


*Urban Renewal Plan
for the
Brewster Urban
Renewal Area*

Prepared for: **Village of Brewster**
Board of Trustees
50 Main Street
Brewster, NY 10509

Prepared by  *Engineering, Surveying and Landscape Architecture, P.C.*
50 Main Street, Suite 360
White Plains, New York 10606

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I. Introduction

In accordance with the requirements set forth in Article 15 of the General Municipal Law of the State of New York, this *Urban Renewal Plan for the Brewster Urban Renewal Area* has been prepared based on the findings of the *Blight Study for the Brewster Study Area* dated February 2015 and adopted by the Village of Brewster Board of Trustees on February 18, 2015.

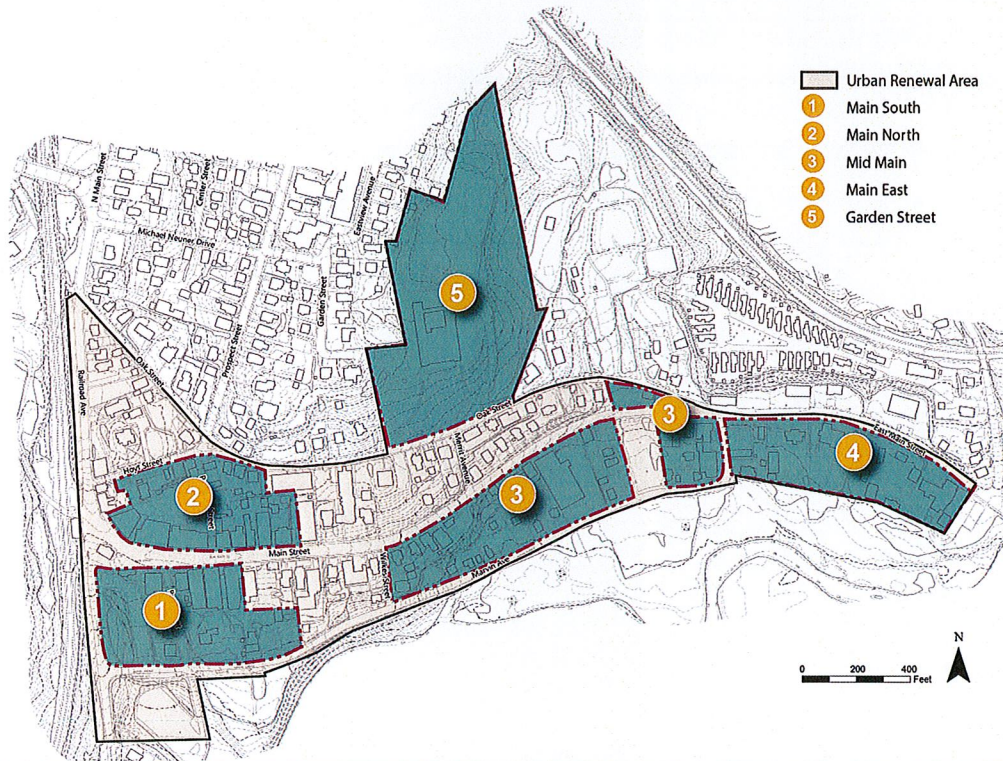
II. Description of the Project

A. Boundaries of the Urban Renewal Project

The boundaries of the Brewster Urban Renewal Area, hereinafter referred to as the "Project" or "Project Area", are shown in *Exhibit 1, Urban Renewal Area and Redevelopment Sub-Areas*. The Project Area is generally located on both sides of Main Street extending to properties on the south to Marvin Avenue and on the north to Oak Street, including the Garden Street School property, including those properties to the south of the most easterly end of Main Street and bounded to the west by Railroad Avenue/Main Street/North Main Street.

Based on the findings from the *Blight Study*, this Project Area has been broken down further into Redevelopment Subareas, also shown in *Exhibit 1*. These subareas include:

- Redevelopment Subarea #1: Main South
- Redevelopment Subarea #2: Main North
- Redevelopment Subarea #3: Mid Main
- Redevelopment Subarea #4: Main East
- Redevelopment Subarea #5: Garden Street School



BREWSTER URBAN RENEWAL AREA AND REDEVELOPMENT SUB AREAS
Putnam County, New York

**Urban Renewal Area and
Redevelopment Sub-Areas**

Exhibit
1

Engineering, Surveying and Landscape Architecture, P.C.

B. Urban Renewal Project Objectives

The objectives of this Urban Renewal Plan, hereinafter referred to as the “Plan”, are as follows:

1. To eliminate substandard conditions within the Project Area as identified in the *Blight Study for the Brewster Study Area*, dated February 18, 2015.
2. To redevelop deteriorating and underutilized properties with residential, retail, parking, and open space uses designed to serve local area residents, visitors, shoppers and commuters.
3. To create new housing opportunities within the Village;
4. To provide support for local retail and service establishments through the development of new housing and new resident population;



5. To help support the use of the Metro-North Brewster train station and improve its surrounding environment;
6. To enhance the aesthetics and overall image of the Project Area;
7. To improve public safety;
8. To increase local employment opportunities;
9. To help generate economic activity and revitalization;
10. To strengthen property values; and
11. To enhance the quality of life through more opportunity for and accessibility to Indoor and outdoor recreational and cultural amenities.

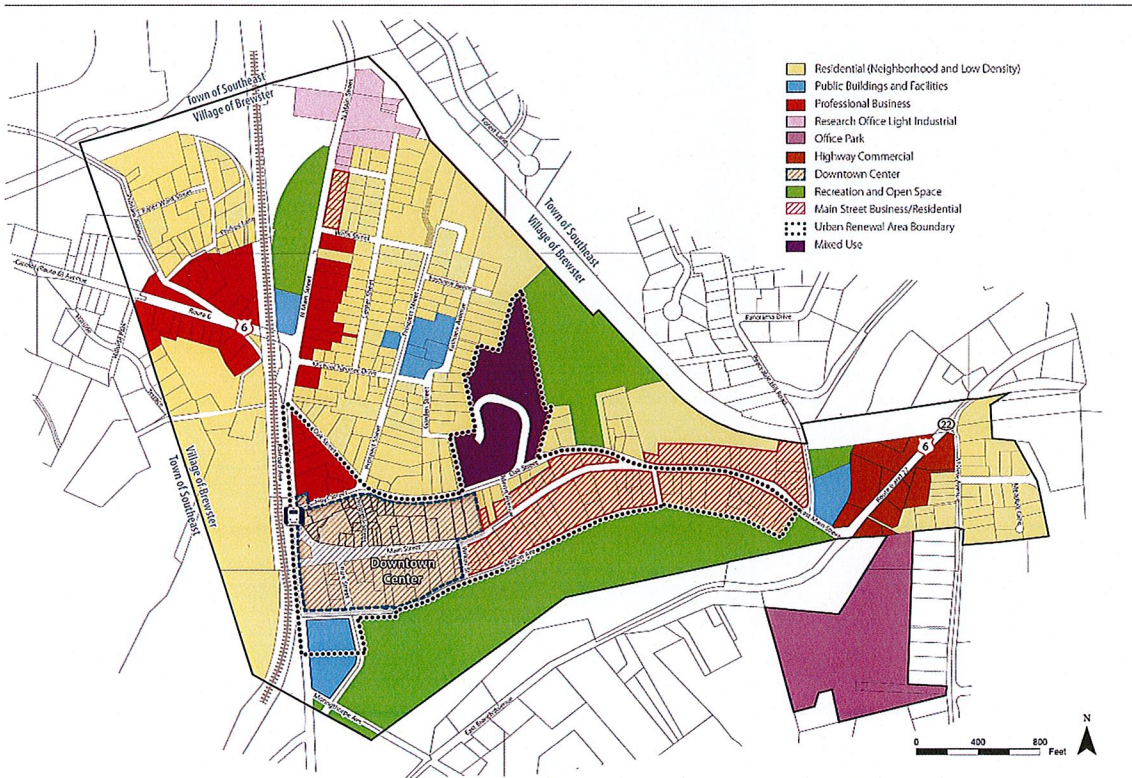
C. Proposed Action

This Urban Renewal Plan proposes the redevelopment of deteriorated properties and key underutilized sites within the Project Area in accordance with the land use plan for the area as developed as part of the Village's Comprehensive Plan. See *Exhibit 2, Proposed Land Use*. Within the Urban Renewal Area, the objective of the Urban Renewal Plan is to facilitate redevelopment that will include:

- Additional residential units in the proximity of the railroad station on both the north and south sides of Main Street (redevelopment subareas identified as Main North and Main South respectively) arranged as Transit-Oriented Developments (TOD)
- A mix of neighborhood retail, personal services, offices, and residential uses within the Downtown Center, which consists of the Main North and Main South redevelopment subareas (as shown on *Exhibit 2*), and further east along Main Street, which includes redevelopment subareas identified as Mid Main and Main East
- Parking structure as part of the larger Transit Oriented Development (TOD) project to serve these additional residents as well as employees, shoppers, commuters and visitors to the Village
- Open space components.
- Cultural and recreational facilities
- Redevelopment of the site where the Garden Street School currently stands (identified as the redevelopment subarea #5: Garden Street School)
- Implementation of Complete Streets facilities on Main Street, which will provide access and circulation to various types of transportation including vehicular, pedestrian, and bicycle

In order to accommodate the new development, support local businesses and enhance the overall attractiveness of the Village and the Urban Renewal Area, it will be necessary to provide public improvements to the local infrastructure and circulation, including roadways, pedestrian areas and parking.

To achieve the redevelopment envisioned in this Plan, acquisition of properties, relocation of tenants and demolition of buildings and improvements will be required. It is assumed that such actions will be undertaken by those private entities that are interested in redevelopment of the selected properties. Should it become necessary for the Village of Brewster to undertake acquisition, relocation, demolition and clearance in order to effectuate the Plan, the Village would dispose of such properties that it has acquired for redevelopment in accordance with this Plan. The Village intends to enter into a Land Acquisition and Development Agreement ("LADA") with a designated redeveloper. This program of acquisition and demolition is discussed under *V. Project Proposals*.



BREWSTER URBAN RENEWAL AREA
Putnam County, New York

Proposed Land Use Exhibit
2



III. Conformity to the Comprehensive Plan and Consistency with Local Objectives

The Village of Brewster's Comprehensive Plan was revised and adopted by the Village Board in 2015. This Urban Renewal Plan has been drafted to reflect the decisions made in formulating the Comprehensive Plan. The consistency between the final forms of the Comprehensive Plan and this Urban Renewal Plan will be validated as the Urban Renewal Plan is reviewed for adoption.

A Generic Environmental Impact Statement (GEIS) was completed under the NYS Environmental Quality Review Act (SEQRA) for the 2015 Comprehensive Plan, the associated revisions to the Village's Zoning Ordinance and the Urban Renewal Plan. However, any individual projects proposed for the implementation of the Urban Renewal Plan will be required to comply with the review and approval process, including site plan approval and SEQRA.

IV. Proposed Land Uses

The Plan's land use strategy consists of creating a mix of residential, neighborhood retail, personal services, offices, parking, community facilities, and open space uses at targeted locations. All proposed land uses within the Project Area are shown on *Exhibit 2*. The map indicates, among other things: 1) the public street rights-of-way that will serve the Project Area; and 2) the land use categories (e.g. "residential" and "neighborhood retail") that will be applicable in the redevelopment of all non right-of-way property within the boundaries of the Project Area.

V. Project Proposals

A. Land Acquisition

It is anticipated that properties within the Urban Renewal Area that are deteriorating properties or that are necessary for revitalization may be acquired, cleared and redeveloped by private entities in accordance with this Plan (see *Exhibit 1 Urban Renewal Area and Redevelopment Sub-Areas*). Should such private acquisition prove to be infeasible, this Plan provides for the possible acquisition of properties by the Village of Brewster for redevelopment purposes. All properties will be acquired in full fee title. There will be no acquisition and development of air rights. The Village intends to enter into a Land Acquisition and Development Agreement ("LADA") with the designated redeveloper.



B. Changes in Land Acquisition

Exhibit 1 identifies properties that have potential for redevelopment under this Plan. Decisions as to which properties might be acquired by the Village could be influenced by changes in the following circumstances:

- Detailed architectural or engineering studies may indicate the need to acquire minor additional parcels of land in order to effectuate the Plan.
- Detailed title search information may indicate the need to amend acquisition boundaries in order to avoid costly severances or costly removal of easements or restrictions.
- Detailed analyses of parking requirements for uses may reveal unnecessary non-conformities if parking is removed.
- Actions by private developers who purchase property without Village assistance and proceed with redevelopment in accordance with this Plan.

C. Relocation

Depending upon the properties to be acquired for redevelopment, the Plan may require the relocation of businesses and/or residences. The private entity acquiring such properties will be required to relocate such occupants in accordance with applicable laws and regulations. Such acquisition would be in accordance with any LADA entered into between the Village and the redeveloper. Should acquisition be undertaken by the Village, it would be responsible for the overall administration of relocation activities in accordance with the policies, procedures, and requirements applicable to any funding sources utilized for acquisition.

D. Demolition

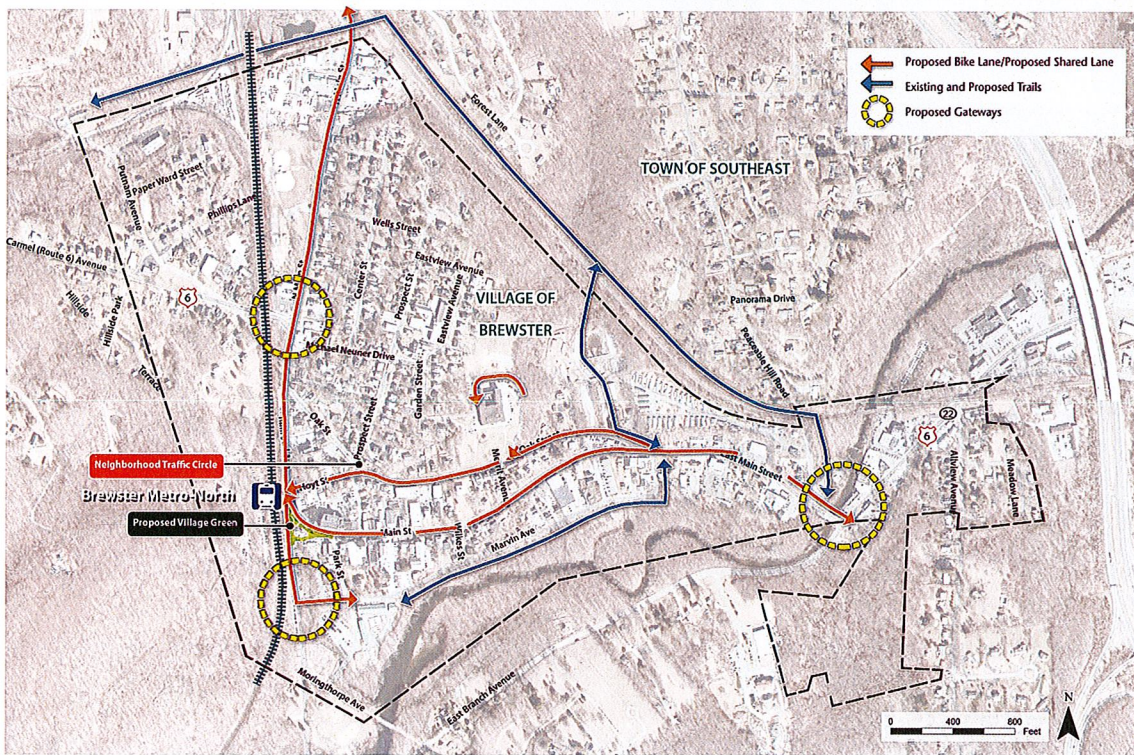
All existing structures on properties designated for acquisition under this Plan will be demolished and cleared as necessary and appropriate for redevelopment.

