

## Chapter 240

### ZONING

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ZONING

ARTICLE XIV  
**Orange County Greenway Compact**

**§ 240-84. Orange County Greenway Compact.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Highland Falls 8-10-1971 by L.L. No. 5-1971 as Ch. 116 of the 1971 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction — See Ch. 70.

Property maintenance — See Ch. 170.

Numbering of buildings — See Ch. 74.

Sewers and sewage disposal — See Ch. 180.

Filling, grading and clearing — See Ch. 97.

Streets and sidewalks — See Ch. 201.

Flood damage prevention — See Ch. 111.

Subdivision of land — See Ch. 207.

Mobile homes and mobile home parks — See Ch. 139.

Trees — See Ch. 221.

Poles and wires — See Ch. 164.

ARTICLE I  
**General Provisions**

**§ 240-1. Title. [Amended 4-1-1998 by L.L. No. 1-1998]**

The title of this chapter shall be "An ordinance regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose in the Village of Highland Falls; and for said purposes dividing the Village into districts; and providing fines and penalties for the violation of its provisions."

**§ 240-2. Short title.**

This chapter shall be known and may be cited as the "Village of Highland Falls Zoning Ordinance of 1969."

**§ 240-3. Purpose.**

This chapter is adopted for the purpose of promoting the health, safety, morals and the general welfare of the community and in furtherance of the following related and more specific objectives:

- A. To guide and regulate the orderly growth, development and redevelopment of the municipality in accordance with a Comprehensive Plan and with long-term objectives, principles and standards deemed beneficial to the interests and welfare of the people.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- D. To secure safety from fire, panic and other dangers and to provide adequate light, air and convenience of access.
- E. To prevent overcrowding of land or buildings and to avoid undue concentration of population.
- F. To lessen and, where possible, to prevent traffic congestion on public streets and highways.
- G. To eliminate nonconforming uses gradually.
- H. To conserve the value of buildings and to enhance the value of land throughout the municipality.
- I. To conserve and reasonably to protect the natural scenic beauty of the municipality and its environs.

**§ 240-4. Definitions.**

- A. Scope and meaning of certain words and terms.
  - (1) Unless the context clearly indicates the contrary, words used in the present tense include the future; and the singular number includes the plural, and the plural the singular.
  - (2) The word "person" includes a profit or nonprofit corporation, company, partnership or individual.
  - (3) The word "shall" is mandatory and not directory; the word "may" is permissive.

- (4) The word "lot" includes the word "plot" and the word "land."
- (5) The word "structure" includes the word "building."
- (6) The word "use" refers to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
- (7) The word "used" refers to the actual fact that a lot or land, building or structure, or part thereof, is being occupied or maintained for a particular use.

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY USE, BUILDING OR STRUCTURE** — A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term "accessory building" may include a private garage, garden shed, a private playhouse and a private greenhouse.

**AFFORDABLE HOUSING** — A private housing development that is designed to achieve for-sale or rental housing at prices below market rates, utilizing financial subsidies that are secured with participation by the Village of Highland Falls. **[Added 6-14-1994 by L.L. No. 1-1994]**

**ALTERATION** — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location or position to another; the term "alter" in its various modes and tenses and its participial form refers to the making of an alteration.

**AUTOMOBILE LAUNDRY** — A structure or building designed for the washing, waxing, simonizing or similar treatment of automotive vehicles as its principal function. A filling station having portable washing equipment shall not be deemed to be an automobile laundry where such use is an accessory service to the principal service of the filling station.

**BASEMENT** — A story partly underground but having less than 1/2 of its clear height below finished grade.

**BED-AND-BREAKFAST INN** — An establishment in which rooms are rented to transient guests and in which limited food service for such guests may be provided. **[Added 3-19-1996 by L.L. No. 1-1996]**

**BILLBOARD** — A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered or existing upon such lot.

**BOARD** — The Municipal Board of Appeals.

**BUILDING** — A structure with a roof supported by columns or walls and having a horizontal area of more than 50 square feet.

**BUILDING INSPECTOR** — The official Building Inspector of the municipality.

**CELLAR** — A story partly underground and having 1/2 or more of its clear height below finished grade.

**CLUB, COUNTRY** — A club for golfing, tennis, hunting, fishing, horseback riding or similar sports.

**CLUB, MEMBERSHIP, NONPROFIT** — The premises and buildings used by a local chapter

holding a valid charter from an international, national or state organization or by a bona fide local civic association catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, social, educational, religious or political purpose. The club shall not be used in whole or in part for the conduct of any business or enterprise for profit, but this shall not be construed as preventing the utilization of a club for benefits or performances for a recognized charity nor for the meeting of other organizations nor for educational and cultural purposes.

**CONDOMINIUM DEVELOPMENT** — A building or buildings, the dwelling units of which are individually owned, each owner receiving a deed enabling him to sell, mortgage or exchange his unit independent of the other units in the building or buildings. No fee simple sale of land is involved.**[Added 6-16-1987 by L.L. No. 4-1987]**

**CONVENIENCE STORE** — A building or lot or part thereof used for the sale at retail of general consumable goods and merchandise, groceries, food, foodstuffs, victuals and incidental household items and may also provide for the sale of gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A convenience store may not provide facilities for the repair of or storage of motor vehicles.**[Added 6-3-1980 by L.L. No. 5-1980]**

**COURT** — An open, unoccupied space, other than a yard, on the same lot with a building. An offset to a court shall be deemed a separate inner court for the purpose of determining its least dimension, its area and the least dimension and area of the court to which it is contiguous.

**COURT, DEPTH OF** — The maximum horizontal dimension at right angles to the width.

**COURT, HEIGHT OF** — The greatest vertical distance measured from the lowest level of such court up to the roof of the building.

**COURT, INNER** — Any court which is not an outer court.

**COURT, OUTER** — A court extending to a street, front yard or rear yard.

**COURT, WIDTH OF** — The horizontal dimension parallel to the principal open side in the case of an outer court; and the least horizontal dimension in the case of an inner court.

**CUSTOM WORK, SHOP FOR** — A business premises used for the making of clothing, millinery, shoes or other personal articles to individual order and measure, for sale at retail on the premises only, and not including the manufacture of ready-to-wear or standardized products.

**DWELLING** — A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

**DWELLING, MULTIPLE** — A building or portion thereof containing more than two dwelling units.

**DWELLING, ONE-FAMILY** — A building containing not more than one dwelling unit occupied exclusively for residential purposes and containing not more than one lodger.**[Added 8-1-2011 by L.L. No. 3-2011]**

**DWELLING, TWO-FAMILY** — A building containing not more than two dwelling units occupied exclusively for residential purposes, with each such unit containing not more than one lodger.**[Added 8-1-2011 by L.L. No. 3-2011]**

**DWELLING UNIT** — One or more rooms with provisions for cooking, living, sanitary and sleeping facilities arranged for the use of one family.

**FAMILY** — **[Amended 8-1-2011 by L.L. No. 3-2011]**

- (1) One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit.

- (2) It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- (3) Criteria for determining that individuals are living together as the functional equivalent of a traditional family unit:
  - (a) The group is one that, in theory, size, appearance, structure and function, resembles a traditional family unit;
  - (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which more than one of the occupants act as separate roomers/lodgers may not be deemed to be occupied by the functional equivalent of a traditional family;
  - (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
  - (d) The group is permanent and stable. Evidence of such permanency and stability may include:
    - [1] The presence of minor dependent children, regularly residing in the household, who are enrolled in local schools;
    - [2] Members of the household have the same address for purposes of voter registration, driver's licenses, motor vehicle registration and filing of taxes;
    - [3] Members of the household are employed in the area;
    - [4] The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units;
    - [5] There is common ownership of furniture and appliances among the members of the household; and
    - [6] The group is not transient or temporary in nature.
  - (e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FENCE — A structure bounding an area of land designed either to limit access to the area or to screen such area from view, or both.

FILLING STATION — A building used for rendering service for the repair of motor vehicles and which also provides for the sale of gasoline at retail. **[Amended 6-3-1980 by L.L. No. 4-1980]**

GARAGE, PARKING — A building, not a private garage, used for the storage of automobiles or trucks and not used for making repairs thereto.

GARAGE, PRIVATE — An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

GARAGE, REPAIR — A building, other than a private or a parking garage, used for adjustment, painting, replacement of parts or other repair of motor vehicles or parts thereof, whether or not accessory or incidental to another use.

**HEIGHT OF STRUCTURE OR BUILDING** — The vertical distance measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of such structure. Architectural elements that do not add floor area to a building or structure, such as parapet walls, chimneys, vents, and roof equipment are not considered part of the height of a building or structure. The maximum height of a building or structure located in the B1 District shall not include rooftop amenities such as a pool, clubhouse, restaurant, bar, or similar amenities, provided that the sum total of all such areas does not exceed 50% of the rooftop area.**[Amended 2-3-2020 by L.L. No. 1-2020]**

**HEIGHT, SET BACK BONUS** — ~~Maximum building height for commercial buildings located in the Business Commercial District (B-3) may be increased by one story, not to exceed a height of 15 feet, on condition that the additional story is set back from the building edge on all sides by no less than 10 feet (the "bonus story"). The ten foot setback shall be open and unobstructed and shall not contain mechanical equipment or any other visible structure, including, but not limited to signage. In no event shall more than one height bonus be allowed per building in the absence of a height variance. For the purpose of this chapter, "height, set back bonus" is also referred to as "bonus story."~~**[Added 2-3-2020 by L.L. No. 1-2020]**

**HOME OCCUPATION** — Any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence. Said activity shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used, and further provided that there shall be no external evidence other than an announcement sign and that no mechanical or electrical equipment is used except customary household equipment. However, home occupations shall not be construed to include such uses as the following: clinic or hospital, barbershop or beauty parlor, restaurant, breeding kennel or antique dealer.

**HOME PROFESSIONAL OFFICE** — The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, real estate broker or salesman, insurance broker or agent or teacher as herein restricted, provided that not more than two persons are employed who are not members of the family and that such office shall be in the main building and shall not occupy more than the equivalent of 1/2 of the area of one floor of said building. For the purposes of this definition, a teacher shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at a time. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing instruction, band instrument or piano or voice instruction, tearooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional offices. The home professional office of a physician shall not include a biological or other medical testing laboratory.

**HOTEL** — A building or part thereof that has a common entrance, common heating system and with or without restaurant facilities and which contains living and sleeping rooms used by an individual or individuals or groups of individuals for transient occupancy.**[Amended 5-7-2012 by L.L. No. 2-2012]**

**HOTEL, MIXED USE** — ~~A hotel located over first floor nonresidential use.~~**[Added 2-3-2020 by L.L. No. 1-2020]**

**HOUSE TRAILER** — A movable single-family dwelling originally equipped with or having a vehicular chassis but lacking one or more of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. (See "mobile home.")



**JUNKYARD** — Any land or structure or part thereof exceeding 300 square feet in area used for collecting, storage or sale of wastepaper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage or salvage of machinery or vehicles not in running condition, or for the sale of the parts thereof.

**LODGER** — Any person occupying a lodging house or a maximum of one person, not a member of the family, occupying a single-family unit or each unit in a two-family unit for remuneration. **[Added 8-1-2011 by L.L. No. 3-2011]**

**LODGING HOUSE** — Any dwelling that provides sleeping accommodations for one or more lodgers, including, but not limited to, single-family and two-family dwellings with one or more lodger. **[Added 8-1-2011 by L.L. No. 3-2011]**

**LOT** — A parcel of land occupied or used by one main building or use with its accessory buildings and the required open spaces.

**LOT AREA** — The total horizontal area included within lot lines.

**LOT, CORNER** — A lot at the junction of and fronting on two or more intersecting streets.

**LOT COVERAGE** — The percentage of the area of the lot covered by a building or buildings.

**LOT, INTERIOR** — Any lot other than a corner lot.

**LOT LINE** — Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

**LOT LINE, FRONT** — The street right-of-way line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

**LOT LINE, REAR** — The lot line opposite to the front lot line.

**LOT, THROUGH** — A lot extending from one street to another.

**LOT WIDTH** — The dimension measured from side lot line to side lot line, along a line parallel to the street line at the required minimum front yard depth.

**MIXED-USE DEVELOPMENT** — For the purpose of this chapter, "mixed-use development" is defined as development that provides revenue-producing use of a building on **one hundred (100) percent** the ground floor such as, but not limited to, retail, restaurant, eating and drinking places, entertainment, office, civic, cultural or recreation and residential use in the form of apartment dwellings and similar residential dwellings located on the floors above. **[Added 2-3-2020 by L.L. No. 1-2020]**

**MOBILE HOME** — A movable single-family dwelling originally equipped with or having a vehicular chassis and provided with all of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. (See "house trailer.")

**MOBILE HOME COURT** — A residential land use designed for the location of one or more mobile homes in designated mobile home spaces and including appurtenant facilities and accessory services for residents only.

**MOTEL** — A building or group of buildings, whether detached or in connected units, used as individual sleeping units with direct outside access and related office, and with or without restaurant facilities, to be used for transient occupancy. A motel shall provide accessory off-street parking facilities. The term "motel" shall also include buildings designed as tourist courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes. **[Amended 5-7-2012 by L.L. No. 2-2012]**

**NATURAL GRADE** — For the purposes of this chapter, the natural grade of a land area to be

subdivided shall be determined by calculating the difference in elevation between intersection points along the lines of a two-hundred-foot-square grid system applied to the required topographic mapping for the subdivision, and expressing this difference as a percentage of slope between such points; the natural grade of the individual grid squares shall be that of the maximum slope determined as described above along its bounding grid lines; the natural grade of a subdivision will vary in accordance with the findings for each individual grid square.

**NONCONFORMING STRUCTURE** — A structure lawfully existing at the effective date of this chapter or any amendment thereto affecting such structure which does not conform to the Table of Dimensional Regulations of this chapter for the district in which it is situated, irrespective of the use to which such structure is put.<sup>2</sup>

**NONCONFORMING USE** — Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this chapter or any amendment thereto affecting such use which does not conform to the Table of Use Regulations of this chapter for the district in which it is situated.<sup>3</sup>

**NONNUISANCE INDUSTRY** — Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light beyond the limits of its lot or by reason of generating excessive traffic with attendant hazards, and which does not include any outdoor processing of materials or open accessory storage yard, unless completely enclosed by a solid wall or fence not less than six feet in height.

**NURSERY SCHOOL** — A building or structure, together with its lot and its accessory uses, buildings and structures, used as an organized instructional facility for five or more enrolled children other than the children of the resident family, but not provided with customary commercial public recreation features, such as Ferris wheels or roller coasters, and not furnishing sleeping quarters except for the resident family.

**PARKING AREA** — A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money and/or other consideration.

**PARKING SPACE** — A stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

**PERMITTED USE** — A specific main use of a building, structure, lot or land, or part thereof, which this chapter provides for in a particular district as a matter of right. Any use which is not listed as a permitted use, special exception use or accessory use shall be considered a prohibited use.

**PLANNED RESIDENTIAL DEVELOPMENT** — A residential development of land based on an overall development plan approved by the Planning Board in accordance with the special exception use procedure in which the dimensional regulations of this chapter and the type of housing may be varied as provided in this chapter, and where certain lands are set apart as permanent open space or common land.

**PROHIBITED USE** — A use of a building, structure, lot or land, or part thereof, which is not listed as a permitted use, special exception use or accessory use.

**RESEARCH INSTITUTE or LABORATORY** — A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products, and uses accessory thereto; with respect to the application of this chapter, such research institute or

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1. **Editor's Note: The former definition of "multiple dwelling" which immediately followed this definition, was repealed 2-16-2016 by L.L. No. 1-2016.**
  2. **Editor's Note: The Table of Dimensional Regulations is included at the end of this chapter.**
  3. **Editor's Note: The Table of Use Regulations is included at the end of this chapter.**

laboratory shall meet the standards of a nonnuisance industry.

**SIGN** — Any kind of billboard, signboard, pennant or other shape or device or display used as an advertisement, announcement or direction, including any text, symbol, lights, marks, letters or figures painted thereon or painted on or incorporated in the composition of an exterior surface of a building or structure.

**SIGN, BUSINESS** — A temporary or permanent sign which directs attention to a business or profession conducted upon the property.

**SIGN, PROFESSIONAL OR ANNOUNCEMENT** — A temporary or permanent sign which directs attention to a resident's home, a home occupation, a home professional office or a public or semipublic building.

**SIGN, REAL ESTATE OR CONSTRUCTION** — A sign advertising land, or improvements thereto, or describing construction activity or a firm doing work related to construction on the premises on which the sign is located.

**SIGN, TEMPORARY** — A temporary sign which directs attention to a special activity or entertainment, or one which indicates the location of a real estate subdivision.

**SPECIAL EXCEPTION USE** — A use in one or more districts for which the Planning Board may grant a permit pursuant to the provisions of Article VI.

**STREET** — Any federal, state, County or municipal highway or road, or any street shown upon a subdivision plat filed in the County Clerk's office.

**STREET LINE** — The dividing line between a lot and a street right-of-way.

**STRUCTURE** — Anything constructed or erected on or under the ground or upon another structure or building.

**SWIMMING POOL** — An artificial pool of water having a depth at any point of more than 18 inches and a surface area of greater than 100 square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment.

