

**VILLAGE OF CROTON-ON-HUDSON  
BOARD OF TRUSTEES**

**INTRODUCTORY LOCAL LAW NO. 3 OF 2026**

**A LOCAL LAW TO AMEND VARIOUS PROVISIONS OF CHAPTER 230 “ZONING”  
OF THE CROTON-ON-HUDSON VILLAGE CODE TO PROVIDE CLARIFICATION  
AND STREAMLINE REVIEW OF LAND USE APPLICATIONS FOR THE BENEFIT  
OF THE PUBLIC**

A LOCAL LAW to amend the text of Chapter 230 “Zoning” to provide clarification and streamline review of land use applications to better serve the public.

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson, as follows:

**Section One. Legislative Intent and Purpose.** To better serve the public’s interest, the Village Board of Trustees of the Village of Croton-on-Hudson proposes text amendments to the Village Code zoning provisions for the purpose of providing clarification by eliminating repetitive, conflicting and redundant terms in the text and to benefit residents and other applicants by streamlining review of applications.

**Section Two.** Section 230-4 “Terms Defined” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

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

ACCESSORY BUILDING — A building [~~or use~~] clearly incidental or subordinate to and customarily used in connection with the type of principal building [~~or use~~] on the same lot. [~~In order for a structure to be considered part of a principal building, it must, at a minimum, share a common wall with the principal building or be connected to the principal building by a common fully enclosed space.~~]

ACCESSORY COTTAGE — A dwelling unit in a new or existing accessory [~~structure~~] building located on the same lot as a detached single-family residence, which is subordinate to the principal single-family dwelling in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities.

ACCESSORY USE - A land use clearly incidental or subordinate to and customarily used in connection with the type of principal land use on the same lot.

BUILDING — A structure, enclosed or partially enclosed, having a roof or other covering, intended or designed for shelter, housing, storage or enclosure of persons, animals, or property.

For the purposes of this Chapter, the term building includes both principal and accessory buildings including, but not limited to, sheds, garages, greenhouses, and similar enclosed structures.

~~[Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:~~

- ~~A. Signs.~~
- ~~B. Fences over six feet in height and more than 25% solid.~~
- ~~C. Walls, other than retaining walls, over five feet in height.~~
- ~~D. Radio and television antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.~~
- ~~E. Pergolas, porches, outdoor bins and other similar structures.~~
- ~~F. Swimming pools either contemplated by § 230-9.1A(6) or conforming to § 230-9.1A(10)(c).~~
- ~~G. Fallout shelters.~~
- ~~H. Retaining walls.~~
- ~~I. Garages.~~
- ~~J. Sheds.]~~

BUILDING COVERAGE – The percentage of the area of a lot occupied by buildings, including all principal and accessory buildings. Decks and swimming pools shall be included in the calculation for building coverage.

STRUCTURE - Anything constructed or erected above ground level with a fixed location on the ground or attached to something having a fixed location on the ground. This term includes, but is not limited to, buildings, walls, retaining walls, fences, swimming pools, decks, signs, pergolas, gazebos, and similar constructed features. This term shall not include grade-level patios, walkways, driveways, paved surfaces, vehicles, vegetation, trash cans, benches, picnic tables, or public utility poles or lines.

SWIMMING POOL, NONCOMMERCIAL -- Any structure, basin, chamber, tank, or container designed or intended for swimming, diving, recreational bathing, or wading, that is capable of retaining water to a depth greater than 24 inches and having a surface area of water greater than 150 square feet and which is used or intended to be used for swimming by a family or persons residing at the premises on which the swimming pool is located, and their guests. A noncommercial swimming pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings thereon. A noncommercial swimming pool may include in-ground pools, above-ground pools, on-ground pools, indoor pools, and wading pools, provided they meet the above thresholds.

~~[USE, ACCESSORY — A use customarily incidental and subordinate to the main use on a lot, whether such accessory use is conducted in a principal or accessory building.]~~

**Section Three.** Article IV, “District Use Regulations” Section 230-9.1 of the Code of the Village of Croton-on-Hudson “One Family Residence RA-60 District” is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

(4) Places of worship, including parish houses, schools, philanthropic and eleemosynary institutions, hospitals and sanitariums for general medical care, nursing and convalescent homes and homes for the aged, libraries, arboretums, all subject to a special permit by the [~~Village Board of Trustees~~] Planning Board and the following requirements. A special permit shall be required for the expansion, extension, reconstruction, rebuilding or relocation of any use or building described in this Subsection A, notwithstanding that it represents an expansion, extension, reconstruction, rebuilding or relocation of a use or building legally in existence on January 1, 2001.

(5) Railroad and public utility rights-of-way and structures necessary to serve areas within the Village; subject, however, to a special permit by the [~~Village Board of Trustees~~] Planning Board and to such conditions, including appropriate lot size, yard and other bulk regulations, as said Board may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. No high-voltage transmission line or tower permitted under this subsection shall exceed 100 feet in height or be located less than 75 feet from any residential property line.

(6) Annual membership clubs, on a lot having an area of not less than five acres, subject to a special permit by the [~~Village Board of Trustees~~] Planning Board, and provided that any such club is incorporated pursuant to the provisions of the Not-For-Profit Corporation Law or the Benevolent Orders Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that:

(7) Subject to a special permit by the [~~Village Board of Trustees~~] Planning Board, the operation, maintenance and preservation by a membership corporation or association not operated for profit of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public, whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging and motel or hotel accommodations. Such special permit shall be issued upon a finding by the [~~Village Board of Trustees~~] Planning Board that the proposed use is an actual and bona fide historic restoration.

(8) Funeral homes, subject to a special permit by the [~~Village Board of Trustees~~] Planning Board, in any building in existence on July 28, 1931, with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided that:

e. There shall be no indoor or outdoor loudspeaker system, floodlights or other outdoor lighting except as approved by the [~~Village Board of Trustees~~] Planning Board.

(9) Tier 3 and Tier 4 solar energy systems, subject to the issuance of a special permit by the [~~Board of Trustees~~] Planning Board, provided that the requirements set forth in § 230-48.1 are met.