E. Redevelopment

Any property designated for acquisition by the Village under this Plan will be made available for private redevelopment or public improvements. The Urban Renewal Plan proposes residential, neighborhood retail, open space, community facilities, and parking for these sites collectively. As part of its disposition of property for residential use, the Village may consider in its approval any or all of the following:

- The number of residential units;
- Whether units are ownership, rental, condominium or cooperative units, and whether they are designated and/or restricted for senior citizens;
- The estimated initial rents or selling prices for such units;

- Income restrictions, if any;
- Restrictions on future rents or resale prices, if any; and
- The basis on which consideration for the sale or lease of the property is to be determined.
- Shared parking may be incorporated if both a parking survey or study and a management plan are submitted and approved by the Village Board.



BREWSTER URBAN RENEWAL AREA
Putnam County, New York

Proposed Public Improvements

Exhibit
3



VI. Proposed Public, Semi-Public, Private, or Community Facilities or Utilities

The selected redeveloper or redevelopers will make improvements to facilities, such as, but not limited to, water, storm and sanitary sewer lines, off-street parking, vehicular and pedestrian access, landscaping, and other improvements needed to complement redevelopment activities and provide an adequate level of services for the Project Area. Street and utility improvements and public parking will be performed accordingly. Roads will be constructed and closed accordingly to serve vehicular traffic in the Urban Renewal Area. Specifically, these roadway improvements may include de-mapping Park Street and establishing Progress Street as pedestrian only. Sidewalks will be installed where necessary to accommodate pedestrian traffic. Within the Urban Renewal Area, open space will also be established to serve the public. This designated open space may be in the form of a Village Green, active recreation field, plaza, park, or another open space.

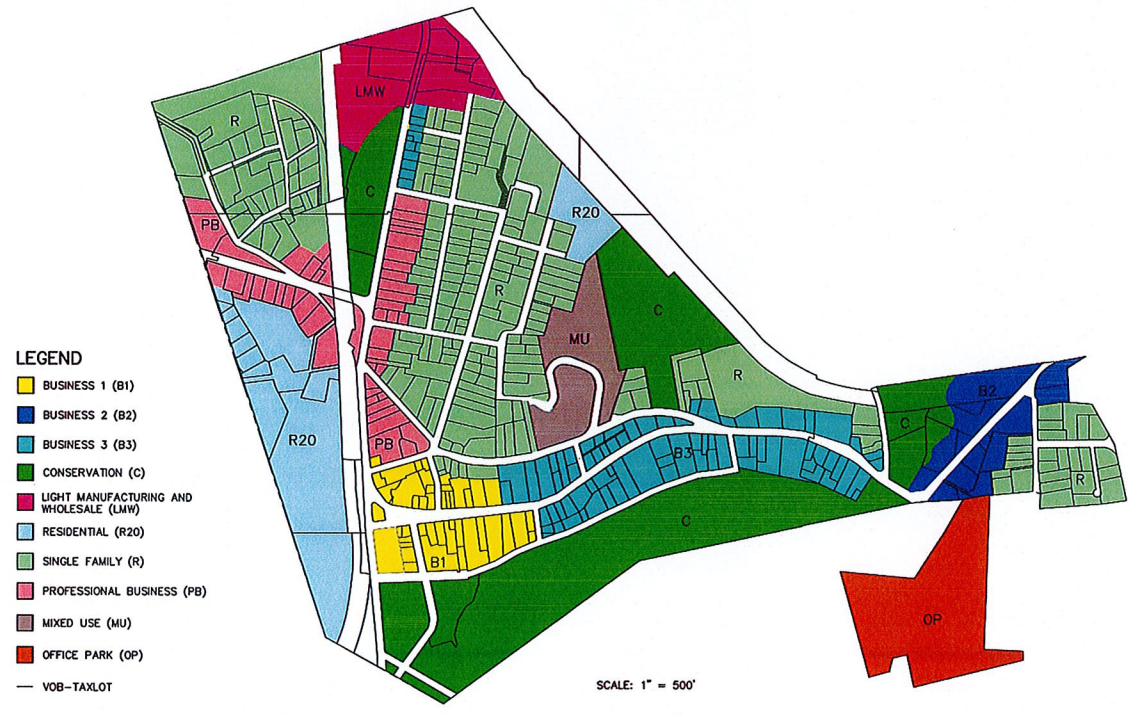
Proposed public improvements are noted on *Exhibit 3*. These improvements may be revised as site specific conditions are addressed at the time site plans are submitted to the Village Board.

VII. Proposed Methods or Techniques of Urban Renewal

This Plan proposes acquisition of designated properties in the Project Area, demolition of existing structures, and reuse of the properties for new housing, businesses, parking, community facilities and open spaces.

VIII. Statement as to New Codes and Ordinances and Amendments to Existing Codes and Ordinances as are Required or Necessary to Effectuate this Plan

In order to facilitate implementation of this Urban Renewal Plan, the Village of Brewster has amended Chapter 263 of the Code of the Village of Brewster entitled Zoning and Chapter 199 of the Code of the Village of Brewster entitled Signs on November 18 2015. Additionally, the Village of Brewster adopted Chapter 182 of the Code of the Village of Brewster entitled Planning on November 18, 2015. Chapters 263, 199 and 182 are contained in the Appendices.



BREWSTER URBAN RENEWAL AREA
Putnam County, New York

Zoning Map

Exhibit
4



IX. Proposed Time Schedule for Effectuation of This Plan

Effectuation of this Plan will commence upon approval and adoption of the Plan by the Village Board of the Village of Brewster ("Village Board"). The Plan will be implemented in several phases over a minimum ten (10) year period. This schedule is contingent upon a number of factors including the ability of the proposed redeveloper to secure all of the necessary properties, the condition of real estate markets in the area, the availability of financing, both from private and public sources, and other factors. After the adoption of the Plan, years one through three would see the assemblage and acquisition of properties, completion of design and permit approvals. Years four and five would see site preparation, construction and completion of public improvements. Years six onward would see the development of sites considered as later phases of the redevelopment.

X. Duration of Plan Controls

The regulations and controls contained in this Plan shall be binding and effective by redevelopment agreement, deed or lease upon all purchasers or lessees of land (and their heirs or assigns) in the Project Area, covered by the Plan, from the date of approval of this Plan by the Village Board of the Village of Brewster for a period of thirty (30) years, unless amended as provided herein.

XI. Procedures for Changes in Approved Plan

The provisions of this Plan may be modified or amended at any time by the Village Board in accordance with the provisions of Article 15 and Article 15A of New York General Municipal Law.

XII. Provisions to Preserve the Integrity of This Plan

In order to preserve the integrity of this Plan, the Village of Brewster Building Department will notify the Village Board of Trustees upon receipt of any applications for a permit for building construction or alteration, or for a certificate of occupancy for a structure or use within the Project Area. Pursuant to Section 503(h) of the General Municipal Law, for a period of three years from the approval of this Plan by the Village Board of Trustees, or of any amendments or modifications thereto, the Building Department shall not issue a building construction or alteration permit, or a



certificate of occupancy for a structure or use within the Project Area, without having first obtained the consent of the Village Board of Trustees, unless the construction, alteration, or use is necessary for the immediate protection of public health and safety. The Village Board of Trustees will consent to the issuance of certificates and permits upon a determination that the proposed construction, alteration, or use is consistent with the Plan or any amendments or modifications thereto. The Village Board of Trustees shall have the power to reject any proposals that are inconsistent with this Plan in order to preserve the integrity of this Plan. Any proposed construction, alteration, amendments or modifications to a property within the Urban Renewal Area that does not compromise the objectives of the Urban Renewal Plan would not need the Village Board of Trustees approval.

Appendices –

Appendix A Chapter 263 of the Code of the Village of Brewster entitled Zoning, Amended November 18, 2015 ([include entirety of Chapter 263](#))

Appendix B Chapter 199 of the Code of the Village of Brewster entitled Signs, Amended November 18, 2015 ([include entirety of Chapter 199](#))

Appendix C Chapter 182 of the Code of the Village of Brewster entitled Planning, Adopted November 18, 2015 ([include entirety of Chapter 182](#))

Appendix D List by Tax Map Number of Properties Wholly Within Borders of the Urban Renewal Area as Contained in the Tax Assessment Rolls on July 1, 2014 ([four pages](#))

VILLAGE OF BREWSTER
PUTNAM COUNTY, NEW YORK
LOCAL LAW # 5 - 2015
AMENDMENT TO
BREWSTER VILLAGE CODE

BE IT ENACTED by the Board of Trustees of the Village of Brewster, Putnam County, New York, as follows:

Section 1. Chapter 263 is hereby amended to read as follows:

Chapter 263

ZONING

Article I

Title, Jurisdiction and Purpose

§ 263-1. Title and jurisdiction.

- A. Title. This chapter amends the "Zoning Chapter of the Village of Brewster, 2008," and shall hereafter be known and may be cited as the "Zoning Chapter of the Village of Brewster, 2015."
- B. Jurisdiction. Within the Village of Brewster no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with this chapter.
- C. It is intended that the uses set forth for each district shall not be permitted uses in any other district unless allowed specifically or by reference as permitted uses in said district. Only those uses listed for each district as being permitted shall be permitted. Except as otherwise provided herein any use not specifically listed as being permitted shall be deemed to be prohibited.
- D. Planning Board review and approval is governed by chapter 182, "Planning." The review and approval of projects pursuant to chapter 182 shall be subject to the provisions of this chapter.

§ 263-2. Purpose.

This chapter is adopted pursuant to the Village Law of the State of New York, and the amendments thereof and supplements thereto, for the purpose of promoting the public health and safety 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 Village of Brewster in accordance with the adopted Comprehensive Plan of long-term objectives, principles and standards determined to be beneficial to the welfare of the people and their interests.
- 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 most appropriate utilization of land.
- 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 conserve the value of buildings and to enhance the value of land throughout the Village.

Article II
Definitions

§ 263-3. Definitions and word usage.

- A. General. The words used in this chapter shall have the meanings commonly associated with them. Any doubts as to the precise meaning of any word and/or phrase shall be determined by the Zoning Board of Appeals in accordance with the purpose and intent of this chapter.
- B. Definition of special terms. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY SINGLE-FAMILY DWELLING - A secondary dwelling, within an existing legal one-family dwelling, which is subordinate to the principal single-family dwelling in terms of size and location within the existing structure.

ACCESSORY USE OR BUILDING - A subordinate use or building customarily associated with and located on the same lot occupied by the primary use or building. The term "accessory building" may include a private garage, deck, shed or barn, a private playhouse and a private greenhouse. An accessory use may not constitute more than 20% of the total floor area of the principal permitted use. An accessory building may not be located in a front or side yard and must be set back a minimum of five feet from any lot line.

ACRE - A land area having 43,560 square feet within its boundaries.

ADULT BOOKSTORE OR VIDEO STORE - Any person, establishment or business, whether retail or wholesale, having more than 50% of the sales and/or rentals of recordings, books, magazines, periodicals, films, DVDs/videotapes/cassettes or other viewing materials for sale or viewing on or off the premises which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter.

ADULT ENTERTAINMENT CABARET - A public or private establishment which presents topless dancers, bottomless dancers, strippers, male or female impersonators or erotic dancers or other similar entertainment, either on a regular or sporadic basis, and which establishment is customarily open to the public generally but excludes any minor by reason of age.

ADULT HOTEL/MOTEL - A hotel or motel which is open to the public generally but which offers a sleeping room for rent for a period of time that is less than 10 hours or makes available to its patrons in their rooms films, slide shows or videotapes which, if presented in a public movie theater, would be open to the public generally but would exclude any minor by reason of age.

ADULT MOTION-PICTURE THEATER - An enclosed or unenclosed building or structure or portion thereof used for presenting materials distinguished or characterized by primary emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT-ORIENTED BUSINESS - Any establishment, including but not limited to adult bookstores or video stores, adult motion-picture theaters, adult entertainment cabarets, peep shows, adult hotel or motels or similar adult entertainment establishments, where greater than 50% of the sales and/or rentals include sexually explicit books, magazines or other periodicals, novelty items, films, slides, videotapes or other sexually explicit material; or there is performed live entertainment and/or other services which are intended to provide sexual stimulation or gratification and which are characterized by fondling or other erotic touching of genitals, pubic region, buttocks or female breast and/or showing, for observation by patrons, any portion of the genitals, pubic area, buttocks or that portion of the female breast referred to as the "areola" or "nipple," including any other live entertainment which might by law restrict access to exclude minors given the sexually explicit nature of the business or material which is conducted.

ALLOWED USE - A permitted or conditional use of land that may be established with a land use permit and, where applicable, design review and/or building permit approval, subject to

compliance with all applicable provisions of this chapter. Any parcel or structure may be approved with one or more of the land uses identified by the Zoning Schedule^[1] as being allowable within the applicable zoning district, subject to all applicable requirements of this chapter.

ALTER - To change, enlarge or rearrange the structural parts or the facilities of a structure or to move a building from one location or position to another.

ALTERNATIVE CARE HOUSING - A facility designed for those persons who are unable to live independently and require full-time supervision.

AMUSEMENT DEVICE, MECHANICAL - Any machine which, upon the payment of a charge or upon insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include, but is not limited to, such devices as electronic video games, marble machines, pinball machines, skill ball, mechanical grab machines, electronic bowling machines, electronic driving machines, electronic baseball, basketball, football or hockey machines, and any and all air-propelled or mechanically propelled machines or games, shooting games, billiard tables or pool tables except if located in a pool or billiard hall, and all games, operations or transactions similar thereto under whatever name they may be indicated, whether or not electronically operated.

AREA, BUILDING - The total of areas, taken on a horizontal plane at the median grade level, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, decks and steps.

ART GALLERY - A premises used principally for the sale, display and exhibition of fine arts and craft products. An art gallery may include accessory production or instruction in the production of arts and crafts using paint, clay, fabric or other medium, but does not involve the use of electrical tools or processes.

ARTIST LOFTS - The work space of an artist that includes an accessory residential space intended only for the artist utilizing the work space.

ARTIST STUDIOS - A place where artists, artisans, craftsmen and other skilled tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such art or products.

ASSISTED LIVING FACILITIES - A residential facility for age fifty-five or older who require moderate to extensive assistance with daily tasks such as cooking, eating, bathing, housekeeping, dispensing of medicines, shopping, appointments and other tasks.

AUTOBODY REPAIR - The repair of the body of an automobile, including the replacement of body parts, priming and painting thereof.

AUTOMOBILE DEALERSHIP - A commercial business primarily housed in a structure that sells or leases new or used motorcycles, automobiles, vans or trucks which may include as an

accessory use the repair and maintenance of vehicles that are similar in nature to those for sale or lease at the site.