**TOWNHOUSE DEVELOPMENT** — A series of attached single-family dwelling units, each unit located on its own individual lot under fee simple ownership. **[Added 6-16-1987 by L.L. No. 4-1987]**

**VARIANCE** — A modification of the regulations of this chapter, granted on grounds of practical difficulties or unnecessary hardship not self-imposed, pursuant to the provisions of Article XI.

**WALL** — A structure of wood, stone or other materials, or combination thereof, intended for defense, security, screening or enclosure, or for the retention of earth, stone, fill or other materials, as in the cases of retaining walls or bulkheads.

**YARD, FRONT** — An open, unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building and the front lot line of the lot, and extending from side lot line to side lot line.

**YARD, REAR** — A space on the same lot with a building, situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

**YARD, SIDE** — An open, unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard, or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

**§ 240-5. Application of regulations.**

- A. The provisions of this chapter shall be deemed to be specific. Those uses and procedures for which there are no specific provisions in this chapter shall be deemed to be prohibited.
- B. Use regulations.
  - (1) Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used except for a purpose specifically permitted by the provisions of the Table of Use Regulations for the district in which such building or structure, lot or land is located on the Zoning Map.
  - (2) Any lawful use that does not conform to the use regulations of this chapter shall be deemed a nonconforming use (see Article X).
  - (3) A special exception use authorized by the Planning Board shall be deemed a conforming use.
  - (4) A use authorized by a variance from the use regulations of this chapter, granted by the Board of Appeals, shall be deemed a nonconforming use.
- C. Dimensional regulations.
  - (1) Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged, rebuilt or moved except in conformity with the provisions of the Table of Dimensional Regulations for the district in which such building or structure is located on the Zoning Map.
  - (2) Any lawful existing building or structure that does not conform to such dimensional regulations of this chapter shall be deemed a nonconforming building or structure, irrespective of the use to which it is put (see Article X).
  - (3) A building or structure or part thereof authorized as a variance from the dimensional regulations of this chapter, granted by the Board of Appeals, shall be deemed a nonconforming building or structure or part thereof.

ARTICLE II  
**Districts and Boundaries**

**§ 240-6. Classes of districts.**

For the purposes of this chapter, the Village of Highland Falls is hereby divided into 10 classes of districts as follows:

A. Residence districts.

- (1) R-1 District, Mountain Residence.
- (2) R-2 District, Single-Family Residence.
- (3) R-3 District, Single-Family Residence.
- (4) R-4 District, Single- and Two-Family Residences.
- (5) R-5 District, Apartment and Multiple-Dwelling Residence. [Amended 6-16-1987 by L.L. No. 4-1987; 2-16-2016 by L.L. No. 1-2016]
- (6) R-5A District, Apartment, Multiple-Dwelling and Affordable Housing. [Added 6-14-1994 by L.L. No. 1-1994; 2-16-2016 by L.L. No. 1-2016]
- (7) R-6 District, Apartment-Motel Residence.
- (8) R-MHC District, Mobile Home Court Residence.

B. Business districts.

- (1) B-1 District, Village Business.
- (2) B-2 District, Highway Commercial.
- ~~(3) B-3 District, Commercial Business District. [Added 2-3-2020 by L.L. No. 1-2020]~~

**§ 240-7. Boundaries of districts on Zoning Map.**

- A. The boundaries of each of the districts listed in § 240-6 are hereby established as shown upon the duly adopted Zoning Map which accompanies this chapter and which, with all notations, references and other matters shown thereon, is hereby declared a part of this chapter.<sup>4</sup>
- B. The district boundary lines, unless shown otherwise, are intended generally to follow street center lines, railroad right-of-way boundary lines or their center lines, other similar right-of-way lines or lot lines or boundaries of subdivisions or municipal boundary lines, all shown on the Zoning Map. Where a district boundary line does not follow such a line but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their center lines.
- C. Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map, the designation shown on the mapped streets shall be applied in such a way as to carry out the Building Inspector's judgment as to the purpose and intent of the Zoning Map for the particular area

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4. Editor's Note: A copy of the Zoning Map is on file in the office of the Village Clerk.

in question.

- D. When the location of a district boundary line cannot be otherwise determined, the determination thereof shall be made by the Building Inspector by scaling the distance on the Zoning Map from a line of known location to such district boundary line.
- E. In the case of uncertainty as to the true location of a district boundary line in a particular instance, an appeal may be taken to the Board of Appeals as provided in Article XI.
- F. When a district boundary line divides a lot in single ownership at the effective date of this chapter or any subsequent amendment thereto, the Board of Appeals may permit extension into one district of a lawful conforming use existing in the other district, as hereinafter provided in Article XI.
- G. When a lot in single ownership is divided by a district boundary line such that a portion of the lot is located in the B-2 District and the other portion of the lot is located in any residential district, the Planning Board shall consider the total area of the entire lot when determining compliance with minimum lot area and maximum lot coverage requirements of the B-2 District. The rear yard setback shall be measured from the district boundary line. All other applicable dimensional regulations shall apply. Application of this provision shall not affect that portion of the lot located in the residential district for the purpose of future subdivision and/or variance applications. **[Added 1-3-2011 by L.L. No. 1-2011<sup>5</sup>]**
- H. All lands within the municipality that are underwater shall be considered to be zoned in accordance with those district regulations applied to the upland adjacent to them and as if any district boundary line shown on the Zoning Map as intersecting the water's edge was projected across such water body to its interception of the municipal boundary line or other district boundaries.

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5. Editor's Note: This local law also provided for the redesignation of former Subsection G as Subsection H.

ARTICLE III  
**Residence Districts**

**§ 240-8. Use requirements.**

Within any residence district, a building, structure or lot shall only be used for one of the uses indicated in § 240-9, Table of Use Regulations, for the specific district in which it is located on the Zoning Map and in accordance with the particular classification of that use in that district. Further, any such building, structure or lot shall only be utilized in conformance with the provisions of § 240-10, Table of Dimensional Regulations. In addition, such use shall also comply with all other applicable provisions of this chapter.

**§ 240-9. Table of Use Regulations.**

The Table of Use Regulations is included at the end of this chapter.

**§ 240-10. Table of Dimensional Regulations.**

The Table of Dimensional Regulations is included at the end of this chapter.

## ARTICLE IV

**Publicly Assisted Senior Citizens Multiple Dwellings as Conditional Uses  
[Added 5-6-1980 by L.L. No. 3-1980<sup>6</sup>]****§ 240-11. Conformity to standards.**

Notwithstanding anything contained in this article or elsewhere in the this chapter of the Code of the Village of Highland Falls, the Board of Trustees may issue a conditional use permit for a publicly assisted senior citizens multiple dwelling within any R-5 Zone of the Village of Highland Falls when the proposed multiple dwelling conforms to the standards set forth in this article.

**§ 240-12. Definitions.**

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

**PUBLICLY ASSISTED SENIOR CITIZENS MULTIPLE DWELLING** — A senior citizens multiple dwelling which receives financial assistance for rent payments pursuant to § 8 of the National Housing Act of 1937, as amended.

**SENIOR CITIZENS MULTIPLE DWELLING** — An apartment building wherein not less than 75% of the dwelling units therein provide living and dining accommodations solely for an elderly family whose head or spouse or whose sole member is at least 62 years of age or a disabled or handicapped person.

**§ 240-13. Maximum height.**

No senior citizens multiple dwelling may exceed a maximum height of 70 feet.

**§ 240-14. Maximum lot coverage.**

The maximum area of the lot which a senior citizens multiple dwelling and accessory structure may cover shall be 65% of the lot.

**§ 240-15. Front, rear and side yards.**

- A. A senior citizens multiple dwelling shall have a front yard which shall be a minimum of 20 feet and a rear yard which shall be a minimum of 25 feet, except that the Board of Trustees, by resolution and upon such terms and conditions as it deems suitable, may permit a smaller front or rear yard where appropriate due to the nature of the plot and building and/or the character and design of surrounding uses and buildings.
- B. The side yard of the senior citizens multiple dwelling shall be a minimum of 10 feet wide, except that, where appropriate due to the nature of the plot and building and/or the character and design of surrounding uses and buildings, the Board of Trustees, by resolution and upon such terms and conditions as it deems suitable, may permit any side yard to be a minimum of five feet.

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6. Editor's Note: Section 1, Intent, of this local law reads as follows: "The purpose of this local law is to amend the Zoning Ordinance of the Code of the Village of Highland Falls by adopting new provisions to encourage the development of publicly assisted multiple dwellings for senior citizens. The Board of Trustees has adopted a neighborhood revitalization plan which includes, amongst other things, the development of sufficient housing for senior citizens. The Board of Trustees finds that such housing can be developed at a higher level of density as compared with conventional multiple dwellings without creating undue congestion and that the cost of developing such housing is such that different standards must be adopted governing the physical characteristics of such housing in order to make a development economically feasible."



**§ 240-16. Minimum dwelling unit area.**

The minimum square foot per dwelling unit in relation to the lot area shall not be less than 1,700 square feet per dwelling unit.

**§ 240-17. Minimum lot area.**

No senior citizens multiple dwelling shall hereinafter be erected or altered on a lot less than 12,000 square feet.

**§ 240-18. Accessory uses.**

A senior citizens multiple dwelling shall be permitted to have any accessory use customarily incidental to a senior citizens multiple dwelling. The term "accessory use," however, does not include a business or any building or use not located on the same or an adjacent lot with the building or use to which it is accessory.

**§ 240-19. Parking.**

A senior citizens multiple dwelling shall have a number of parking spaces that the Board of Trustees, by resolution, upon such terms and conditions as it deems suitable, may allow or require, taking into consideration the nature of the plot and building and/or the character and design of surrounding uses and buildings. The Board of Trustees, in approving said parking spaces, may establish conditions relating to the configuration of the spaces, ease of driving access and egress, lighting, planting and screening and any other safeguards proper to promote the health, safety and general welfare of the residents of the Village.

**§ 240-20. Common space.**

A senior citizens multiple dwelling may provide common space for a community room or rooms for the use of the residents of the building.

**§ 240-21. Laundry room.**

A senior citizens multiple dwelling may provide a laundry room for the use of the residents of the building.

**§ 240-22. Issuance of conditional use permit.**

The Board of Trustees, after holding a public hearing, may issue a conditional use permit for a senior citizens multiple dwelling for a limited period of time or otherwise, subject to such conditions and safeguards as shall be deemed appropriate when, in its opinion, it shall find that such proposed use and improvement shall conform to the general character of the neighborhood in which the property to be used is located, that it will be consistent with the public health, morals, safety and general welfare of such neighborhood and that it will be in accordance with the Comprehensive Plan.

ARTICLE V  
**Business Districts**

**§ 240-23. Use requirements.**

Within any business district, a building, structure or lot shall only be used for one of the uses indicated in § 240-24, Table of Use Regulations, for the specific district in which it is located on the Zoning Map and in accordance with the particular classification of that use in that district. Further, any such building, structure or lot shall only be utilized in conformance with the provisions of § 240-25, Table of Dimensional Regulations. In addition, such use shall also comply with all other applicable provisions of this chapter.

**§ 240-24. Table of Use Regulations. [Amended 6-30-1980 by L.L. No. 6-1980; 3-19-1996 by L.L. No. 1-1996; 11-5-2003 by L.L. No. 3-2003; 10-19-2009 by L.L. No. 8-2009; 2-3-2020 by L.L. No. 1-2020]**

	<b>B-1 Village</b>	<b>B-2 Highway</b>	<b>B-3 Business</b>
<b>Use Classifications</b>	<b>Business</b>	<b>Commercial</b>	<b>Commercial</b>
Residential uses:			
Bed-and-breakfast inn	SE	X	SE
Home professional office	SE	X	SE
Mixed-use development	SE	X	SE
Single-family detached dwelling	SE	X	X
Residential community facilities:			
Church or similar place of worship, parish house, seminary, convent, dormitory	SE	SE	SE
Nursery school	SE	SE	SE
Park, playground or recreational area operated by the municipality	P	P	P
Public library, museum, community center	SE	SE	SE
Fire station, municipal office or other governmental building of similar character	SE	SE	SE
School, elementary or high, public, denominational or private, having a curriculum the same as ordinarily given in public schools	SE	SE	SE
General community facilities:			

	<b>B-1 Village</b>	<b>B-2 Highway</b>	<b>B-3 Business</b>
<b>Use Classifications</b>	<b>Business</b>	<b>Commercial</b>	<b>Commercial</b>
Bus passenger shelter	P	P	SE
Membership club, nonprofit	SE	SE	SE
Philanthropic, fraternal, social or educational institution office or meeting room, nonprofit	SE	SE	SE
Public utility structure or right-of-way, including sewage treatment plant or water supply facility, necessary to serve the Highlands-Highland Falls community	X	SE	X
Public passenger transportation station or terminal	SE	SE	SE
Business uses:			
Animal hospital, animal boarding	X	SE	SE
Automobile laundry	X	SE	X
Bank	P	P	P
Bowling alley	X	P	SE
Convenience store	P	P	SP
Eating establishment: drive-in, open-front or curbside service	SE	SE	SE
Filling station	SE	SE	X
Funeral home	P	P	P
Greenhouse, horticulture	SE	SE	X
<b>Hotel, mixed use</b>	<b>SE</b>	<b>SE</b>	<b>SE</b>
Hotel	SE	SE	SE
Motel	X	SE	SE
Motor vehicle, mobile home or boat salesroom or outdoor sales lot for products for sale and/or for hire	X	P	X
Office: business, professional or utility	P	P	P

	<b>B-1 Village</b>	<b>B-2 Highway</b>	<b>B-3 Business</b>
<b>Use Classifications</b>	<b>Business</b>	<b>Commercial</b>	<b>Commercial</b>
Parking garage, storage garage	SE	SE	<del>SE</del>
Personal service shop: barber-shop, beauty parlor, dry-cleaning or laundry service of less than 4,000 square feet, professional studio, travel agency or similar shop	P	P	<del>P</del>
Pool hall/arcade	SE	SE	<del>X</del>
Radio or television broadcasting studio	P	P	<del>P</del>
Repair garage	X	SE	<del>SE</del>
Repair shop for household and/or personal appliances	P	P	<del>SE</del>
Restaurant	P	P	<del>P</del>
Retail store or shop	P	X	<del>P</del>
Shop for custom work and for making articles to be sold at retail on premises	P	P	<del>P</del>
Tavern	P	P	<del>P</del>
Theater or motion-picture theater, other than an outdoor drive-in theater	SE	SE	<del>SE</del>
Veterinarian	X	SE	<del>SE</del>
Vocational school	P	P	<del>P</del>
Wholesale business	X	P	<del>X</del>
Industrial uses:			
Limited nonnuisance industry using machines not exceeding 5 horsepower	P	P	<del>P</del>
Printing or publishing plant	SE	SE	<del>SE</del>
Research institute or laboratory using machines not exceeding 5 horsepower	P	P	<del>P</del>
Accessory uses:			

Use Classifications	B-1 Village	B-2 Highway	B-3 Business
	Business	Commercial	Commercial
Caretaker's or owner's dwelling unit	X	P	X
Customary accessory use, building or structure, except retail services or prohibited uses	P	P	P
Private garage or off-street parking area pursuant to Article VIII	P	P	P
Private swimming pool	X	P	X
Signs pursuant to Article IX	P	P	P

NOTES:

~~\*Except as required by special exception conditional use.~~

P = Permitted use.

SE = Special exception use.

X = Prohibited use.

All unlisted uses are prohibited in all districts.

**§ 240-25. Table of Dimensional Regulations. [Amended 2-3-2020 by L.L. No. 1-2020; 7-18-2022 by L.L. No. 4-2022]**

Dimensional Regulations	B-1 Village	B-2 Highway	B-3 Business
	Business	Commercial	Commercial
Lot area minimum <sup>1</sup> (square feet)	No requirement	10,000	No requirement
Lot area minimum per dwelling unit (square feet)	2,500 1,250	X	2,500
Lot coverage (percent of total lot area occupied by main and accessory buildings)	80%	50%	100%*
Lot width minimum (feet)	No requirement	75	No requirement
Height maximum (feet)	50 40*	60** 40*	60**
Yard minimum (feet):			
Front	No requirement	50	No requirement
Side, any one	12, if provided	20	No requirement*

	<b>B-1 Village Business</b>	<b>B-2 Highway Commercial</b>	<b>B-3 Business Commercial</b>
Side, total for both on interior lot	No requirement	40	No requirement
Side abutting side street on corner lot	No requirement	50	No requirement
Rear	15	30	15
Accessory buildings:			
Coverage of required rear yard, maximum (percent)	None	None	None
Height in required rear yard, maximum (feet)	None	None	None
Setback from any lot line, minimum (feet)	See "yards"	See "yards"	None*
Encroachment of off-street parking and required screening on required yards, permitted maximum (percent):			
Front	No yard	100% requirement	
Side	100%	100%	
Rear	100%	100%	

NOTES:

\* Subject to special exception conditions.

\*\* One time bonus height of 15 feet provided if additional story set back from all building edges by no less than 10 feet.

\* A one-time bonus height of five (5) feet may be granted by the Consolidated Planning Board only upon a finding and determination that said additional bonus height will improve the proposed project and use and will not be a detriment to the neighborhood or the environment.

1 Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the municipality.

