

Chapter 160

ZONING

	ARTICLE I		
	Title and Purpose	§ 160-19.	Waterfront Overlay District regulations.
§ 160-1.	Title.	§ 160-20.	Site plan review.
§ 160-2.	Enacting clause.	§ 160-21.	Special use permits.
§ 160-3.	Purpose.		
§ 160-4.	Application of regulations.		ARTICLE VI
			Administration and Enforcement
	ARTICLE II		
	Definitions	§ 160-22.	Consultant fees: escrow deposit required.
§ 160-5.	Terminology; word usage.	§ 160-23.	Enforcement.
		§ 160-24.	Zoning permits.
		§ 160-25.	Inspection by Building Code/ Town Code Enforcement Officer.
	ARTICLE III		
	Establishment of Districts	§ 160-26.	Certificates of occupancy.
§ 160-6.	Enumeration of districts.	§ 160-27.	Zoning Board of Appeals.
§ 160-7.	.		
§ 160-8.	Interpretation of district boundaries.		ARTICLE VII
			Nonconforming Buildings and Uses
	ARTICLE IV		
	District Regulations	§ 160-28.	Continuation.
		§ 160-29.	Discontinuance.
§ 160-9.	General provisions.	§ 160-30.	Alterations; extension.
§ 160-10.	RA Rural Residential/ Agriculture.	§ 160-31.	Existing undersized lots.
§ 160-11.	MR Moderate Density Residential.		ARTICLE VIII
§ 160-12.	HR High Density Residential.		Supplementary Regulations
§ 160-13.	GC General Commercial.	§ 160-32.	Accessory apartments.
§ 160-14.	HC Highway Commercial.	§ 160-33.	Fences, gates, and walls.
§ 160-15.	I Industrial.		
§ 160-16.	C Conservation.		ARTICLE IX
§ 160-17.	Table of Uses, Yard and Lot Requirements.		Miscellaneous Provisions
	ARTICLE V		
	Supplemental Regulations	§ 160-34.	Noninterference and precedence.
§ 160-18.	Additional regulations for Industrial Districts.	§ 160-35.	Penalties for offenses.
		§ 160-36.	Amendments.
		§ 160-37.	Certification of amendments.
		§ 160-38.	When effective.

CATSKILL CODE

[HISTORY: Adopted by the Town Board of the Town of Catskill 10-4-1988 by L.L. No. 4-1988; amended in its entirety 6-3-2025 by L.L. No. 4-2025. Subsequent amendments noted where applicable.]

ARTICLE I
Title and Purpose

§ 160-1. Title.

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

§ 160-2. Enacting clause.

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

§ 160-3. Purpose.

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

§ 160-4. Application of regulations.

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

ARTICLE II
Definitions

§ 160-5. Terminology; word usage.

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

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

ADULT USE — Adult entertainment uses as defined in § 75-2 of this Code. Adult uses are allowed as special uses in the Industrial District on parcels with direct access to U.S. Route 9W.

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

BOARDINGHOUSE — A building, other than a hotel, containing a general kitchen and a general dining room, in which at least one but no more than eight sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house, or rooming house where transient use is for 30 days or more shall be deemed a boardinghouse.

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

CAMPGROUND/RECREATIONAL VEHICLE PARKS — A parcel providing four or more sites for the parking of occupied travel trailers, recreational vehicles which serve as temporary residences for weekend or vacation purposes, the erection of tents or other shelters serving as temporary residences, as defined by Part 7 of the New York State Sanitary Code, and all facilities pertaining thereto.

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

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

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

COMMERCIAL — Any use generating or intending to generate income.

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

COMMERCIAL RECREATIONAL USE — A commercial use designed and equipped principally for the conduct of sports and leisure time activities. Video parlors, computer games facilities, movie theaters, and bars, as principal uses, are not commercial recreation uses. Commercial recreation is further separated into two categories as follows:

- (1) INDOOR — Recreational activities conducted entirely within a building including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreational business shall also include, but is not limited to, a gymnasium, fitness center, bowling alley, skating rink; tennis and other racquet courts, field house, indoor track, indoor basketball, and indoor pool house. An indoor recreation use may include accessory uses, such as food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, and sale of sport or exercise-related equipment or clothing, to be used by the patrons of the Commercial Recreational Use during or immediately before or following scheduled events/activities, and not used by the general public.
- (2) OUTDOOR — Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. Outdoor recreation shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shoot preserves.
- (3) Commercial recreation uses, whether indoor or outdoor, shall not include "membership clubs" as that term is defined in this chapter.

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

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

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

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

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

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

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

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

FAMILY — One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family unit. A fraternity club or boardinghouse shall not be considered a family.

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

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

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

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

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

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

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

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

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

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

MOBILE HOME — A transportable single-family dwelling, factory manufactured on a permanent chassis, which may be transported to its site and which is not affixed to a permanent foundation. The mobile home must conform to the U.S. Code of Federal Regulations (CFR) Title 24 standards. This definition does not include recreation vehicles or modular homes.

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

MOTEL — A building or group of buildings having individual sleeping units for hire which are designed primarily for transient automobile travelers. The term "motel" includes but is not limited to

a motor court, motor inn, motor lodge and tourist court.

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

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

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

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

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

SERVICE STATION — Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. A service station is not a sales, major repair or rental agency for autos, trucks or trailers.

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

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

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

SHORT-TERM RENTAL — A furnished house or apartment or any residence containing a kitchen where one or more rooms is rented for fewer than 30 consecutive days.