(10) Tier 2 battery energy storage systems, subject to the issuance of a special permit by the

Planning Board, provided that the requirements set forth in § 230-48.2 are met.

(11) ~~[10]~~ Accessory uses, limited to the following:

(a) Customary home occupations (which term shall exclude day-care centers and bed-and-breakfast establishments), provided that:

(1) There shall be no signs other than those permitted in § 230-44P(1)(e).

(2) Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no nonresident assistants; provided, however, that when the person conducting such home occupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the ~~[Village Board of Trustees]~~ Planning Board, engage the services of one assistant.

(3) Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.

(c) Garden house, shed, tool house, playhouse, boathouse, greenhouse and must meet the requirements of §230-40 (A) "Accessory Buildings".~~[or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of three feet shall be subject to the following requirements~~

~~(1) The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.~~

~~(2) If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.]~~

(d) Noncommercial swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of 24 inches shall be subject to the following requirements:

(1) The edge of the pool shall be kept a distance of not less than 10 feet from all property lines and shall be located within the rear yard of a property.

(2) If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.

(3) An in-ground pool shall be completely surrounded by a fence or wall enclosure at least four feet in height. Aboveground pools with all walls at least four feet in height above the adjacent surface and with access capable of being effectively barred shall not require fencing. Each gate or opening through said pool enclosure shall be equipped and maintained with effective self-closing and self-latching devices.

(4) All lighting sources shall be screened so as to prevent glare when viewed from adjacent properties.

~~[(d)](e)~~ Private garage, provided that only one space may be leased to a person not resident on the premises.

~~[(e)](f)~~ Keeping not more than one boarder or roomer, subject to the requirements set forth in § 230-48.5.

[~~f~~] (g) Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line.

(h) Reserved.

[~~f~~] (i) Day-care centers on a lot having a minimum area of 25,000 square feet, subject to the issuance of a special permit by the [~~Board of Trustees~~] Planning Board and to the following conditions and limitations:

(10) [~~Fourteen~~] Eight hard copies and one electronic copy of an application for a special permit shall be submitted to the [~~Board of Trustees~~] Planning Board, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees. The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions set in this Subsection A(10)(g). The initial permit shall be valid for a period not to exceed two years, and a permit may be revoked at any time by the [~~Board of Trustees~~] Planning Board upon noncompliance with the conditions set forth in this Subsection A(10)(g) or in the permit itself. The permit shall not be effective until the day-care center has been licensed by the New York State Office of Children and Family Services. A renewal permit may be issued without fee for a period not to exceed five years.

(11) Any new owner of the building in which a day-care center is operated must apply to the [~~Board of Trustees~~] Planning Board for a special permit to continue a day-care center use.

[~~g~~] (j) Bed-and-breakfast establishments, subject to the issuance of a special permit by the [~~Board of Trustees~~] Planning Board and to the following conditions and limitations:

(1) An application for special permit shall be accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees. The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions and limitations set forth in this Subsection A(10)(h). A permit shall be valid for a period not to exceed two years and may be revoked at any time by the [~~Board of Trustees~~] Planning Board upon noncompliance with the conditions set forth in this Subsection A(10)(h) or the permit itself. A renewal permit may be issued without fee for a period not to exceed two years.

(2) The applicant for a special permit shall submit to the [~~Board of Trustees~~] Planning Board [~~14~~] eight hard copies and one electronic copy of the application and such plans of the structure and layout of the residence as the [~~Board of Trustees~~] Planning Board deem necessary to assure that the bed-and-breakfast usage complies with this Subsection [~~A(10)(h)~~].

(3) The applicant shall obtain and submit to the [~~Board of Trustees~~] Planning Board statements on the adequacy of the premises for purposes of safety, fire protection and structural soundness from the Village Fire Department and the Village Engineer. Such statements shall include recommendations, if any, for improvements or changes deemed advisable, which will be considered by the [~~Board of Trustees~~] Planning Board in determining the merits of the application.

(7) No more than six guests per night shall be permitted in any bed-and-breakfast establishment, and the ~~[Board of Trustees]~~ Planning Board may fix a lower maximum in the permit. No paying guest shall stay on any one visit for more than 15 days.

(12) Any new owner of the residence in which a bed-and-breakfast establishment is operated must apply to the ~~[Board of Trustees]~~ Planning Board for a special permit to continue a bed-and-breakfast use.

[i] ~~(k)~~ Tier 1 and Tier 2 solar energy systems.

B. Prior to the issuance of a building permit or change of use or access permit, the site development plan for any use permitted in this district shall be subject to approval by the ~~[Board of Trustees, as relevant,]~~ Planning Board in accordance with the provisions of Article XI hereof.

**Section Four.** Article IV, “District Use Regulations” Section 230-10 of the Code of the Village of Croton-on-Hudson “One Family Residence RA-25 District” is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

In a One-Family Residence RA-25 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

A. Any use permitted in One-Family Residence RA-60 Districts and subject to all the regulations therefor, except for Tier 3 and Tier 4 solar energy systems, and Tier 2 battery energy storage systems, and with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot.

**Section Five.** Article IV, “District Use Regulations” Section 230-11 of the Code of the Village of Croton-on-Hudson “One Family Residence RA-9 District” is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

In a One-Family Residence RA-9 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

A. Any use permitted in One-Family Residence RA-60 Districts and subject to all the regulations therefor, except for Tier 2, Tier 3 and Tier 4 solar energy systems, and Tier 2 battery energy storage systems, and with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 35% of the area of the lot.

**Section Six.** Article IV, “District Use Regulations” Section 230-12 of the Code of the Village of Croton-on-Hudson “One Family Residence RA-5 District” is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

In a One-Family Residence RA-5 District, no building or premises shall be used and no building

or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

A. Any use permitted in One-Family Residence RA-60 Districts and subject to all the regulations therefor, except for Tier 2, Tier 3 and Tier 4 solar energy systems, and Tier 2 battery energy storage systems, and with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 40% of the area of the lot.