AUTOMOTIVE REPAIR - The mechanical, electrical or computer related maintenance, service or repair of an automobile, excluding autobody repair.

BAR - A business enterprise primarily engaged in the retail sale of alcoholic beverages by the drink for consumption on the premises.

BASEMENT - That portion of a building wholly or partly underground which extends no more than four feet above the average level of the finished grade adjacent to the exterior walls of the building. The word "basement" includes the word "cellar." A basement/cellar is not counted in computing the intensity of development as measured by floor area ratio.

BED-AND-BREAKFAST - A dwelling having a resident host in a private single-family home or in the primary dwelling of a two-family home with common dining and leisure rooms and lodging rooms for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The Bed-and-Breakfast shall have not more than two (2) adult lodgers and their minor children per bedroom in at least one (1) and not more than five (5) dedicated guest rooms. The period of accommodation shall be of a clearly temporary nature. A bed-and-breakfast shall not be used as a boarding house.

BILLBOARD - A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages.

BILLIARD HALL - Any premises, business or establishment that maintains three or more billiard tables or pool tables available for public use.

BOARDING HOUSE - A dwelling unit or part thereof in which, for compensation, lodging and meals are provided. The period of accommodation shall be at least thirty (30) consecutive days

BUFFER STRIP - Open spaces, landscaped areas, planters or potted vegetation, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING - Any structure having a roof supported by columns and/or by walls or self-supporting, including a factory-manufactured structure, and intended for public, residence, business, assembly or storage purposes. Terms shall exclude accessory buildings.

BUILDING HEIGHT - The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions.

BUILDING LENGTH - The least horizontal distance between the furthest exterior face of the walls of the building, including any carports or porches.

BUILDING LINE - The closed traverse upon a lot which exactly encloses the exterior limits of a building.

BUILDING, MAIN - A building in which is conducted the main or principal use of the lot on which it is located.

BULK - A term used to describe the size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building and all open spaces required in connection with a building, other structure or tract of land.

BUSINESS INCUBATOR SPACE - Incubators are facilities in which a number of new and growing businesses operate under one roof with affordable rents, sharing services and equipment, and having equal access to a wide range of professional, technical and financial programs.

CABARET - Any room, space or premises operated as a commercial establishment in which eating and/or drinking may take place and in which entertainment is provided as a primary function of the establishment. Such entertainment may include music performed either by a live musician or musicians, or any mechanical, electronic or other means, such as records, laser discs, audio or video tapes or other audio or audiovisual means; this does not include the operation of a theater, and excludes all adult entertainment cabarets. Also included as entertainment is any act, play, revue, pantomime, scene, dance act or song-and-dance act participated in by one or more employees, guests, customers or any other person or persons.

CELLAR - See "basement."

CENTER LINE - An imaginary line on the precise center of a street, driveway, roadway or similar feature.

CHURCH/PLACE OF WORSHIP - Any structure or parcel used for worship or religious instruction, including social and administrative rooms accessory thereto.

CIVIC, COMMUNITY OR CULTURAL USE - Any structure or parcel used for the primary purpose of benefiting the community through civic activities or organizations, for cultural events or activities, and which is not conducted by a for profit entity.

CLUSTER - A form of development that concentrates buildings in specific areas on a site to allow for the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

CO-WORKING SPACE - A shared office environment that allows various individuals and groups to operate, independently or collaboratively.

COMPREHENSIVE PLAN - A plan for development of the Village prepared by the Planning Board which indicates the general location recommended for various public works and reservations and for the general physical development of the Village and includes any part of such plan separately adopted and any amendment to such plan, or parts thereof.

DAY-CARE CENTER-

- (1) DAY-CARE CENTER - A care facility provided by a person and the required number of assistants for seven or more children, depending on age, in accordance with a strict staff/child ratio, for more than three hours per day but less than 24 hours per day.
- (2) FAMILY DAY-CARE HOME - A dwelling unit where care is provided by the resident for three and not more than six children (two additional children may be cared for after school, bringing the total after school to eight) away from their home by a resident of a dwelling unit for less than 24 hours per day, when such care is provided for more than five hours per week and less than 24 hours per day.
- (3) GROUP-FAMILY DAY-CARE HOMES - A dwelling unit where care is provided by the resident for up to 10 children of all ages (four additional children may be cared for after school, bringing the after-school total to 14) for less than 24 hours per day.

DECK - A covered or uncovered platform area projecting from the outside wall of a building, accessible at or from above grade and attached to the ground.

DENSITY - The measure of the number of dwellings permitted per gross acre of land contained within each district

DRY CLEANING STORE - A business for the drop off and pick up of clothing and other personal items for dry cleaning purposes, in which the dry cleaning of the items is not performed on the premises.

DUST - Solid particulate matter capable of being airborne or gasborne.

DWELLING - A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING, MULTIFAMILY - A dwelling containing three or more dwelling units.

DWELLING, SENIOR - A dwelling in which at least one of the residents is a minimum of 55 years or older and services, such as transportation, recreation or healthcare, are provided to accommodate the needs of the senior residents.

DWELLING, SINGLE-FAMILY - A dwelling containing one dwelling unit only.

DWELLING, SINGLE-FAMILY ATTACHED - A dwelling unit having common walls with one or more other dwelling units.

DWELLING, SINGLE-FAMILY DETACHED - A dwelling unit that is freestanding and not attached to any other dwelling unit. See also "dwelling, single-family."

DWELLING, TWO-FAMILY - A dwelling containing two dwelling units only.^[2]

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY - One or more persons occupying a dwelling unit and living as a single housekeeping unit.

FENCE HEIGHT - The distance measured vertically from the natural ground, prior to any grading, filling or modification, to the top of each span of a fence or to the top of a combination of wall and fence. In determining fence height, posts, post caps, post tops, pillars and gates are excepted.

FENCE, WALL, GATE, PILLAR and BERM - Any structure, including a fence, wall, gate, pillar or earthen berm, regardless of composition, except those comprised of living plants, that is erected or maintained for the purpose of enclosing, separating or screening a piece of land or a building.

FILED MAP - Any map, survey or plat filed in the County Clerk's office of Putnam County.

FITNESS CENTER/ RECREATION FACILITY - A building which is used for sports, health and recreational uses by the general public or by members not restricted to living within a specified area (as in a homeowner's association or multiple-family development), which normally operates for a profit. Such facilities include, but are not limited to, tennis or racquetball courts, swimming pools, weight training, exercise classes, health spas and other similar uses.

FLOOR AREA, GROSS - The sum of the horizontal areas of the full stories and half stories of the building or buildings, measured from the exterior faces of exterior walls or, in the case of a common wall separating two buildings, from the center line of such a common wall, and including any two-story or any enclosed porch or one having a roof and capable of being enclosed.

FLOOR AREA RATIO - The gross floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

FRONTAGE - The extent of a building or a lot along a street as defined herein.

FRONT WALL - The wall nearest to and facing the street on which the lot fronts.

FRONT YARD SETBACK - A line parallel to the front lot line and at a distance therefrom equal to the minimum front yard dimension for the district in which located. In case of a corner lot for commercial property, the Planning Board shall determine which line is the front line. In the case of a residential corner lot, the Code Enforcement Officer shall determine which line is the front line.

FUNERAL HOME - A dwelling or other structure used by a professional licensed mortician for burial preparation and funeral services.

GARAGE - A building or part thereof used for the storage or parking of one or more motor vehicles.

GARAGE, PRIVATE - An accessory use maintained exclusively for the convenience of the occupant or occupants of the primary building or structure and in which no business or other use is carried on and no service is rendered to the general public.

GASOLINE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, excluding facilities for lubricating, washing or otherwise servicing motor vehicles, and excluding automotive body repair work and painting thereof by any means. Such use may include as an accessory use the retail sale of goods or merchandise to the general public for personal or household consumption.

GENERAL BUSINESS - Trade shops, including painting, plumbing, carpentry, woodworking, printing, copying and assembling, building contracting, machine printing and general repair shops.

GRADE, ESTABLISHED STREET - The permanently established elevation of the center line of a street in front of the midpoint of the lot.

GRADE, FINISHED - The final elevation of any point along a building shall be the completed surfaces of lawns, walks and roads adjoining the wall of the building at that point.

HISTORIC STRUCTURE - Any structure listed on the United States Department of the Interior's National Register of Historic Structures or any structure designated by an agency of the Village or the county or an organization recognized for such purposes by the Village or county. Such structure shall be deemed to have particular value because of its character, age and architectural quality.

HOME OCCUPATION/PROFESSIONAL OFFICE - An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations shall be limited to:

- (1) A professional licensed by the State of New York, or by a nationally recognized professional society, or Putnam County.

- (2) An artist or teacher giving individual instruction to no more than two students at a time.
- (3) A single individual conducting computer or technical work who works alone within the residence.
- (4) A single individual engaged in crafts, such as dressmaking or home baking, provided that retail sales are not involved on the premises and, furthermore, that the storage of all materials and supplies for the occupation shall be located within a building and the total floor area for the occupation shall not exceed 20% of the gross floor area of the dwelling.

IMPERVIOUS COVER - Those surfaces in the urban landscape that cannot effectively infiltrate rainfall such as, building rooftops, pavement, sidewalks and driveways.

INDUSTRY, HEAVY - A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in the storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT - Industrial uses such as manufacturing, processing and assemblage that are of a nonpolluting nature, particularly in regard to reservoir and groundwater resources.

JUNKYARD - The use of more than 200 square feet of the area of any lot, whether inside or outside of the building, or the use of any portion of that half of any lot which joins any street for storage, keeping or abandonment of junk or scrap materials or the dismantling or demolition of automobiles; provided, however, that nothing herein contained shall permit or allow the burning or other combustible demolition of automobiles or other vehicles or machinery or any part or parts thereof. The word "machinery" is defined as any kind of furniture, fixture, machine, facility or other personal property brought upon said premises for the purpose of demolition, destruction, wrecking or other elimination of the same, as well as any activity which creates, permits or allows the emission of a noxious odor, smoke, dust or other material into the air, including fumes therefrom. This provision shall not be in derogation of or violation of any provision of state law, ordinance or other rule, regulation or statute prohibiting the use of any premises for the burning and destruction of materials, as now provided or hereafter provided.

LAUNDROMAT - Self-service establishment with machines that are used for the washing and drying of clothes and other personal items, such as towels and bedding,

LIBRARY - A building in which literary, musical, artistic and reference materials (such as books, manuscripts, recordings or films) are kept for use by the public, but which are not generally for sale.

LIVE-WORK UNIT - unit designed to provide space to conduct a business or trade, including offices, studios, craft workshop area or laboratory space and/or to be occupied as an apartment.

LOADING SPACE - A stall or slot which is designed and intended for the parking of one truck while unloading. Such a space shall have its dimensions equal to or exceeding 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.

LOT - All contiguous land in single ownership as evidenced by deed or deeds recorded in the office of the Putnam County Clerk. Public, institutional, attached single-family, multifamily, commercial or industrial buildings, buildings or groups of buildings under the same ownership may be considered as occupying the same lot.

LOT AREA - The total horizontal area included within lot lines. Land lying outside a given zoning district shall not be used to satisfy a lot area requirement in any other district.

LOT, CORNER - A lot at the junction of and fronting on two or more intersecting streets. A lot abutting upon a curved street shall be considered a corner lot if the central angle of the curve is less than 135°.

LOT COVERAGE - Lot coverage is that portion of a zoning lot which, when viewed from above, is covered by a building. Permitted obstructions are not counted towards lot coverage calculations. At-grade green space, or open public plazas built on top of a below-grade parking structure is not counted towards lot coverage calculations.

LOT DEPTH - The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

LOT FRONTAGE - The continuous width of a lot measured along the street.

LOT LINE, FRONT - The line separating the lot from the street.

LOT LINE, REAR - The lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot is triangular, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINES - The property lines bounding on a lot as defined herein.

LOT LINE, SIDE - Any lot line other than the front lot line and rear lot line.

LOT WIDTH - The mean width of a lot measured at right angles to its depth.

MANUFACTURED HOME - A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include a "mobile home" as defined in Subdivision a5 of Real Property Law Article 7, § 233, and shall include a structure which meets all the

requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and is certified in accordance with the New York State Building Code.

MANUFACTURED HOME PARK - A contiguous parcel of privately owned land which is used for the accommodation of three or more manufactured homes occupied for year-round living.

MASTER PLAN - See "Comprehensive Plan."

MEDICAL CLINIC - A facility used for the diagnosis and treatment of outpatients.

MEDICAL LABORATORY - A facility used for diagnostic testing for health-related matters.

MEDICAL OFFICE - A building or part of a building in which the practice of one or more of the professions of medicine, psychiatry, psychology, dentistry or optometry is carried on or in which the treatment of humans by osteopathy, acupuncture or chiropractic is carried out and also includes any drugless practitioner. Medical offices may provide services such as imaging or diagnostics, or urgent care. The term "drugless practitioner" in the definition of medical office means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by any similar method.

MUNICIPALITY OWNED OR OPERATED BUILDING, STRUCTURES OR LAND - A building, structure or parcel of land that is owned or operated by a political subdivision of the State of New York, and which is used for a public purpose.

MUSEUM - A building, structure or area used for the exhibit of artistic, historic, cultural or scientific objects for educational purposes.

NONCONFORMING USE - The use of a building, structure or plot of land that does not conform to the use regulations of the district or zone in which it is situated, which use was lawful under the code of the time the use was established.

NURSERY SCHOOL - A place, building or structure designed to provide care or instruction for five or more children under six years of age in sessions less than three hours.

NURSING HOME - Any establishment where three or more persons suffering from, afflicted with or convalescing from any infirmity, disease or ailment are habitually kept boarded or housed for remuneration, other than municipal or incorporated hospitals or establishments for the care of the mentally ill or drug or alcohol addiction.

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations, including banks.

OFFICIAL MAP - A map adopted by the Village of Brewster Board of Trustees showing streets, highways and parks already laid out, adopted and established by law. Drainage systems may also be shown on this map.^[3]

OPEN CONSTRUCTION FENCING - Semi-screened fence construction which is not entirely closed and can be seen through, such as lattice fencing or picket fencing in which the spindles are spaced so as to provide a partial view.

OPEN SPACE - Open space is the part of a residential zoning lot (which may include courts or yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions, and accessible to and usable by all persons occupying dwelling units on the zoning lot. Depending upon the district, the amount of required open space is determined by the open space ratio, minimum yard regulations or by maximum lot coverage. In mixed use districts, where outdoor dining is permitted, outdoor dining space may count towards the amount of required open space.

OUTDOOR DINING AREA - The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of an operating restaurant or food service business fronting on that space, which space shall contain removable tables and chairs and shall be unenclosed but may contain umbrellas or other nonpermanent covers provided that such items do not interfere with or improperly impede pedestrian travel and circulation. This definition of outdoor dining area is not intended to include any outdoor dining areas located entirely on the private property of the business which does not cause an encroachment or improper impediment of the public's proper use of the sidewalks, streets, alleys or other public rights-of-way within the Village of Brewster. This definition shall also include the outdoor sales of food by a food establishment.

OUTDOOR STORAGE - Includes the outdoor storage and display of merchandise, supplies, vehicles, machinery, processing or assembling of goods, but excludes areas for parking of registered motor vehicles in daily use.