**[2] Existing apartments grandfathered for a period of ten (10) years.** For a period of ten (10) years from the effective date of this Local Law, buildings located in the B-1 district that have existing legal apartment dwelling units over first-floor nonresidential use shall be entitled at a minimum to the same number of legal apartment dwelling units even where the application of lot area minimum per dwelling unit would result in fewer dwelling units. "Legal" apartment dwelling units shall comply with the New York State Uniform Building Code and the minimum residential floor area as defined in the Village of Highland Falls Zoning Law as certified by the Building Inspector after an inspection of the building. Any application to renovate, redevelop or otherwise modify the building(s) or lot(s) shall include the Building Inspector's certification of current use,

number of apartment dwelling units and whether said apartments meet the definition of “legal” as expressed herein.

ARTICLE VI  
**Special Exception Uses**

**§ 240-26. Delegation of authority.**

The Planning Board is hereby authorized to act on proposed special exception uses which are specifically provided for in this chapter. Such action may include approval, conditional approval or disapproval based on the standards set forth in this article.

**§ 240-27. General procedure and conditions.**

- A. The Planning Board shall adopt and file in the Municipal Clerk's office such rules of procedure as it may deem necessary to the proper exercise of its responsibilities with respect to special exception uses.
- B. Prior to taking action on any special exception use, the Planning Board shall hold a public hearing after public notice as provided in the case of an application to the Board of Appeals in Article XI. No action shall be taken respecting such matter until all interested parties shall have been given an opportunity to be heard.
- C. All matters which are the subject of a mandatory referral or notice to other agencies, as set forth in the Enabling Statutes and in Section 239 l and m, Article 12-B of the General Municipal Law, shall be transmitted to the appropriate agencies by the Secretary of the Planning Board in accordance with provisions of those sections.
- D. The Secretary of the Planning Board shall keep minutes of the Board's proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall also keep records of examinations and official actions, all of which shall be immediately filed in the office of the Planning Board and shall be a public record. Each decision of the Planning Board with respect to the approval of a special exception use shall be so stated and documented as to provide a definitive authorization to the Building Inspector for issuing a building permit or certificate of occupancy.
- E. A site plan for any proposed special exception use in any district where authorized shall be submitted to the Planning Board for approval prior to authorization by the Planning Board for the issuance of a building permit.
- F. Time limit. Approval of a special exception use permit shall be valid for one year from the date the Planning Board decision is filed in the office of the Town Clerk, after which time the approval shall be null and void unless a building permit has been issued. If there is not substantial change in the condition of the site, or its environs or the zoning requirements, the special exception use permit approval may be extended by the Planning Board for one additional year upon submission of a written request of the applicant submitted prior to the expiration of the initial one-year period. If no building permit has been issued within that period or any extended period, a new application must be submitted to the Planning Board for a special exception use permit approval. **[Amended 2-4-2019 by L.L. No. 1-2019]**
- G. A special exception use for which a building permit is authorized by the Planning Board pursuant to the provisions of this article shall be construed to be a conforming use.
- H. Any violation of the limitations or special conditions and safeguards established by the Planning Board with respect to a specific authorization for a special exception use shall be deemed a violation



of this chapter, punishable under the provisions of § 240-74.

- I. The fee for special exception use applications to the Planning Board shall be as set from time to time by resolution of the Board of Trustees.<sup>7</sup>

#### **§ 240-28. General standards.**

For every such special exception use, the Planning Board shall determine that:

- A. Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in § 240-3.
- B. The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
- C. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.
- D. The site is particularly suitable for the location of such use in the community.
- E. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.
- F. The proposed use, particularly in the case of a nonnuisance industry, conforms with the chapter definition of "special exception use."
- G. Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.
- H. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.
- I. There are off-street parking and truck loading spaces at least in the number required by the provisions of Article VIII, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
- J. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.
- K. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.
- L. The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in § 240-29, if any.

#### **§ 240-29. Special conditions and safeguards for certain special exception uses.**

No authorization for a building permit shall be granted by the Planning Board for any use listed in this section unless the Board shall specifically find that, in addition to meeting all the general standards set forth in § 240-28, the proposed special exception use also meets the special conditions and safeguards required

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

in this section:

A. Animal hospital, animal boarding.

- (1) Adjacent properties shall be adequately protected from noise, odors and unsightly appearance.
- (2) All buildings, structures and accessory use areas, except off-street parking, shall be at least 50 feet from any property line.

B. Automobile laundry.

- (1) The lot area shall be not less than 20,000 square feet and shall have a minimum frontage of 150 feet along a major street or highway.
- (2) No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site.
- (3) Storage area for vehicles waiting for service shall be provided on-site and shall not occur on a public street or highway. Not more than five motor vehicles shall be stored outdoors overnight.
- (4) An automobile laundry shall not provide other than washing, waxing, simonizing or similar treatment services.
- (5) Outdoor storage and display of accessories, portable signs and outdoor repair work shall be prohibited at all times. Premises shall not be used for the sale, rental or display of automobiles, trailers, mobile homes, boats or other vehicles.

C. Bus passenger shelter.

- (1) The shelter shall be so located that there is ample room to permit the bus to leave the traveled roadway conveniently for picking up or discharging passengers.
- (2) The only advertising display on such structure shall be one sign not exceeding two square feet in area.

D. Eating establishment: drive-in, open-front or curb service.

- (1) Vehicular entrances and exits shall be controlled by curbing.
- (2) There shall be adequate off-street parking and loading space to serve the proposed use.
- (3) There shall be adequate provision for disposal of trash and refuse left on the premises.
- (4) There shall be either a suitable fence or landscape planting screen along side and rear lot lines.

E. Filling station.

- (1) The lot area shall be not less than 20,000 square feet and shall have a minimum frontage along the principal street or highway of at least 150 feet.
- (2) No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site.
- (3) All pumps and lubricating and other devices shall be located at least 25 feet from any building, structure or street line.

- (4) Entrance or exit driveways shall be located at least five feet from any side or rear property line. Such driveways shall be so laid out as to avoid the necessity of any vehicle backing across any right-of-way.
- (5) The area devoted to the outdoor storage of motor vehicles or parts thereof or to purposes of dismantling shall be screened from view of persons on adjacent properties by enclosing such area within a solid fence eight feet high, or such area shall be located inside a building. Not more than five motor vehicles shall be stored outdoors overnight.
- (6) Outdoor storage of other than motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rental or display of automobiles, trailers, mobile homes, boats or other vehicles.

F. Funeral home. The lot shall have a minimum frontage of 200 feet on a major street or highway.

G. Hotel. There shall be at least 1,000 square feet of lot area per guest room.

**G.1. Hotel, mixed use: [Added 2-3-2020 by L.L. No. 1-2020]**

- (1) Architectural review. The building design should incorporate an architectural style that is compatible with nearby uses. Architectural details may draw upon locally historic buildings or other nearby features that contribute to the aesthetic ambience of the Village. The Planning Board is authorized to consider facade and architectural features during its review, and may engage an architect licensed to practice in the state of New York to facilitate said review.
- (2) Building facade. The building should be placed to enforce a continuous street edge establishing a strong pedestrian corridor while avoiding long, unarticulated building facades and should employ, where practical, variable setbacks.
- (3) Architectural features. Balconies, porticoes, signs and architectural features shall be allowed to extend over Village sidewalks, provided that no such feature shall be located at a height less than 20 feet above the sidewalk, shall provide for safe passage underneath said feature and shall extend no closer than five feet distance from electrical utility poles. Such features shall not encroach over any side or rear lot line except those lot lines that abut a Village sidewalk. This provision shall not be construed to permit any obstruction of any Village sidewalk.
- (4) Windows. Street facing facades should be visually open to major streets and architecturally enhanced through the use of architectural features. A minimum of 60% of the first floor should be comprised of clear windows that allow views of indoor space. On all other floors, the maximum total wall plane without windows or entrances (on any facade) should not exceed 30%. The foregoing window standards are guidelines and the Planning Board may allow these standards to be exceeded, where it finds that doing so does not result in a diminishment of the architectural appearance of the building to the public right of way.
- (5) Landscaping. Landscaping between the building and the street is required for all new construction. Landscaping between the building and the street is encouraged to the greatest extent practicable where existing buildings are being renovated or repurposed for a use subject to this subsection. Transitional yards between a residential district and a hotel, mixed use development shall be governed by § 240-39; provided, however, that the Planning Board, in its discretion, may vary the height and type of transitional screening provided therein.
- (6) Green elements. Building designs that incorporate green roofs, green walls, and other forms of living architecture are encouraged.

- (7) Lot coverage. Up to 100% of lot coverage shall be permitted only upon condition that acceptable snow and garbage storage areas and acceptable stormwater drainage are provided as determined by the Planning Board.
- (8) Rooftop amenities. Rooftop amenities, such as pools, restaurants, spas and similar amenities shall be permitted only if they are open to the public either free, per use fee, or membership fee. Rooftop amenities shall be subject to reasonable conditions imposed by the Planning Board to limit noise and light emissions to the greatest extent practicable, including, but not limited to, dark sky lighting, limits on hours of operation, use of amplified sound and noise dampening technology.
- (9) Mechanicals. In no event shall rooftop mechanical equipment be located atop a bonus story or within the required ten foot setback from all edges of the building. Mechanical equipment located on any other rooftop shall be placed to the greatest extent practicable so as not be visible from the street or neighboring properties. The Planning Board may require rooftop mechanical equipment to be screened.
- (10) Utilities. Electric, telephone, communication and other utilities shall be installed underground where feasible.
- (11) Parking garage. Above or below grade parking structures are encouraged and permitted.
- (12) Parking waiver. Due to variations in parking demands and needs in hotel, mixed use development projects, vehicle parking requirements and the design of parking areas, including ingress and egress, may be reduced or modified by the Planning Board as part of the special use/site plan review process. The Planning Board may reduce the number of off street parking spaces required by up to but no greater than 25% where the applicant proves that additional parking is available in close proximity to the site.
- (13) The plan submitted to the Planning Board shall either show a designated on site snow storage area, or in the alternative, the applicant shall provide for snow removal off site, which off site snow removal shall be a condition of any approval issued.

#### H. Marina, commercial.

- (1) Street access through a residential district and into the site shall be adequate for the indicated traffic and shall not permit trucking that might damage street improvements or deteriorate the residential character of the area.
- (2) Accessory service functions of the marina may include the provision of fuel and supplies, minor and emergency repairs for recreational boating and boat rentals. Boat storage shall only be permitted in an enclosed, permanent structure.
- (3) In addition to any other applicable off-street parking requirements, one off-street parking space shall be provided for each boat berth or mooring.
- (4) Because commercial marinas will be located on the bank of the Hudson River, particular attention shall be given to the compatibility of the appearance of the proposed facility with the natural scenery. There shall be only one sign visible from the river, and that shall be limited to an area and lighting intensity sufficient to provide basic identification of the marina's location to passing boats. A second sign not exceeding six square feet in area may be placed at the land entrance to the marina site. Intermittent or flashing lights and moving or animated signs are prohibited.

**H.1. Mixed-use development. [Added 2-3-2020 by L.L. No. 1-2020]**

- (1) Architectural review. The building design should incorporate an architectural style that is compatible with nearby uses. Architectural details may draw upon locally historic buildings or other nearby features that contribute to the aesthetic ambience of the Village. The Planning Board is authorized to consider facade and architectural features during its review, and may engage an architect licensed to practice in the state of New York to facilitate said review.
- (2) Building facade. The building should be placed to enforce a continuous street edge establishing a strong pedestrian corridor while avoiding long, unarticulated building facades and should employ, where practical, variable setbacks.
- (3) Architectural features. Balconies, porticoes, signs and architectural features shall be allowed to extend over Village sidewalks provided that no such feature shall be located at a height less than 20 feet above the sidewalk, shall provide for safe passage underneath said feature and shall extend no closer than five feet distance from electrical utility poles. Such features shall not encroach over any side or rear lot line except those lot lines that abut a Village sidewalk. This provision shall not be construed to permit any obstruction of any Village sidewalk.
- (4) Windows. Street-facing facades should be visually open to major streets and architecturally enhanced through the use of architectural features. A minimum of 60% of the first floor should be comprised of clear windows that allow views of indoor space. On all other floors, the maximum total wall plane without windows or entrances (on any facade) should not exceed 30%. The foregoing window standards are guidelines and the Planning Board may allow these standards to be exceeded, where it finds that doing so does not result in a diminishment of the architectural appearance of the building to the public right-of-way.
- (5) Landscaping. Landscaping between the building and the street is required for all new construction. Landscaping between the building and the street is encouraged to the greatest extent practicable where existing buildings are being renovated or repurposed for a use subject to this subsection. Transitional yards between a residential district and a mixed-use development shall be governed by § 240-39; provided, however, that the Planning Board, in its discretion, may vary the height and type of transitional screening provided therein.
- (6) Green elements. Building designs that incorporate green roofs, green walls, and other forms of living architecture are encouraged.
- (7) Lot coverage. Up to 100% of lot coverage shall be permitted only upon condition that acceptable snow and garbage storage areas and acceptable stormwater drainage are provided as determined by the Planning Board.
- (8) Rooftop amenities. Rooftop amenities, such as pools, restaurants, spas and similar amenities shall be permitted only if they are open to the public either free, per-use fee, or membership fee. Rooftop amenities shall be subject to reasonable conditions imposed by the Planning Board to limit noise and light emissions to the greatest extent practicable, including, but not limited to, dark sky lighting, limits on hours of operation, use of amplified sound and noise dampening technology.
- (9) Mechanicals. In no event shall rooftop mechanical equipment be located atop a bonus story or within the required ten-foot setback from all edges of the building. Mechanical equipment located on any other rooftop shall be placed to the greatest extent practicable so as not be visible from the street or neighboring properties. The Planning Board may require rooftop mechanical

equipment to be screened.

- (10) Utilities. Electric, telephone, communication and other utilities shall be installed underground where feasible.
- (11) Parking garage. Above- or below-grade parking structures are encouraged and permitted.
- (12) Parking waiver. Due to variations in parking demands and needs in mixed-use development projects, vehicle parking requirements and the design of parking areas, including ingress and egress, may be reduced or modified by the planning board as part of the special use/site plan review process. The Planning Board may reduce the number of off-street parking spaces required by up to but no greater than 25% where the applicant proves that additional parking is available in close proximity to the site.
- (13) Assigned parking. Parking for any dwelling units shall be assigned, secured and separated from public parking.
- (14) Home office. Home professional office use shall require a special permit issued to the owner of the dwelling unit or to the long-term residential tenant provided, however, that the tenant submit an owner affidavit of consent with the application to the planning board. Any change of profession office use shall require a new certificate of occupancy issued by the building inspector who may require resubmission to the Planning Board.
- (15) Application of Uniform Code and multifamily inspection. Multifamily residential use located above nonresidential use shall be subject to all applicable state and local building code and safety inspection requirements.

I. Membership club, nonprofit.

- (1) All buildings and structures shall be at least 50 feet from any property line.
- (2) Lot coverage shall not exceed 20%.

J. Mobile home court, licensed. The lot area shall be not less than five acres, and a proposed site development plan for the entire site, prepared by a licensed professional engineer, shall be submitted for approval. The initial development shall cover at least two acres, and subsequent additions shall be not less than one acre each. The site development plan shall reflect the following minimum standards and features:

- (1) A street system with paved roadways having a minimum width of 20 feet, and with curbs or gutters, giving access to all mobile home spaces; and at least two access drives to and from the public street.
- (2) Established mobile home spaces of not less than 2,000 square feet, with a minimum width of not less than 30 feet; provided, however, that the average area of all spaces shall be not less than 3,000 square feet and the average width of all spaces shall be not less than 40 feet.
- (3) Each mobile home space shall have:
  - (a) A twelve-foot-wide driveway from the street.
  - (b) A stabilized gravel mobile home stand.
  - (c) A four-inch concrete patio 10 feet by 18 feet in area.

- (d) An inconspicuous fuel oil storage shelter.
  - (e) Suitable weatherproofed utility connections.
  - (4) All mobile homes and accessory structures shall be at least 30 feet apart.
  - (5) Mobile homes shall be set back at least:
    - (a) Fifty feet from the right-of-way line of any public street or highway.
    - (b) Twenty-five feet from mobile home court streets.
    - (c) Thirty feet from all other property lines.
  - (6) On-site stormwater drainage system, including provisions for well-drained mobile home spaces, interior private streets and other public areas, as well as consideration for natural watercourses.
  - (7) Sewage disposal and water supply systems approved by the New York State Department of Health.
  - (8) A fire protection system in accordance with standards of the National Fire Protection Association recommendations, and as required and approved by local fire district officials.
  - (9) A complete electrical system in conformance with Municipal Electrical Code provisions, including outdoor lighting along all interior streets, entrances and exits and in public open spaces, with at least one sixty-watt bulb for each 50 feet of street length, and an equivalent level of lighting over public open spaces.
  - (10) Garbage and trash collection points so located that no mobile home is more than 150 feet from such a point, equipped with an adequate number of metal garbage cans with tight-fitting covers, and appropriately screened from view.
  - (11) Centrally located public telephone, separate emergency sanitary facilities for men and for women and emergency public water supply.
  - (12) The location of other desired community facilities.
  - (13) An equipped recreation facility with an area equivalent to the proportion of one acre per 100 mobile home spaces in the court, but having an area of not less than 1/2 acre in any case.
  - (14) A walkway system of paved or stabilized gravel all-weather paths along interior streets and leading to public open spaces.
  - (15) All accessory structures in a mobile home court shall comply with the Building Code, this chapter and such other codes, ordinances and regulations as are applicable.
- K. Motel. There shall be at least 2,500 square feet of lot area for each first floor guest room and an additional 1,000 square feet of lot area for each guest room on other floors.<sup>8</sup>
- L. Nursery school.
- (1) The lot area shall be not less than one acre.