**Section Seven.** Article IV, “District Use Regulations” Section 230-13 of the Code of the Village of Croton-on-Hudson “Two-Family Residence RB District” is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

In a Two-Family Residence RB District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

A. Any use permitted in One-Family Residence RA-60 Districts and subject to all the regulations therefor, except for Tier 3 and Tier 4 solar energy systems, and Tier 2 battery energy storage systems, and with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 40% of the area of the lot.

**Section Eight.** Article IV, “District Use Regulations” Section 230-15(A) “Limited Office O-1 District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

(3) Day-care centers on a lot having a minimum of 25,000 square feet, subject to the issuance of a special permit by the [~~Board of Trustees~~] Planning Board and compliance with the following conditions and limitations or as determined by the [~~Village~~] Planning Board during its special permit process:

- (a) There shall be no more than one day-care facility per lot.
- (b) No outdoor play area or recreation area shall be closer than 20 feet to any property zoned residential.
- (c) No recreational structure or equipment shall exceed 10 feet in height.
- (d) The operation shall be limited to commencing no earlier than 7:00 a.m. and ending no later than 7:00 p.m.
- (e) To qualify for a special permit under this section, the applicant shall provide evidence of compliance with all governing regulatory agencies, including documentation indicating a current license authorizing day-care operations issued by the New York State Office of Children and Family Services.
- (f) A change in ownership of a day care licensed under this section shall require renewal of the special permit.
- (g) The [~~Board of Trustees~~] Planning Board shall have the authority to waive any or all of the above conditions, if circumstances warrant, or to impose whatever additional conditions

are deemed necessary to protect public health, safety, and welfare.

**Section Nine.** Article IV, “District Use Regulations” Section 230-15(B) “Limited O-2 District” of the Code of the Village of Croton-on-Hudson is hereby amended to add the following as a permitted use:

(d) Tier 1 battery energy storage systems as an accessory use.

**Section Ten.** Article IV, “District Use Regulations” Section 230-16 (A) “Central Commercial C-1 District” of the Code of the Village of Croton-on-Hudson is hereby amended to add the following as a permitted use:

(11) Tier 1 battery energy storage systems as an accessory use.

**Section Eleven.** Article IV, “District Use Regulations” Section 230-16 (B) “Central Commercial C-1 District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, the following uses:

(5) Mixed occupancy in accordance with the provisions of § 230-42.1 herein. ~~and subject to the issuance of a special permit by the Village Board of Trustees.~~

**Section Twelve.** Article IV, “District Use Regulations” Section 230-16 D. “Central Commercial C-1 District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

D. All permitted uses and all storage accessory thereto, other than off-street parking and gasoline pumps and public utility structures, shall be carried on in buildings fully enclosed on all sides, except that [~~provided that, upon issuance if a special permit by the Board of Trustees,~~] sidewalk displays of merchandise or sidewalk dining shall be permitted outside a retail store, commercial establishment or restaurant, subject to the conditions adopted from time to time by resolution of the Village Board of Trustees

**Section Thirteen.** Article IV, “District Use Regulations” Section 230-16.1 “Riverside Commercial C-1R(A) District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, the following uses:

D. All permitted uses and all storage accessory thereto, other than off-street parking and gasoline pumps and public utility structures, shall be carried on in buildings fully enclosed on all sides, except that [~~provided that, upon issuance if a special permit by the Board of Trustees,~~] sidewalk displays of merchandise or sidewalk dining shall be permitted outside a retail store, commercial establishment or restaurant, subject to the conditions adopted from time to time by resolution of the Village Board of Trustees

**Section Fourteen.** Article IV, “District Use Regulations” Section 230-16.2 “Riverside Transition C-1R(B) District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

B. Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, the following uses:

D. All permitted uses and all storage accessory thereto, other than off-street parking and gasoline pumps and public utility structures, shall be carried on in buildings fully enclosed on all sides, except that [~~provided that, upon issuance if a special permit by the Board of Trustees,~~] sidewalk displays of merchandise or sidewalk dining shall be permitted outside a retail store, commercial establishment or restaurant, subject to the conditions adopted from time to time by resolution of the Village Board of Trustees

**Section Fifteen.** Article IV, “District Use Regulations” Section 230-17 “General Commercial C-2 District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

A. Permitted uses. No building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

(1) Any use permitted in a Commercial C-1 District, as set forth in § 230-16A, and subject to the regulations therefor, but for properties not within the Harmon/South Riverside area of the Gateway Overlay District, no retail stores shall be permitted except by special permit of the [~~Village Board of Trustees~~] Planning Board. Such retail stores in all former C-1 Districts prior to the date of the adoption of this section shall be deemed to have special permits; however, any retail store with a current special permit requiring periodic renewal shall continue to require renewal in accordance with its terms.

B. Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, the following uses:

(1) Motor vehicle service stations, subject to the following regulations:

(l) Subject to the issuance of a special permit [~~by the Board of Trustees~~] and site plan approval by the Planning Board, the sale of used cars or rental of vehicles shall be allowed if the service station is in compliance with the conditions set forth in Subsection B(1)(b) through (i) above and the additional conditions set forth below. The initial permit shall be for a period of two years, with subsequent renewals, subject to compliance with the approved site plan, for five-year periods.

(8) Mixed occupancy in accordance with the provisions of § 230-42.1 herein and subject to the issuance of a special permit by the [~~Board of Trustees~~] Planning Board.

(10) Tier 3 and Tier 4 solar energy systems, provided that the requirements set forth in § 230-48.1 are met.

(11) Tier 2 battery energy storage systems, provided that the requirements set forth in § 230-48.2 are met.

**Section Sixteen.** Article IV, “District Use Regulations” Section 230-18 “Light Industrial LI District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

C. Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, and excluding those uses prohibited under Subsection E of this section, the following uses:

(8) Tier 3 and Tier 4 solar energy systems, provided that the requirements set forth in § 230-48.1 are met.

(9) Tier 2 battery energy storage systems, provided that the requirements set forth in § 230-48.2 are met.

D. The above uses shall comply with the area and bulk standards listed in § 230-37, including the minimum lot size of three acres, except that the [~~Village Board of Trustees~~] Planning Board may, by the issuance of a special permit, allow a lot area of less than three acres but not less than one acre, and except that for a transit-oriented development of mixed-use or multifamily residential the minimum lot area shall be 10,000 square feet.