PARKING LOT - A surfaced off-street area containing one or more parking spaces with passageways and driveways appurtenant thereto.

PARKING SPACE - A stall or slot which is designed and intended for the parking of one motor vehicle in a garage or parking area. Such space shall have its dimensions equal to or exceeding nine feet in width and 20 feet in length.

PARKING STRUCTURE - A building or structure consisting of more than one level and used to store motor vehicles.

PARTICULATE MATTER - Any finely divided liquid or solid matter, including smoke, capable of being airborne or gas-borne.

PEEP SHOW - Any establishment that presents material in the form of live shows, films, DVDs or videotapes, which material is distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specific anatomical areas of the human body, and that are viewed from a machine or enclosure for which a fee or admission is charged.

PERMITTED OBSTRUCTION - A permitted obstruction is a structure or object that may be located in a required yard or open space or penetrate a height limit, setback area or sky exposure plane. A balcony, trellis, air conditioner, gutter, or fence is a permitted obstruction in required yards or open space. Certain structures on a roof, such as elevator bulkheads, water towers or parapets are permitted obstructions that may penetrate height limits, setback areas or sky exposure planes.

PERSON - Any individual or group of individuals, corporation, partnership, association or any other entity, including state and local governments and agencies.

PERSONAL SERVICES - Commercial or business services provided to individuals or to other businesses, to include the repair of shoes or other personal effects, hair grooming, tattoo establishment, physical therapy and health aid, dry cleaning store, personal training such as yoga and pilates type activities and other like personal instruction, copying, design, printing, typing and computer services, to include studios for the production of arts and crafts. Such definition shall exclude laundromats, automotive services, retail sale and general business, such as trades, and industrial uses such as lumberyards. See also "retail business" and "general business."

PHARMACY - A retail business operation primarily engaged in the preparation and sale of prescription and nonprescription pharmaceutical products by a licensed pharmacist.

PHYSICAL THERAPY - Outpatient treatment of disease, injury or disability by physical and mechanical means.

PORCH - A roofed-over structure projecting from an outside wall of a main building, with or without enclosed sides.

PROFESSIONAL PERSON - An individual who holds a professional license giving him or her the authorization to practice and use a professional title in New York State. Such license has been given by the New York State Office of the Professions and meets the requirements of the Education Law of the State of New York.

RESEARCH FACILITY - Any institution, organization or person that uses or intends to perform research, tests or experiments, and/or receives funds under a grant, award, loan or contract from a department, agency or instrumentality of the United States for the purpose of carrying out research, tests or experiments.

RESTAURANT - A business enterprise engaged in preparing and serving food and beverages, as permitted by the Alcoholic Beverage Control Law, selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. See also "restaurant, fast-food."

RESTAURANT, FAST-FOOD - A business enterprise primarily engaged in the sale of pre-prepared or quickly prepared food and beverages in disposable containers or wrappers selected by patrons from a line of prepared specialized items, such as hamburgers, chicken, pizza, tacos

and hot dogs, for consumption either on or off the premises, in a facility where the floor area available for dining is less than 1/2 of the gross floor area and a major portion of the sales to the public is at a drive-in or stand-up-type counter. The term "fast-food restaurant" shall not include bakeries or delicatessens operating as retail establishments, provided that such sale is not the principal business of such an establishment. See also "restaurant."

RETAIL BUSINESS OR SERVICE - Establishments providing services or selling goods or merchandise to the general public for personal or household consumption.

SCHOOL - A kindergarten, primary, secondary or post-secondary institution furnishing a comprehensive curriculum of academic instruction in accordance with the Education Law of the State of New York.

SELF_STORAGE FACILITY - A building or buildings containing separate storage spaces of a limited size, individually leased or rented.

SIGN - Any announcement, declaration, demonstration, billboard display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed where it may be viewed from the outside of any structure on the premises where placed.

SIGN, ADVERTISING - An exterior sign, billboard, banner, flag or device which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property.

SIGN, BUSINESS/PROFESSION - An exterior sign, banner, flag or device which directs attention to a business or profession conducted upon the property.

SMOKE - Any emission into the open air from any source, except emissions of uncontaminated water vapor.

SPECIAL EXCEPTION USE - A proposed use which, although not generally appropriate in the zone for which it is sought, is appropriate for the location for which it is sought because of the peculiar physical characteristics of that location. The proposed special exception use will conform to the general character of the neighborhood in which the use would be located, will not cause a significant adverse effect resulting from such use upon the public health, safety and general welfare of the neighborhood in which the use would be located, will not have an undue adverse effect upon the property values of adjacent properties, will not place an undue burden on municipal services, will not create unreasonable traffic congestion on contiguous or adjacent streets, and the proper operation of the special exception will be ensured by providing and maintaining adequate and appropriate utilities, drainage, access, parking and loading and other necessary site improvements.

SPECIFIED ANATOMICAL AREAS - Any uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breast below a point immediately above the top of

the areola or nipple; or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - Any act of masturbation, fellatio, sodomy, sadomasochism, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or breast.

STEEP SLOPES - Areas with an average slope in excess of 15% over a horizontal distance of 100 feet or more.

STORY - The portion of a building which is located between the upper surface of any floor and the upper surface of the floor, ceiling or roof directly above. When the ceiling of a basement or cellar is six feet or more above finished grade, the basement or cellar shall be considered a story.

STORY, HALF - A space under a sloping roof which has the line of intersection of the interior faces of the roof structure and main building wall not more than three feet above the top floor level and in which space the floor area with a headroom of five feet or more occupies at least 60% of the total area of the story directly beneath.

STREET - Any road, highway, avenue, street, lane or other way, public or private, set aside and commonly used by the public for street purposes and shown upon the Village Map or upon a filed plat.

STREET LINE - The dividing line between a lot and a street.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including but not limited to buildings, signs, swimming pools, tennis courts, fences, walls, gates, pillars and berms.

SUBDIVISION - The division of any one existing lot into two or more separate lots.

SUBDIVISION PLAT - The division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale, lease, gift, devise, conveyance of or transfer of title or division by other means for building development, notwithstanding subdivision regulations to the contrary.

SWIMMING POOL, NONCOMMERCIAL - Any swimming pool, tank depression or excavation in any material, dike or berm constructed, erected, excavated or maintained, above or below grade, which will cause the retaining of water to a depth greater than 18 inches and having a plane surface area of water greater than 100 square feet. The word "pool" shall be construed to mean outdoor water pool to be used for swimming or bathing by any family or persons residing on the premises and their guests or residents of the Town of Southeast and the Village of Brewster in a public park. Such noncommercial swimming pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling, dwellings or public park thereon.

TAVERN - See "bar."

THEATER, DINNER - A form of theater that serves meals during stage production, which may include live performances or motion pictures.

THEATER, LIVE - A building or part of a building devoted to the showing of live performances of drama, dance, or musical, excluding adult entertainment cabaret.

MOVIE THEATER - A place where motion pictures are shown to the public, excluding adult motion-picture theater.

UTILITY, PRIVATE - Those customary services to a building or group of buildings within a corporate park or subdivision to provide heat, electricity, power, water, sanitary wastewater disposal and/or fire protection.

UTILITY, PUBLIC - Any person, firm, corporation or municipal agency duly authorized to furnish to the public, under public regulation electricity, gas, water, sewage treatment, steam, cable television or telephone service.

VARIANCE - Action by the Zoning Board of Appeals, pursuant to the Village Law, to vary or modify the application of any of the regulations or provisions of this chapter.

WAREHOUSE - A building used for the storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

YARD - An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as may be specifically authorized in this chapter. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from the point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the lot line to the nearest line of the buildings or group of buildings.

YARD, FRONT - A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE - A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front and rear lot line, as the case may be.

YARD, STORAGE - An area used in conjunction with a permitted principal use for placement of equipment, materials and supplies used in the principal use. The area occupied by the "storage

yard" must comply with setback requirements and cannot be considered part of the open space of a site.

ZONING MAP - A map adopted by the Village of Brewster Board of Trustees, pursuant to the requirements of the Village Law, which depicts the Village and the boundaries of the zoning districts described in this chapter.^[4]

[1]

Editor's Note: The Village of Brewster Zoning Schedule is included at the end of this chapter.

[2]

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

[3]

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

[4]

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

ARTICLE III

Districts and Boundaries

263-4. Designation of districts.

For the purpose of this chapter, the Village of Brewster is hereby divided into the following districts: R District, R20 District, B1 District, B2 District, B3 District, C District, MU District, LMW District, OP District and PB District, as shown on the Zoning Schedule included at the end of this chapter, dated _____, and as amended from time to time by the Board of Trustees.

263-5. Designation of districts.

The boundaries of each of the districts are hereby established as shown on the Zoning Map of the Village of Brewster, included at the end of this chapter, dated _____, and as amended from time to time by the Board of Trustees. A certified copy of said map is also on file in the office of the Village Clerk.

Article IV

District Regulations

§ 263-6 R District (Single Family Residential).

- A. Allowed uses. Within any R District, no building, structure, lot or land shall be used for any purpose other than the following and their normal and customary accessory uses, except as provided in Subsections B and C:

- (1) Single-family detached dwellings.
- B. Allowed accessory uses. Accessory uses shall be as follows:
 - (1) Private garages or private parking areas providing a minimum of two parking spaces pursuant to § 263-18.
 - (2) Home occupation/professional offices.
- C. Special exception uses. Within any R District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:
 - (1) Church/ place of worship
 - (2) Day care center
 - (3) Nursery School
 - (4) School
 - (5) Accessory single-family dwellings.
 - (6) Bed & Breakfasts.
- D. Height. No building or other structure shall exceed a height of 35 feet or 2 1/2 stories plus basement, whichever is less.
- E. Lot and yard requirements. Within any R District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	7,500 square feet
Minimum lot width	60 feet
Maximum lot coverage	25%
Open space requirement	400 square feet per dwelling unit
Minimum yards:	
Front depth	20 feet
Side yard width	12 feet
Rear depth	35 feet

- F. Floor area ratio (FAR). The floor area ratio in the R District shall not exceed 0.5.
- G. Residential density shall not exceed one principal dwelling unit per lot and one accessory dwelling unit per lot.

H. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.

§ 263-7. R20 District (Residential).

A. Allowed uses. Within any R20 District, no building, structure, lot or land shall be used for any purpose other than the following and their normal and customary accessory uses, except as provided in Subsections B and C:

(1) Single-family dwellings, either detached, semidetached or attached.

(2) Cluster.

B. Allowed accessory uses. Within any R20 District, the following accessory uses shall be allowed:

(1) Private garages or private parking areas providing a minimum of two parking spaces pursuant to § 263-18.

(2) Home occupation/professional offices.

C. Special exception uses. Within any R20 District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:

(1) Bed & Breakfast.

D. Height. No building or other structure shall exceed a height of 35 feet or 2 1/2 stories plus basement, whichever is less.

E. Lot and yard requirements. Within any R20 District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	15%
Open space requirement	5,000 square feet per dwelling unit
Minimum yards:	
Front depth	25 feet
One side width	20 feet
Both sides total width	40 feet
Side yard abutting a street on corner lot, width	25 feet
Rear depth	40 feet

- F. Floor area ratio (FAR). Within the R20 District, the floor area ratio shall not exceed 0.10.
- G. Density. If detached single-family dwelling units are constructed, they shall not exceed a density permitted by the lot and yard requirements of this section. If the units are attached single-family units, the density shall not exceed 2.5 dwelling units per acre. This additional density is permitted to encourage the clustering of town homes in this zone.
- H. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.

§ 263-8. PB District. (Professional and Business Office).

- A. Allowed uses. Within any PB District, no building, structure, lot or land shall be used for other than one or more of the following uses:
 - (1) Offices, including medical offices.
 - (2) Personal services.
 - (3) Single-family dwellings.
- B. Allowed accessory uses. Accessory uses shall be as follows:
 - (1) Garages, private.
 - (2) Home occupation/professional offices.
- C. Special exception uses. Within any PB District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:
 - (1) Alternative care housing
 - (2) Assisted living facilities
 - (3) Church/ place of worship
 - (4) Day care center
 - (5) Municipality owned or operated building, structure or land
 - (6) Nursery School
 - (7) Nursing Home
 - (8) School
 - (9) Funeral homes.

- (10) Bed-and-breakfasts.
- D. Height. No building or other structure shall exceed a height of 35 feet or 2 1/2 stories plus basement, whichever is less.
- E. Lot and yard requirements. Within any PB District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:
- | Requirement | Measurement |
|--|-----------------------------------|
| Minimum lot area | 7,500 square feet |
| Minimum lot width | 50 feet |
| Maximum lot coverage | 40% |
| Open space requirement | 100 square feet per dwelling unit |
| Minimum yards: | |
| Front depth | 20 feet |
| Side yard | 15 feet |
| Side yard abutting a street on corner lot, width | 20 feet |
| Rear depth | 15 feet |
- F. Floor area ratio (FAR). Within the PB District, the floor area ratio shall not exceed 1.0.
- G. Residential density shall not exceed one dwelling unit per lot or one business per lot.
- H. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.

263-9. B1 District (Business 1).

- A. Allowed uses. Within any B1 District, no building, structure, lot or land shall be used for other than one or more of the following uses:
- (1) Retail stores, restaurants or taverns.
 - (2) Personal services.
 - (3) Offices.
 - (4) Multifamily dwellings. Residential uses shall be limited to upper floors.
 - (5) Art galleries.
 - (6) Theaters, including movie theater, dinner theater, and live theater.
 - (7) Cabaret, excluding adult entertainment cabaret.
- B. Allowed accessory uses. Accessory uses shall be as follows:

- (1) Structured parking.
- C. Special exception uses. Within any B1 District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:
- (1) Church/ place of worship.
 - (2) Civic, community or cultural use.
 - (3) Library.
 - (4) Municipality owned or operated building, structure or land.
 - (5) Museum
 - (6) Live/work spaces, including artists' lofts. Artists' lofts with galleries are permitted on first floor except when uses front on Main Street or Railroad Avenue.
 - (7) Residential use permitted on the first floor only if the residential use is connected to a larger TOD project and no first floor residential use permitted along Main Street or Railroad Avenue.
- D. Prohibited uses. Drive-through windows are prohibited in the B-1 District.
- E. Height.
- (1) Height fronting Main Street. For any use, no building shall be erected to a height in excess of five (5) stories, but no greater than sixty (60) feet. If self-contained parking within the structure is provided, or if a public plaza or other publicly accessible open space, outdoor dining, or commuter parking is provided in accordance with Section 263-9(K), a maximum building height not to exceed six (6) stories, but no greater than seventy-five (75) feet may be permitted.
 - (2) Height fronting Marvin Avenue. For any use, no building shall be erected to a height in excess of five (5) stories, but no greater than sixty (60) feet. If self-contained parking within the structure is provided, or if a public plaza or other publicly accessible open space, outdoor dining, or commuter parking is provided in accordance with Section 263-9.K, a maximum building height not to exceed six (6) stories, but no greater than seventy-five (75) feet may be permitted. Building height fronting Marvin Avenue shall be measured as per the building height definition provided in Article II, except that "structure or building" shall include any platform or aboveground garage.
 - (3) Height fronting Hoyt Street/Oak Street. For any use, no building shall be erected to a height in excess of five (5) stories, but no greater than sixty (60) feet.