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

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

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

TOWNHOUSE — A single-family dwelling unit constructed in a group of three or more attached units, separated by common or party walls. The house and land located directly beneath the house

is in the same ownership; land around the townhouse may be in the same ownership or may be in common ownership with other townhouse owners and subject to association care and maintenance. Each unit has a private outside entrance, and a totally exposed front and rear wall to be used for access, light and ventilation.

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

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

- (1) Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, and mariculture activities).
- (2) Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating and wildlife viewing).
- (3) Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines and short-term storage facilities).
- (4) Structures needed for navigational purposes (for example: dams, beacons and lighthouses).
- (5) Flood and erosion protection structures (for example: breakwaters and bulkheads).
- (6) Facilities needed to store and service boats and ships (for example: marinas, boat repair and boat construction yards).
- (7) Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants and pumped storage power plants).
- (8) Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants and quarries).
- (9) Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods).
- (10) Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities).
- (11) Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first-aid stations and short-term storage facilities). Though these uses must be near the given water-dependent use, they should as much as possible be sited inland from the dependent use rather than on the shore.

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

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

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

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

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

ARTICLE III
Establishment of Districts

§ 160-6. Enumeration of districts.

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

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

§ 160-7. Zoning Map.

The areas and boundaries of such districts are hereby established to scale as shown on the map entitled "Zoning Map of the Town of Catskill" adopted and certified by the Town Clerk and herein referred to as the "Zoning Map." Said Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this chapter.³

§ 160-8. Interpretation of district boundaries.

Zoning district boundaries shall be determined as follows:

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

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

ARTICLE IV
District Regulations

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

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

§ 160-10. RA Rural Residential/Agriculture.

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

§ 160-11. MR Moderate Density Residential.

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

§ 160-12. HR High Density Residential.

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

§ 160-13. GC General Commercial.

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

§ 160-14. HC Highway Commercial.

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

§ 160-15. I Industrial.

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

§ 160-16. C Conservation.

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

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

Catskill Town Zoning Table of Uses							
	P — Permit-by-right, not subject to Site Plan Review X — Permitted Subject to Site Plan Review by the Planning Board SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review						
Zone	RA	MR	HR	GC	HC	I	C
Residential Uses							
One-family dwellings	P	P	P	P	P		SP
Mobile homes not on permanent foundation	P				SP		
Home Occupations	P						
Accessory Uses	P	P	P	P	P		
Two-family dwellings	SP	X	X	X	SP		
Multiple-family dwellings	SP	SP	SP	SP	SP		
Boarding houses	SP	SP	SP	SP	SP		
Mobile home parks	SP				SP		
Condominiums and townhouses	SP	SP	SP	SP	SP		
Manufactured Homes affixed to permanent brick or block foundations	P	P	P	P	P		SP
Nonresidential Uses							

Catskill Town Zoning Table of Uses							
	P — Permit-by-right, not subject to Site Plan Review X — Permitted Subject to Site Plan Review by the Planning Board SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review						
Zone	RA	MR	HR	GC	HC	I	C
Accessory uses	P	P	P	P	P	P	P
Adult uses						SP	
Agriculture	P	Pii	Pii	P	P	P	P
Automobile storage or repair shops				X	X	X	
Bars or nightclubs	SP			X	X		
Boat docking facilities	SP					SP	
Boat ramps	SP					SP	
Bowling alleys				X	X		
Campgrounds/ recreation vehicle parks	SP						
Cannabis dispensaryv	SP			X	X	X	
Cannabis loungev	SP			X	X		
Car washing stations					X	X	
Cemeteries	X	X	SP				
Construction yard/ storage yardiii	SP	SP			SP	SP	
Crematories						SP	
Cultural facilities	X	X	X	X	X		
Dance halls or skating rinks	SP			X	X		
Day nurseries or camps	X	X	X	X	X		
Drive-in theaters	SP						
Equipment rental or sales yard					X	X	
Forestry					SP	SP	

Catskill Town Zoning Table of Uses							
	P — Permit-by-right, not subject to Site Plan Review X — Permitted Subject to Site Plan Review by the Planning Board SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review						
Zone	RA	MR	HR	GC	HC	I	C
Funeral homes				X	X		
General or professional offices	SP		SP	X	X		
Golf courses and country clubs	X						
Home occupations	P	P	P	P	P		
Hospitals	SP	SP	SP				
Hotels				SP	SP		
Institutional or philanthropic uses	SP	SP	SP	SP	SP		SP
Large-scale solar energy systems	SP				SP	SP	
Junkyards						SP	
Kenneliv	SP			SP	SP	SP	
Laundry or dry cleaning plants					X	X	
Logging	P	P	P	P	P	P	P
Manufacture, assembly, and fabrication	SP			SP	SP	SP	
Marinas	SP					SP	
Membership club or commercial recreational uses	SP	SP	SP	SP	SP	SP	X
Mining and other extractive operations	SP				SP	SP	
Motels	SP				SP		
Newspaper offices and printing shops				X	X	X	