G. General accessory uses. In connection with the uses permitted by Subsection B, there can be included in any building so authorized general accessory uses as follows:

(10) Tier 1 battery energy storage systems, provided that the requirements set forth in § 230-48.2 are met.

**Section Seventeen.** Article IV, “District Use Regulations” Section 230-19 “Waterfront Commercial WC District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any use except the following:

(2.2) Tier 1 battery energy storage systems, provided that the requirements set forth in § 230-48.2 are met.

(3) Special permit uses. Subject to the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board, the following uses:

**Section Eighteen.** Article IV, “District Use Regulations” Section 230-20 “Parks, Recreation and Education PRE District” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

D. Accessory uses. Uses accessory and incidental to permitted uses shall include:

(5) Tier 1 battery energy storage systems, provided that the requirements set forth in § 230-48.2 are met.

F. Special permit.

(1) The following uses may be permitted subject to issuance of a permit by the [~~Board of Trustees~~] Planning Board. Special permits require information necessary to demonstrate that the proposed activity is not adverse to the general health, safety and economic and general welfare of the residents of the Village.

(a) Public utility installations which are needed to serve properties within the Village, subject to a determination by the [~~Village Board of Trustees~~] Planning Board that no other reasonable location in a less restricted district can be utilized for the purposes contemplated and subject further to such conditions as the [~~Board of Trustees~~] Planning Board may deem to be appropriate for the protection of adjoining uses and for the character of the district. All parking and service areas connected with such use shall be screened, preferably using natural screening, from the view of all adjoining and neighboring residential properties.

**Section Nineteen.** Article IVA, “Gateway Overlay District” Section 230-20.2 “Location of gateway areas” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

A. Croton-on-Hudson’s three gateway areas are:

(2) Municipal Place Shopping Area, consisting of lots on the north and south sides of

Municipal Place between Route 9 and Maple Street, and the commercially zoned portion of the block on the east side of Maple Street, and the lots located between Route 9 and South Riverside Avenue from Maple Commons ~~[the Village-owned parcel]~~ to the north to the intersection of Maple and South Riverside to the south, as shown on Figure 3. The Municipal Place Shopping Area is an important entrance to the Village from Route 9. It connects to the Upper Village via Maple Street and to the surrounding neighborhoods

**Section Twenty.** Article IVA, “Gateway Overlay District” Section 230-20.3 “Use regulations for Gateway areas” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

B. Special permit uses. The uses permitted in the Gateway District areas by special permit shall be the following:

(1) Unless otherwise specified in this chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts' requirements and criteria) shall be permitted in the Gateway District areas by special permit of the ~~[Village Board of Trustees]~~ Planning Board.

(2) Farmers markets, green markets or garden centers by special permit by ~~[Village Board of Trustees]~~ Planning Board, subject to the requirements and criteria set forth in Article X of this chapter.

(3) In the Harmon/South Riverside Gateway District area, mixed-use or multifamily residential buildings, by special permit of the ~~[Village Board of Trustees]~~ Planning Board, subject to the following requirements and criteria and to the requirements/criteria contained in Article X of this chapter

(b) Notwithstanding any provisions of § 230-20.4 or any other provisions of this chapter to the contrary, the following area and bulk regulations shall apply to mixed-use or multifamily residential buildings in the Harmon/South Riverside Gateway area. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

(4) The ~~[Village]~~ Planning Board shall have the authority in conducting special permit review to reduce or waive side yard setback requirement(s) of the underlying zone, provided that there is otherwise adequate access to parking areas, and provided that one or more of the following criteria are met:

(d) Parking

(1) Notwithstanding any other provision of this Code to the contrary, for mixed-use and multifamily residential buildings in the Harmon/South Riverside Gateway area there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment: one space; one-bedroom apartment: one space; two-bedroom apartment: two spaces.) The minimum parking for nonresidential space shall be as otherwise required by this chapter. The ~~[Village Board of Trustees]~~ Planning Board, as part of its special permit determination, shall have the authority to increase these parking

requirements. In the case of each application, the [~~Village Board of Trustees~~] Planning Board shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

(2) The Planning Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking and traffic impact study.

(4) In the Municipal Place Gateway District area, on any lot in the C-2 District having frontage on Municipal Place, adjacent to a residential zoning district and having less than three acres, attached single-family homes, multifamily residential buildings and mixed occupancy buildings shall be permitted by special permit by the Planning Board [~~of the Village Board of Trustees~~], subject to the following requirements and criteria and to the requirements/criteria contained in Article X of this Chapter:

(b) Notwithstanding any provisions of § 230-20.4 or any other provisions of this chapter to the contrary, the following area and bulk regulations shall apply to a development of attached single-family homes, multifamily residential and mixed occupancy buildings permitted under this section. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

(4) On the property located at [~~41-51 Maple Avenue~~] 43-45 Maple Street and known as Sheet 72.12, Block 3, Lot 3, there shall be a minimum fifty-foot setback from adjacent residential properties on Wells Avenue and Beekman Avenue, which shall remain vegetated.

(c) Open space. Ten percent of the total area of the site shall be used to create a publicly accessible open space located adjacent to and connected to Municipal Place; provided, however, that the [~~Village Board of Trustees~~] Planning Board shall have the discretion as part of its special permit review to reduce the area of such open space, provided the [~~Village~~] Planning Board determines other public benefits have been provided as part of the development or design of the open space. Design of the public space shall include at least the following elements, and shall be evaluated by the Planning Board as part of site plan review:

(d) Parking and traffic.

(1) Notwithstanding any other provision of this Code to the contrary, for residential or mixed-occupancy buildings permitted under this section, there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space for each studio or one-bedroom unit and two spaces for each unit with two or more bedrooms. The [~~Village Board of Trustees~~] Planning Board, as part of its special permit determination, shall have the authority to increase these parking requirements. The [~~Village Board of Trustees~~] Planning Board shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

(2) The Planning Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking and traffic impact study.