- F. Lot and yard requirements. Within any B1 District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	3,500 square feet
Minimum lot width	30 feet
Maximum lot coverage	50.0 %

Minimum yards*:

Front depth	0 feet
Side yard width	0 feet
Side yard abutting a street on corner lot, width	0 feet
Rear depth	0 feet

*The minimum yard for any uses abutting a residential use shall be 10 feet.

- G. Floor area ratio (FAR). Within the B1 District, the floor area ratio shall not exceed 2.50 unless extra height is provided as per Section E, in which case the maximum FAR shall not exceed 3.0.
- H. Residential density shall not exceed 80 bedrooms per acre unless extra height is provided as per Section E, in which case the residential density shall not exceed 100 bedrooms per acre.
- I. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.
- J. Parking. Off-street parking and loading requirements set forth in Article V shall apply to uses in the B-1 District.
- K. Incentives. The Village Board of Trustees may provide adjustments to bulk, height, and setback requirements set forth in the B-1 District for plans that specifically advance the Village's objectives for downtown revitalization and transit oriented development, as set forth in the Comprehensive Plan. This may include projects that provide a public plaza or other publicly accessible open space including outdoor dining, or a minimum of 25% of total parking spaces to be used specifically for commuter parking. The open space

allocation must be at least 20% of the lot area in order to be considered for the additional height or bulk requirements. A public hearing shall be required prior to the granting of any incentive adjustment.

§ 263-10. B2 District (Business 2).

- A. Allowed uses. Within any B2 District, no building, structure, lot or land shall be used for other than one or more of the following uses:
- (1) Retail stores.
 - (2) Personal services.
 - (3) Restaurants/taverns.
 - (4) Offices, including medical offices.
 - (5) Gasoline stations. Must be at least 1,000 feet from another gas station.
 - (6) Automobile dealerships. Must be at least 1,000 feet from another automobile dealership. Automobile dealerships shall have 1 parking space for each 200 square feet of sales area and a minimum of 10 parking spaces.
 - (7) Automotive repair. Must be at least 1,000 feet from another automotive repair use.
 - (8) Movie theaters.
- B. Allowed Accessory uses. Accessory uses shall be as follows:
- (1) Automobile dealership may include as an accessory use automotive repair of vehicles that are similar in nature to those for sale or lease at the site.
 - (2) Gasoline stations may have as an accessory use a retail store or automotive repair
 - (3) Drive-through uses including banks and fast-food restaurants.
- C. Height. For any use, no building shall be erected to a height in excess of three (3) stories, but no greater than thirty-five (35) feet (average).
- D. Lot and yard requirements. Within any B2 District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	10,000 square feet
Minimum lot width	100 feet

Maximum lot coverage	50%
Minimum yards:	
Front depth	10 feet
Side yard width	10 feet
Rear depth	30 feet

- E. Floor area ratio (FAR). Within the B2 District, the floor area ratio shall not exceed 1.5.
- F. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.
- G. Design guidelines. To the extent practicable, developments within the B2 District shall be designed to create an attractive visual environment while enhancing traffic safety by means of the following:
 - (1) A minimum of 10 foot landscaping buffer along the site frontage is required.
 - (2) Placement and design of site lighting so as to limit spillage onto adjacent roadways and properties.
 - (3) Limitations on the number and placement of curb cuts for each property. This must comply with NYS Department of Transportation standards.
 - (4) Encourage parking to the rear and sides of the building.

§ 263-11. B3 District (Business 3).

- A. Allowed uses. Within any B3 District, no building, structure, lot or land shall be used for other than one or more of the following uses:
 - (1) Retail stores, restaurants or taverns.
 - (2) Personal service stores.
 - (3) Offices, including medical offices.

- (4) Single-family dwellings.
- (5) Multiple-family dwellings.
- (6) Townhomes or two-family dwellings.
- (7) Community uses, including fitness or recreation center, or senior center.
- (8) Theaters, including movie theater, dinner theater, and live theater.
- (9) Cabaret, excluding adult entertainment cabaret.
- (10) Laundromats.
- (11) Art galleries.
- (12) Church/ place of worship.
- (13) Civic, community or cultural use.
- (14) Day care center.
- (15) Library.
- (16) Municipality owned or operated building, structure or land.
- (17) Museum.
- (18) Nursery School.
- (19) School.

B. Allowed accessory uses. Accessory uses shall be as follows:

- (1) Garage, private.
- (2) Home occupation/professional office.

C. Special exception uses. Within any B3 District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:

- (1) Bed-and-breakfast.
- (2) Drive-through uses including banks and fast-food restaurants.
- (3) Research Facility.
- (4) Adult-Oriented Business.

D. Height. For any use, no building shall be erected to a height in excess of three (3) stories, but no greater than thirty-five (35) feet. If structured parking, publicly accessible open space, or other community amenity is provided in accordance with Section 263-11(J), a maximum building height may not to exceed four (4) stories, but no greater than fifty (50) feet.

E. Lot and yard requirements. Within any B3 District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	5,000 square feet
Minimum lot width	30 feet
Maximum lot coverage	50%
Minimum yards:	
Front depth	10 feet
Side yard width	10 feet
Rear depth	15 feet

F. Floor area ratio (FAR). Within the B-3 District, the floor area ratio shall not exceed 2.0.

G. Density. Residential single family density shall not exceed one dwelling unit per lot. The density for townhome shall not exceed 64 bedrooms per acre unless extra height is provided as per section D. in which case the townhome density shall not exceed 80 bedrooms per acre.

H. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.

- I. Parking. Off-street parking and loading requirements set forth in Article V shall apply to uses in the B3 District.
- J. Incentives. The Village Board of Trustees may provide adjustments to bulk, height, and setback requirements set forth in the B-3 District for plans located on the south side of Main Street or on Marvin Avenue, that specifically advance the Village's objectives for downtown revitalization, as set forth in the Comprehensive Plan. This may include projects that provide publicly accessible open space or other community amenities or a minimum of 25% of total parking spaces to be used specifically for public parking. The open space may include a public plaza, active or passive recreational facilities or other forms of publicly accessible open space and the allocation must be at least 20% of the lot area in order to be considered for the additional height or bulk requirements. A public hearing shall be required prior to the granting and approval of any incentive adjustment. Incentives set forth in the B-3 District may be provided only to properties located on the south side of Main Street and/or on Marvin Avenue. Properties located on the north side of Main Street or along Oak Street shall not be eligible for incentives provided in this section.

§ 263-12 MU District. (Mixed Use District)

- A. Allowed uses. Within the MU District, no building, structure, lot or land shall be used, or reused, for other than one or more of the following uses:
 - (1) Single family dwellings.
 - (2) Multiple family dwellings.
 - (3) Townhomes.
 - (4) Artist Lofts
 - (5) Artist Studios.
 - (6) Art Galleries.
 - (7) Live theater.
 - (8) Offices.
 - (9) Business incubator spaces.
 - (10) Co-working spaces.

- B. Allowed accessory uses. Accessory uses shall be as follows:
- (1) Home occupation/professional offices.
 - (2) Garages, private.
- C. Special exception uses. Within any MU District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:
- (1) Nursing homes.
 - (2) Assisted living facilities.
 - (3) Alternative care facilities.
 - (4) Nursery schools.
 - (5) Post-secondary school.
 - (6) Day-care facilities.
 - (7) Museums.
- D. Height. For any use, no building shall be erected to a height in excess of two and one-half (2 1/2) stories, but no greater than thirty-five (35) feet (average).
- E. Lot and yard requirements. Within any MU District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement	
	Residential Uses:	Non-Residential or Mixed Uses:
Minimum lot area	5,000 sq. ft.	98.9 acres (387,684 square feet)
Minimum lot width	50 feet	50 feet
Maximum lot coverage	40%	40%
Open space requirement	400 square feet per dwelling unit	100 square feet per dwelling unit or minimum 20% of lot area for non-residential uses. There is no required minimum lot area for each individual building lot within a development which is subdivided in accordance with a site development plan approved by the Planning Board pursuant to the planning standards of this section of this chapter.

Minimum yards:	Measurement	
	Residential Uses:	Non-Residential or Mixed Uses*:
Front depth	20 feet	30 feet
Side yard	25 feet	30 feet
Side yard abutting a street on corner lot, width	25 feet	30 feet
Rear depth	15 feet	30 feet

*The minimum yard for any non-residential or mixed-uses abutting a residential use shall be 35 feet.

- F. Floor area ratio (FAR). Within the MU District, the floor area ratio shall not exceed 1.0 for any use permitted in the MU District.

- G. Density. Residential single family density shall not exceed one dwelling unit per lot. The density for multifamily or townhome dwelling units shall not exceed 32 bedrooms per acre.
- H. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.
- I. Parking. Off-street parking and loading requirements set forth in Article V shall apply to uses in the MU District.

§ 263-13. OP District (Office Park).

- A. Allowed uses. Within any OP District, no building, structure, lot or land shall be used for other than one or more of the following uses:
 - (1) Offices, including medical offices.
 - (2) Medical clinic.
 - (3) Medical laboratory.
 - (4) Pharmacy.
 - (5) Physical therapy.
 - (6) Research Facility.
- B. Allowed accessory uses. Accessory uses shall be as follows:
 - (1) Cafeteria for employees incidental to a principal use. Any such cafeteria must use only disposable or recyclable flatware, plates and cups in order to reduce the impact on the Village water system.
- C. Height. For any use, no building shall be erected to a height in excess of four stories plus a basement, or 45 feet, unless self-contained parking within the structure is provided, in which case the maximum building height may not exceed 70 feet.
- D. Lot and yard requirements. Within any OP District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	40,000 square feet
Minimum lot width	200 feet
Maximum lot coverage	37.5%

	Requirement	Measurement
	Open space requirement	5,000 square feet
	Minimum yards:	
	Front depth	25 feet
	Side yard width	20 feet
	Rear depth	10 feet
E.	Floor area ratio (FAR). Within the OP District, the floor area ratio shall not exceed 0.8.	
F.	Parking. There shall be one parking space for each 400 square feet of floor area of the building.	
G.	Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.	

§ 263-14. LMW District (Light Manufacturing and Wholesale).

- A. Allowed uses. Within any LMW District, no building, structure, lot or land shall be used for other than one or more of the following uses:
- (1) Light manufacturing.
 - (2) Warehousing, wholesale businesses.
 - (3) Retail stores.
 - (4) General business.
 - (5) Outdoor or indoor storage, including self-storage buildings.
 - (6) Offices.
- B. Allowed accessory uses. There are no allowed accessory uses in the LMW District.
- C. Special exception uses. Within any LMW District, the following special exception uses shall be allowed, subject to the requirements of § 263-20:
- (1) Research facility.

- D. Height. For any use, no building shall be erected to a height in excess of three stories plus a basement, or 35 feet.
- E. Lot and yard requirements. Within any LMW District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	25,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	50%
Open space requirement	Not applicable
Minimum yards:	
Front depth	40 feet
Side yard width	15 feet
Rear depth	50 feet

- F. Floor area ratio (FAR). Within the LMW District, the floor area ratio shall not exceed 0.60.
- G. Performance standards. Land, buildings and other structures may be used for one or more of the purposes specified above, subject to the following performance standards:
 - (1) Dust, dirt, fly ash and smoke. No offensive dust, dirt, fly ash or smoke shall be emitted into the air.
 - (2) Odors, gases and fumes. No offensive odors or noxious, toxic or corrosive fumes or gases shall be observable outside the property where it originates.
 - (3) Noise. No noise that is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the property where it originates.
 - (4) Wastes. No wastes generated by the manufacturing process shall be discharged into the ground or into any stream, storm drain, sanitary sewer or dry well.
 - (5) Vibration. No vibration shall be transmitted outside the property where it originates.
 - (6) Danger. No material that is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored or manufactured, except in accordance with applicable codes and regulations of the State of New York.

- H. Determination of compliance. In the event of doubt as to whether a proposed use will conform to the above performance standards, the Village Code Enforcement Officer shall deny the permit. The applicant for the permit may apply to the Zoning Board of Appeals for a determination as to compliance with the performance standards.
- I. Subsoil conditions. A study shall be made and submitted to the Planning Board by a professional engineer licensed by the State of New York on the soil-bearing capacities of the land as well as any subterranean conditions which may exist and will affect the utilization of the land.
- J. Signs. Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.

§ 263-15 C District (Conservation)

- A. Allowed uses. Within any C District, no building, structure, lot or land shall be used for other than one or more of the following uses:
 - (1) Conservation areas.
 - (2) Recreation areas.
- B. Allowed accessory uses. There are no accessory uses allowed in the C District.
- C. Special exception uses. There are no special exception uses in the C District.
- D. Height. For any use, no building shall be erected to a height in excess of two stories plus a basement, or 35 feet.
- E. Lot and yard requirements. Within any C District, no building or structure shall be erected nor any lot or land area developed unless in conformity with the following requirements:

Requirement	Measurement
Minimum lot area	60,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	5%
Open space requirement	Not applicable
Minimum yards:	
Front depth	25 feet
One side width	15 feet
Rear depth	35 feet

- F. Floor area ratio (FAR). Within the C District, the floor area ratio shall not exceed 0.05.
- G. Signs. Pursuant to Chapter 199 of the Code of the Village of Brewster, no signs are permitted within the C District.

Article V

Supplementary Regulations

§ 263-17. Prohibited uses.

No building, structure, lot or land in any district in the Village of Brewster shall be used for any one or more of the following uses, except as provided in Article VIII:

- A. Any trade, industry or use which is noxious or offensive by reason of the emission of smoke, noise, gas, odor, dust, vibration or excessive light beyond the limits of its lot so as to be dangerous or prejudicial to the public health, safety or general welfare.
- B. Skyrides, Ferris wheels, roller coasters, shooting galleries and similar recreation devices.
- C. Rendering plants for animal products.
- D. Trailer sites, transient or permanent.
- E. Manufacture or storage of explosives or fireworks.
- F. Structural steel fabrication or iron works.
- G. Dumps or junkyards.
- H. Commercial truck terminals.
- I. Vending machines not located entirely within a principal building.
- J. Open-front stores designed primarily for the sale of merchandise directly to the public on a public street or sidewalk.
- K. Open-air storage of building materials, coal or other heating fuels, automotive fuels and accessories and horticultural products.
- L. The excavation of sand, gravel, topsoil and other subsurface minerals.
- M. The loading and/or unloading at railroad sidings of materials where it is other than an accessory use.

- N. Adult-oriented business, except where allowed in District B3 as a special exception use under § 263-20(I)(3).
- O. Bars and taverns. For purposes of this section, an establishment called a "grill" or "pub" shall also be considered to be a bar or tavern under the definitions contained herein. Other than in the B-1 District, no establishment commonly known as a "bar" or "tavern," the primary use of which is the provision of alcoholic beverages to the public, with or without the provision of food and music or entertainment, shall be permitted nearer than 500 feet to any other similar establishment existing or for which a building permit has been issued, measured along any street from which entrances to the proposed establishment are to be provided.
- P. Fences. No fences, stone walls or masonry walls shall be permitted in the Village of Brewster unless they comply with the following:
- (1) No fences, stone walls or masonry walls shall be permitted which shall exceed four feet in height in any front yard or side yard in front of the building line or which shall exceed six feet in height in any rear yard or side yard in back of the building line, measured from the ground level to the highest point of any portion of the fence or wall.
 - (2) Fences shall be installed with the finished side facing out or away from the interior of the lot on which the fence is placed.
 - (3) Front yard, side yard, and rear yard setback requirements established by this chapter shall not apply to fences, stone walls or masonry walls. In addition, masonry walls constructed as part of a site plan approved by the Planning Board and used to retain an earthen embankment shall be exempt from the height requirements of this section.
 - (4) Hedges, plantings or other living fences shall be considered as fences if placed on the site for such purpose.
 - (5) No fences, stone walls or masonry walls shall be erected which are embedded with or made of pieces of glass, sharpened metal or sharp or otherwise hazardous material.
 - (6) Fences placed immediately around the perimeter of a tennis court, used to control balls in play, shall be limited to a maximum height of 10 feet.
 - (7) Fences used as dumpster enclosures shall be limited to a maximum height of eight feet.
 - (8) Prior to the commencement of any work to construct or install a fence, stone wall or masonry wall, a permit must be obtained from the Village Code Enforcement Officer, who shall also inspect the completed work.