Catskill Town Zoning Table of Uses							
	P — Permit-by-right, not subject to Site Plan Review X — Permitted Subject to Site Plan Review by the Planning Board SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review						
Zone	RA	MR	HR	GC	HC	I	C
Nursing or convalescent home	SP	SP	SP				
Private academies or schools or parochial	X	X	X	X	X		
Public utilities	SP	SP	SP	SP	SP		SP
Recreational commercial water dependent uses (public or private)	SP						
Recreational water dependent uses (public or private)	SP						
Religious institutions	X	X	X	X	X		
Research laboratories	SP					X	
Resorts	SP				SP		
Restaurants	SP			X	X		
Retail Uses, not otherwise specified	SP			X	X	X	
Schools conducted for profit				X	X		
Self service laundries				X	X		
Service stations				SP	SP		
Shipping containersvi	P			P	P	P	
Shopping centers	SP			SP			
Short term rentals	P	P	P	P	P	P	P
Stables and riding academies	X						

Catskill Town Zoning Table of Uses							
	P — Permit-by-right, not subject to Site Plan Review X — Permitted Subject to Site Plan Review by the Planning Board SP — Use allowed by Special Permit approval by the Planning Board; includes Site Plan Review						
Zone	RA	MR	HR	GC	HC	I	C
Stables for horses for noncommercial purposes	P						P
Theaters or concert halls	SP	SP	SP	X	X		
Veterinarian offices, animal hospitals	SP			SP	SP	SP	SP
Warehousing					SP	SP	
Water dependent industrial uses						SP	
Wholesale business or services not otherwise specifically mentioned					X	X	

- i Limited to parcels within this district with direct frontage on US Route 9W.
- ii Roosters not permitted in MR or HR.
- iii The keeping of up to three pieces of functioning equipment is permitted if located at primary residence of contractor, in all zones. 1.5 acre minimum lot size and 50-foot side yard setbacks are required for HR and MR zones.
- iv In RA shall require a 500-foot setback from nearest residence.
- v Cannabis dispensaries and lounges are prohibited on the same road and within 500 feet of a school or community facility, on the same road and within 200 feet from a house of worship, and within 2,000 feet of another dispensary or lounge.
- vi Shipping containers are permitted in RA, GC, HC, and I subject to provisions of Chapter 132A.

Yard and Lot Requirements

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

District	Minimum Lot Size ^{iv}	Minimum Lot Width ⁱⁱ	Front Yard Setback ⁱⁱⁱ	Side Yard Setback ^v	Rear Yard Setback ^{vi}	Maximum Lot Coverage (%)	Maximum Height
RA without public water or seweri	1.50 acres	150 feet	50 feet	30 feet	100 feet	30	35 feet
RA with public water or seweri	1.00 acres	150 feet	50 feet	30 feet	50 feet	40	35 feet
RA with public water and seweri	0.50 acres	100 feet	50 feet	30 feet	30 feet	40	35 feet
MRi	0.50 acres	100 feet	50 feet	30 feet	50 feet	30	35 feet
HRi	0.25 acres	75 feet	25 feet	10 feet	30 feet	30	35 feet
GCi	0.25 acres	75 feet	15 feet	10 feet	30 feet	None	35 feet
HCi	0.50 acres	100 feet	25 feet	25 feet	25 feet	None	5 stories
Ii	3.00 acres	200 feet	200 feet	100 feet	40 feet	None	5 stories
Ci	5.00 acres	250 feet	100 feet	200 feet	100 feet	30	35 feet

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

ARTICLE V
Supplemental Regulations

§ 160-18. Additional regulations for Industrial Districts.

Uses permitted in Industrial Districts are subject to the following additional regulations:

- A. Performance standards. No land or building in any Industrial District shall be used or occupied in such a manner as to create any dangerous, injurious, noxious or other hazard due to odor, fire, noise, explosion, vibration, smoke, dust or other form of air pollution, glare, electrical or other disturbance. The determination of potentially dangerous or objectionable elements shall be made at locations as follows:
- (1) At the point of origin for fire and explosion hazards, for radioactivity and electrical disturbances and for air pollution.
 - (2) At the property line for noise, vibration, glare, odors and other hazards or nuisances.
- B. Required findings. For each use permitted in Industrial Districts, the Planning Board shall determine in its judgment that:
- (1) It is reasonably necessary in the interest of public health, safety and general welfare.
 - (2) It is appropriately located and served with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
 - (3) It has adequate off-street parking facilities available on site.
 - (4) It reasonably safeguards the neighborhood character and surrounding property values.
 - (5) It will not cause traffic congestion or traffic hazards.
 - (6) It has adequately designed grades, paving, gutters, drainage and treatment of turf to handle stormwater and to prevent erosion and dust.
 - (7) Its signs and lighting devices are properly designed and arranged with respect to traffic and adjacent neighborhoods.
 - (8) It has adequate screen planting, fencing or walls to shield adjacent residential properties.

§ 160-19. Waterfront Overlay District regulations.

- A. A special Waterfront Overlay District is hereby established and is delineated on the Zoning Map as an overlay district. Within this district all uses, except individual, one- and two-family dwellings, shall require site plan approval, the procedure for which follows, and be consistent with the policies set forth in the Town and Village of Catskill Local Waterfront Revitalization Program (LWRP). Consistency shall be determined by the Planning Board through the site plan approval process.
- B. Special Waterfront Overlay District site plan review and approval process.
- (1) Objective. The object of Waterfront Overlay District site plan approval is to evaluate various land uses that may cause a conflict between existing and proposed uses or may be in conflict with the policies and purposes of the LWRP or natural site conditions, and thereby minimize the adverse effects concerning health, safety and overall welfare of the residents of the community

and ensure compliance with the Catskill Local Waterfront Revitalization Program.