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8. Editor's Note: Former Subsection L, Multiple dwelling, was repealed 2-16-2016 by L.L. No. 1-2016. This local law also redesignated former Subsections M through W as L through V, respectively.

- (2) There shall be not more than one pupil for every 1,500 square feet of lot area.
  - (3) All buildings, structures and areas of organized activity, such as play areas, swimming pools, etc., shall be not less than 75 feet from any property line.
  - (4) Off-street parking areas shall be not less than 50 feet from any property line.
  - (5) Only one permanent family dwelling unit shall be located on the premises, and said dwelling unit shall comply with the provisions of this chapter for the district in which the lot is located.
  - (6) Outdoor floodlighting or public-address systems are prohibited.
  - (7) Only one sign, not larger than 12 square feet in area, shall be permitted.
  - (8) Landscaping and fencing shall be provided as required by the Planning Board.
- M. Nursing home, rest home.
- (1) The lot area shall be not less than one acre and shall have a minimum frontage of 150 feet along the principal bounding street.
  - (2) All buildings and structures shall be not less than 50 feet from any property line.
  - (3) Lot coverage shall not exceed 50%.
- N. Parking garage.
- (1) There shall be adequate provision for access to the site.
  - (2) Vehicular entrances and exits shall be controlled by curbing.
  - (3) Facilities for servicing, repairs and outdoor storage of motor vehicles shall be prohibited.
- O. Philanthropic, fraternal or social organization office or meeting room.
- (1) All buildings and structures shall be not less than 50 feet from any property line.
  - (2) Lot coverage shall not exceed 20%.
- P. Residential dwelling units. **[Amended 2-16-2016 by L.L. No. 1-2016]**
- (1) Residential dwelling units may be in single-family, two-family or multiple-dwelling structures, provided that the total number of dwelling units shall not exceed 2.4 per gross acre in the R-1 and R-2 Districts, 5.7 per gross acre in the R-3 District, and 8.7 units per gross acre in the R-4 District, and further provided that the minimum yard provisions and, in the case of a multiple dwelling the minimum spacing between buildings, shall not be less than those required:
    - (a) In an R-2, R-2 and R-3 Residence District for a single-family dwelling.
    - (b) In an R-4 Residence District for a two-family dwelling.
    - (c) In an R-5 Residence District for a multiple dwelling.
  - (2) Townhouse development as set forth in § 240-29S and § 240-29U is not permitted in a planned residential development.
  - (3) Residential dwelling units may be in single-family, two-family or multiple-dwelling structures,



provided that the total number of dwelling units shall not exceed 2.4 per gross acre in the R-1 and R-2 Districts, 5.7 per gross acre in the R-3 District and 13 per gross acre in the R-4 District, and further provided that the minimum yard provisions and, in the case of a multiple dwelling, the minimum spacing between buildings shall not be less than those required:

- (a) In an R-3 Residence District for a single-family dwelling.
  - (b) In an R-4 Residence District for a two-family dwelling.
  - (c) In an R-5 Residence District for a multiple dwelling.
- (4) Open space or common land resulting from the planned residential development design shall only be used for private or municipal recreation, including natural park land. Such land shall only be owned by a nonprofit corporation or shall be offered for dedication to the municipality or other public agency for the same uses, but in any case of a nonprofit corporation, a preestablished offer of dedication shall be filed with the municipality for acceptance if the nonprofit corporation were ever discontinued or failed to maintain the private recreation use or natural park land.
- (5) In an R-4 District and R-5 District, on sites of one acre or more in area new multiple-dwelling buildings may be permitted to have a maximum height of 35 feet, provided that it shall be determined that the resulting building: **[Amended 2-16-2016 by L.L. No. 1-2016]**
- (a) Can be served adequately by the water distribution system and protected by the available fire-fighting equipment.
  - (b) Has reasonable street access for the indicated number of dwelling units.
  - (c) Is set back from all property lines at least 1/3 of the height of the building wall facing each property line.
  - (d) Conforms to the provisions of § 240-35 with respect to existing structures on adjacent properties and those immediately across street rights-of-way from the proposed building.
- (6) The proposed planned residential development shall comply with all other applicable requirements of the municipality with respect to land development.
- Q. Office: business, professional or utility.
- (1) The lot shall have frontage on a major street or highway.
  - (2) Access to off-street parking areas shall be so designed that traffic to the site will not be encouraged to travel through the minor street system.
  - (3) Off-street parking areas shall be set back five feet from all property lines shared with adjacent lots in any residence district; further, a five-foot stockade-type fence or equivalent approved screening shall be located along such property lines.
- R. <sup>9</sup>Multiple dwelling buildings. **[Added 6-16-1987 by L.L. No. 4-1987; amended 2-16-2016 by L.L. No. 1-2016]**
- (1) Particular attention shall be given to the adequacy of access to the site and to the buildings and

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9. Editor's Note: Former Subsection R, which listed a private swimming pool as a special exception use, was repealed 11-1-1983 by L.L. No. 2-1983.

off-street parking areas.

- (2) The siting of the building and relating grading of the site shall not be such as to create hazardous conditions with respect to adjacent properties, or to cause increased stormwater runoff across such properties without a mutually agreed drainage system that is also satisfactory to the municipality.
- (3) The minimum floor area of each apartment shall be 900 square feet.
- (4) Maximum lot coverage by a building or buildings (exclusive of patios, driveways and parking areas) shall not exceed 35%.
- (5) Maximum density shall not exceed 8.7 dwelling units per acre.
- (6) Minimum horizontal distance between buildings shall be 20 feet or 2/3 the height of the higher building, whichever is greater.
- (7) Multiple dwelling unit buildings shall be offset every 40 feet of building length; provided, however, that the Planning Board may waive this requirement if the elevations of the units create sufficient visual distinction.
- (8) Common areas and proper maintenance thereof shall be required pursuant to conditions imposed by the Planning Board during the site plan approval process.
- (9) All multiple-dwelling unit development projects are subject to site plan review by the Planning Board.

S. Townhouse development. [Added 6-16-1987 by L.L. No. 4-1987]

- (1) The following minimum lot and floor area standards shall apply to each dwelling unit (measured in feet or square feet):

<b>Dimension</b>	<b>Minimum Permitted</b>
Lot area (square feet)	2,000
Lot width (feet)	20
Lot depth (feet)	100
Front and rear yard, total (feet)	65
Rear yard (feet)	20
Side yard for end units (feet)	10
Side yard for end units abutting public street (feet)	20
Floor area (square feet)	1,200
First floor area (square feet)	600

- (2) The following maximum standards shall apply to each building (measured in feet):

<b>Dimension</b>	<b>Maximum Permitted (feet)</b>
Length	120
Height	35

- (3) Maximum lot coverage by a building or buildings (exclusive of porches, decks and accessory uses) shall not exceed 35%.
- (4) Maximum density shall not exceed 17.42 dwelling units per acre.
- (5) Minimum horizontal distance between buildings shall be 20 feet or 2/3 the height of the higher building, whichever is greater.
- (6) Dwelling units shall be offset every 40 feet of building length; provided, however, that the Planning Board may waive this requirement if the elevations of the units create sufficient visual distinction.
- (7) A minimum of two off-street parking spaces per unit shall be provided.
- (8) Where two or more units share a common wall, said wall shall contain fire-retardant material sufficient to provide two hours of fire retardation and shall extend from cellar floor to roof peak.
- (9) All townhouse development projects are subject to subdivision review and approval by the Planning Board.

**T. Bed-and-Breakfast Inn. [Added 3-19-1996 by L.L. No. 1-1996]**

- (1) The owner-operator or manager of the bed-and-breakfast inn shall reside on the property.
- (2) Bed-and-breakfast inns shall be permitted in existing residences only.
- (3) No guests shall occupy the inn in excess of 14 days. The owner shall maintain a guest register open to inspection by the Building Inspector or Code Enforcement Officer and shall preserve all registration records for a minimum period of two years.
- (4) No regular meals other than breakfast shall be served.
- (5) Kitchen and dining facilities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests and shall not be open to the general public. There shall be no individual kitchen or dining facilities in or for any guest room.
- (6) All amenities shall be limited to use by the owner, occupants of the bed-and-breakfast inn and bona fide guests and shall not be open to the general public.
- (7) One off-street parking space shall be provided for each employee and for each room available for guest occupancy in addition to the off-street parking spaces required for the residence of the owner.
- (8) Any sign shall comply with the requirements for the zoning district in which the inn is located.
- (9) Each guest room shall be equipped with a minimum of one single-station smoke detector.
- (10) All inns shall comply with all building and fire prevention codes and civil rights laws.

(11) Each bed-and-breakfast inn authorization is subject to site plan approval by the Planning Board.

U. Townhouse developments in R-5A Districts. [Added 6-14-1994 by L.L. No. 1-1994]

(1) The following minimum lot and floor area standards shall apply to each dwelling unit (measured in feet or square feet):

<b>Dimension</b>	<b>Minimum Permitted</b>
Lot area (square feet)	1,000
Lot width (feet)	18
Lot depth (feet)	50
Front yard (feet)	10 <sup>1</sup>
Side yard (feet)	5' 10 <sup>1</sup>
Total for both on interior lot	
Abutting side street on corner lot	
	3 <sup>1</sup>
Rear yard (feet)	20 <sup>1</sup>
Floor area (square feet)	1,200 <sup>1</sup>
First floor area (square feet)	600 <sup>1</sup>

NOTES:

<sup>1</sup>Requirements may be reduced by the Planning Board during the subdivision approval process.

- (2) A minimum of two off-street parking spaces per unit shall be provided.
- (3) Where two or more units share a common wall, said wall shall contain fire-retardant material sufficient to provide two hours of fire retardation and shall extend from cellar floor to roof peak.
- (4) All townhouse development projects are subject to subdivision review and approval by the Planning Board.

V. Wireless communications facilities. [Added 9-15-2014 by L.L. No. 2-2014<sup>10</sup>]

(1) Definitions. As used in this Subsection, the following terms shall have the meanings indicated:

**ADEQUATE COVERAGE** — Coverage is considered to be adequate within the service area of the Village of Highland Falls if the minimum standards set forth by the Federal Communications Commission to permit the applicant to operate a personal wireless communications services within the area are met.

**ALTERNATIVE TOWER STRUCTURE** — Existing water towers, clock towers, steeples, light poles and similar existing structures.

**ANTENNA** — A system of electrical conductors that transmit or receive radio frequency

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10. Editor's Note: Section 3 of this subsection stated that it supersedes other provisions of the Village Zoning Law which permit or regulate public utilities.

waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications.

**BASE STATION** — The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of personal wireless service provider can be located on a single tower structure.

**COLLOCATION** — The siting and/or mounting of multiple communication facilities used by the same provider, or by two or more competing providers, on the same property and/or antenna support structure or communication tower.

**DBM** — Unit of measure of the power level of an electromagnetic signal expressed in decibels, referenced to one milliwatt.

**EQUIPMENT SHELTER** — A structure located at the base station designed principally to enclose equipment used in connection with personal wireless service transmissions.

**ERP** — Effective radiated power.

**FACILITY SITE** — A property, or any part thereof, which is owned or leased by one or more personal wireless service providers and upon which one or more personal wireless service facility(ies) and required landscaping are located.

**MAJOR WIRELESS COMMUNICATIONS FACILITY** — Any wireless communications facility that is not a minor wireless communications facility. A major wireless communications facility includes all related and appurtenant buildings, structures and equipment, including a wireless communications tower.

**MINOR WIRELESS COMMUNICATIONS FACILITY** — Any wireless communications facility situated on or in an existing building or other structure where such equipment consists of a combination of antennas or other receiving device necessary in number to facilitate the provision of wireless communications services from such location, provided that such minor installation: 1) is comprised of antennas or transmitting or receiving devices which are no more than six feet in height, including supports, and which are mounted on supports affixed to the existing structure; and 2) may include, if necessary, a new small (10 feet by 20 feet and 10 feet high) building to house necessary equipment.

**MONITORING PROTOCOL** — The testing protocol which is to be used to monitor the emissions from existing and new personal wireless service facilities upon adoption of this subsection. The Planning Board may, as the technology changes, require, by resolution, the use of other testing protocols.

**MONOPOLE** — A single self-supporting vertical pole, designed to be used for the purposes provided in the definition of "wireless communications tower" in this subsection, with no guy wire anchors, consisting of a galvanized or other unpainted metal, or a wooden pole with below-grade foundations.

**MUNICIPAL CORPORATION** — The term "municipal corporation," as used in this subsection, includes a county, town, city, village, board of cooperative educational services, fire district or school district. **[Added 8-3-2020 by L.L. No. 3-2020]**

**PERSONAL WIRELESS SERVICE PROVIDER** — An entity licensed by the Federal Communications Commission (FCC) to provide personal wireless services to individuals or institutions.

**PERSONAL WIRELESS SERVICES** — Commercial mobile services, unlicensed wireless

services and common carrier wireless exchange access services. These services include cellular services, personal communications services (PCS), specialized mobile radio services and paging services.

**RADIATION PROPAGATION STUDIES or RADIAL PLOTS** — Computer-generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height aboveground, power input and output, frequency output, type of antenna, antenna gain and topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the personal wireless service facility proposed for that site.

**REPEATER** — A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.

**TELEPORT** — A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the C-Band (four to six Ghz) spectrum.

**WIRELESS COMMUNICATIONS FACILITY** — Any site containing equipment used in connection with the commercial operation of wireless communications services, as defined herein, and as the term "personal wireless services facility" is defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(C), or as hereafter amended, to transmit and/or receive frequencies, including, but not limited to, antennas, repeaters, monopoles, equipment, appurtenances and structures.

**WIRELESS COMMUNICATIONS SERVICES** — The provision of personal wireless communications services, including, but not limited to, those more commonly referred to as cellular telephone service, which services are regulated by the Federal Communications Commission in accordance with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(C), or as hereafter amended.

**WIRELESS COMMUNICATIONS TOWER** — Any freestanding structure, including a lattice structure or framework and freestanding self-supported vertical pole (commonly known as a monopole), constructed for the placement of any equipment for use in connection with the provision of wireless communications services.

- (2) Compliance with State Environmental Quality Review Act. The board responsible for reviewing wireless communications facility applications shall comply with the provisions of the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and its implementing regulations. **[Amended 8-3-2020 by L.L. No. 3-2020]**
- (3) Applicability. **[Added 8-3-2020 by L.L. No. 3-2020<sup>11</sup>]**
  - (a) All applicants that seek approval to place a wireless communications facility in the Village of Highlands Falls shall be subject to the Village of Highland Falls Zoning Law and the provisions contained in this subsection, with the specific exception of:
    - [1] The Village of Highland Falls as applicant.
    - [2] An applicant seeking approval to locate a facility on property owned by the Village

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11. Editor's Note: Pursuant to this local law, former Subsection V(3) through (8) were redesignated as Subsection V(4) through (9), respectively.

of Highland Falls.

- [3] An applicant seeking approval to locate a wireless communications facility expressly exempted by federal law.
  - [4] An applicant seeking to repair and maintain a lawfully existing facility.
- (b) The above exemption shall not apply to parks, playgrounds and similar properties owned by the Village of Highland Falls and used by the public for recreational purposes. Nor shall these exemptions apply to cemeteries. Any applicant wishing to place a wireless communication facility upon such properties shall be subject to the regulations set forth in the Zoning Law and the provisions contained in this this subsection.
  - (c) Where applicants are specifically exempted from the Zoning Law and the provisions of this subsection pursuant to Subsection V(3)(a)[1] or [2] above, the Village Board of Trustees shall have the sole responsibility to review said application. The Board of Trustees may engage such consultants as it deems necessary, in its sole discretion, to advise it during its deliberations. The cost of all such consultants shall be borne by the applicant.
  - (d) Any municipal corporation seeking approval to place a wireless communications facility within the municipal boundaries of the Village of Highland Falls shall be subject to review by the Planning Board and full compliance with these regulations unless exempted by resolution of the Village of Highland Falls Board of Trustees after conducting a "balancing of the interest" analysis as set forth in Matter of County of Monroe v. City of Rochester, 72 N.Y.2d 338 (1988).
  - (e) Nothing in this subsection shall eliminate the requirement to obtain a building permit from the Building Department for the construction of a wireless communications facility in the Village of Highland Falls.
- (4) Restrictions on use.
- (a) No wireless communications facility, except one approved by all authorities having jurisdiction prior to the effective date of this subsection, shall be used, located, constructed or maintained on any lot, structure or land area unless in conformity with this subsection. No wireless communications facility may hereafter be erected, moved, reconstructed, changed or altered unless in conformity with this subsection. No existing structure shall be modified to serve as a wireless communications facility unless in conformity with these regulations.
  - (b) All wireless communications facilities shall at all times be in conformance with the rules and regulations of any governmental entity having jurisdiction over such communication facilities and uses, antenna and/or supporting structures and towers, including, without limitation, the FCC and FAA.
  - (c) A wireless communications facility shall be operated and maintained by an FCC licensee only. An applicant who is not licensed by the FCC shall not be considered a public utility for the purposes of this subsection or this chapter.
  - (d) The applicant of a wireless communications facility shall show that the facility is necessary to provide adequate coverage to an area of the Village which at that time is proven to have inadequate coverage and shall show that any proposed communication

tower or antenna is the minimum height and aesthetic intrusion necessary to provide adequate coverage. The applicant seeking to locate a wireless communications facility in the Village shall demonstrate the need for a new or additional antenna or tower; that the primary purpose of the facility is to provide adequate coverage within the Village; and that the coverage area of the facility lies predominately (more than 50%) within the Village.