Q. Drive through windows in the B-1 District.

§ 263-18. Off-street parking and loading.

A. General.

- (1) Off-street parking spaces and loading spaces shall be provided for occupants, employees and patrons for the use of land, buildings and other structures in accordance with the standards specified in this section. Any use already existing shall be deemed to conform to these standards to the extent that it conforms at the time of adoption of this chapter. All off-street parking and loading spaces required by this section shall be permanently maintained and available for occupancy. If any existing use is changed to a use requiring additional off-street parking and loading spaces, compliance with this chapter shall require that the additional off-street parking and loading spaces for the new use be in accord with the standards specified by this section.
- (2) Further, any existing use which does not conform to the standards of this section shall not be changed to a conforming one unless off-street parking and loading spaces are provided for the new use as required by this section.

B. Standards. Standards for off-street parking and loading shall be as follows:

- (1) One- and two-family dwellings: two parking spaces for each dwelling.
- (2) Townhomes: two parking spaces for each dwelling unit. To provide for the safe and orderly circulation of vehicles within a garage and/or parking area, all interior roadways and parking aisles shall have a minimum width of 20 feet, as measured from the rear of one parking space to the rear of the parking space directly opposite. All parking garages and/or parking areas shall be grade-separated from the surrounding pedestrian areas by two feet to ensure safety and elimination of pedestrian and vehicular conflict.
- (3) Multifamily dwellings: 1 1/2 parking spaces for each dwelling unit. If there is an interior garage, then to provide for the safe and orderly circulation of vehicles within a garage and/or parking area, all interior roadways and/or parking aisles shall have a minimum width of 20 feet, as measured from the rear of one parking space to the rear of the parking space directly opposite. All parking areas shall be grade-separated from the surrounding pedestrian areas by two feet to ensure safety and elimination of pedestrian and vehicular conflict.
- (4) Home occupations/ professional offices: two parking spaces in addition to the requirement for the dwelling to which such use is accessory.

- (5) Churches, places of worship, theaters, fraternal organizations or other places of public assembly: one parking space for each five fixed seats of capacity or one parking space for each 75 square feet of floor area available for use in cases where capacity is not determined by the number of fixed seats. In all districts other than a residential district, parking spaces may be provided on a lot separate from the building but within 500 feet of that building.
- (6) Retail stores, commercial businesses, business and professional offices, financial institutions and medical and dental clinics: one parking space for each 200 square feet of ground floor area of the building and each 400 square feet of upper floor area. Parking spaces may be provided on a lot separate from the building but within 500 feet of that building.
- (7) Gasoline stations, public garages or car-washing establishments: sufficient parking spaces for all vehicles being serviced at one time, with a minimum of five parking spaces located on the same lot with the building.
- (8) Funeral homes: one parking space for each 75 square feet of floor area used as assembly rooms for services and located on the same lot with the building.
- (9) Restaurants and taverns: one parking space for each 150 square feet of floor area.
- (10) Warehouses, wholesale businesses, contractors' businesses, research laboratories, office buildings and establishments for the manufacture, processing or assembly of goods: one parking space for each two employees during the largest daily work-shift period. Parking spaces may be provided on a lot separate from the building but within 500 feet of that building.
- (11) Other uses not specifically listed: the same requirement as for the most-similar listed use so as to maintain the purpose and intent of this section.
- (12) Mixed uses: the total parking requirement shall be the sum of the requirements of the component uses computed separately.
- (13) Automobile dealerships shall have 1 parking space for each 200 square feet of sales area and a minimum of 10 parking spaces.
- (14) Parking requirements for certain uses in the B-1 District.
 - (a) Multi-family dwelling units: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for dwelling units with additional bedrooms.
 - (b) Retail, restaurant, tavern, personal service, office, art gallery, and similar uses: 1 space for each 500 square feet of gross floor area. Parking for theater shall be 1 space per 3 fixed seats.

- (c) Shared parking. The Village Board may allow the use of shared parking in lieu of complying with regulatory parking requirements for the B-1 District if:
 - (i) A parking survey or study has been completed and approved by the Village Board. The parking study or survey will indicate the demand for the various uses who will be utilizing the shared parking facility at various times and days;
 - (ii) A management plan of the shared parking has been completed and approved by the Village Board. This management plan shall include allocation among the various uses who will be utilizing the parking.
- (15) In the B2 District, parking should be encouraged to be placed in the rear or side of the buildings, not in the front.
- (16) Parking requirements for certain uses in the B-3 District.
 - (a) Multi-family dwelling units: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for dwelling units with additional bedrooms.
 - (b) Retail, restaurant, tavern, personal service, office, art gallery, and similar uses: 1 space for each 500 square feet of gross floor area. Parking for theater shall be 1 space per 3 fixed seats.
 - (c) Fitness or recreation center uses: 1 space for each 300 square feet of gross floor area.
 - (d) Parking is prohibited within front yard setback, except on single family driveways.
 - (e) Townhome dwelling units: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for dwelling units with additional bedrooms.
- (17) Parking requirements for certain uses in the MU District.
 - (a) Multi-family dwelling units: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for dwelling units with additional bedrooms.
 - (b) For all non-residential uses: 1 space for each 500 square feet of gross floor area.
 - (c) Townhome dwelling units: 1 space for each studio or 1 bedroom unit and 0.5 additional spaces for dwelling units with additional bedrooms.
- C. Joint use of parking space. The owners of two or more separate premises may establish a joint parking area to provide the total number of required parking spaces. Said premises shall not be separated by a distance of more than 500 feet.
- D. Off-street truck loading spaces. Every building, structure, lot or land used for a commercial purpose having a gross floor area in excess of 4,000 square feet, or located

within the transit oriented development area, shall provide off-street truck loading spaces in accordance with the following schedule:

Gross Floor Area (square feet)	Required Number of Off-Street Loading Spaces
4,000 to 20,000	1
20,000 to 40,000	2
40,000 to 100,000	3
Each additional 60,000	1 additional

- E. Supplemental regulations and standards.
- (1) Construction.
 - (a) All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to ensure that no nuisance or danger shall exist from dust or from storm water flow onto any public street.
 - (b) Except for necessary driveway entrances, all off-street parking and loading spaces shall be separated from any public street right-of-way by a curb, fence, wall, embankment or other barrier.
 - (2) Design standards.
 - (a) With each and every proposed land use, building or structure, plans shall be submitted to the Village Code Enforcement Officer clearly showing the location, area and dimensions of the off-street parking and loading spaces required to comply with this chapter. Also, all means of access and egress to and from these spaces shall be shown. Points of entrance and exit for driveways onto a street shall be located so as to minimize pedestrian and vehicular traffic congestion and hazards.
 - (b) Except for parking spaces provided in connection with a dwelling, home occupations/professional offices and gasoline stations, each parking space shall be provided with adequate space for approach, turning and exit of an automobile having an overall length of 20 feet without need to use any part of a public street right-of-way.
 - (3) In any residential district, not more than one commercial vehicle, having a gross weight equal to or less than two tons, may be parked on any lot or in any private garage.
 - (4) Accessory parking areas shall be paved and marked off into parking spaces, each with a minimum width of nine feet and a minimum area of 180 square feet, exclusive of access driveways, turning areas and interior roadways and/or aisles.

- (5) In private garages or parking areas accessory to townhomes or multiple dwellings, no repairing of cars shall be done, but washing of tenants' cars shall be permitted as long as no car-washing machinery is employed.
- (6) No business, industrial or office use shall have any truck loading space or spaces or access driveway for trucks within 35 feet of any side or rear lot line which constitutes the boundary of any residential district.

§ 263-20. Special exception use permits.

A. General.

- (1) The Village of Brewster Board of Trustees shall have the power, after public notice and hearing, to grant special exception use permits in the classes of cases as specified within this section.
- (2) Special exception use permits for which conformance to additional requirements is mandated by this chapter shall be deemed to be allowed uses in their respective districts, subject to the satisfaction of the conditions and standards set forth in this section in addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special form that each specific use must be considered as an individual case.
- (3) The Village of Brewster Board of Trustees, to the extent permitted by law, shall have the authority to impose any such conditions or limitations upon the special exception use permit as it may deem necessary for the protection of the health, safety and welfare of the public. Any evidence and guaranty may be required as proof that the condition stipulated in connection therewith will be fulfilled.

B. Application procedures. Applicants are encouraged to submit a preliminary informal application and to discuss it with the Village Code Enforcement Officer prior to formal submission of a complete special exception use permit application. Formal applications for a special exception use permit shall be made to the Village Code Enforcement Officer in six copies, accompanied by payment to the Village of Brewster of a filing fee which shall be fixed from time to time by the Village. In accordance with instructions available from the Village Code Enforcement Officer, applications shall include a site plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot and a written statement describing the nature of the proposed use and how it will serve to implement the purposes of this chapter. If determined to be complete, the applications shall be forwarded by the Village Code Enforcement Officer to the approving agency.

C. Review procedures.

- (1) Review by Village of Brewster Board of Trustees. Within 62 days of receipt of a completed application, the Village of Brewster Board of Trustees shall hold a

duly advertised public hearing. Within 62 days after the public hearing, the Village of Brewster Board of Trustees shall approve, disapprove or approve with modifications or conditions the special exception use permit application. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. Such modifications or conditions shall include the approval of plans for site layout and design of specified uses containing elements relating to parking means of access, screening signs, location and dimension of buildings, impact of the proposed use on adjacent land uses and such other elements as may be reasonably related to the health, safety and general welfare of the community.

- (2) Review by other agencies. Upon receipt of a complete application, the Village of Brewster Board of Trustees shall forward copies to the Planning Board for review and report. The Village of Brewster Board of Trustees may also forward copies for review and report to such other officials of the Village as it deems appropriate. All such agencies and officials shall have 30 days from the date of forwarding to submit reports. In addition, copies shall be forwarded with a notice of public hearing to the Putnam County Planning Department in accordance with pertinent provisions of the General Municipal Law.

D. Standards for all special exception use permit uses. The following standards shall apply to all permitted special exception uses:

- (1) Impact on district. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (2) Adjacent properties. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (3) Nuisance. Operations in connection with the special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a special exception use permit.
- (4) Property values. Neighborhood character and surrounding property values shall be reasonably safeguarded.
- (5) Traffic. The use shall not cause undue traffic congestion or create a traffic hazard.

- (6) Parking. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
 - (7) Services. The use shall be appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
- E. Expiration. A special exception use permit shall be deemed to authorize only the particular use specified in the permit, and, unless other provisions are specifically set forth by the approving agency, the special exception use permit shall expire if:
 - (1) Construction and commencement. Construction has not been commenced within one year and has not been completed within two years of final special permit approval; if no construction is involved, the use has not been commenced within one year of final special exception use permit approval.
 - (2) Cessation. The special exception use or uses shall cease for one year or more for any reason.
- F. Compliance. In connection with issuance of a special exception use permit, the Village of Brewster Board of Trustees may establish a schedule of inspections by the Village Code Enforcement Officer of a special exception use permit to determine continued compliance with this chapter.
- G. Amendments. Any change in use or reduction in lot size requires amendment to the special exception use permit, following the application and review requirements of this section, except that the Village Code Enforcement Officer may issue building permits as requested, without amendment of the special exception use permit, where said Code Enforcement Officer finds that there is no change in the use or that the use proposed falls within the definition of the existing special exception permit use and that the change would not require additional parking spaces. Notwithstanding the above, the Village Code Enforcement Officer may require that application be made for amendment to the special exception use permit where said Code Enforcement Officer finds that the proposed change will be a significant change in the essential characteristics of the existing layout, arrangement or use of buildings or land.
- H. Renewal of special exception use permit. On written application, a special exception use permit may be renewed by the Village of Brewster Board of Trustees, provided that no such renewal shall be made unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special exception use permit. No such renewal shall be made upon written objection by a majority vote of the Village of Brewster Board of Trustees.
- I. Individual requirements for certain special exception use permit uses. The following individual standards and requirements are hereby established for certain special exception

use permit uses. They must, if applicable, be met before issuance of a special exception use permit.

(1) Accessory single-family dwelling.

(a) Intent and purpose. It is the specific purpose and intent of this subsection to permit accessory units in single-family detached dwellings in single-family residential districts to provide the opportunity for the development of small, rental or owner-occupied housing units designed, in particular, to meet the special housing needs of senior citizens. It is the further purpose and intent of these provisions to allow and encourage the more-efficient use of the Village's existing housing stock, to preserve the Village's historic structures and to provide incentive for their maintenance. It is also the intent of these regulations to assure that the single-family character of the property will be maintained and that the accessory unit remain subordinate to the primary living quarters. To help achieve these goals, the following specific standards are set forth and shall be complied with to the satisfaction of the Village of Brewster Board of Trustees in the granting of a special exception use permit.

(b) Eligibility. Accessory single-family units may be located within residential properties in an R District, excluding lots with multifamily units.

(c) Standards.

[1] Location of unit and age of structure. Any accessory unit must be located in the principal resident dwelling, provided that such building existed at least five years prior to the date of application.

[2] Number of accessory units per lot. There shall be no more than one accessory apartment per one-family building lot.

[3] Size. The accessory unit shall not have more than two bedrooms. At no time shall the number of people living in the accessory unit exceed two people per bedroom. The accessory unit must not be larger than 20% of the gross floor area of the principal structure, but must be at least 400 square feet in size.

[4] Off-street parking. One off-street parking space shall be provided per accessory unit.

[5] Exterior changes. Any exterior changes shall be made on the existing foundation unless, in the opinion of the Village of Brewster Board of Trustees, such changes are warranted by the specific circumstances of the particular building. Accessory units

shall be located, designed, constructed, landscaped and decorated in such a manner that, to the maximum extent feasible, the appearance of the principal building will remain as one single-family dwelling. No exterior stairway to the second floor shall be permitted at the front of the building. The accessory unit shall only have separate access from the side or rear of the building, except for cases where there is a front entryway with split access inside the building.

[6] Owner occupancy required. The owner(s) of the premises shall occupy at least one of the dwelling units within the premises.

(d) Required permits and renewals.

[1] Special exception use permit required. The issuance of a special exception use permit, a building permit and a certificate of occupancy shall be the requirements for the creation of an accessory unit. The special exception use permit shall include compliance with the conditions and standards of this section. Such permits shall be valid during the continued ownership of the holder of the permit. Any new owner must renew the permit by reapplication to the Village of Brewster Board of Trustees.