- (2) Procedure. Prior to the issuance of a building permit in the special Waterfront Overlay District for all uses, except individual, one- and two-family dwellings, the Building Code/Town Code Enforcement Officer shall require the preparation of a sketch plan as identified below. The Building Code/Town Code Enforcement Officer shall refer the site plan to the Planning Board for its review in accordance with the standards and procedures set forth in this chapter.
- (3) Sketch plan conference. A sketch plan conference shall be held between the Planning Board and applicant to review the site plan concept and the LWRP, if the proposed project is within the WD District, and generally determine the information to be required on the site plan. The Planning Board will briefly describe the Catskill LWRP to the applicant. The applicant should be aware that the project must comply with the LWRP policies and purposes. The applicant is responsible to prepare an LWRP coastal assessment form for the site plan submission. The filing of a sketch plan and the sketch plan conference may be waived by formal action of the Planning Board. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement and/or rough sketch describing what is proposed:
 - (a) An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, easements and buildings within 500 feet of the boundaries thereof. Said map should show existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees and flood hazard areas.
 - (b) A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two-foot intervals of elevation should also be provided.
 - (c) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs and other planned features.
- (4) Application for Waterfront Overlay District site plan approval. An application for Waterfront Overlay District site plan approval shall be made, in writing, to the Building Code/Town Code Enforcement Officer and shall be accompanied by an application fee in accordance with the Schedule of Fees⁴ as promulgated by the Town Board of Catskill, New York, and a map of the site plan that includes information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference:
 - (a) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (b) North arrow, scale and date.
 - (c) The boundaries of the property plotted to scale.
 - (d) Existing watercourses, wetlands, fish and wildlife habitats, flood hazard zones, special plant communities and wooded areas.
 - (e) A grading and drainage plan showing existing and proposed contours.
 - (f) A completed LWRP coastal assessment form.

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

- (g) Design and use of nonstructural and structural means to avoid stormwater runoff and nonpoint source water pollution.
 - (h) The location, proposed use and height of all buildings.
 - (i) The location, design and construction materials of all parking and truck-loading areas, showing ingress and egress.
 - (j) Provision for pedestrian access.
 - (k) The location of outdoor storage, if any.
 - (l) The location, design and construction materials of all site improvements, including drains, culverts, retaining walls and fences.
 - (m) The location, size and design for any docks, ramps, bulkheads or other waterside structures.
 - (n) A description of the method of sewage disposal and location, design and construction materials of such facilities.
 - (o) A description of the method of securing public water and location, design and construction materials of such facilities.
 - (p) The location of fire and other emergency zones, including the location of fire hydrants.
 - (q) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - (r) The location, size, design and construction materials of all proposed signs.
 - (s) The location and proposed development of all buffer areas, including existing vegetative cover.
 - (t) The location and design of proposed outdoor lighting facilities.
 - (u) Identification of any elements or areas contributing to or detracting from local visual quality and character, and of existing or potential scenic views.
 - (v) Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - (w) A general landscaping plan and planting schedule, and location of groups of mature trees over 18 inches at four feet above the base of the trunk.
 - (x) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any county, state or federal permits required for the project's execution.
- (5) Planning Board review of Waterfront Overlay District site plan. The Planning Board's review shall include, as appropriate, but is not limited to the following:
- (a) General considerations.
 - [1] The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

- [2] The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - [3] The location, arrangement, appearance and sufficiency of off-street parking and loading.
 - [4] The location, arrangement, size, design and general site compatibility of buildings, structures, lighting and signs.
 - [5] The adequacy of stormwater and drainage facilities.
 - [6] The adequacy of water supply and sewage disposal facilities.
 - [7] The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - [8] In the case of an apartment complex or other multiple-family dwelling, the adequacy of usable open space for plan areas and informal recreation.
 - [9] Protection of scenic views and visual quality and character.
 - [10] Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - [11] The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - [12] Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - [13] The adequacy of site restoration scheduled to follow construction.
 - [14] Maximum avoidance of clear-cutting of trees and the adequacy of measures to protect and preserve as much mature vegetation as possible on the site, including but not limited to trees of six inches in diameter or more measured at four feet above grade.
 - [15] Maximum avoidance of the destruction, damage or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
 - [16] The adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of local and regional scenic quality, adjacent fish and wildlife habitats, freshwater wetlands and coastal waters.
 - [17] The extent to which structure height and bulk do not disrupt natural topography and are compatible with the site and the adjacent sites, and do not detract from the natural visual quality of the local area or region.
- (b) Waterfront consistency review.
- [1] The policies in the Catskill Local Waterfront Revitalization Program (LWRP), which was adopted by the Catskill Town Board, are hereby made a part of this chapter. All actions in the waterfront district that are subject to site plan review shall be evaluated

for consistency with the LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Catskill LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours.

[2] Review of actions.