- (e) If the coverage area of a proposed wireless communications facility lies predominately (50% or more) outside of the Village, then the application may be denied by the Planning Board, unless the applicant demonstrates that wireless communications facility(ies) cannot be located within those adjoining municipality(ies) so as to provide service to the coverage area of the proposed facility within those municipality(ies).
  - (f) If a wireless communications facility is proposed for placement on a lot that is within or abuts a residential zoning district, the applicant shall prove that adequate coverage cannot be achieved by placing a facility on a lot which is not within or does not abut a residential zoning district.
  - (g) No wireless communications facility shall be located on the roof of a building or attached to the exterior of a building.
  - (h) All wireless communications facilities shall be constructed and maintained in conformance with all building, electrical, fire prevention and other applicable codes.
  - (i) All wireless communications facilities and all property upon which such facilities are proposed, regardless of ownership by a government entity or taxing district, shall be subject to requirements and provisions of this subsection.
- (5) Major wireless communications facilities.
- (a) (Reserved)<sup>12</sup>
  - (b) Conditions precedent to granting site plan or conditional use approval.

[1] Service coverage map and report.

[a] The applicant shall submit a service coverage map which shows and describes all existing and proposed areas of service coverage relating to the proposed communications facility. The service coverage map shall show the location and identify all existing sites in the Village and all existing and proposed sites within 20 miles (or a lesser distance, at the Planning Board's reasonable discretion) of the applicant's proposed site which contain communications towers or related facilities. A detailed report shall accompany the service coverage map and shall show why the proposed communications tower, equipment and facility is necessary. The report shall identify locations within the proposed project site service coverage area which are not, and could not be, served by existing facilities, collocation, utilization of alternative technology or an alternative tower or other structure.

[b] With respect to the applicant's proposed site and each of the other existing and proposed sites identified as required above, the report or map shall include the

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12. Editor's Note: Former Subsection V(5)(a), regarding approved zoning districts or other locations, was repealed 8-3-2020 by L.L. No. 3-2020.



exact location (in longitude and latitude, to degrees, minutes and seconds), ground elevation, height of tower or structure, type and number of antennas, antenna gain, height of each antenna on the tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing or proposed facilities sites, including changes in antenna type, orientation, gain, height or power output, shall be specified. Radial plots showing the effective radiated power (ERP) from each of these existing or proposed facilities sites, as it exists and with the above adjustments, shall be provided.

- [c] The applicant shall demonstrate that the use of repeaters in conjunction with the existing or proposed facility sites examined in compliance with Subsections W(4)(b)[1][a] and [b] is not feasible to provide adequate coverage. Radial plots showing the effective radiated power (ERP) of all repeaters considered for use in conjunction with those facility sites shall be provided.
- [2] Long-range communications facilities plan. The applicant shall submit a facilities plan which shows that the proposed location of the communications facility and related buildings and equipment have been planned to result in the fewest number of communications transmission tower sites within the Village. The plan shall indicate how the applicant intends to provide service throughout the Village and how the applicant plans to coordinate with all other providers of wireless communications services in the Village. The plan shall address the applicant's planned and possible location of additional tower sites, additional antennas, related or other service area coverage, and alternative long-range plan scenarios that illustrate the potential effects of multiple towers and of tower(s) height, community intrusion impacts, and visual and aesthetic impacts.
- [3] Community impacts. The applicant shall submit documentation which demonstrates that the proposed communication tower height and bulk is the minimum height and bulk necessary to provide licensed communication services to locations within the Village which the applicant is not able to serve with existing facilities. Such documentation shall include evidence that visual, aesthetic and community character impacts have been minimized to the greatest extent practicable.
- [4] Demonstration that shared use is impracticable. A special exception use permit may be authorized for a major wireless communications facility only if the applicant demonstrates that shared use of existing structures or sites is impractical. An applicant shall be required to present a report inventorying all existing towers and other structures which may serve as potential alternative sites. The report shall describe opportunities for shared use of these existing facilities as an alternative to a proposed new tower or related facilities. The report shall demonstrate that the applicant used its best efforts to secure permission for shared use from the owner of each existing facility as well as documentation of the physical, technical and/or financial reasons why shared usage is not feasible or practical in each case. The applicant's written request for shared use and the property owners' written responses shall be provided. The applicant's report shall contain the same type of data as required in Subsection W(4)(b)[1][b] above.
- [5] Commitment for future shared use. New wireless communications towers shall be designed to accommodate future shared demand for reception and transmitting

facilities. The applicant shall submit to the Planning Board an irrevocable letter of intent committing the owner of the proposed new tower and its successors in interest to permit future shared use of the proposed tower by other telecommunications providers. This letter shall also be filed with the Building Inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special exception use permit following a hearing and opportunity to be heard. The letter shall commit the new tower owner and its successors in interest to the following:

- [a] To respond within 90 days to a request for information from a potential shared-use applicant.
  - [b] To use best efforts and negotiate in good faith concerning future requests for shared use of the tower by other telecommunications providers.
  - [c] To allow shared use of the tower if another telecommunications provider agrees in writing to pay reasonable charges. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all of the costs of adapting the tower and/or equipment to accommodate a shared user without causing electromagnetic interference.
- [6] NIER certification. A written certification shall be submitted, prepared by a qualified engineer and/or health physicist, which calculates the maximum amount of nonionizing electromagnetic radiation ("NIER") which will be emitted from the proposed wireless communications facility and demonstrates that any such emissions from the facility will be within the threshold levels adopted by the Federal Communications Commission as of the day of application. The certification shall include a statement or explanation of how compliance was determined; an explanation as to what, if any, restrictions on access will be maintained to ensure compliance; and a statement as to whether other significant transmitting sources are located at or near the transmitting site and, if so, whether those emissions were considered in determining compliance and the reasons why those emissions were or were not considered.
- [7] Requirements applicable to all wireless communications facilities.
- [a] For proposed sites within 1,000 feet of other sources of radio frequency (RF) energy, emanating from other wireless communication facilities, the applicant shall provide an estimate of the maximum total exposure from all such nearby stationary sources and comparison with relevant standards. This assessment shall include individual and ambient levels of exposure. It shall not include residentially based facilities such as cordless telephones.
  - [b] No source of nonionizing electromagnetic radiation (NIER), including facilities operational before the effective date of this subsection, shall exceed the federal or state NIER emission standard.
- [8] The applicant shall comply with all other requirements, standards and conditions set forth in the zoning code governing special exception use and site plan applications.

## (6) Other requirements.

## (a) Design.

- [1] Visual impact assessment. The applicant shall submit the following:
  - [a] A viewshed analysis in order to determine locations where the tower and appurtenant facilities may be visible.
  - [b] Graphic representations of before and after views from key viewpoints located inside and outside of the Village including, but not limited to, state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, residential developments, and any other location where the site is visible to a large number of visitors or travelers.
  - [c] Assessment of alternative tower designs and color schemes, as set forth in Subsection W(5)(a)[2] below.
  - [d] Assessment of the visual impact of the tower base, guy wires, accessory buildings and structures, and overhead utility lines on abutting properties and streets.
- [2] Tower design. The applicant shall submit a report describing alternative tower designs which includes lattice and monopole structures and other designs to minimize visual impacts. The Planning Board shall have authority to hire an independent qualified engineer to review the tower design in order to evaluate the need for, and the design of, any new tower and potential alternatives. All designs to be considered shall be required to include, at a minimum, the following characteristics:
  - [a] Towers shall be designed to accommodate future shared use by other wireless communications providers.
  - [b] Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.
  - [c] No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including, but not limited to company name, phone numbers, banners and streamers.
  - [d] Any new tower shall be securely mounted to withstand the wind and ice loads and earthquake damage for the place of installation in accordance with New York State Uniform Fire Prevention and Building Code.
  - [e] The height of any new tower shall be the minimum height necessary, considering shared use, to meet the minimum requirements of the Federal Communications Commission for adequate coverage of the service area.
  - [f] The Planning Board shall have authority to hire a radio frequency engineer at applicant's sole expense to evaluate the need for a new wireless tower and facility at the proposed location.
- [3] Fully engineered site plan. The applicant shall submit a site plan in accordance with § 240-70 and showing, at a minimum, all existing and proposed roads, buildings,

tower(s), guy wire and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.

[4] Engineer's report.

[a] The applicant shall submit a report prepared by a New York State licensed professional engineer specializing in electrical engineering with expertise in communication facilities. If a monopole or tower is required and/or the electrical engineer is not qualified to certify the structural soundness of the installation, then an additional report shall be submitted by a New York State licensed professional engineer specializing in structural engineering. The report(s) shall contain the following information:

- [i] Name(s) and address(es) of person(s) preparing the report;
- [ii] Name(s) and address(es) of the property owner, operator and applicant;
- [iii] Postal address and section, block and lot number of the property;
- [iv] Zoning district in which the property is situated;
- [v] Size of the property and the location of all lot lines;
- [vi] Location of all residential structures within 1,000 feet;
- [vii] Location of nearest occupied structure;
- [viii] Location of day-care center, school, camp or recreational area within 1,000 feet;
- [ix] Location of all structures on the property;
- [x] Location, size and height of all proposed and existing antennas and all appurtenant structures;
- [xi] Type, size and location of all proposed and existing landscaping;
- [xii] Number, type and design of antenna(s) proposed and the basis for the calculations of capacity;
- [xiii] Make, model and manufacturer of the antenna(s);
- [xiv] Description of the proposed antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting;
- [xv] Frequency, modulation and class of service of radio equipment;
- [xvi] Transmission and maximum effective radiated power of the antenna(s);
- [xvii] Certification that the proposed antenna(s) will not cause interference with existing communication devices;
- [xviii] Elevation drawings depicting the front, side and rear of the property, illustrating the proposed antenna(s), mounting device and structure, if any, on which the antenna(s) is mounted;

- [xix] A map depicting and listing all existing sites in the Village and bordering municipalities containing transmitting antenna(s) used by the operator, owner or applicant;
  - [xx] All applications, communications and permits submitted to or issued by the Federal Aviation Administration and Federal Communications Commission;
  - [xxi] Soil and foundation, or supporting structure report demonstrating adequate stability and support.
- [b] The Planning Board may, in a proper case, waive one or more of the requirements of this Subsection W(5)(a)[4] and may require additional reports or evidence that it deems necessary to ensure the health, safety and welfare of the community is adequately protected.
- [5] Intermunicipal notification. In order to keep neighboring municipalities informed, to facilitate the consideration of shared use of existing tall structures in a neighboring municipality, and to assist the continued development of communication for emergency services, the applicant shall provide the following additional notice of the application:
- [a] Notification in writing to the clerk of any adjoining municipality within one mile of a proposed site or a greater distance if determined by the Planning Board to be impacted by a proposed new telecommunications tower.
  - [b] Notification in writing by certified mail of all landowners within 1,000 feet of the property line of the parcel on which a new tower is proposed.
- (b) Location, lot size and setbacks.
- [1] Any proposed wireless communications tower and its accessory structures shall be located on a single parcel and shall comply with setback requirements as identified below.
- [a] In order to protect the health safety and welfare of children who may be injured by falling ice or debris, all wireless communications towers shall be a distance of not less than 500 feet from the nearest property line of a school, day-care center, camp, public park, playground, recreation area or other area where children may congregate.
  - [b] Wireless communications towers shall be located with a minimum setback from any property line equal to the height of the tower or the required setback in the zoning district, whichever is greater. Accessory structures shall comply with the minimum setback requirements in the zoning district.
  - [c] The lot size of major wireless communications facilities sites shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the leased area shall be adequate to meet the setback requirements, and the entire area required shall be leased from a single parcel.
  - [d] Additional setbacks may be required by the Planning Board to contain on site all ice fall or debris from tower failure and preserve the privacy of any adjoining

residential and public properties.

- [e] All wireless communications facilities shall be located at least 500 feet from a (residence) parcel perimeter measured from the nearest component of the facility.

(c) Vegetative screening and fencing.

[1] Landscaping. All facilities shall provide landscaping as follows:

- [a] All facilities shall be located and designed to have the least possible adverse visual and aesthetic effect on the environment.
- [b] The area surrounding the installation, other than the area necessary to maintain a clear line of site to the signal source, shall be landscaped and maintained with trees, shrubs, and ground cover to maximize screening and visual buffering. The Planning Board may determine that an existing natural vegetative buffer which meets or exceeds the above requirements is sufficient.
- [c] Landscaping shall include trees of a height and density established by the Planning Board that will, over time, further screen the site, buffer neighboring properties, and reduce visual impacts resulting from the installation of said facility.
- [d] The outside of security fencing shall be screened with evergreen shrubs, trees or climbing evergreen material.
- [e] The base of any communication tower and any accessory structure shall be effectively screened using primarily vegetative screening, including a continuous evergreen screen planted in a natural setting and consisting of native plant species. Existing vegetation shall be preserved to the maximum extent practicable. Additional plantings shall be required, as necessary, to screen and buffer all structures from nearby properties or important viewsheds of scenic areas. All landscaping shall be properly maintained to ensure continued screening and buffering.

[2] Security and safety fencing. Security and safety fencing shall be located around all communication towers, equipment and related facilities to prevent unauthorized access. Access to all structures shall be through a locked gate or locked principal building. Fencing shall be designed to minimize visual and aesthetic impacts and shall be equipped with appropriate anticlimbing devices. Failure to maintain said security and safety fencing in an appropriate manner shall be grounds for immediate revocation of all permits and certificates of use by the Building Inspector. In addition:

- [a] All communication towers, antenna towers, monopoles and other supporting structures shall be made inaccessible to unauthorized persons, particularly children, and shall be constructed or shielded in such a manner that they cannot be climbed.
- [b] All transmitter controls shall be designed and installed in such a manner that they are accessible only to persons authorized by the licensee to operate or service them.

- [c] All transmitters shall be designed in such a manner that, in the event an unauthorized person does gain access, that person cannot cause the transmitter to deviate from its authorized operating parameters in such a way as to cause interference to other stations.
  - [d] All transmitters (other than hand-carried or pack-carried mobile transmitters) and control points shall be equipped with a visual means of indicating when the control circuitry has been activated to cause the transmitter to radiate.
  - [e] All transmitters shall be designed in such a manner that they can be turned off independently of any remote control circuits.
  - [f] Facility and stations shall be monitored from a central station continuously.
- [3] Coloring and marking. Unless otherwise required by the FAA or FCC, all communication facilities, including antenna and communication towers, shall be colored, camouflaged and/or shielded to blend with surrounding areas, provided such coloring, camouflage and/or shielding does not inhibit their effectiveness. The painting or marking of such facilities shall have a finish or coloring which will minimize visual and aesthetic impacts. Towers and all appurtenances shall generally have a galvanized finish and shall be painted gray or blue gray, or some other finish or color that is shown to be visually unobtrusive.
- [4] Signals and lights. No antenna or tower shall include any signals, lights or illumination unless required by the FAA or other applicable authority. The applicant shall provide to the Planning Board any legal authority which requires lighting. If lighting is required, the lighting shall be such as to cause the least disturbance to surrounding properties and views. Any lighting necessary for accessory structures or buildings shall be the minimum necessary and shall be properly shielded to prevent light emission and glare onto adjacent properties.
- [5] Signage. No signs, including advertising signs, shall be permitted on any antenna, communication tower, antenna tower or monopole, or antenna support structure, except as follows:
- [a] Signs specifically required by a federal, state or local agency.
  - [b] Each site shall include a sign containing the name and emergency phone number of the owner and operator of all antennas. Any door having access to a roof-mounted antenna and all entrances to the fenced enclosure shall be similarly posted.
  - [c] All signage shall comply with the sign regulations of the zoning code.
  - [d] Any graffiti on a structure shall be removed within 48 hours.
- (d) Undergrounding of electrical power and noise suppression. All electrical power supply to service the on-site buildings and appurtenances supporting the tower antenna operations shall be installed underground. Noise suppression shall be utilized in the structural design and construction of the tower support buildings and appurtenances.
- (e) Access and parking.

- [1] Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- [2] Parking. Parking shall be provided on site in an amount determined by the Planning Board based upon recommendation from the applicant. No parking shall be located in any required front yard.
- (f) The Planning Board may waive any of the requirements of this Subsection W(5) if demonstrated by the applicant that any such requirement is inapplicable or unnecessary to the particular application. The Planning Board shall specify in writing, with supporting reasons, any requirement so waived.
- (7) Minor wireless communications facilities. At all times, shared use within or on existing uninhabited tall structures and on existing approved towers shall be preferred to the construction of major wireless communications facilities.
  - (a) Minor wireless communications facility is a permitted use on an existing approved tower or other approved structure, subject to site plan review by the Planning Board. The Planning Board may require the applicant to submit any of the items set forth in Subsection W(5) herein as part of the site plan review process.
  - (b) An application for site plan approval of a minor wireless communications facility shall include, at a minimum, the following:
    - [1] Consent from the owner of the existing facility to allow shared use.
    - [2] Site plan shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, landscaping, grading plans, any methods used to conceal the modification to the existing facility, and all other items required by the zoning code for site plans.
    - [3] Engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing structure and will not hamper existing emergency networks and explaining what modifications, if any, will be required in order to certify the above.
    - [4] Copy of the applicant's Federal Communications Commission (FCC) license.
    - [5] The Planning Board may waive any of the above requirements if it is demonstrated by the applicant that under the facts and circumstances the submission of such documentation would cause an unnecessary and undue hardship. The reason(s) for any such waiver shall be stated in writing.
    - [6] The Planning Board may require any other documentation, reports or evidence that it deems necessary to ensure the health, safety and welfare of the community is adequately protected.
- (8) Required conditions of all approvals.