(5) In the North End Gateway District area on any lot where the underlying zoning is Limited Office O-1 District, multifamily residential buildings and mixed-use buildings shall be permitted by special permit ~~[of the Village Board of Trustees]~~, subject to the following requirements and criteria and to the requirements/criteria contained in Article X of this chapter:

(b) Notwithstanding any provisions of § 230-20.4 or any other provisions of this chapter to the contrary, the following area and bulk regulations shall apply to mixed use and multifamily residential buildings in the North End Gateway area overlaying the Limited Office O-1 District. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

(3) The ~~[Village]~~ Planning Board shall have the authority in conducting special permit review to reduce or waive yard setback requirement(s) of the underlying zone, provided that there is otherwise adequate access to parking areas, and provided that one or more of the following criteria are met:

(e) Parking.

(1) Notwithstanding any other provision of this Code to the contrary, for mixed-use or multifamily residential buildings in the North End Gateway District area overlaying the Limited Office O-1 District there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space for each studio or one-bedroom unit and two spaces for each unit with two or more bedrooms. The minimum parking for nonresidential space shall be as otherwise required by this chapter. The ~~[Village Board of Trustees]~~ Planning Board, as part of its special permit determination, shall have the authority to increase or decrease these parking requirements. In the case of each application, the ~~[Village Board of Trustees]~~ Planning Board shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased or decreased based upon the following factors:

(2) The Planning Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking and traffic impact study.

**Section Twenty-one.** Article IVA, “Gateway Overlay District” Section 230-20.6 “Design Guidelines” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

Each of the gateway areas should have a special character that should be preserved and enhanced. Accordingly, in addition to the design regulations set forth above in § 230-20.5 of this article, design guidelines have been established in the 2003 Comprehensive Plan for each of the three gateway areas that build upon the individual features of each district.

A. South Riverside/Harmon. New development, landscaping and streetscaping in the South Riverside/Harmon District shall be designed to enhance the district’s small-scale character and to

improve connections between the railroad station and the South Riverside/Harmon shopping area.

(1) Pedestrian and bicycle networks. To improve safety and accessibility in the Harmon/ South Riverside area, ~~[the installation of sidewalks and bikeways along south side of Croton Point Avenue shall be required as practicable. A]~~ any new sidewalks shall include paving treatments that are consistent with the sidewalk design incorporated in the commercial areas on South Riverside between Benedict Boulevard and Oneida Avenue.

B. Municipal Place.

(1) Pedestrian networks. A network of pedestrian routes would provide safe and attractive links between the shopping plazas and other commercial sites, as well as to other major destination points such as schools, the library and recreation areas. In site plan applications the following shall be implemented wherever it is deemed practicable by the Planning Board:

(a) The installation of sidewalks in the following locations within the Gateway Districts:

(1) ~~[The west side of Maple Street along the parcel with the following Tax Map designation: 78.12-1-1.]~~ The ~~[east]~~ west side of Maple Street from Municipal Place to ~~[Hudson Street]~~ South Riverside Avenue.

(2) The north ~~[and south]~~ side of Municipal Place between South Riverside Avenue and Maple Street.

**Section Twenty-two.** Article V “Special Districts”, Section 230-22 “Waterfront Development (WD) District of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter in brackets and ~~[struck through]~~:

(D) Permitted uses.

(3) Special permit uses. Subject to the issuance of a special permit by the ~~[Village Board of Trustees]~~ Planning Board, the following uses:

(4) Additional considerations. The Planning Board, before ~~[recommending approval]~~ approving ~~[of]~~ a special permit for any of the uses set forth in § 230-22D(3) above ~~[, and the Village Board, before approving an application for such a special permit,]~~ shall consider, in addition to the requirements and objectives set forth in Article X of this chapter, the following:

(E) “Accessory uses.

(5) Tier 1 battery energy storage systems provided that the requirements set forth in § 230-48.2 are met.

(I) Bulk, height and parking requirements.

(1) Density.

(b) Affordable dwelling units. The ~~[Village Board of Trustees]~~ Planning Board may permit additional dwelling units not to exceed 5% of the number calculated in accordance with the provisions of Subsection I(1)(a) immediately above, if the additional dwelling units are deemed by the ~~[Board of Trustees]~~ Planning Board to be affordable units. The affordable dwelling units shall be integrated among the

market-rate units in the project.

(6) Habitable floor area. The minimum habitable floor area per dwelling unit shall be 750 square feet, except for affordable dwelling units, in which case the minimum habitable floor area per dwelling unit shall be 600 square feet. [~~Note: The exact amount of floor area is to be determined in concert with the Village's Affordable Housing Committee.~~]

**Section Twenty-three.** Article VII “Supplementary Regulations”, Section 230-40 “Supplementary regulations applicable to residence districts” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

B. Relation of accessory buildings to streets. Except as provided in Subsection H below for fences, walls, and retaining walls, no accessory building shall project nearer to the streets on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages or if the principal building does not face upon the street or for that or other reasons related to topography or the characteristics of the neighborhood the requirement that accessory buildings project nearer to the street than such principal building is not appropriate, the property owner may seek an area variance from the Zoning Board of Appeals [~~may authorize the issuance of a special permit for the erection of such garage or other accessory building which may project nearer to the street than such principal building, the normal front yard setback requirements for a principal building to apply to such garage or accessory building unless the Zoning Board of Appeals shall specify otherwise and except that the Zoning Board of Appeals may authorize the issuance of a special permit for the erection of garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%~~].

**Section Twenty-four.** Section 230-41 “Accessory apartments” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [~~brackets~~]:

C. No accessory apartment or accessory cottage shall be installed or maintained except upon approval by the Planning Board. An accessory cottage shall require a minor site plan approval from the Planning Board. The application procedures and required submittals for both accessory apartments and accessory cottages shall be the same as for minor site plan approval, except that noticing shall be required for property owners within 100 feet of the subject property and that scaled floor plans, with floor areas noted, shall be submitted as part of the application. The application fee for an accessory apartment or accessory cottage application shall be an amount set by resolution of the Board of Trustees. Approval for an accessory apartment or an accessory cottage shall be issued to and run with the property owner.