- [a] Whenever a proposed action is located in the WD District and is subject to site plan review, the Planning Board shall, prior to approving the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection B(5)(b)[2][d].
- [b] Whenever the Planning Board receives a site plan application for review of a proposed action to be located in the WD District, the applicant shall prepare a coastal assessment form (CAF) to assist the Planning Board with its LWRP consistency review.
- [c] The Planning Board shall make the determination of consistency with the LWRP policy standards and conditions based on the CAF, the site plan application and such other information as is deemed to be necessary in its determination. The Planning Board shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.
- [d] Actions proposed to be undertaken within the WD District that are subject to site plan review shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Catskill LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Other Town agencies which undertake direct actions shall also consult with Section VI of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
 - [i] Revitalize the deteriorated and underutilized waterfront areas of Catskill (Policies 1, 1A, 1B and 1C).
 - [ii] Retain and promote commercial and recreational water-dependent uses (Policies 2, 2A, 2B, 2C and 2D).
 - [iii] Strengthen the economic base of Catskill's smaller harbor areas by encouraging traditional uses and activities (Policies 4, 4A, 4B, 4C, 4D and 4E).
 - [iv] Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5 and 5A).
 - [v] Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7 and 8).
 - [vi] Maintain and expand commercial fishing facilities to protect commercial and recreational fishing opportunities (Policies 9 and 10).
 - [vii] Minimize flooding and erosion hazards through nonstructural means,

carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 11A, 13, 14, 14A and 17).

- [viii] Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
- [ix] Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 1B, 2, 9, 19, 19A, 19B, 20, 21, 22 and 44A).
- [x] Protect and restore historic and archaeological resources (Policies 23, 23A and 23B).
- [xi] Protect and upgrade scenic resources (Policies 24 and 25).
- [xii] Conserve and protect agricultural lands (Policy 26).
- [xiii] Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 35, 35A, 36, 38, 39, 40, 41, 42, 43 and 44).
- [xiv] Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).
- [xv] Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 32A, 33, 34, 35, 35A, 36, 37, 38, 39, 39A, 40 and 44).
- [xvi] Perform dredging and dredge spoil in a manner protective of natural resources (Policies 35 and 35A).
- [xvii] Handle and dispose of solid and hazardous wastes and effluent in a manner which will not adversely affect the environment (Policies 39 and 39A).
- [xviii] Protect air quality (Policies 41, 42 and 43).
- [xix] Protect freshwater wetlands (Policies 44 and 44A).
- [e] Actions proposed within the special Waterfront Overlay District shall also comply with the following additional standards:
 - [i] The extent to which structure height and bulk do not disrupt natural topography and are compatible with the site and the adjacent sites, and do not detract from the natural visual quality.
 - [ii] On lots which are located adjacent to the Hudson River, a 100-foot setback from the mean high-water mark shall be maintained, except for appropriate and permitted water-dependent uses. On lots which are located adjacent to other surface water bodies or wetlands, a 50-foot setback from the mean high-water mark shall be maintained, except for appropriate and permitted water-dependent uses. In addition, a 100-foot setback shall be maintained between all watercourses/wetlands and all

sewage disposal systems.

[f] Findings.

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

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

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

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

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

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

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

- (c) Consultant review. The Planning Board may consult with the Catskill Waterfront Commission, Building Code/Town Code Enforcement Officer, Fire Commissioners, Conservation Council, Highway Superintendent, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies including but not limited to the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation and the Department of State.
- (d) Public hearing. The Planning Board may conduct a public hearing on the site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within 62 days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing. The Planning Board shall also mail notice of said hearing to the applicant at least 10 days before said hearing.
- (6) Planning Board action.
- (a) Prior to taking action on the site plan, the Planning Board shall refer the plan to the Greene County Planning Board for advisory review and a report in accordance with General Municipal Law.
- (b) Within 62 days after a public hearing (if one is held), or within 62 days after receipt of an application for site plan approval if no public hearing has been held, the Planning Board

shall act on it. If no decision is made within said 62-day period, the site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the site plan is approved, disapproved or approved with modifications. The Planning Board's written statement of action shall also be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

- (c) The Planning Board's statement may include recommendations of desirable modifications to be incorporated and conformance with said modifications shall be considered a condition of approval. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Building Code/Town Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
- (d) Upon disapproval, the Planning Board shall so inform the Building Code/Town Code Enforcement Officer and he shall deny a building permit. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval. In such a case, the Planning Board may recommend further study on the site plan and resubmission to the Planning Board after it has been revised or redesigned.

§ 160-20. Site plan review.

Prior to any new commercial use or expansion of any existing commercial use, or the issuance of a building permit for any commercial building or structure, the Building Code/Town Code Enforcement Officer shall require the preparation of a site plan.

(NOTE: The definition for "commercial" is provided in the definition section, § 160-5, of these zoning regulations.)

- A. Sketch plan. A sketch plan conference shall be held between the Planning Board and applicant to review the site plan concept and generally determine the information to be required on the site plan. The filing of a sketch plan and the sketch plan conference may be waived by formal action of the Planning Board at the applicant's request. At the sketch plan conference, the applicant should provide the data discussed below, in addition to a statement and/or rough sketch describing what is proposed:
 - (1) An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, basements and buildings within 500 feet of the boundaries thereof. Said map should show existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees and flood hazard areas.
 - (2) A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two-foot intervals of elevation should also be provided.
 - (3) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs and other planned features.
- B. Application for detailed site plan approval. An application for site plan approval shall be made in writing to the Building Code/Town Code Enforcement Officer and shall be accompanied by an application fee in accordance with the Schedule of Fees⁵ as promulgated by the Town Board of Catskill, New York, and a map of the site plan that includes information drawn from the following

checklist, as determined necessary by the Planning Board at the sketch plan conference:

- (1) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
- (2) North arrow, scale and date.
- (3) The boundaries of the property plotted to scale.
- (4) Existing watercourses, wetlands, fish and wildlife habitats, flood hazard zones, special plant communities and wooded areas.
- (5) A grading and drainage plan showing existing and proposed contours.
- (6) The design and use of nonstructural and structural means to avoid stormwater runoff and nonpoint source water pollution.
- (7) The location, proposed use and height of all buildings.
- (8) The location, design and construction materials of all parking and truck-loading areas, showing ingress and egress.
- (9) Provision for pedestrian access.
- (10) The location of outdoor storage, if any.
- (11) The location, design and construction materials of all site improvements, including drains, culverts, retaining walls and fences.
- (12) A description of the method of sewage disposal and location, design and construction materials of such facilities.
- (13) A description of the method of securing public water and location, design and construction materials of such facilities.
- (14) The location of fire and other emergency zones, including the location of fire hydrants.
- (15) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (16) The location, size, design and construction materials of all proposed signs.
- (17) The location and proposed development of all buffer areas, including existing vegetative cover.
- (18) The location and design of proposed outdoor lighting facilities.
- (19) Identification of any elements or areas contributing to or detracting from local visual quality and character, and of existing or potential scenic views.
- (20) Designation of the amount of building area proposed for retail sales or similar commercial activity.
- (21) A general landscaping plan and planting schedule, and location of groups of mature trees over 18 inches at four feet above the base of the trunk.

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

- (22) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any county, state or federal permits required for the project's execution.
 - (23) A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.
- C. Planning Board review of site plan. The Planning Board's review shall include, as appropriate, but is not limited to the following:
- (1) General considerations.
 - (a) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (b) The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
 - (c) The location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d) The location, arrangement, size, design and general site compatibility of buildings, structures, lighting and signs.
 - (e) The adequacy of stormwater and drainage facilities.
 - (f) The adequacy of water supply and sewage disposal facilities.
 - (g) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (h) In the case of an apartment complex or other multiple-family dwelling, the adequacy of usable open space for plan areas and informal recreation.
 - (i) Protection of scenic views and visual quality and character.
 - (j) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - (k) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (l) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - (m) The adequacy of site restoration scheduled to follow construction.
 - (n) Maximum avoidance of clear-cutting of trees and the adequacy of measures to protect and preserve as much mature vegetation as possible on the site.
 - (o) Maximum avoidance of the destruction, damage or detrimental modification of or interference with natural, scenic, topographic or physical features of the site.
 - (p) The adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of local and regional scenic quality, adjacent fish and wildlife habitats, freshwater wetlands and coastal waters.

- (q) The extent to which structure height and bulk do not disrupt natural topography and are compatible with the site and the adjacent sites, and do not detract from the natural visual quality of the local area or region.
- (2) Consultative review. The Planning Board may consult with the Catskill Waterfront Commission, Building Code/Town Code Enforcement Officer, Fire Commissioners, Conservation Council, Highway Superintendent, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.
- (3) Public hearing. The Planning Board shall conduct a public hearing on the site plan. Such public hearing shall be conducted within 62 days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet of the property which is the subject of the application except for any proposed uses in an Industrial Zone, or any uses which may have a moderate or large environmental impact, for which all owners of properties within 500 feet of subject property shall be noticed. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing.
- (4) Planning Board action.
 - (a) Prior to taking action on the site plan, the Planning Board shall refer the plan to the Greene County Planning Board for advisory review and a report in accordance with General Municipal Law.
 - (b) Within 62 days after a public hearing (if one is held), or within 62 days after receipt of an application for site plan approval if no public hearing has been held, the Planning Board shall act on it. If no decision is made within said 62-day period, the site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the site plan is approved, disapproved or approved with modifications. The Planning Board's written statement of action shall also be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
 - (c) The Planning Board's statement may include recommendations of desirable modifications to be incorporated and conformance with said modifications shall be considered a condition of approval. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Building Code/Town Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
 - (d) Upon disapproval, the Planning Board shall so inform the Building Code/Town Code Enforcement Officer and he shall deny a building permit. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval. In such a case, the Planning Board may recommend further study on the site plan and resubmission to the Planning Board after it has been revised or redesigned.
 - (e) Where approved project has not been completed within one year, all special use permits or site plan approvals may be extended with no further review or costs where site plan

remains unchanged for an additional year upon request to the Planning Board.

- (f) Any proposed changes to an approved site plan must be made by applicant to the Planning Board prior to construction or implementation of the change.

D. Site plan applications will not be approved if:

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

§ 160-21. Special use permits.

A. General procedures and provisions.

- (1) All uses of land listed in the schedules of regulations as special uses (Article IV of this chapter) shall be allowed upon issuance of a special use permit by the Planning Board.
- (2) Applications for special use permits shall be filed with the Building Code/Town Code Enforcement Officer, who shall forward the application to the Planning Board for decision.
- (3) A site plan for the development of a special use shall be submitted with each special use permit application. The site plan shall show the location of all buildings, parking areas, traffic access and circular drives, open spaces, landscaping, topography, special features and any other information, including such information about neighboring properties, as may be necessary to determine and provide for the enforcement of this chapter. All site plan requirements found at § 160-20 shall apply.
- (4) To cover the cost of processing special use permits and applications, an application fee in accordance with the Schedule of Fees⁶ as promulgated by the Town Board of Catskill, New York, shall accompany any application for a special use permit.
 - (a) A special use permit shall be considered null and void if within one year from the date of issue all improvements required for this special use are not completed, and if the special use shall cease for more than one year for any reason, unless otherwise provided by the Planning Board.
- (5) The Planning Board shall attach conditions, limitations and safeguards to the special use permit as are necessary to assure continual conformance to all applicable standards and requirements.
- (6) A use authorized by special use permit may be revoked by the Planning Board or Building Code/Town Code Enforcement Officer if there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit.
- (7) The Planning Board shall hold a public hearing on the special use within 62 days of the filing of

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

a complete and proper special use permit application, and said hearing shall be advertised in a newspaper of general circulation in the Town at least five days before the public hearing.