## (a) Removal.

- [1] Any antenna, communication facility, communication tower, antenna tower or monopole, including any supporting structure and related appurtenances, or part thereof, which is not used for six months, including a noncontinuous but cumulative period of six months, in any twelve-month period shall be removed by the operator of said facility and the property restored, at its sole cost and expense. Applicant must deposit in escrow a minimum of 50% of the present cost to remove the facility.
- [2] An extension of up to an additional six months may be granted by the Planning Board upon submittal of a written request for said extension, including proof as determined reasonable by the Board that the owner is actively engaged in the marketing of the property for sale or rent.
- [3] In the event the tower is not removed as herein required, the Village, after notice and opportunity for the property owner and operator to be heard, may cause the tower to be removed and the property restored. The total cost to the Village of such removal and restoration, including but not limited to removal and disposal costs and engineering, attorney and employee expenses, if not paid, shall be drawn from the escrow fund with the remainder assessed against the property and collected in the same manner as real property taxes.

## (b) Operational certification. Within 45 days of initial operation or modification of a wireless communications facility, the owner or operator shall submit to the Building Inspector a written certification by an independent professional engineer hired by the Planning Board at the sole expense of the applicant that the operation is in compliance with the application submitted, all conditions imposed, and all other provisions of this subsection. Such certification shall be a condition of lawfully operating past this forty-five-day period. The Village may confirm and periodically reconfirm compliance as necessary to ensure compliance with all provisions of law, including NIER levels as set forth by the FCC. The operator of the facility shall supply all necessary documentation to permit the Village to make such a determination regarding compliance. If found to be not in compliance, the facility shall cease operation until compliance is restored.

## (c) Existing installations.

- [1] The current operator of any communication facility or communication tower, antenna or monopole in lawful existence at the time of adoption of this subsection shall be permitted to remain in operation, provided the operator submits proof within six months of said adoption that valid building permit(s) was issued for the facility, that the facility complies with current emission standards as promulgated or recommended by the FCC, and that the facility meets the security requirements of this subsection.
- [2] Any lawful nonconforming communication facility or communication tower shall be permitted to remain until such time as the use, facility or structure is altered, at which time compliance with this subsection shall be required.
- [3] Any facility for which emission and security compliance documentation is not received shall cease operation within six months of adoption of this subsection and shall be immediately removed thereafter. If the facility is not removed, then the Village may cause removal in the manner set forth in Subsection W7(a) above.

- (9) Review and compliance costs.
- (a) The applicant and operator, respectively, of a facility are responsible for the payment of all of the Village's costs to review an application and to determine continued compliance after commencement of operation. Payment of all such costs within 30 days of billing shall be a condition of approval and of continued operation.
  - (b) The Planning Board is authorized and shall require the applicant to post funds in escrow in an amount determined by the Planning Board to pay for the Planning Board's review costs. Such escrowed amount shall be replenished by the applicant, as directed by the Planning Board, such that sufficient funds are available at all times.
  - (c) As a condition of approval, the applicant shall be required to post funds in escrow in an amount determined by the Planning Board to pay for the Village's cost of inspection and determining continued compliance with the conditions of approval, this subsection, and all other applicable requirements. Such escrowed amount shall be replenished by the operator, as directed by the Planning Board, such that sufficient funds are available at all times.
  - (d) An amount equal to 50% of the cost of removal shall be deposited as a condition of the approval.

ARTICLE VII  
**Supplemental Use and Dimensional Regulations**

**§ 240-30. Placement of accessory buildings and uses.**

A. In all districts.

- (1) Accessory buildings, including garages, if detached from a main building or if connected only by an open breezeway-type structure, shall be not less than 10 feet from the main building.
- (2) A private garage may be constructed as a structural part of a main building, provided that when so constructed, the garage walls shall be regarded as the walls of the main building in applying the front, rear and side yard regulations of this chapter.
- (3) Accessory buildings, including private garages, shall not be placed within a required front yard nor within a required side yard.
- (4) An access driveway may be located within a required yard.
- (5) Required accessory off-street parking area or truck loading space shall not be encroached upon by buildings, open storage or any other use.
- (6) The storage of manure or of odor- or dust-producing substances as an accessory use shall not be permitted within 50 feet of any side or rear lot line or within 100 feet of any front lot line.
- (7) The following shall apply to all forms of animal husbandry except the keeping of animals as household pets:
  - (a) All shelters provided for livestock, fowl or fur-bearing animals shall be at least 100 feet from any property line, except that an existing shelter may remain and be added to, provided that the addition shall not encroach on a required yard.
  - (b) The disposal of animal wastes shall be provided for in such manner as to prevent any nuisance or sanitary problems.

B. In residence districts, accessory off-street parking areas shall be paved in accordance with municipal specifications.

C. In nonresidential districts, accessory off-street parking areas may be located within required front, side or rear yards.

D. In all residential districts and in B-2 (Highway Commercial) Districts: **[Added 11-1-1983 by L.L. No. 2-1983]**

(1) Private swimming pools.

- (a) The entire portion of the premises upon which such pool is located shall be entirely enclosed with a good quality chain link wire fence or equally sturdy fence of not less than four feet in height; provided, however, that no fence shall be required for an aboveground pool.
- (b) Every gate or other opening in the fence enclosing such pool shall be kept securely closed and locked at all times when said pool is not in use.
- (c) Such pool shall be not less than 10 feet from side and rear lot lines.

**§ 240-31. Lot frontage at street line.**

In all districts except a B-1 District, the lot frontage at the street line shall be not less than 40 feet.

**§ 240-32. Height.**

- A. Nothing herein contained shall restrict the height of the following: church spire, cupola, dome, belfry, clock tower, flagpole, chimney flue, elevator or stair bulkhead, water tank, stage tower or scenery loft, radio or television tower, transmission line or tower, or similar structure.
- B. No building or structure erected pursuant to Subsection A to a height in excess of the height limit for the district in which it is situated shall:
  - (1) Have a lot coverage in excess of 10% of the lot area.
  - (2) Be used for residence or tenancy purposes.
  - (3) Have any sign, nameplate, display or advertising device of any kind whatsoever inscribed upon or attached to such building or structure.

**§ 240-33. Yards.**

- A. The following accessory structures may be located in any required front or rear yard:
  - (1) Awning or movable canopy not exceeding 10 feet in height.
  - (2) Open arbor or trellis.
  - (3) Retaining wall, fence or masonry wall, pursuant to § 240-38.
  - (4) Unroofed steps; patio or terrace not higher than one foot above ground level.
- B. The space in a required front yard shall be open and unobstructed, except for structures provided for in Subdivision A and the following:
  - (1) An unroofed balcony, projecting not more than eight feet into the yard.
  - (2) Other projections specifically authorized in Subsections C and D.
- C. Every part of a required yard shall be open to the sky, unobstructed except for retaining walls and for accessory buildings in a rear yard and except for the ordinary projection of sills, belt courses and ornamental features projecting not to exceed six inches. Cornices and eaves shall not project more than 18 inches.
- D. Open or lattice-enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than four feet and the ordinary projections of chimneys and pilasters shall be permitted by the Building Inspector when placed so as not to obstruct light and ventilation.
- E. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.
- F. The required front yard for a proposed building in any residence district, where 25% of the street frontage within 200 feet, either on the same side of the street or on the opposite side of the street on which the proposed building fronts, is already improved with buildings that have a front yard in excess of the minimum requirement for the district in which the proposed building is situated, shall

be increased to equal the average of the existing front yards of the two nearest buildings within 200 feet of the proposed building; provided, however, that such average front yard requirement shall not exceed by more than 10 feet, the minimum required front yard prescribed for the district in which the proposed building is situated.

**§ 240-34. Courts.**

- A. In all districts, the least horizontal dimension of an inner court at its lowest level shall be not less than the larger of the following two dimensions:
- (1) One-third of the maximum height above such lowest level of the building walls erected on the same lot and bounding such court.
  - (2) Fifteen feet.
- B. In all districts, the least width of an outer court at its lowest level shall be not less than the largest of the following three dimensions.
- (1) One-third of the maximum height above such lowest level of the building walls erected on the same lot and bounding such court.
  - (2) Two-thirds of the horizontal depth of such court.
  - (3) Fifteen feet.
- C. In all districts, the horizontal depth of an outer court shall not exceed 1 1/2 times its least width.

**§ 240-35. Spacing between buildings.**

- A. In the layout of a development of garden apartments or other multiple dwellings on a lot or tract of land, a horizontal distance of not less than 35 feet or 2/3 the height of the higher building, whichever is the greater, shall be maintained between all main buildings and between main buildings and major detached accessory buildings or groups of accessory buildings, such as a garage compound, having a ground coverage equal to that of a main building.
- B. The above requirement of Subsection A need not exceed 35 feet when the top of one building is less than eight feet above the level of the first floor of the other building.
- C. Minor accessory buildings shall meet the requirements of § 240-18.

**§ 240-36. Corner clearance.**

On a corner lot in any residence district, within the triangular area determined as provided in this section, no wall or fence or other structure shall be erected to a height in excess of two feet and no vehicle, object or any other obstruction of a height in excess of two feet shall be parked or placed and no hedge, shrub or other growth shall be maintained at a height in excess of two feet, except that trees whose branches are trimmed away to a height of at least 10 feet above the curb level, or pavement level where there is no curb, shall be permitted. Such triangular area shall be determined by two points, one on each intersecting street line, each of which points is 50 feet from the intersection of such street lines.

**§ 240-37. Minimum residential floor area. [Amended 6-16-1987 by L.L. No. 4-1987]**

- A. Statement of purpose. The requirements contained in this section are designed to promote and protect

the public health; to prevent overcrowded living conditions; to guard against the development of substandard neighborhoods; to conserve established property values; and to contribute to the general welfare.

- B. Minimum schedule. Every dwelling or other building devoted in whole or in part to a residential use, which is erected or converted to accommodate additional families, shall provide a minimum floor area per family on finished floors with clear ceiling height of not less than seven feet six inches in conformity with the following schedule and with the other provisions of this section. The minimums stipulated herein shall be deemed to be exclusive of unenclosed porches, breezeways, garage area and basement and cellar rooms or areas. **[Amended 12-3-2018 by L.L. No. 5-2018; 2-3-2020 by L.L. No. 1-2020]**

Type of Residence	Minimum Required Floor Area per Family (square feet)
Single- and two-family detached dwelling units constructed after January 1, 2019	1,200
Single-family detached dwellings constructed prior to January 1, 2019, converted to two-family detached dwellings [See Note below]	850
Townhouse development	1,200
Apartment	750
Mobile homes located in licensed mobile home courts	500

NOTE: The 850-square-foot minimum per dwelling unit requirement shall apply only to single-family dwellings existing as of January 1, 2019, and eligible for conversion to two-family dwellings and shall not apply to single- or twofamily dwelling units constructed after January 1, 2019. An existing single-family dwelling constructed prior to January 1, 2019, that is eligible for and seeks conversion to a two-family dwelling shall not be enlarged in total square footage in order to meet the 850 square-foot minimum per dwelling in the absence of a variance issued by the Zoning Board of Appeals.

- C. In affordable housing developments, minimum residential floor area requirements may be reduced by the Planning Board during subdivision or site plan review and approval. **[Added 6-14-1994 by L.L. No. 1-1994]**

**§ 240-38. Permitted fences and walls.**

- A. The following schedule of permitted fences and walls shall apply according to the district in which the lot is located on the Zoning Map, whether such lot be used for a permitted use or for a special exception use, except where the Planning Board or the Board of Appeals may require special treatment.

<b>Maximum Fence or Wall Height<sup>1</sup></b>				
<b>District</b>	<b>Front Lot Line (feet)</b>	<b>Side Lot Line Outside of Rear Yard (feet)</b>	<b>Rear Yard Lot Line (feet)</b>	<b>Not in Any Minimum Required Yard (feet)</b>
R-1	None permitted	4	6	6
R-2	None permitted	4	6	6
R-3	None permitted	4	6	6
R-4	None permitted	4	6	6
R-5	None permitted	4	6	6
R-5A [Added 6-14-1994 by L.L. No. 1-1994]	3	6	6	6
R-6	3	6	6	6
R-MHC	4	8	8	8
B-1	4	8	8	8
B-2	4	8	8	8

NOTES:

<sup>1</sup>Except where corner clearances are required in accordance with § 240-36.

- B. Method of measuring the height of a fence or wall. The height of a fence or wall shall be measured from the ground level at the base of the fence; excepting that where there is a retaining wall, the height shall be measured from the average of the ground levels at each side of the retaining wall, and further excepting that any fence or wall on the uphill side of such retaining wall may be at least four feet high, notwithstanding the provisions of the schedule contained in Subsection A.

**§ 240-39. Required transitional yards and screening.**

In order to assure orderly and compatible relationship between residence districts and nonresidential districts along their common boundary lines, the following requirements shall be met along such boundaries:

- A. Minimum required transitional yards within nonresidential districts across zone district boundaries from residential districts shall be as set forth in the § 240-25, titled, "Table of Dimensional Regulations." [Amended 2-3-2020 by L.L. No. 1-2020]
- B. Minimum required screening within required transitional side and rear yards shall be a six-foot-high stockade-type fence, or equal, to be erected and maintained by the nonresidential property owner along the side and rear property lines; provided, however, that the Board of Appeals, subject to the applicable provisions of Article XI, may waive or modify these requirements for screening where the same screening effect is accomplished by the natural terrain or foliage or by a special exception

residential use or a municipal use within the B-1, and B-2 and B-3 Districts. **[Amended 2-3-2020 by L.L. No. 1-2020]**

- C. Minimum required screening within a required transitional front yard shall be solid evergreen planting strip, or equal, maintained at a height of at least three feet; provided, however, that the Board of Appeals, subject to the applicable provisions of Article XI, may waive or modify these requirements for screening where the same effect is accomplished by natural terrain or foliage or by a special exception residential use or a municipal use within the B-1 District or, where the existing development along the street line for more than 50% of the subject block frontage does not meet these standards, the Board of Appeals may establish a lesser standard consistent with the purpose of this section.



ARTICLE VIII  
**Off-Street Parking and Truck Loading Space Requirements**

**§ 240-40. Requirements.**

Off-street parking and truck loading spaces shall be provided and kept available as an accessory use to all permitted and special exception uses of buildings, structures and lots, in amounts not less than those specified in this article.

**§ 240-41. Determination of requirements.**

- A. The requirement for a single use (eg., a single-family dwelling or a retail store) shall be determined directly from the schedule of such requirements which is a part of this article.
- B. The requirement for a combination use made up of several component uses (eg., a bowling alley combined with an auditorium, and a restaurant and bar, or a retail store combined with an office building) shall be determined by establishing the requirement for each component use from the schedule of such requirements, which is a part of this article, and adding them together.
- C. When the required number of spaces is determined to result in a fraction, it shall be increased to the next highest whole number.
- D. If the use is not specifically listed in the schedule of such requirements, the requirements shall be the same as for the most similar listed use.
- E. A garage or carport may be used to meet the requirements of this article. A driveway may only be used to meet the requirements of this article where it serves a single- or two-family dwelling.
- F. Uses which require approval pursuant to the special exception use procedure set forth in Article VI may be required to provide off-street parking spaces in excess of the requirements of this article, as is indicated in Article VI.