**Section Twenty-five.** Article VII “Supplementary Regulations”, Section 230-42 “Supplementary regulations for the Multiple Residence RC Districts” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. Exceptions to maximum coverage regulations. Where the [~~Board of Trustees~~] Planning Board finds that the provisions of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, such Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10% of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.

**Section Twenty-six.** Article VII “Supplementary Regulations”, Section 230-42.1 “Mixed occupancy” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

Dwelling units may be permitted on the non-street-level story of buildings having nonresidential use on the street level, subject to the issuance of a special permit from the [~~Board of Trustees~~] Planning Board and in accordance with the following conditions:

C. The residential and nonresidential uses in a mixed-occupancy 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 [~~Board of Trustees~~] Planning Board may, at its discretion, approve the use of a common lobby or plaza.

D. The nonresidential use of the building shall be provided with the number of parking spaces required by § 230-35 herein. In addition, two parking spaces per dwelling unit shall be provided for the residential use of the building. The requirement of this subsection may be waived by the [~~Board of Trustees~~] Planning Board for buildings existing on the date of adoption of this section if there is insufficient area for parking on the site of a mixed-occupancy building.

E. All utility, storage, service and parking areas on the site of the mixed-occupancy building shall be screened by means of landscaping and/or fencing to the extent deemed necessary and practical by the [~~Board of Trustees~~] Planning Board in order to minimize the impact of these areas upon the residential use of the building.

F. Residential use shall not be permitted in buildings housing motor vehicle sales and service agencies, motor vehicle service stations, manufacturing, animal hospitals, bowling alleys or any other use deemed by the [~~Board of Trustees~~] Planning Board to be incompatible with the residential use of the building.

**Section Twenty-seven.** Article VII “Supplementary Regulations”, Section 230-44 “Signs” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

P. District standards.

(4) Central Commercial C-1, Riverside Commercial C-1R(A) and Riverside Transition C-1R(B) Districts.

(a) Signs accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in Subsection P(4)(b) below and as follows:

(4) In addition, where the building is set back from the curbline a distance of 25 feet or more, not more than one freestanding sign with a total area on each face of not more than 40 square feet may be erected; provided, however, that the ~~[Zoning Board of Appeals]~~ Planning Board may, in accordance with the procedure set forth in ~~[\§ 230-162B]~~ Article X of this chapter, ~~[authorize the Village Engineer to]~~ issue a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding 40 square feet ~~[or such lesser area as the Zoning Board of Appeals may prescribe]~~ in instances where the building is set back from the curb or edge of traveled way less than 25 feet but 15 feet or more, subject to such conditions as the ~~[Zoning Board of Appeals]~~ Planning Board may impose and with due regard to safety and other objectives set forth in ~~[\§ 230-162B]~~ Article X where the Board shall find that:

(b) Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the ~~[Zoning Board of Appeals]~~ Planning Board and, for that or other reason, the ~~[Zoning Board of Appeals]~~ Planning Board deems such sign to be necessary or desirable.

**Section Twenty-eight.** Article VII “Supplementary Regulations”, Section 230-47 “Performance standards” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

B. Measurement at the point of emission.

(4) Smoke. No emission shall be permitted any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart ~~[as published by the United States Bureau of Mines. (Power's Micro Ringelmann Chart, McGraw-Hill Publishing Company, 1954, may be used.)]~~. This provision, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

D. Elimination of nonconformities. Within 12 months after December 31, 1972, all existing uses, buildings or other structures shall comply with the applicable performance standards herein set forth~~;~~ ~~provided, however, that if the Zoning Board of Appeals finds that because of the nature of the corrective action required the twelve month period is inadequate, it may, as a special permit, grant not more than one extension for a period of not more than six months.]~~ All new uses, buildings or other structures shall comply with the applicable performance standards when put into operation.

**Section Twenty-nine.** Article VII “Supplementary Regulations”, Section 230-48.1 “Solar energy

systems” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

G. Permitting requirements for Tier 3 solar energy systems. All Tier 3 solar energy systems are permitted, subject to a special permit by the [~~Village Board of Trustees~~] Planning Board, within the RA-40, RA-60, C-2 and LI Zoning Districts, and subject to site plan application requirements set forth in this section.

(2) Special permit application requirements.

(j) The Planning Board [~~or Board of Trustees~~] may impose conditions on its approval of any site plan or special permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

I. Safety.

3. If a battery energy storage system is included as part of the solar energy system, they shall meet the requirements of §230-48.2 [~~any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Village~~] and any applicable federal, state, or county laws or regulations.

4. Where deemed necessary by the [~~Board of Trustees or~~] Planning Board, emergency access to the site for local first responders shall be provided by the installation of an emergency lock box or a similar device, in a location subject to the approval of the Fire Chief.

**Section Thirty.** Article VII “Supplementary Regulations”, Section 230-48.2 “Battery energy storage systems” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

F. Requirements for Tier 2 battery energy storage systems.

(1) Tier 2 battery energy storage systems are permitted through the issuance of a special permit by the [~~Village Board of Trustees~~] Planning Board within the RA-40, RA-60, C-2 and LI Zoning Districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this section.

(3) Site plan application. For the installation of Tier 2 battery energy storage systems, the following site plan requirements apply:

(o) Emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner, the Fire Chief, and the Village Engineer or Building Inspector. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

(7) Other procedures as determined necessary by the [~~Town~~] Village to provide for the safety of occupants, neighboring properties, and emergency responders.

**Section Thirty-one.** Article VII “Supplementary Regulations”, Section 230-48.4 “Adult

entertainment use” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. An adult entertainment use may be permitted, subject to the issuance of a special permit from the [~~Board of Trustees~~] Planning Board and in accordance with the following conditions and standards:

C. Waiver of restrictions. The restrictions enumerated in § 230-48.4B(2) through (4) may be waived by the [~~Village Board of Trustees~~] Planning Board if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this section:

**Section Thirty-two.** Article VIII, “Off-Street Parking, Driveways and Loading Facilities” Section 230-51 “Required off-street parking spaces” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

C. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts or by special permit of the [~~Board of Appeals~~] Planning Board. Unless otherwise approved by the Planning Board, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

H. Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the [~~Board of Appeals~~] Planning Board may reduce the total parking spaces required for that use with the least requirement.