- (8) The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing.

B. Standards for all special use permits. The following standards shall apply to all special use permits:

- (1) Adequate access for fire and police protection.
- (2) The location, size and character of the special use must be in harmony with the orderly development of the zoning district and must not be detrimental to the orderly development of adjacent properties.
- (3) Safe, convenient and adequate vehicular and pedestrian access to and from the use through adequate, but not excessive, points in ingress and egress having sufficient width, proper grading and alignment and clear visibility, and which are not located too near street corners or places of public assembly.
- (4) Adequate off-street parking and loading areas which are properly located on the lot so as to provide safe and convenient circulation.
- (5) Locations and heights of buildings and structures shall be such that the special use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (6) Landscaping and screening of parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.

ARTICLE VI
Administration and Enforcement

§ 160-22. Consultant fees: escrow deposit required.

- A. Notwithstanding any inconsistent provision of any local code, rule, regulation, law or ordinance, any Town board or commission (reviewing board) where a permit or approval is required by local law, rule, regulation or ordinance shall, before permitting use of or construction on, under or adjacent to real property, require the applicant to deposit funds with the Town sufficient to reimburse the Town for all reasonable costs of planning, engineering, legal, architectural, accounting and/or other consultants deemed appropriate by each reviewing board utilized in connection with the review of any application. At the time of the first hearing or appearance on the application, the reviewing board shall fix the amount of the initial deposit (escrow) to be made by the applicant. The Town's consultants shall invoice the Town no less frequently than monthly for services in reviewing each application and performing their duties with respect to such application. If at any time during the review process the amount of the escrow account falls below 50% of the initial escrow (as determined by the reviewing board), then the applicant shall be required to submit an additional deposit to bring the total escrow up to the full amount of the initial deposit (as determined by the reviewing board) unless the reviewing board otherwise waives such requirement.
- B. In the event the amount held in escrow by the Town is more than the amount of the actual billing or invoicing, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after final action is taken on the application.
- C. In the event the amount of escrow is less than the full amount actually charged by the Town's consultants, the applicant shall promptly pay any remaining balance.
- D. The applicant will not receive final approval until any remaining balance is paid. Applicant may receive conditional approval pending payment of balance.

§ 160-23. Enforcement.

- A. This chapter shall be enforced by the Building Code/Town Code Enforcement Officer, who shall be appointed by the Town Board, in the same manner and with the same powers as now or hereafter practiced or provided under the Building Code.⁷
- B. No certificate of occupancy shall be issued by the Building Code/Town Code Enforcement Officer, and no permit or license for any purpose shall be issued by any official of the Town of Catskill, if the same would be in conflict with the provisions of this chapter.
- C. Cease and desist orders. The Building Code/Town Code Enforcement Officer shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.
- D. The Town Board may from time to time, by resolution, establish fees for activities that are regulated by the State Building Code and Town of Catskill Code.
- E. All unpaid fees shall be relieved on the next town bill against the subject parcel.

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

§ 160-24. Zoning permits.

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

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

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

§ 160-26. Certificates of occupancy.

No land shall be used or occupied and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Code/Town Code Enforcement Officer in accordance with the provisions of this chapter.

§ 160-27. Zoning Board of Appeals.

A Zoning Board of Appeals is hereby created in accordance with § 267 of the Town Law of the State of New York. Said Board shall consist of five members. The officers of the Board shall consist of a Chairman, Acting Chairman and Secretary. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

- A. Powers and duties. The Zoning Board of Appeals shall have all the powers and duties prescribed by this chapter which are more particularly specified as follows:
 - (1) Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 - (2) Variances.
 - (a) Area variance.
 - [1] An "area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.
 - [2] The Zoning Board of Appeals shall balance the interests of the applicant and those of the neighborhood or community. The Board of Appeals must consider the following five factors:
 - [a] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - [b] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

- [c] Whether the requested area variance is substantial;
 - [d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [e] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- [3] In granting an area variance, the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time protect the character of the neighborhood and the health, safety and welfare of the community.
- (b) Use variance.
- [1] A "use variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
 - [2] No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [a] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [b] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - [c] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [d] The alleged hardship has not been self-created.
- (c) Imposition of conditions. The Zoning Board of Appeals shall, in granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- B. Application to the Zoning Board of Appeals.
- (1) Appeals from decisions made by the Building Code/Town Code Enforcement Officer shall be filed with the Building Code/Town Code Enforcement Officer and the Secretary of the Zoning Board of Appeals, in writing, within 30 days of the date of the action specifying the grounds thereof.
 - (2) A copy of deed is required for all subdivision, site plan, variance, lot line and special use permit applications.