[2] Certificate of occupancy required. All accessory units must meet the requirements of the applicable health, fire and sanitary codes. Inspections as required by the Village of Brewster Board of Trustees shall be made and a certificate of occupancy must be secured prior to the use of the accessory unit.

[3] Sale or subdivision. Neither an accessory apartment nor the premises upon which such accessory apartment is located shall be sold, converted into cooperative or condominium ownership or subdivided unless such action is accomplished in full compliance with the local laws, codes and ordinances of the Village of Brewster and the laws of the State of New York.

[4] Preexisting accessory apartments. Owners of accessory apartments which are in existence as of the effective date of this chapter shall have a maximum of 12 months from such date to apply for an accessory apartment special exception use permit and to meet the requirements of this subsection.

(2) Day care.

(a) Intent and purpose. It is the specific purpose of this subsection to provide facilities for the care of young children (under six years of age) during the

normal business day so that parents and guardians may have work opportunities enhanced, play and social interaction opportunities for their children increased and learning opportunities provided.

- (b) Applicability. These regulations shall apply to all day-care facilities. For purposes of this chapter, such facilities shall be divided into two groups:
 - [1] Day care in the home setting.
 - [a] Family day-care home. Certification to operate is as required by New York State law.
 - [b] Group-family day-care homes: Certification to operate is as required by New York State law.
 - [2] Day care and nursery schools.
 - [a] Day-care center. Centers may be established as the sole use in an individual building or as an accessory use in a church, school or other building and run by an individual, association, cooperation or institution. Day-care centers must be licensed as required by New York State law.
 - [b] Nursery school. This is an institution or business establishment designed to provide daytime care and instruction on a regular basis for two or more children under six years of age in sessions less than three hours. Nursery Schools may hold two sessions daily, but no more than two. Nursery schools must be licensed as required by New York State law.
- (c) General requirements. The following requirements shall apply to all day-care facilities:
 - [1] A license as required by New York State law.
 - [2] Outdoor play areas shall be no closer to the street than the principal building and shall be fenced to provide a safe enclosure for children. Recreational structures and equipment shall be limited to 10 feet in height.
 - [3] Location of the child-care facilities shall be restricted to the first floor of the building, unless a determination is made by the Fire Inspector of satisfactory ingress and egress from the building.

- (d) Family day-care home standards. In addition to the requirements set out in Section 263-20(1)(2)(c) above, day-care in the home setting shall conform to the following requirements:
- [1] Family day-care homes shall operate out of single-family detached dwellings only.
 - [2] The operator of the family day-care home shall live in the dwelling and no more than one employee who does not reside in the dwelling shall be permitted.
 - [3] Group-family day-care homes may operate out of single-family dwellings, a fireproof multiple dwelling unit or a dwelling unit on the ground floor of a multiple dwelling not classified as fireproof as regulated by the New York State Building Code.
 - [4] The operator of the group-family day-care home shall live in the dwelling. One additional parking space shall be provided for each additional employee who does not reside in the dwelling, and one additional space shall be provided for every two additional employees thereafter.
 - [5] Such dwelling shall conform to the requirements of the district in which it is located.
 - [6] No signage other than that permitted in the district in which the family day-care home is located shall be permitted.
 - [7] Outdoor play areas shall be restricted to the rear yard of the lot.
- (e) Day-care center and nursery school standards. In addition to the requirements set forth in Section 263-20(1)(2)(c) above, day-care centers and nursery schools shall conform to the following requirements:
- [1] Day-care centers and nursery schools shall be established as the sole use in an individual building or as an accessory use in a church, school or other building.
 - [2] Day-care centers and nursery schools shall be located fronting on and with access to state or county roads or major local roads providing an arterial or collector function as determined by the Planning Board.
 - [3] A minimum of one parking space for each employee shall be provided and visitor and dropoff parking in the amount of one space per five children.

- [4] The setbacks, height, bulk and minimum frontage for the underlying zoning district shall apply. However, the day-care center or nursery school may not be less than 100 feet from an adjacent residence, nor shall parking be placed closer to a front, side or rear property line than 25 feet.
 - [5] All day-care centers and nursery schools shall be required to provide outdoor fenced play areas of a minimum of 75 square feet per child based on the design capacity of the day-care center. However, the outdoor play areas shall be set back 25 feet from lot lines and adjacent residential structures.
 - [6] Site plan review. The proposed use shall be subject to site plan review by the Planning Board. The Board shall particularly examine any proposed facility in a residential district to be certain that the visual impact of the facility is, to the extent possible, consistent with the residential character of the zoning district.
- (f) Permits and renewals. The issuance of a special exception use permit shall be a requirement for creation of a day-care facility. The special exception use permit shall include compliance with the conditions and standards of this section. Such permits will be valid during the continued ownership of the holder of the permit. Any new owner must renew the permit by reapplication to the Village of Brewster Board of Trustees.
- (3) Adult-oriented businesses, as described in § 263-3.
- (a) The use must be at least 250 feet from the R District;
 - (b) The use must be at least 250 feet from any church, school, nursery school or daycare;
 - (c) The use must be at least 1,000 feet from other adult-oriented businesses; and
 - (d) There is a maximum limit of two such uses within the B3 District.
- (4) Bed and Breakfast.
- (a) The owner-operator of the Bed-and-Breakfast establishment must occupy and maintain as a primary residence and reside in the building that is being used as a Bed-and-Breakfast establishment.
 - (b) The maximum number of guest rooms allowed in the Bed-and-Breakfast establishment is five (5) dedicated guest rooms and a minimum of one (1) dedicated guest room. The maximum number of guests per room is two

- (2) adult lodgers and their minor children in compliance with the New York State Uniform Fire Prevention and Building Code.
- (c) At a minimum, one (1) separate dedicated full bathroom is to be provided for guest usage.
 - (d) Compliance with § 263-18, Off-street parking and loading, is required. In addition, one (1) off-street parking space shall be provided for each bedroom designated as available for lodgers, plus two (2) off-street parking spaces for the owner/operator. No parking will be permitted in the front yard.
 - (e) The maximum duration of stay for guests at the Bed-and-Breakfast establishment is no more than seven (7) consecutive overnights.
 - (f) The only meal that shall be prepared or served at the Bed-and-Breakfast establishment is breakfast in the morning hours for overnight guests only. The breakfast meal shall be served in a designated dining area. All other meals are not permitted. No cooking is permitted in the guest rooms. Serving meals to the public is prohibited. The cost of breakfast is to be included in the fee for the overnight accommodations.
 - (g) No other commercial services shall be offered besides lodging and breakfast dining.
 - (h) Hard-wired smoke and carbon monoxide detectors with battery back-up shall be installed in each guest room and all public spaces in compliance with all requirements of the New York State Uniform Fire Prevention and Building Code.
 - (i) A sign shall be allowed on the premises of the Bed-and-Breakfast establishment. The sign shall be free-standing or attached to the Bed-and-Breakfast establishment. The sign must meet the criteria in § 199-8(G).
 - (j) Room occupancy signs (maximum allowable occupants as per the New York State Uniform Fire Prevention and Building Code) are to be posted in each guest room and public space.
 - (k) Site plan approval will be required by the Planning Board as part of the Special Exception Use permit approval, through a referral by the Board of Trustees.
 - (l) The owner-operator of the Bed-and-Breakfast establishment must be issued a Certificate of Occupancy by the Building Inspector of the Village. The Bed-and-Breakfast establishment is subject to an annual inspection and yearly permit by the Building Inspector. Fees for the Special Exception Use application, annual inspection and yearly permit shall be included in the VOB Fee schedule and may be changed from time to time.
 - (m) Each property for which a special exception use permit has been issued for use as a Bed-and-Breakfast establishment is subject to periodic inspections

by the Building Inspector to ensure continued compliance with all applicable codes, including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original Special Exception Use permit approval. The inspections will be conducted annually and more frequently if the Building Inspector reasonably suspects that more frequent inspections are necessary to endure the safety of the Bed-and-Breakfast establishment.

- (n) If any inspection of the property or dwelling by the Building Inspector for the purpose of ensuring compliance with the provisions of this section is refused by the owner, when inspection occurs at a reasonable time, or if the continuing conditions of the Special Exception Use permit are violated, the permit shall be subject to revocation after a hearing by the Board of Trustees at which the permit holder is provided an opportunity to be heard.
 - (o) In addition to the requirements included in these criteria, Bed-and-Breakfast establishments shall comply with any other requirements deemed appropriate by the Board of Trustees in approving the Special Exception Use permit.
- (5) Outdoor Dining.
- (a) Outdoor dining is permitted to occur on a portion of the sidewalk adjacent to a restaurant, tavern, or similar establishment, provided said use does not unnecessarily impede the safe and convenient flow of pedestrian traffic.
 - (b) A business may apply to the Village Board for a permit to operate outdoor dining along its Main street frontage.
 - (c) Such dining area shall be so configured as to leave room for a continuous public pedestrian walkway at least five feet in width.
 - (d) The dining area may be located on public and/or private property if authorized by the Village Board.
 - (e) In approving such dining area, the Board may attach conditions to ensure public safety and convenience and to reduce potential negative impacts from the dining area.
- (6) Research Facility.
- (a) Such uses of the Facility that result in the generation of hazardous materials or hazardous waste are prohibited.
 - (b) Retail sales are prohibited.
 - (c) Site plan approval will be required by the Planning Board as part of the Special Exception Use permit approval, through a referral by the Board of Trustees.

- (d) Permits and renewals. The issuance of a special exception use permit shall be a requirement for creation of a research facility in the B-3 or LMW Districts. The special exception use permit shall include compliance with the conditions and standards of this section. Such permits will be valid during the continued ownership of the holder of the permit. Any new operator of the research facility must renew the permit by reapplication to the Village of Brewster Board of Trustees.
 - (e) There is a maximum limit of one such use permitted within either the B3 or LMW Districts.
 - (f) Research facilities shall be located fronting on and with access to state or county roads or major local roads providing an arterial or collector function as determined by the Planning Board.
 - (g) In addition to the requirements included in these criteria, research facilities shall comply with any other requirements deemed appropriate by the Board of Trustees in approving the Special Exception Use permit.
- (7) Alternative Care Facility/ Assisted Living Facility/ Nursing Home.
- (a) Certification to operate is as required by New York State law.
 - (b) Alternative care facilities, assisted living facilities and nursing homes shall be located fronting on and with access to state or county roads or major local roads providing an arterial or collector function as determined by the Planning Board.
 - (c) Site plan approval will be required by the Planning Board as part of the Special Exception Use permit approval, through a referral by the Board of Trustees.
 - (d) In addition to the requirements included in these criteria, alternative care facilities, assisted living facilities and nursing homes in the PB or MU Districts shall comply with any other requirements deemed appropriate by the Board of Trustees in approving the Special Exception Use permit.

Article VI

General Provisions

§ 263-21. Building permit; certificate of occupancy.

- A. No building or other structure or part thereof shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until a building permit therefor has been issued by the Code Enforcement Officer. No land, building or other structure or part thereof shall be used or occupied or changed in use until a certificate of occupancy therefor has been issued by the Code Enforcement Officer certifying conformity with this chapter.

- B. Temporary certificates of occupancy. Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.
- (1) In the case of construction of single-family dwellings which are subject to additional standards fixed by the Planning Board and in the case of site plans approved by the Planning Board, a temporary certificate of occupancy may be issued for a period not exceeding six months in the case of occupancy during alterations or two months pending completion of a building in a case where work to be completed is unrelated to the safety or health of the occupants or the general public.
 - (2) Temporary certificates shall contain such appropriate conditions and restrictions as shall be deemed necessary to protect the health, safety and welfare of the occupants of the building or the general public.
 - (3) Temporary certificates shall be issued by the Code Enforcement Officer.
 - (4) The temporary certificate shall state the reason for its issuance, and shall further state, in detail, the conditions required to be met before a final certificate may be issued. The applicant must, before issuance of such certificate, deposit with the Village Clerk an amount in cash, to be fixed by the Code Enforcement Officer; said amount is to be 1 1/2 times the estimated cost of completing the unfinished work. The application shall be accompanied by a nonrefundable fee, which fee shall be established by the Village of Brewster Board of Trustees and shall be on file in the office of the Village Clerk.
- C. No building permit or certificate of occupancy shall be issued if any condition exists on the subject property which is in violation of the Village Code or the New York State Uniform Fire Prevention and Building Code, or if any outstanding balance is owed to the Village for professional consultant review fees relating to the subject property. However, a building permit may be issued in such instance if an emergency situation requires immediate attention to avoid injury to persons or property, as long as remedial measures regarding the violations have also been commenced.

§ 263-22. Change in plans.

Nothing in this chapter shall require any change in the plans, construction or designated use of any land, building or other structure for which a permit or certificate of occupancy shall have been issued pursuant to law or ordinance, provided that construction shall be promptly and diligently performed. Such issued permit or certificate authorizing plans, construction or a designated use which does not conform to this chapter or any amendment hereof shall become null and void within a period of one year from the effective date of this chapter or any such amendment, unless the construction authorized thereby shall be completed and the activity

authorized thereby shall be accomplished. The Zoning Board of Appeals may grant one extension of such period for an additional period not to exceed one year after public hearing for good cause shown.

§ 263-23. Subdivision or transfer of land.

No lot or land shall be subdivided or transferred so as to make a lot nonconforming or more nonconforming or to make any building, other structure or use nonconforming or more nonconforming.

§ 263-24. Nonconforming uses.

Any use of land, buildings and other structures lawfully existing on the effective date of this chapter or any amendment hereto which does not conform to one or more of the provisions of this chapter may be continued in accordance with the following provisions:

- A. No nonconforming use, building or structure shall be enlarged and no nonconforming use of land, buildings or other structures shall be extended to include any land, building or other structure or portion thereof which is not subject to such nonconformity. Any nonconforming use of a building or other structure or portion thereof, however, may be extended to include any portion of the building or structure manifestly designed for such use.
- B. No nonconforming use, building or other structure, if once changed to conform to this chapter, shall thereafter be changed so as to be nonconforming again.
- C. No nonconforming use of land, buildings and other structures shall be changed to another use unless such new use is substantially the same in nature and purpose as the original nonconforming use or is a conforming use.
- D. No nonconforming use of land, buildings and other structures which shall have been willfully abandoned shall thereafter be resumed. No nonconforming use of land, buildings or other structures which shall have either ceased or been discontinued for a continuous period of one year or more shall thereafter be resumed.
- E. No nonconforming building or structure, no nonconforming portion of a building or structure and no building or structure containing a nonconforming use shall be reconstructed or restored after damage by fire or other casualty when the extent of the damage is greater than 50% of the building or structure. The provisions of this subsection shall not prevent the reconstruction or restoration of any such building or structure damaged by fire or other casualty when the extent of the damage is 50% or less of the building or structure, provided that such reconstruction or restoration shall be completed within a period of 12 months from the fire or other casualty.
- F. Except in the event of fire or other casualty as provided in Subsection E, nothing in this section shall be deemed to prohibit work on any nonconforming building or structure

when required by law to protect public health or safety and when ordered by the Village Code Enforcement Officer, provided that such work does not increase the nonconformity. Nothing in this section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or structure or replacement of existing materials.