**Section Thirty-three.** Article VIII, “Off-Street Parking, Driveways and Loading Facilities” Section 230-52 “Supplementary regulations for parking and loading facilities” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

B. On lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall

be located in any residence district, unless the use to which they are accessory is permitted in such district or by special permit of the ~~[Board of Appeals]~~ Planning Board.

**Section Thirty-four.** The Notes to Section 230-37 of the Code of the Village of Croton-on-Hudson are hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

NOTES:

<sup>a</sup> District waterfront setback requirement. For the express purpose of preserving the open and scenic character of and the possibility of public access to the waterfront, a setback of 100 feet from the mean high-water line shall be required for uses on lands fronting the Hudson River.

<sup>b</sup> Parking space requirements are cumulative for all uses on one lot.

<sup>c</sup> Building height requirements are subject to both story and foot limitations.

<sup>d</sup> Setbacks for transit-oriented development of mixed-use or multifamily residential shall be determined by the ~~[Board of Trustees]~~ Planning Board as part of the special permit review based upon the best layout for the particular lot.

<sup>e</sup> The ~~[Board of Trustees]~~ Planning Board shall have the discretion to require additional parking for residential units.

**Section Thirty-five.** Section § 230-53 “Regulation and Control” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in ~~[brackets]~~:

A. Any nonconforming use, except those expired nonconforming uses specified in Subsection E, may be continued indefinitely, but:

(2) Shall not be changed to another nonconforming use without a special permit from the ~~[Village Board of Trustees]~~ Planning Board and then only to a use which, in the opinion of said Board, is of the same or a more restricted nature.

E. Each of the nonconforming uses specified below was ~~[is]~~ deemed sufficiently objectionable, undesirable and out of character in the district in which such use was ~~[is]~~ located as to depreciate the value of other property and uses permitted in the district and blight the proper and orderly development and general welfare of such district and the Village to the point that each of such nonconforming uses was ~~[shall be]~~ terminated on or before the expiration of the specified period of time after November 10, 1960, which period of time as specified was provided for the purpose of permitting the amortization of the remaining values, if any, of such use shall be as follows:

(1) In any residence district, the right to maintain any nonconforming use of open land, including such uses as a parking lot, trailer, junkyard or open storage yard for materials or equipment, terminated as of November 10, 1962. ~~[may be continued for two years after November 10, 1960, provided that on the expiration of that period such nonconforming use shall be terminated.]~~

(2) In any residence district, the right to maintain any sign not of a type permitted or of a permitted type but greater than two times the maximum permitted size terminated as of November 10, 1961. ~~[may be continued for one year after November 10, 1960, provided that on the expiration of that period such nonconforming use shall be terminated.]~~

(3) In any nonresidential district, the right to maintain any sign not of a type permitted or of a permitted type but greater than two times the maximum permitted size terminated as of November 10, 1962. ~~[may be continued for two years after November 10, 1960, provided that on the expiration of that period such nonconforming use shall be terminated.]~~

**Section Thirty-six.** Section 230-58 of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

Every application for a special permit shall be filed with the Building Department both electronically and with eight hard copies. The number of hard copies of the application and supporting documentation needed for the Planning Board ~~[shall be determined]~~ may be modified by the Building Department. ~~[Electric versions of t]~~ The application shall be distributed by the Building Department to the Board of Trustees [for its recommendation] which shall provide comment to the Planning Board, if any, within 30 days. The Planning Board may also adopt such terms and additional conditions to the special permit as it deems appropriate to achievement of the foregoing objectives and the following goals:

**Section Thirty-seven.** Article XI, “Site Plan Approval” Section 230-67 “Uses and actions subject to site plan approval and minor site plan approval” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

A. Site plan approval by the Planning Board shall be required in all districts, unless specific districts are identified below, for the following uses and actions:

(1) Any new construction or enlargement of a building, ~~[accessory building,]~~ or swimming pools, with the exception of new construction or enlargement of a residential building, residential accessory building, or noncommercial swimming pool in an RA or RB District (see § 230-67B).

(2) A change of use in which a change of building footprint is also proposed.

(3) Proposed new roads and driveways, and changes to existing roads and driveways, with the exception of new roads and driveways and changes to existing roads and driveways in an RA or RB district.

(4) ~~[Tier 2 solar energy systems except where located on a residential lot in the RA and RB Zoning Districts.]~~ Tier 3 and Tier 4 solar energy systems within the RA-40, RA-60, C-2 and LI Zoning Districts, subject to a special permit from the Planning Board.

(5) Tier 2 battery energy storage systems within the RA-40, RA-60, C-2 and LI Zoning

Districts, subject to a special permit from the Planning Board.

B. Minor Site plan approval by the Planning Board shall be required in all districts, unless specific districts are identified below, for the following uses and actions:

(1) Any new construction of a residential building, including a manufactured home in accordance with § 230-40I. However, [F]the construction of residential decks and patios, walkways and gardens are not subject to site plan review.

(2) Any enlargement of a single-family or two-family home that brings the total habitable floor area to 80% or more of the maximum permitted habitable floor area. The maximum habitable floor area is calculated by multiplying the maximum FAR in that zoning district by the lot size. When any enlargement of a single-family or two-family home is subject to minor site plan review, then the structures accessory to that single-family or two-family home, such as garages, are subject to minor site plan review as well.

(3) Any proposed clearing of trees or earthwork on any property involving 20% or more of the site.

(4) Any change of use where no change to the building or site is proposed.

(5) Roof-mounted solar energy systems except where located on a residential structure in the RA and RB Zoning Districts.

(6) Noncommercial swimming pool with an area of 300 square feet or more in an RA or RB zoning district.

(7) Residential accessory building that exceeds 300 square feet in an RA or RB zoning district.

(8) Walls or retaining walls in excess of six feet.

(9) Accessory cottages, but not accessory apartments, as set forth in §230-41.

**Section Thirty-eight.** Article XI, “Site Plan Approval” Section 230-69 “Required submissions” of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

A. At least 15 days in advance of the Planning Board meeting at which a site development plan or an amendment of it or a minor site plan is to be presented, one electronic and eight [10] hard copies of the site development plan and the information enumerated below must be submitted to the Village Engineer, along with a letter of application, if requested.

