family residence shall be equal to: 5,000 + ((lot area - 43,560) * 0.052521).

13. Attachment 2:1 shall be amended by adding a new column as shown below to the immediate left of the column for the R-40 zoning district:

**BULK REGULATIONS FOR ONE-FAMILY RESIDENCES
IN THE R-2A, R-30, R-20, R-20A, R-15, R-10, R-7.5 AND R-5 DISTRICTS**

Minimum Requirements	<u>R-2A</u>
Lot area (square feet)	<u>87,120</u>
Lot width (feet)	<u>200</u>
Lot depth (feet)	<u>250</u>
Front yard (feet)	<u>60</u>
1 side yard (feet)	<u>50</u>
Both side yards (feet)	<u>110</u>
Rear yard (feet)	<u>50</u>
Livable floor area per dwelling unit (square feet)	<u>850</u>
Maximum Permitted	
Building height	

⁵ Temporary footnote: These amendments relate to Zoning Issue #8: Consideration as to whether to amend the bulk regulations section of the Zoning Law to ensure that adequate standards are included to address the potential "Monster Homes/McMansions" being constructed in residential areas.

Stories	<u>2½</u>
Feet	<u>35</u>
Building coverage (percent)	<u>10</u>

SECTION 4: REZONING OF PARCELS

1. **Alternative 1:** The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:⁶

Tax Parcel Number	Subject Property Address	Owner's Name	Existing Zoning District	New Zoning District
80.14-1-29	35 Old Albany Post Rd. Ossining, NY	2 Stanley Avenue Corp.	NC	R-5
80.18-2-15	33 Old Albany Post Rd. Ossining, NY	Kenneth R. Lamboy	NC	R-5
80.18-2-16	31 Old Albany Post Rd. Ossining, NY	Kenneth R. Lamboy	NC	R-5
80.18-2-17	29 Old Albany Post Rd. Ossining, NY	Richard John Pataro	NC	R-5
80.18-2-18	27 Old Albany Post Rd. Ossining, NY	Richard John Pataro	NC	R-5
80.18-2-19	25 Old Albany Post Rd. Ossining, NY	Richard G. Chrapowitzky	NC	R-5
80.18-2-22	23 Old Albany Post Rd. Ossining, NY	Old Albany Post Holdings, Inc.	NC	R-7.5
80.18-2-23	20 Old Albany Post Rd. Ossining, NY	Francesco Mendes	NC	R-7.5
80.14-1-28	39 Old Albany Post Rd. Ossining, NY	Susan M. Curtin	GB-1	R-7.5
80.14-1-30	37A Old Albany Post Rd. Ossining, NY	Watsky & Damm, Inc.	GB-1	R-7.5
80.18-2-20	1 Cliff Drive Ossining, NY	Karl Kehrle	R-5	R-7.5

⁶ Temporary footnote: These amendments relate to Zoning Issue #3: Consideration as to whether to change the zoning designation and permitted uses for the General Business-1 (GB-1) and Neighborhood Commercial (NC) districts to a One-Family Residence District (R-5 or R-7.5) so that these areas are more consistent with the surrounding residential uses and zoning districts in Crotonville.

2. Alternative 2: The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:

Tax Parcel Number	Subject Property Address	Owner's Name	Existing Zoning District	New Zoning District
80.14-1-28	39 Old Albany Post Rd. Ossining, NY	Susan M. Curtin	GB-1	R-5
80.14-1-30	37A Old Albany Post Rd. Ossining, NY	Watsky & Damm, Inc.	GB-1	NC
80.18-2-20	1 Cliff Drive Ossining, NY	Karl Kehrle	R-5	R-7.5

3. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:⁷

Tax Parcel Number	Subject Property Address	Owner's Name	Existing Zoning District	New Zoning District
90.06-1-1	75 Ryder Rd. Ossining, NY	Catholic Foreign Mission	R-40	R-2A
90.05-2-24	55 Ryder Rd. Ossining, NY	Catholic Foreign Mission	R-40	R-2A
90.06-1-2	100 Ryder Rd. Ossining, NY	Sisters of Maryknoll	R-40	R-2A
90.06-1-12	70 Ryder Rd. Ossining, NY	Sisters of Maryknoll	R-40	R-2A
90.06-1-3	50 Ryder Rd. Ossining, NY	Catholic Foreign Mission	R-40	R-2A
90.06-1-4	12 Brookside Ln. Ossining, NY	Con Edison Co. of NY	R-40	R-2A
90.05-2-22	Route 9A Ossining, NY	Westchester County	R-40	R-2A
90.05-2-23	Route 9A Ossining, NY	Westchester County	R-40	R-2A

SECTION 5. ZONING MAP CHANGES

The Zoning Map of the Town of Ossining is hereby amended to show the changes specified in Section 4 above. Maps showing the proposed rezonings respectively entitled “Proposed Zoning –

⁷ Temporary footnote: These amendments relate to Zoning Issue #2: Consideration as to whether to change the zoning of the Maryknoll Seminary and adjacent undeveloped properties from R-40 (40,000 square foot minimum lot; less than one acre) to two acre residential.

Alternative 1”, “Proposed Zoning – Alternative 2”, and “Proposed Zoning – Exhibit B” dated November 14, 2016 are attached hereto.

SECTION 6: CHAPTER 68, CABARETS, AMENDMENTS⁸

Section 68-20 shall be amended to read as follows:

§ 68-20. Hours of operation; music; noise; exterior lighting.

- A. No cabaret shall be open any day between the hours of 3:00 a.m. and 11:59 a.m. In addition, the Town Board, in accordance with § 68-7 hereof, may further limit the hours of operation of such cabaret. If any cabaret is found open between the prohibited hours, the person owning, managing, operating or conducting the cabaret shall be held responsible for a violation of the provisions of this chapter in relation to such closing.
- B. No cabaret shall have amplified music outdoors at any time, nor shall such music be played indoors after 11:00 p.m. Sunday through Thursday nights, nor after 12:00 midnight on weekends.
- C. As per § 130-5.A of Chapter 130, Noise, of this Code, no person shall operate or use or cause to be operated loudspeakers, musical instruments or other sound production devices so as to produce sounds which are plainly audible inside a residence between the hours of 10:00 p.m. and 7:00 a.m. At no time shall sound from these sources exceed the limitations set forth in Table 1 in § 130-4.C(1), which shall be reduced by five dBA for sound from sound-production devices. Sound-level measurements for compliance determination shall be conducted at or within the property line of an affected person. In addition, loudspeakers and other sound equipment must face into the geometric center of the property on which they are located.
- D. All exterior lighting in connection with the cabaret shall be directed away from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Town Board in acting on any cabaret license. No exterior lighting shall produce illumination beyond the property on which it is located in excess of 0.5 footcandles.

SECTION 7: CHAPTER 183, TREE PROTECTION, AMENDMENTS

The following definition in Section 183-4 of the Tree Protection Chapter shall be amended to read as follows:

⁸ Temporary footnote: These amendments relate to Zoning Issue #7: Evaluation of the existing standards for cabarets, restaurants with music, and bars to determine whether they need to be amended.

REGULATED BUFFER ZONE - Any area of vegetative screening, as established by an approved site plan, special permit, conditional use permit or subdivision plat or as measured from each perimeter property line of a residential property towards the interior of such property as follows:

Zoning District	Width of Regulated Buffer Zone (feet)
<u>R-2A One-Family Residence</u>	<u>15</u>
R-40 One-Family Residence	10
R-35 One-Family Residence-Office	10
R-30 One-Family Residence	10
R-20 One-Family Residence	5
R-20A One-Family Residence	5
R-15 One-Family Residence	5
R-15X One-Family Residence-Office	5
R-10 One-Family Residence	3
R-7.5 One-Family Residence	3
R-5 One-Family Residence	3

SECTION 8: RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 9: INCLUSION IN CODE

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

SECTION 10: RENUMBERING

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

SECTION 11: CODIFICATION

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

SECTION 12: CODIFIER'S CHANGES

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 13: SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 14: EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Attachments: 3 Zoning Maps