**§ 240-42. Schedule of off-street parking requirements for residential uses.<sup>13</sup> [Amended 6-16-1987 by L.L. No. 4-1987; 8-1-2011 by L.L. No. 3-2011]**

Use	Number of Required Spaces
Single- and two-family dwelling	2 per dwelling unit
Townhouse development	2 per dwelling unit
Condominium development	2 per dwelling unit
Apartment building	1.5 per dwelling unit

**13. Editor's Note: Local Law No. 1-1980, adopted 5-6-1980, provided that the off-street parking space requirements for residential uses as provided in § 240-42 shall be eliminated within the following boundaries: Beginning at a point on the easterly side of Main Street formed by the intersection of Catherine Street and Main Street; 1) Running thence in a northerly direction along the easterly side of Main Street and continuing along the easterly side of West Point Road to the first entrance of Lady Cliff College on the easterly side of West Point Road. 2) Running thence in a westerly direction across West Point Road and to the westerly side of Main Street in front of the property known as 112 Main Street. 3) Running thence in a southerly direction along Main Street and continuing in a southerly direction following the westerly boundary line of the B-1 Zone, as shown on the Zoning Map of the Village of Highland Falls, to a point where said westerly boundary line of said B-1 Zone intersects Catherine Street approximately 100 feet west of Main Street; 4) Running thence in an easterly direction down the center of Catherine Street and across Main Street to the point and place of beginning.**

Use	Number of Required Spaces
Residential membership club or fraternity	1 per residence unit, plus 1 per each 2 employees on the premises at one time
Lodging house	1 per lodger

**§ 240-43. Schedule of off-street parking requirements for nonresidential uses.<sup>14</sup> [Amended 2-3-2020 by L.L. No. 1-2020]**

Uses	Number of Required Spaces
Animal hospital	1 per 200 square feet of gross floor area
Auditorium, church, convention hall, gymnasium, stadium theater, studio or other place of public assembly not otherwise classified	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Bank, savings and loan association	Same as "office"
Bowling alley	4 per alley
Drive-in facility or outdoor sales lots	1 per outdoor each 600 square feet of lot area
Funeral home	1 per 40 square feet of public room floor area
Filling station, parking garage, repair garage	Sufficient parking spaces for all vehicles stored or being serviced at any one period of time, plus a minimum of 5 additional spaces
Home occupation, home professional office	2 for the first 150 square feet of area given over to this component of the land use, plus 1 for each additional 150 square feet or fraction thereof, but in no case less than 2 spaces
<del>Hotel, mixed use</del>	<del>1 per guest bedroom. The parking exemption provided in Footnote 1 applies to hotel employees and all nonhotel mixed uses.</del>
Hotel, motel	1 per guest bedroom, plus 1 per each 2 employees on the premises at one time
Manufacturing or industrial establishment, research institute or laboratory	Parking area equivalent to the total ground coverage of the use, with a minimum of 2 improved spaces per 3 employees on the premises at one time, but in no case less than 2 spaces
Mixed-use development	1 per dwelling unit, plus 1 per each 2 employees on the premises at one time

14. Editor's Note: Local Law No. 2-2018, adopted 2-5-2018, provided that the off-street parking space requirements for nonresidential uses as provided in § 240-43 shall be eliminated within the following boundaries: 1. Beginning at a point on the easterly side of Main Street formed by the intersection of Catherine Street and Main Street; 2. Running thence in a northerly direction along the easterly side of Main Street and continuing along the easterly side of West Point Highway to Thayer Gate; 3. Running thence in a westerly direction across West Point Highway to the westerly side of Main Street in front of the property known as 529 Main Street; 4. Running thence in a southerly direction along the westerly side of Main Street and continuing in a southerly direction to the intersection of Catherine Street and Main Street.

Uses	Number of Required Spaces
Nursing home	1 per each 2 beds, plus 1 per each 2 employees on the premises at one time
Offices, office building	1 per 150 square feet of gross floor area
Public or semipublic art gallery, library or museum	Same as "auditorium, etc."
Restaurant, club	1 per 4 permanent seats or the floor area equivalent
Retail store, personal service	1 per 200 square feet of gross floor area
School	1 per employee, plus 1 per each 8 students in the 12th grade or above, or the parking requirement for the auditorium or gymnasium component of the use, whichever is the greater
Shop for custom work	1 per 150 square feet of gross floor area
Wholesale establishment	Same as manufacturing or industrial establishment

**§ 240-44. Off-street truck loading space requirements.<sup>15</sup> [Amended 2-3-2020 by L.L. No. 1-2020]**

Every building or structure or lot used for nonresidential purposes shall be provided with off-street truck loading spaces in accordance with the following schedule:

Square Feet of Floor Area	Number of Required Spaces
Under 5,000	None
5,000 to 14,999	1 space
15,000 to 40,000	2 spaces
Over 40,000	1 space for each additional 40,000 square feet over and above the requirement for the first 40,000 square feet

**§ 240-45. Private garages or off-street parking areas in residence districts.**

Not more than two parking spaces per dwelling unit may be rented to persons living off the premises in the case of a single- or two-family dwelling use; nor more than one parking space per each two dwelling units may be rented to persons living off the premises in the case of any other residence use.

**§ 240-46. Access driveway requirements.**

- A. Parking garages, public parking areas, filling stations and repair garages may have separate or combined entrances and exits.
- B. Every separate entrance or exit driveway shall have a minimum unobstructed width of 10 feet. Every

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15. Editor's Note: The Planning Board may waive the requirement for off-street truck loading spaces for mixed-use developments and mixed-use hotels where the applicant establishes to the satisfaction of the Planning Board that deliveries may be accommodated with a minimum of disruption to surrounding residential neighborhoods or other commercial uses. The Planning Board may condition any approval on reasonable limitations to said deliveries, including, but not limited to, size of truck, hours of delivery, times of delivery, number of deliveries and similar restrictions.

combined entrance and exit driveway shall have a minimum unobstructed width of 20 feet. Parking areas with 20 spaces or more shall have at least two separate ten-foot driveways.

- C. The intersection of an exit or combined exit and entrance driveway of a public parking area with the public street shall have the same corner clearance as prescribed for intersecting streets in § 240-36.

**§ 240-47. Design requirements for off-street parking and truck loading areas.**

- A. All accessory off-street parking and truck loading areas shall be located in accordance with the provisions of § 240-30.
- B. The physical improvements of off-street parking and truck loading areas shall include:
- (1) Curbs, paving, sidewalks and drainage facilities complying with the standards established in municipal ordinances, regulations or specifications.
  - (2) Adequate lighting in public parking areas to assure the general safety and convenience of the public.
  - (3) Appropriate screening for the protection of adjacent properties, particularly along district boundary lines as provided in § 240-39.
- C. All aisles within parking areas shall have a minimum width of 24 feet when the parking spaces are at a ninety-degree angle with the aisle; 18 feet when the parking spaces are at 60°; and 12 feet when the parking spaces are at 45°.
- D. Aisles and turning areas shall have adequate radii to assure ease of mobility, ample clearance and convenient access and egress.
- E. Center-line gradients of aisles shall not exceed 8%.
- F. Accessory off-street parking areas shall be marked off into parking spaces with a minimum width of nine feet and a minimum length of 18 feet or, in the case of parking spaces for trucks or special equipment, parking spaces of a minimum size to be determined by the municipality based on the nature of the parked vehicles.
- G. An accessory off-street truck loading space shall have a minimum width of 12 feet, a minimum length of 25 feet and a minimum clear height of 14 feet. The related aisle shall have the same minimum clear height.

**§ 240-48. Exemptions and waivers.**

- A. Exemption of existing buildings and uses. The provisions of this article shall not apply to any building or structure or lot lawfully in use at the effective date of this chapter, whether continued as a permitted use or as a legal nonconforming use, or thereafter converted or changed without enlargement to a different lawful use having the same parking and truck loading requirements.
- B. Within an established municipal parking district where the municipality has, as a matter of public policy, taken the responsibility for providing adequate off-street parking facilities for all uses in the district, the off-street parking space requirements stipulated in this article shall be automatically waived.
- C. The Board of Appeals, subject to the applicable provisions of Article XI, may waive the requirements, in whole or in part, for the off-street parking or truck loading spaces stipulated in this article.

**ARTICLE IX  
Sign Regulations**

**§ 240-49. Schedule of permitted signs.**

The following schedule of permitted signs shall apply, according to the district in which the lot is located on the Zoning Map, whether such lot be used for a permitted use or for a special exception use.

Type of District	Permitted Signs			
	Professional and Announcement Signs	Identification Signs	Real Estate "For Sale" or "For Rent" Signs and Construction Signs	Temporary Signs
Residence districts	1 on each public street frontage pursuant to § 240-50	Prohibited	1 on each public street frontage for single lots or buildings; 2 subdivision signs on each public street frontage for each approved subdivision pursuant to § 240-52A	Pursuant to § 240-52B
Business districts	1 on each public street frontage pursuant to § 240-50	1 wall sign and 1 detached or ground sign on each public street frontage pursuant to § 240-51	1 on each public street frontage for single lots or buildings pursuant to § 240-52A	Pursuant to § 240-52B

**§ 240-50. Professional signs and announcement signs.**

- A. A professional sign or an announcement sign for a home professional office or home occupation shall bear only the name and profession or occupation of the resident. Such sign shall have a maximum area of two square feet and may be located on the building wall or in the required front yard, provided that it is set back at least 15 feet from all property lines and is not more than six feet above the natural ground level at its location.
- B. A church or other place of worship may have one announcement sign, not over 12 square feet in area, on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least five feet from the front property line and at least 25 feet from all other property lines.
- C. A parish house, club, school or public or semipublic building may have one announcement sign, not over six square feet in area, on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least five feet from the front property line and at least 25 feet from all other property lines.
- D. Such signs may be double-faced.
- E. Such signs may be lighted only by shielded light sources attached to the sign.

**§ 240-51. Business district identification signs.**

- A. A wall identification sign shall be attached to or incorporated in the building wall. Such sign shall have:

- (1) A maximum area of two square feet for each horizontal foot of building wall on which it is mounted.
  - (2) A maximum width of 75% of the building wall's horizontal measurement, except that where such horizontal measurement is 20 feet or less, the maximum width may be 90% of such measurement.
  - (3) A maximum projection of 12 inches from the face of the building wall to which the sign is attached.
  - (4) Three-dimensional trade signs projecting from the face of a building wall, such as barber shop poles and similar signs, shall be permitted a maximum projection of 24 inches from the building wall provided; however, that the sign provides no less than a six-foot, six-inch clearance as measured from the bottom-most sign appendage to the surface of the sidewalk. **[Added 3-5-2018 by L.L. No. 3-2018]**
- B. A detached or ground identification sign may be erected where the building is set back from the street line a distance of 40 feet or more. Such sign shall have:
- (1) A maximum area of 40 square feet.
  - (2) A maximum height measured from the ground level of 18 feet.
  - (3) At least three feet of clear space between the signboard and the ground, provided that necessary supports may extend through such clear space.
  - (4) A setback of at least 20 feet from any property line, except that if the average front setback of existing buildings within the same block is less than 10 feet, then the average setback so established shall be applied to such sign.
- C. Identification signs may be interior lighted with nonglaring lights or may be illuminated by shielded floodlights; provided, however, that red and green lights shall be set back at least 75 feet from the point of intersection of the street lines at a street corner, and further provided that intermittent or flashing lights shall not be used on or in any sign. Moving or animated signs are prohibited. No neon sign shall be permitted outside of a building. **[Amended 9-21-2005 by L.L. No. 4-2005]**
- D. Prohibited signs. Any type of sign not expressly permitted by this Code is deemed prohibited. In particular: **[Added 9-21-2005 by L.L. No. 4-2005]**
- (1) Billboard signs, banner signs, bunting signs, streamer signs, and pennant signs shall not be constructed, posted or erected outdoors, except for temporary signs authorized by Subsection E or F of § 240-53 below.
  - (2) Signs made of cardboard, paper, canvas or similar impermanent material or signs using Day-Glo-type paint are prohibited.

#### **§ 240-52. Real estate and construction signs.**

- A. Real estate and construction signs shall be set back at least 15 feet. Such signs shall have a maximum area of eight square feet, except that subdivision signs shall have a maximum area of 24 square feet, and shall not be illuminated.
- B. Temporary directional signs indicating the location of a real estate subdivision shall be permitted as variances, under the provisions of Article XI, for a period of one year during the active selling of

subdivision properties. Additional periods of one year shall be the subject of applications to the Board of Appeals.

**§ 240-53. General provisions.**

- A. The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign, together with the area of any background of a different color or material than the general finish of the building, whether painted or applied.
- B. In no case shall lighted signs be so located that they constitute a hazard to vehicular traffic.
- C. The outlining by direct illumination of all or part of a building, such as a gable, roof, wall, side or corner, is prohibited, except during the Christmas season.
- D. Temporary or permanent signs resting on or attached to vehicles shall not be used as a means to circumvent the provisions of this chapter.
- E. Election and political signs. Election and political signs shall be removed within five days after the election or political event. **[Added 10-4-2000 by L.L. No. 2-2000; amended 9-21-2005 by L.L. No. 4-2005]**
- F. Special event signs. Special event signage for business openings and community activities (such as municipal, school, church and other nonprofit organization activities) are permitted, provided that the sign is erected or posted no more than 30 days prior to the event and shall be removed within three days after the event. No such sign shall exceed 30 square feet in size and shall be smaller if directed by the permitting officer pursuant to this section. All such signs require prior application for and issuance of a permit by the Building Inspector or Code Enforcement Officer, who shall have the authority to impose reasonable restrictions on sign size and location to protect the public health, safety and welfare. **[Added 10-4-2000 by L.L. No. 2-2000; amended 9-21-2005 by L.L. No. 4-2005]**
- G. Yard sale signs. Yard sale signs are permitted, provided such signs are erected or posted no more than five days prior to the sale and shall be removed no later than one day after the sale. **[Added 9-21-2005 by L.L. No. 4-2005]**
- H. Approval and denial of applications for all signs and initial interpretation of the sign regulations shall be the jurisdiction and responsibility of the Building Inspector and Code Enforcement Officer. Enforcement of the sign regulations shall be the jurisdiction and responsibility of the Building Inspector, Code Enforcement Officer and the Police Department. An appeal from the decision, interpretation or other action of the enforcing officer may be made to the Zoning Board of Appeals (ZBA). The decision of the enforcing officer shall remain in effect unless and until decided otherwise by the ZBA upon appeal or referral to the ZBA. **[Added 9-21-2005 by L.L. No. 4-2005]**

ARTICLE X  
**Nonconforming Uses, Buildings or Structures**

**§ 240-54. Application of regulations.**

These provisions shall apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter which do not conform to the provisions of said original Zoning Ordinance or to such revisions or reenactments on their effective dates.

**§ 240-55. Unlawful buildings, structures or uses not construed as nonconforming.**

No unlawful building or structure or unlawful use of a building or structure or lot existing at the effective date of this chapter shall be deemed to be a nonconforming building, structure or use.

**§ 240-56. Continuance.**

- A. Any lawful use occupying any building, structure, lot or land at the time of the effective date of this chapter or any amendment thereto, which does not comply, after the effective date of this chapter or any amendment thereto, with the use regulations of the district in which it is situated may be continued in the building or structure or upon the lot or land so occupied, except as provided in § 240-60.
- B. A building or structure used by a nonconforming use shall not be reconstructed, structurally altered, restored or repaired to an extent exceeding 50% of the replacement cost of such building or structure, exclusive of foundations, unless the use of such building or structure is changed to a conforming use.
- C. A nonconforming building or structure that is not devoted to a nonconforming use may be reconstructed, structurally altered, restored or repaired in whole or in part, and the provisions of Subsection B shall not apply, except that the degree of nonconformity shall not be increased.
- D. A nonconforming lot separately owned and not adjoining any lot or land in the same ownership at the effective date of this chapter may be used, or a building or structure may be erected on such lot for use, in accordance with all the other applicable provisions of this chapter, provided that proof of such separate ownership is offered in the form of a title search.
- E. An existing building designed and used for a conforming use but located on a nonconforming lot, whether the building is conforming or nonconforming with respect to lot coverage and minimum yard requirements, may be reconstructed, structurally altered, restored or repaired in whole or in part, except that the degree of nonconformity shall not be increased.

**§ 240-57. Extension.**

A nonconforming use shall not be enlarged or extended, except as provided in Article XI.

**§ 240-58. Change.**

A nonconforming use shall be changed only to a conforming use, except as provided in Article XI.

**§ 240-59. Abandonment.**

- A. A nonconforming use shall be deemed to have been abandoned:



- (1) When it is changed to a conforming use.
- (2) In cases where such nonconforming use is of a building or structure designed for such use, when it has been voluntarily discontinued for a period of 12 consecutive months.
- (3) In cases where such nonconforming use is of a building or structure not designed for such use, or is of a lot or land whereon there is no consequential building or structure devoted to such use, when it has been voluntarily discontinued for a period of six consecutive months.

B. A nonconforming use that has been abandoned shall not thereafter be reinstated.

**§ 240-60. Compulsory termination.**

- A. A nonconforming structure or nonconforming use may be subject to compulsory termination by the municipal legislative body when it is found detrimental to the conservation of the value of surrounding land and improvements or to future development of surrounding lands and therefore is tending to deteriorate or blight the neighborhood.
- B. In ordering the compulsory termination of a nonconforming structure or nonconforming use, the municipal legislative body will establish a definite and reasonable amortization period during which the nonconforming use may continue while the investment value remaining after the date of the termination order is amortized. Determination of the amount to be amortized shall be based on the value and condition of the land and improvements for the nonconforming use less their value and condition for a conforming use and such other reasonable costs as the termination may cause. The rate of amortization shall be in accordance with reasonable economic practice.

## ARTICLE XI

**Board of Appeals**

[Amended 7-16-1996 by L.L. No. 6-1996; amended in its entirety 4-1-1998 by L.L. No. 1-1998]

**§ 240-61. Organization.**

Pursuant to an Intermunicipal Cooperation Agreement between the Town of Highlands and the Village of Highland Falls, there is hereby created a Board of Appeals to be known and designated as the "Consolidated Zoning Board of Appeals of the Town of Highlands and Village of Highland Falls."