B. In addition, the application shall be accompanied by a fee in an amount set by resolution of the Board of Trustees. [~~In the event that an application for site plan development is not approved, the applicant shall be entitled to a refund of 50% of the fee paid. Once approval has been given of a site plan, no refund shall be made regardless of whether the project is ever completed.~~]

**Section Thirty-nine.** Section 230-70(A) of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter in brackets and ~~[struck through]~~:

The Planning Board shall review the site plans or any amendment of such plans in ~~[the same manner as is prescribed by state law for the review of subdivision plats]~~ accordance with § 7-725-A of the Village Law, with public notice for hearing to be identical to those required by § 230-164B for the Zoning Board of Appeals. For minor site plan review, the public notice and public hearing provisions of § 230-164B are not required. The Planning Board may approve minor site plans in one meeting if the Board determines that the applications meet the approval criteria. The Planning Board shall by resolution approve, with or without modifications, or disapprove a minor site plan application within 90 calendar days of receipt of a complete application by the Planning Board. If such decision is not rendered by the Planning Board by the 91st day, the application shall be deemed approved unless the applicant has consented to a further continuation of the review process.

**Section Forty.** Section 230-165 of the Code of the Village of Croton-on-Hudson is hereby added to read as follows:

Training requirements.

- A. Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection. Such training shall be approved by the Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college, or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, and traditional classroom training.
- B. To be eligible for reappointment to the Planning Board, such member must complete the training promoted by the Village pursuant to this subsection.
- C. The training required by this section may be waived or modified by resolution of the Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest of the Village to do so.
- D. No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with this subsection.

**Section Forty-one.** Section 230-162(B) of the Code of the Village of Croton-on-Hudson is hereby repealed in its entirety.

**Section Forty-two.** Section 230-164(B) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and ~~struck through~~:

Notice of hearing; property owners. The Zoning Board of Appeals shall not grant any appeal for a variance ~~[or issue any special or temporary permit]~~ or interpretation without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the Village at least ~~[10]~~ 5 days before that date of such hearing. In addition to such published notice, the Zoning Board of Appeals shall cause notice to be given of the substance of every appeal for a variance or interpretation ~~[for a variance and of every application for a special permit]~~, together with notice of the hearing thereon, by causing notices thereof to be mailed ~~[by postal card or other means]~~ via the U.S. Postal Service at least 10 days before the day of said hearing to the owners of all property abutting that held by the applicant in the immediate area, whether or not involved in such appeal or application, and all other owners within 200 feet, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village; provided, however, that in the case of variance applications for fences, sheds or walls, notices shall only be required to be mailed to owners of properties immediately abutting, and directly across the street from, the exterior boundaries of the land involved in such applications. Any or all of the notices required by this section shall be issued by the office of the Village Engineer, provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal for a variance or interpretation ~~[or variance or issuance of any special or temporary permit]~~ pursuant thereto.

**Section Forty-three.** Section 230-164(c) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and ~~struck through~~:

Notice of hearing, Westchester County and regional councils. Ten days' notice by mail shall be given in accordance with the provisions of §§ 277.61 and 277.71~~[62]~~ of the Westchester County Administrative Code, as such sections may from time to time be amended or superseded, in all cases where notice is required thereby. If applicable, the Zoning Board of Appeals shall mail notices of the hearing at least five days before the hearing to the state park commission having jurisdiction over any state park or parkway within 500 feet of the property affected by the appeal. The notice shall be accompanied by a full statement of the proposed action, as defined in § 239-m of the General Municipal Law.

**Section Forty-four.** Section 230-164(E) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and ~~struck through~~:

Unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance [~~or special permit~~], such variance [~~or special permit~~] shall become null and void.

**Section Forty-five.** Section 230-164(F) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and [~~struck through~~]:

Application requirements, forms and fees. All appeals [~~and applications~~] made to the Zoning Board of Appeals shall be in writing and on forms prescribed by the Board [~~and approved by the Planning Board~~]. Ten copies of the application and supporting documentation shall be submitted by the applicant, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees. The Zoning Board of Appeals may, in its discretion, return to the applicant part or all the fee paid by [~~him or her~~] the applicant in the event that his or her appeal under § 230-162A, Interpretation, hereof is partially or wholly successful. The fees filed in connection with applications under [~~§230-162B, Special permits, or~~] § 230-162C and D, Use variances and Area variances, shall not be returnable regardless of disposition of the case by the Zoning Board of Appeals.

**Section Forty-six.** Section 230-164(G) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and [~~struck through~~]:

Application requirement; content of submission. Each appeal or application shall fully set forth the circumstances of the case. [~~Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot, a site plan showing the location of all buildings and proposed facilities, including access drives, parking areas, landscaping and all streets within 200 feet.~~] Every appeal or application shall refer to the specific provision of this chapter and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted[~~; or the use for which the special permit is sought~~].

**Section Forty-seven.** Section 230-164(I) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows with new matter underlined and deleted matter in brackets and [~~struck through~~]:

I. Recording and filing of decisions.

(1) Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the resolution shall be filed in the office of the Village Clerk within five business days. The decision shall be filed by case number, together with all documents pertaining thereto, under

one of the following headings:

- (a) Interpretation,
- (b) [~~Special permits.~~]
- ~~{(c)}~~ Variances.

**Section Forty-eight.** Section 230-166 of the Code of the Village of Croton-on-Hudson is hereby added to read as follows:

Training requirements.

- A. Each member of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection. Such training shall be approved by the Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college, or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, and traditional classroom training.
- B. To be eligible for reappointment to the Zoning Board of Appeals, such member must complete the training promoted by the Village pursuant to this subsection.
- C. The training required by this section may be waived or modified by resolution of the Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest of the Village to do so.
- D. No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this subsection.

**Section Forty-nine.** Except as otherwise provided herein, all other provisions of the Croton-on-Hudson Village Code shall remain the same.

**Section Fifty. Severability**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Fifty-one. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law and shall be

published and posted as required by law, including NYS Village Law §7-706 applicable to zoning text amendments.