- (3) All applications for variances shall be filed with the Secretary of the Zoning Board of Appeals, in writing, shall be made in a form required by the Board and shall be accompanied by payment of a filing fee of \$25 and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.
- (4) Decisions of the Zoning Board of Appeals shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.
- (5) The Zoning Board of Appeals shall hold a public hearing on all appeals or applications within 62 days of the filing of a complete and proper appeal or application. The Board shall fix a reasonable time for the hearing and give public notice of such hearing by publication in a paper of general circulation in the Town at least five days prior to the date thereof. The applicant shall notify, by certified mail (return receipt requested) postmarked at least 15 days prior to the date of the public hearing, all owners of properties within 300 feet of the property which is the subject of the application. The return receipts must be delivered to the Planning Board Secretary prior to the start of the public hearing.
- (6) The costs of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney. The Board shall render its final decision within 62 days after the conduct of said public hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- (7) The decision of the Board of Appeals shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- (8) Applications for a variance will not be approved if a violation of Town Code or State Building Code exists at the parcel or parcels which are the subject of the proposed application or real property taxes are delinquent regarding said parcel or parcels.
- (9) As a condition for variance approval, where the site which is the subject of the application has been the subject of litigation or code enforcement which resulted in an unpaid debt to the town established by stipulation or a court order, said debt to the town must be paid in full.

ARTICLE VII
Nonconforming Buildings and Uses

§ 160-28. Continuation.

The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter.

§ 160-29. Discontinuance.

Whenever a building or land used for or occupied by a nonconforming use has been discontinued for a period of one year for residential dwellings or three years for other uses, such use shall not thereafter be used or occupied as a nonconforming use.

§ 160-30. Alterations; extension.

- A. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of 50% of the appraised value of the building, unless the building is changed to a conforming use.
- B. A nonconforming use shall not be extended, but a lawful use may be extended into any portion of a nonconforming building.

§ 160-31. Existing undersized lots.

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

ARTICLE VIII
Supplementary Regulations

§ 160-32. Accessory apartments.

A. Intent. Accessory apartments are allowed by site plan review in the Town of Catskill in order to provide an affordable housing alternative in a manner which does not infringe upon the character of the existing neighborhoods.

(1) General provisions.

- (a) Only one apartment is allowed per lot, and it shall be clearly subordinate to the principal use on the lot.
- (b) The number of bedrooms in the apartment shall not be more than two.
- (c) The floor area of the apartment shall be greater than 400 square feet and less than 800 square feet.
- (d) The apartment must have safe and proper means of entrance, clearly marked for the purpose of emergency vehicles.
- (e) Off-street parking shall be in accordance shall be located on the same parcel on which the accessory apartment is located.
- (f) No site plan for an accessory apartment shall be approved unless the applicant can demonstrate that the water supply and sewage disposal systems serving the building or buildings in question meet current County Health Department requirements and shall continue to meet such requirements. The Planning Board may require that the applicant have sufficient area on the lot to allow for the expansion of the sewage disposal system.
- (g) It shall be the responsibility of the owner of the lot to provide for adequate solid waste disposal.
- (h) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway or fire escape be located on any wall fronting a street.
- (i) Any legally established accessory apartment that is in existence at the time of the adoption of this amendment and which fails to conform to one or more of the provisions of this law shall be subject to the provisions of Article VII.
- (j) One accessory apartment may be created by the construction of a new, detached garage or like accessory structure which other complies with existing laws.
- (k) No accessory apartment shall be created on a lot where two or more dwellings exist in violation of the permitted density in the district in which the lot is located.
- (l) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special permit.

(2) Accessory apartments requiring additions to one-family dwellings.

- (a) No addition to create an accessory apartment shall be permitted unless it conforms to all bulk regulations for the district in which it is located.
 - (b) Design and construction of the addition must be compatible with the parent structure and with the character of the neighborhood.
- (3) Accessory apartments in existing gatehouses, garages, barns, or similar detached accessory structures construction associated with adaptation of buildings should be performed in manner that retains the character of the structure. The design and construction of the adaptation of the building must be compatible with the parent structure and with the character of the neighborhood.
- (4) Accessory apartments in nonresidential buildings.
- (a) The apartment shall not exceed 50% of the total usable floor area of the commercial building.
 - (b) The apartment is limited to the second floor and/or the rear of the first floor of the commercial building.
 - (c) In no case will accessory apartments be allowed in the same building as any use which involves the use of noxious or dangerous chemicals, gases or hazardous substances and materials. The reviewing board has the right to deny a special permit application if it is determined that the primary business use may create a hazard for accessory residential uses.
 - (d) Off-street parking shall be located upon the same parcel on which the accessory apartment is located. The applicant must own or provide these parking spaces.

§ 160-33. Fences, gates, and walls.

A. General provisions.

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

ARTICLE IX
Miscellaneous Provisions

§ 160-34. Noninterference and precedence.

This chapter shall not interfere with, abrogate, annul or repeal any ordinance or any rule, regulation or permit previously or hereafter enacted, adopted or issued pursuant to law, provided that, unless specifically excepted, where this chapter imposes greater restrictions its provisions shall control.

§ 160-35. Penalties for offenses.

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

§ 160-36. Amendments.

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

§ 160-37. Certification of Zoning Map amendments.

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

§ 160-38. When effective.

This chapter first took effect upon initial adoption on October 4, 1988. Amendments to this chapter shall take effect immediately upon filing with the Secretary of State in accordance with § 27 of the Municipal Home Rule Law. Any building permit issued prior to this latter date shall authorize construction in

accordance with said permit for a period of one year even if such construction would violate portions of this chapter. All construction must be completed within this one-year time period.