- A. The Consolidated Board of Appeals shall consist of five members to be appointed and reappointed by the Town Board of the Town of Highlands and the Board of Trustees of the Village of Highland Falls in accordance with the provisions of the Intermunicipal Cooperation Agreement, as may be amended. **[Amended 10-21-2013 by L.L. No. 2-2013]**
- B. The Consolidated Board of Appeals shall have all the powers and duties prescribed by law, by the provisions of this chapter, the provisions of the Zoning Ordinance of the Town of Highlands and as provided in the Intermunicipal Cooperation Agreement.
- C. The Consolidated Board of Appeals shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

**§ 240-62. Jurisdiction.**

- A. The Board shall have jurisdiction over those matters properly brought for determination to a Zoning Board of Appeals concerning property within the Town of Highlands and Village of Highland Falls and to make a determination thereof in accordance with their respective zoning codes, New York State Law and the provisions of the Intermunicipal Cooperation Agreement.
- B. The Consolidated Zoning Board of Appeals shall hear and determine all matters submitted to it in accordance with the law applicable to the property which is the subject of the application and, in particular, the Town Law of the State of New York and Village Law of the State of New York, this chapter and the Town Zoning Ordinance. The matters submitted to the Consolidated Zoning Board of Appeals include:
  - (1) To vary or modify the application of the requirements or provisions of the Town zoning code or this chapter, including the grant or denial of specific types of variances set forth in the respective zoning codes, which requirements or provisions have caused a denial of a permit, certificate or other form of approval by the Building Inspector of the respective municipality. Such application for a variance shall be heard and decided in accordance with applicable procedures set forth herein and by the laws of the State of New York, as may be amended.
  - (2) To hear and determine any matter in which it is alleged that the Building Inspector of the respective municipality was in error in refusing to issue a building permit or certificate of occupancy as a result of misinterpreting the meaning, intent or application of any section or portion of the zoning ordinance or law of the municipality in which the property is located.
  - (3) To hear and determine any matter in which the applicant alleges that the Building Inspector of the respective municipality was in error in his or her determination as to the exact location of a district boundary line on the Zoning Map of the respective municipality.
  - (4) To hear and determine any matter in which the Building Inspector of the respective municipality

appeals to the Consolidated Zoning Board of Appeals on the grounds of doubt as to the meaning or intent of any provision of the zoning code of the respective municipality or as to the location of a district boundary line on the Zoning Map.

- (5) To hear and determine any matter referred to it for hearing, recommendation or determination by the Board of Trustees of the Village or the Town Board of the Town by proper authority pursuant to ordinance, local law or resolution.

#### § 240-63. Application and procedure.

- A. Form of application. Applications for any action by the Board of Appeals shall be submitted in the form required by the Board of Appeals and filed in the Town Clerk's office.
- B. Procedure.
  - (1) The Board of Appeals shall fix a time and place for a public hearing thereon and shall give public notice thereof and mail written notice as specified and required in Subsections B(3), (4) and (5) following.
  - (2) The applicant is required to erect a white-with-black-lettering sign or signs measuring not less than two feet long and one foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application for an appeal is pending and the date, time and place where the public hearing will be held. The sign shall not be set back more than 10 feet from the property or street line and shall be not less than two nor more than six feet above the grade at the property line. The sign shall be made of durable material and shall be furnished by the Town Clerk. It shall be displayed for a period of not less than 10 days immediately preceding the public hearing date or any adjournment date. The applicant shall file an affidavit that he or she has complied with the provisions of this section.
  - (3) If the land involved in an application is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.
  - (4) The applicant shall cause notice of the public hearing to be mailed at least 10 days before the hearing to the owners of all property abutting any lot line of the property for which relief is sought and to the owners of all property directly across the street, and abutting the street, from any portion of the property for which relief is sought. Where there is any question whether a property may be considered directly across the street, notice shall be given to that property owner. **[Amended 7-2-2003 by L.L. No. 2-2003]**
  - (5) If required by General Municipal Law § 239-m, referral shall be made to the Orange County Planning Department, and the procedures required by such law shall be followed.
- C. Records. A record shall be established of all variances granted pursuant to action of the Consolidated Board of Appeals under this article. Each case shall be identified by a sequential numbering system and alphabetically by the applicant's name. Said files shall be available for public inspection.
- D. Minutes. The Consolidated Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Consolidated Board of Appeals shall keep records of its examinations and official actions, all of which shall be filed in the Town Clerk's office and Village Clerk's office and shall be a public record.

- E. Time limit. Building permits authorized by the Consolidated Board of Appeals' actions on variance cases shall be obtained within 90 days and shall automatically expire if construction under the permit is not started within 90 days of issuance and completed within one year. Extensions of these periods may be granted by the Consolidated Board of Appeals where good cause is shown.
- F. The fee for variance applications shall be as set forth in the fee schedule of the Town as amended from time to time.

#### **§ 240-64. Standards.**

In accordance with the Intermunicipal Cooperation Agreement with the Town of Highlands, the Consolidated Board of Appeals shall make a determination of those matters properly brought before the Board in accordance with the respective zoning codes, the provisions of New York State Law, of the municipality in which the property is located (either the Town of Highlands or the Village of Highland Falls) and make a determination thereof in accordance with the appropriate code and in accordance with the following standards:

- A. No application for a variance shall be granted by the Consolidated Board of Appeals unless it is shown that such application meets and satisfies the standards set forth in the provisions of the Town Law or the Village Law of the State of New York, as amended from time to time, whichever is applicable and in effect at the time of the filing of the variance application.
- B. In addition, in the granting of any such variance the Consolidated Board of Appeals may impose such further reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, provided that such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.
- C. The variance granted by the Consolidated Board of Appeals shall be the minimum variance it deems necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

#### **§ 240-65. Effective date.**

This article shall take effect upon the signing of the Intermunicipal Cooperation Agreement with the Town of Highlands and the filing of this chapter as required by law.

### **ARTICLE XII Administration and Enforcement**

#### **§ 240-66. Interpretation.**

In applying and interpreting this chapter, its provisions shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience or the general welfare. The following specific regulations shall apply:

- A. A minimum required lot or yard size for one building or structure shall not be used in whole or in part as any part of a required lot or yard for a second structure.
- B. The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this chapter.
- C. The parking spaces required for one building or structure or use shall not be included in the computation of required parking spaces for a second building or structure or use.

- D. Underwater land shall not be included in the computation of minimum lot area; and underwater land shall not be included within any minimum required front, side or rear yard.

**§ 240-67. Relation to other provisions of law; private covenants and agreements.**

- A. Nothing contained in this chapter shall be taken to repeal, abrogate, annul or in any way impair or interfere with the Building Code or any rules or regulations adopted or issued thereunder or any other provisions of law or ordinance or regulations existing or as may be adopted in the future when not in conflict with any of the provisions of this chapter. Nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that when this chapter imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures or requires larger lots, yards, courts or other open spaces than imposed or required by such other provisions of law, ordinance or regulation or by such easements, covenants or agreements, the provisions of this chapter shall control.
- B. Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this chapter, the provisions of such other law or ordinance or regulations shall control.
- C. No provision contained in this chapter shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on any subdivision plat filed in the office of the County Clerk or within any federal, state, County or municipal street or highway.

**§ 240-68. Enforcement.**

- A. It shall be the duty of the Building Inspector to administer and enforce the provisions of this chapter.
- B. Should said Building Inspector be in doubt as to the meaning or intent of any provision of this chapter or as to the location of any district boundary line on the Zoning Map or as to the propriety of issuing a building permit or a certificate of occupancy in a particular case related to the provisions of this chapter, he shall appeal the matter to the Board of Appeals for interpretation and decision.
- C. The Building Inspector shall adopt rules of procedure, consistent with this chapter, for the purpose of assuring efficient and uniform administration of its provisions.
- D. If the Building Inspector should mistakenly issue a building permit which violates the provisions of

this chapter, that building permit shall be invalid.

**§ 240-69. Building permits.**

- A. All procedure with respect to applications for and issuance of building permits shall be in conformity with the provisions of the Building Code. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this chapter.
- B. No building permit shall be issued for the erection, construction, reconstruction, structural alteration, restoration, repair or moving of any building or structures or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this chapter.
- C. Where a lot is formed from part of an existing lot, whether already improved or not, the separation must be effected in such a manner that neither of the lots, nor any existing or proposed improvements thereon, contravene the provisions or intent of this chapter.
- D. After completion of footings and establishing of the forms on the first course of the foundation walls or equivalent structure, the owner shall notify the Building Inspector. If required by the Building Inspector, the owner shall cause a survey to be made by a licensed land surveyor, showing the true location of such foundation walls with respect to the lot lines of the lot, and a copy of such survey shall be filed with the Building Inspector before construction is continued.

**§ 240-70. Site plans; applications for building permits and certificates of occupancy. [Amended 11-2-2005 by L.L. No. 6-2005]**

- A. Site plan approval required. No building permit or certificate of occupancy shall be issued for any building, structure, use or change in use, other than for a single-family residence or its permitted accessory buildings, structures or uses, unless the Planning Board has previously approved a site plan pursuant to this section. Continued compliance with the approved final site plan and conditions of approval shall be a requirement of the continued validity of any building permit and certificate of occupancy.
- B. Site plan review. The purpose of site plan review and approval is to secure compliance with the purposes and provisions of this chapter and with professional design practice for site improvements, including, but not limited to, location and dimensions of buildings, drainage, erosion control, sidewalks, curbing, parking, means of access, landscaping, buffering, fences, storage, signs, grading, utilities, impact on adjacent land uses and other elements that reasonably relate to the health, safety and general welfare of the community.
- C. Site plan contents.
  - (1) Site plans shall be prepared by a legally qualified professional licensed in the State of New York and shall comply with accepted engineering and construction principles and practices and with all applicable laws, rules and regulations.
  - (2) A site plan shall contain the following information:
    - (a) A detailed development plan showing the applicant's entire property, lot area, adjacent properties and owners thereof, and streets, at a convenient scale.
    - (b) The location, width and purpose of all existing and proposed easements, restrictions, covenants, reservations and setbacks.

- (c) The proposed location, use and exterior design of all buildings and structures, together with relevant floor areas and elevations.
  - (d) Any proposed division of buildings or structures into units or separate occupancies.
  - (e) The existing topography and proposed grades and elevations, watercourses, marshes, areas subject to flooding, designated wetlands, wooded areas, large trees, rock outcrops and any other existing natural site features.
  - (f) The number, location and nature of all parking and truck loading areas with access and egress drives and curb cuts, together with appropriate profiles.
  - (g) The location of outdoor storage areas, if any.
  - (h) The location of all existing and proposed site improvements, including drains, culverts, retaining walls, fences and sidewalks.
  - (i) A description of the method of sewage disposal and water supply, location of such facilities and impact on community sewage and water systems.
  - (j) The location, size and illumination of signs.
  - (k) The location and design of lighting facilities.
  - (l) The location and proposed development of landscaping, screening and buffer areas.
  - (m) A tree preservation plan to ensure that land stripping techniques are not used to develop the site.
  - (n) An erosion control plan.
  - (o) If the site plan shows only a first stage of development, a supplementary plan which shall indicate ultimate development.
  - (p) Any other pertinent information deemed necessary by the Planning Board to determine conformity of the site plan with the intentions of this chapter.
- D. Waiver. Specific requirements of Subsection C above may be waived by resolution of the Planning Board. In waiving any requirement, the Planning Board shall set forth the reason for said waiver. A copy of said resolution shall be forwarded to the Board of Trustees for its information.
- E. In the case of special exception use or variance applications, the site plan shall be the subject of a preliminary review by the Planning Board before Board action is taken on the special exception use or variance application.
- F. The building permit application and building permit shall comply with all site plan, special exception use and variance approvals and conditions of approvals, as the case may be.

**§ 240-71. Completion of buildings for which permits have been issued.**

- A. Nothing in this chapter shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this chapter or any amendment thereto affecting such building or structure or the use thereof, provided that:

- (1) The construction of such building or structure shall have been begun and diligently prosecuted within three months of the effective date of this chapter or any such amendment thereto.
  - (2) The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based within one year from the effective date of this chapter or any such amendment thereto.
- B. In the event that either Subsection A(1) or (2) is not complied with, such building permit shall be revoked by the Building Inspector.

**§ 240-72. Certificates of occupancy.**

- A. It shall be unlawful to use or permit the use of any building, structure, premises, lot or land, or part thereof, hereafter erected or altered, enlarged or moved or put into use, in whole or in part, after the effective date of this chapter or of any building, structure, premises, lot or land, or part thereof, of which the use is changed until a certificate of occupancy has been obtained by the owner, as provided for under the Building Code.
- B. No certificate of occupancy shall be issued for any building, structure, premises, lot or land unless the erection, construction, reconstruction, structural alteration, restoration, repair or moving of such building or structure or part thereof and the intended use thereof are in conformity in all respects with the provisions of this chapter.
- C. The Building Inspector shall obtain a written order from the Planning Board before issuing a certificate of occupancy in a case involving a special exception use pursuant to Article VI and shall obtain a written order from the Board of Appeals before issuing a certificate of occupancy involving a variance from the provisions of this chapter pursuant to Article XI.

**§ 240-73. Fees. [Amended 6-16-1987 by L.L. No. 6-1987]**

Fees for building permit applications and for issuance of building permits and certificates of occupancy shall be established by resolution of the Board of Trustees.

**§ 240-74. Violations; penalties for offenses; remedies.**

- A. Where a violation of this chapter is determined to exist, the Building Inspector shall serve notice by certified mail, return receipt requested, on the owner, agent or contractor of the building, structure or lot where such violation has been committed or shall exist, and on the lessee or tenant of the part of or of the entire building, structure or lot where such violation has been committed or shall exist, and on the agent, architect, contractor or any other such person who takes part or assists in such violation or who maintains any building, structure or lot in which any such violation shall exist.
- B. Such notice shall require the removal of the violation within 10 days after service of the notice.
- C. In cases where the removal of the violation within 10 days would be manifestly impossible, the Building Inspector shall apply to the governing body of the municipality for a determination as to a reasonable period of time within which such violation shall be removed.
- D. If those persons notified shall fail to remove such violation within the allotted time period, the Building Inspector shall charge them with such violation of this chapter before the appropriate court of law.
- E. Criminal penalties. Any person who violates any provision of this chapter shall be guilty of a violation



and, upon conviction thereof, shall be punishable by a fine in an amount no less than \$250 or by a term of imprisonment of not more than 15 days, or both for a first violation; in an amount not less than \$250 nor more than \$700 or a term of imprisonment of not more than 15 days, or both for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 or a term of imprisonment of not more than 15 days, or both for a third and each subsequent violation committed within a period of five years of the first violation. Each day that a violation of or failure to comply with any provision of this chapter occurs shall constitute a separate and distinct violation. **[Amended 4-1-1998 by L.L. No. 1-1998; 5-7-2012 by L.L. No. 2-2012]**

F. Civil penalties. **[Added 5-7-2012 by L.L. No. 2-2012<sup>16</sup>]**

- (1) In addition to and not in lieu of the above, any person who violates any provision of this chapter shall be liable to the Village for a civil penalty in an amount no less than \$250 for a first violation; in an amount not less than \$250 nor more than \$700 for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 for a third and each subsequent violation committed within a period of five years of the first violation. Each day's continued violation shall constitute a separate and distinct violation.
- (2) Civil penalties may be ordered in any action or proceeding by any court of competent jurisdiction, including but not limited to state and federal courts. All penalties shall be paid to the Village.
- (3) The judgment amount of any civil penalty ordered pursuant to this section, if not paid, may be assessed and levied against the real property which is the subject of the penalty and collected in the same manner as a real property tax.

G. In addition to and not in lieu of the remedies authorized above, the Board of Trustees or the Building Inspector or Code Enforcement Officer may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation of this chapter or to enforce any provision of this chapter. **[Amended 5-7-2012 by L.L. No. 2-2012]**

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16. Editor's Note: This local law also provided for the redesignation of former Subsection F as Subsection G.

ARTICLE XIII  
**Procedure for Amendment**

**§ 240-75. Amendments.**

The municipal legislative body may from time to time on its own motion or on petition or on recommendation of the Planning Board amend, supplement or repeal the regulations and provisions of this chapter, including the Zoning Map, after public notice and hearing, in accordance with state law.

**§ 240-76. Submission of petitions. [Amended 6-16-1987 by L.L. No. 6-1987]**

Petitions for amendments shall be submitted in quadruplicate to the Municipal Clerk with an application fee as established by resolution of the Board of Trustees.

**§ 240-77. Information required.**

Any petition for a change in the Zoning Map shall include the following:

- A. The name of the property owner.
- B. A map accurately drawn to an appropriate scale, showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to and extending within 100 feet of all boundaries of the property to be rezoned.
- C. A metes-and-bounds description of the proposed amendment.

**§ 240-78. Time and place of public meeting.**

The municipal legislative body, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given.

**§ 240-79. Reports from Planning Board.**

Every such proposed amendment or change, whether initiated by the municipal legislative body or by petition, shall be referred to the Planning Board for report before the public hearing is held thereon.

**§ 240-80. Amendments referred to County Planning Department.**

Proposed amendments that must be referred to the Orange County Planning Department under the provisions of § 239-m of Article 12-B of the General Municipal Law shall be transmitted as soon as possible and in any case prior to the public hearing.

**§ 240-81. Notices to adjacent property owners.**

The municipal legislative body may require a petitioner to give additional forms of public notice or notices to adjacent property owners.

**§ 240-82. Decision reserved pending County Planning Department report.**

The municipal legislative body shall reserve decision on all zoning amendments or changes that must be referred to the Orange County Planning Department until its report has been presented, provided that such

report is presented within a period of 30 days after the Orange County Planning Department receives such referral.

**§ 240-83. Monument placement; filing of survey.**

Upon adoption of a change in the Zoning Map pursuant to a petition, the petitioner shall cause a monument to be placed at one location on the property's street frontage and shall also file with the Municipal Clerk and the Building Inspector copies of an accurate survey description and drawing of the area affected by such amendment.

ARTICLE XIV

**Orange County Greenway Compact**  
**[Added 4-4-2016 by L.L. No. 2-2016]**

**§ 240-84. Orange County Greenway Compact.**

By Local Law No. 2 of the year 2016 the Village of Highland Falls has adopted the Orange County Greenway Compact, as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this zoning law, the reviewing agency should take into consideration said statement of policies, principles and guides.