- G. No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.
- H. Nothing in this section shall be deemed to prohibit the elimination or reduction of nonconformity of a use, building or other structure with respect to minimum floor area for a dwelling, to off-street parking and loading spaces, landscaping, outside display and storage and performance standards, provided that all other requirements of this chapter are met.
- I. Nonconforming lot. Nothing in this chapter shall prevent the construction, enlargement, extension or structural alteration of a building or other structure on or the use of a lot, as defined in § 263-3, which does not conform to the area, shape and frontage requirements of this chapter, provided that such use, building or other structure conforms to all other requirements of this chapter and that such nonconforming lot has access on a street.

§ 263-25. Changes in nonconforming use.

Notwithstanding the provisions of § 263-24(C), the Village of Brewster Board of Trustees may grant a special exception use permit to change a nonconforming use to another nonconforming use if it shall find that the new use will more nearly conform to the provisions of this chapter, that the new use will have a lesser impact upon the surrounding neighborhood and that the new use will not impair the eventual elimination of a nonconforming use on the premises.

Article VII

Zoning Board of Appeals

§ 263-26. Organization and procedure.

- A. Pursuant to § 7-712 of the Village Law of the State of New York, a Zoning Board of Appeals consisting of five members shall be established by resolution of the Village of Brewster Board of Trustees. After the initial appointments of one, two, three, four and five years, the terms of the members shall be for five years. Any vacancies shall be filled for the unexpired term. The Mayor shall appoint the Board of Appeals and the Chairperson thereof, subject to the approval of the Board of Trustees. The term of the Chairperson shall be one official year, and shall be appointed each year at the organizational meeting of the Board of Trustees. In the absence of a Chairperson, the Zoning Board of Appeals may designate a member to serve as Acting Chairperson.

- B. Secretary. The Board is authorized to employ a secretary or clerk who is not a member of the Board, at a salary to be fixed by the Village of Brewster Board of Trustees.
- C. General grant of power. The Zoning Board of Appeals shall perform all the duties and have all the powers prescribed by the Village Law and herein more particularly provided.
- D. Rules of procedure. The Board shall adopt such rules of procedure not inconsistent with the provisions of the Village Law as it may deem necessary to the proper performance of its duties and the proper exercise of its powers. The existing rules and regulations of the Zoning Board of Appeals heretofore established, insofar as not inconsistent with this chapter, are hereby continued in force and effect until amended or repealed by the Board.
- E. Meetings. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be at sufficiently frequent intervals, at the discretion of the Board, for the efficient conduct of its business. All meetings shall be open to the public. A quorum shall consist of three members.
- F. Public hearings. Prior to taking action on any matter relating to this chapter, a public hearing shall be held after public notice in the manner provided by law and after such other notice to property owners in an affected area as may be required by the Board as an accommodation. No action shall be taken respecting such matter until all interested parties shall have been given an opportunity to be heard.
- G. Property near municipal boundary. In any matter which relates to a property which lies within 500 feet of the boundary of another municipality, the Secretary of the Zoning Board of Appeals shall give notice of the public hearing thereon by mail or electronic transmission to the Clerk of the adjacent municipality at least 10 days prior to any such hearing.
- H. Procedures on all appeals, petitions, stays on appeals, public hearings, decisions and other matters before the Board shall be governed by the provisions of Village Law § 7-712 and by the officially adopted rules of procedure of the Board. Matters relating to review by certiorari shall be governed by Article 78 of the Civil Practice Law and Rules. The Chairman or, in the event of his absence from the state or his physical disability, the Vice Chairman and the Secretary shall sign all orders or instructions to the Village Code Enforcement Officer and recommendations to the Mayor and the Village of Brewster Board of Trustees pertaining to matters relating to this chapter.
- I. Minutes and records. The Secretary 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 keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A record of all variances and uses granted pursuant to action of the Board under this chapter shall be maintained by the Village of Brewster, and shall be available for public inspection.

§ 263-27. Appeals on interpretation of chapter and map; variances.

- A. The Zoning Board of Appeals is hereby authorized, upon an appeal, to hear and decide:
- (1) Any matter where an appellant alleges that the Village Code Enforcement Officer 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 part of this chapter.
 - (2) Any matter where an appellant alleges that the Village Code Enforcement Officer was in error in his determination as to the exact location of a district boundary line on the Zoning Map which forms a part of this chapter.
 - (3) Any other matter relating to this chapter where an appellant seeks a review of any decision, order, requirement, determination or interpretation made by the Village Code Enforcement Officer.
 - (4) Any matter which the Village Code Enforcement Officer appeals on the grounds of doubt as to the meaning or intent of any provision of this chapter or as to the location of a district boundary line on the Zoning Map.
- B. The Zoning Board of Appeals is hereby authorized to grant area and use variances in accordance with the provisions of § 7-712-b of Village Law. No such variance shall be issued if any condition exists on the subject property which is in violation of the Village Code or the New York State Uniform Fire Prevention and Building Code, which are not the subject of the variance, or if any outstanding balance is owed to the Village for professional consultant review fees relating to the subject property.

Article VIII

Administration and Enforcement

§ 263-28. Code Enforcement Officer.

The Code Enforcement Officer of the Village of Brewster, which throughout the Village Code shall also be deemed the Director of Code Enforcement, shall administer and enforce the provisions of this chapter. He shall keep records of all applications, permits and certificates of occupancy, of all identifiable complaints of any violation of this chapter and of all notices of violation served by him and the action taken consequent thereon. Said records shall be public records. In the event of the absence of the Village Code Enforcement Officer from his office or of his incapacity for any reason to perform his duties, the same shall be performed by such deputy or Assistant Village Code Enforcement Officer as the Village of Brewster Board of Trustees shall appoint.

§ 263-29. Building permits.

- A. All procedure with respect to applications for an issuance of building permits shall be in conformity with the provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Education Law as pertaining to registration and licensing of architects and engineers, and this chapter.
- B. The plot plan submitted shall show a separate lot for each main building, except in the case of a development consisting of an integrated arrangement of attached dwellings, multifamily dwellings or other buildings designed and intended to be maintained in a single ownership.
- C. After completion of the foundation wall of a building or structure, the owner shall have a survey made by a licensed land surveyor showing the true location of the foundation walls with respect to the lot lines of the lot, and a copy of such survey shall be filed with the Village Code Enforcement Officer before any further construction is commenced.

§ 263-30. Inspection of premises.

The Village Code Enforcement Officer and his deputies and assistants, the Village Engineer, Brewster Police Department and Fire Chief and their authorized agents shall have the right and authority, at any reasonable hour, to enter any building, structure, premises, lot or land, whether already erected or put into use or in the course of being erected and put into use, for the purpose of determining compliance with this chapter.

§ 263-31. Certificates of occupancy.

- A. Application for a certificate of occupancy shall be submitted to the Code Enforcement Officer prior to use or occupancy of any land, building or other structure. The Code Enforcement Officer shall issue a certificate of occupancy, provided that the proposed use, buildings or other structures conform to the provisions of this chapter and/or the New York State Uniform Fire Prevention and Building Code.
- B. The Code Enforcement Officer may issue a temporary certificate of occupancy for a period not to exceed six months pending completion of work required by this chapter and/or the New York State Uniform Fire Prevention and Building Code.

§ 263-32. Forms and plans.

The Code Enforcement Officer may adopt standard forms, approved by the Village of Brewster Board of Trustees, for the issuance of certificates of occupancy and building permits under this chapter. Each application for a certificate of occupancy or building permit under this chapter shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be used or built upon, the exact size and location of all buildings, other structures, uses, off-street parking and loading spaces, landscaping, outside storage and display areas and any other facilities subject to the provisions of this chapter. Original plans shall bear the seal and signature of a registered architect and/or professional engineer licensed by the State of New York.

§ 263-33. Additional conditions for issuance of permits or certificates.

Any plans, maps, statements and stipulations submitted to and approved by the Village of Brewster Board of Trustees, Zoning Board of Appeals or Planning Board in connection with a special exception use permit application, variance or other action of such Boards, as required by this chapter, and any conditions of such approval attached by such Boards shall become conditions for the issuance of a certificate of occupancy or building permit by the Code Enforcement Officer.

§ 263-34. Penalties for offenses.

A violation of this chapter is hereby declared to be a violation, punishable by a penalty not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a penalty not less than \$350 nor more than \$700, or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a penalty not less than \$700 nor more than \$1,000, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate, distinct and additional violation.

Article IX

Amendments

§ 263-35. Procedure and requirements.

- A. All amendments, changes or modifications or the repeal of this chapter and Zoning Map may be made by the Village of Brewster Board of Trustees on its own initiative or by petition or by the recommendation of the Planning Board. Any such amendment or change shall be adopted by local law after proper notice and public hearing as required by Village Law. Furthermore, any such amendment or change shall be consistent with the then-adopted Comprehensive Plan unless a change of circumstances and/or need so as to further protect the health, safety and welfare of the citizens of the Village of Brewster warrants such variance from the then-existing Comprehensive Plan.
- B. All amendments, changes or modifications or the repeal of this chapter and Zoning Map shall be referred by the Village of Brewster Board of Trustees to the Planning Board for review and recommendation. The Planning Board shall submit its recommendations on such amendments, changes or modifications or repeal within 30 days after receiving the same. Failure to reply within the 30 days shall be considered as a recommendation of approval for an amendment, change, modification or repeal.
- C. Any property owner may petition the Village of Brewster Board of Trustees to amend, supplement, change, modify or repeal this chapter and/or Zoning Map. Any such petition

shall be signed and shall cite the existing text and/or zoning district and the proposed change and be accompanied by the required fee and the following reference materials:

- (1) A map, accurately drawn to an appropriate scale, showing the area of the land included in the proposed change, the streets in the immediate vicinity and the land or lands and the name of the owner or owners thereof immediately adjacent to and extending within 200 feet of all boundaries of said property.
- (2) An eight-inch-by-ten-inch photograph of the property for which the change is requested and photographs showing all properties within the two-hundred-foot limits described above.

Article X

Fees

§ 263-36. Planning and professional consultant fees.

- A. Application fees. All nonrefundable application fees shall be in an amount set forth in a fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. No fee shall be required of the Village for Village projects.
- B. Reimbursement of professional review fees. The Board of Trustees, the Planning Board, and the Zoning Board of Appeals, as the approving agencies, in the review of any application presented to them, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such individuals shall be in accordance with a contractual agreement between the Village and such professional. All such charges shall be paid by the Village upon submission of a Village voucher. The applicant shall reimburse the Village for the cost of such professional review services upon submission of a copy of the voucher or, at the discretion of the approving agency, in accordance with § 263-36(C) herein concerning the establishment of escrow accounts. The payment of such fees shall be required in addition to any and all other fees required by this or any other section of this chapter of any other Village law, ordinance or regulation.
- C. Escrow account procedures. At the time of submission of any application to, and prior to the review of the Board of Trustees, the Planning Board or the Zoning Board of Appeals, the approving agency may require the establishment of an escrow account, from which withdrawals shall be made to reimburse the Village for the cost of professional review services. The applicant shall then provide funds to the Village in two separate installments for deposit into such account in an amount to be determined by the approving agency based on its evaluation of the nature and complexity of the application. To cover the costs of the initial review of the application, a deposit shall be made in accordance with the initial escrow account deposit schedule adopted by the approving

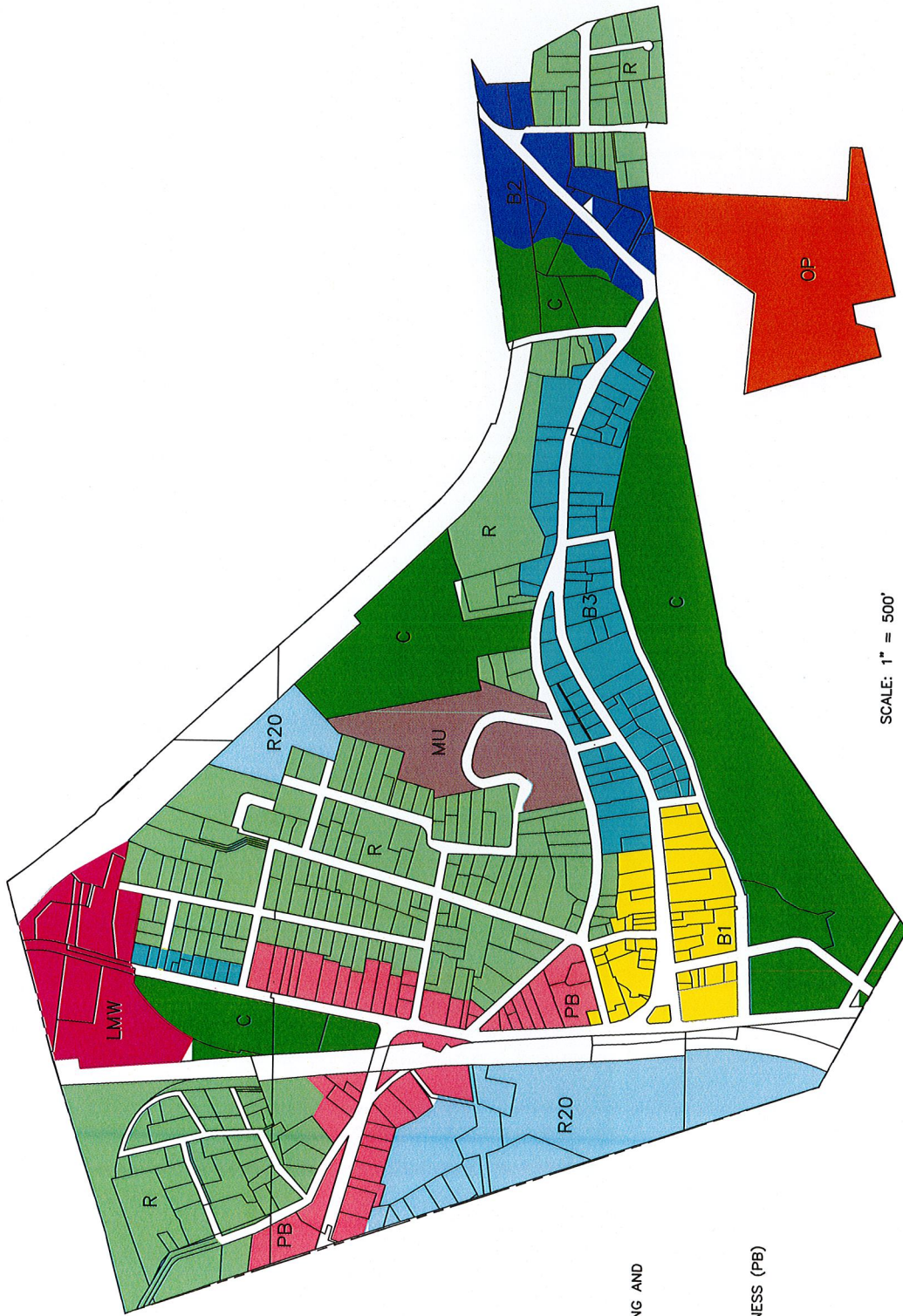
agency. After the preliminary review, the applicant shall provide additional funds to the Village for deposit into the escrow account in an amount to be established by the approving agency as the full escrow deposit based upon estimates of the total anticipated review costs provided by the consultants to the approving agency and the applicant. Said estimates are for the convenience of the applicant and shall not be binding upon the approving agency. The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village. The balance of the escrow account shall be maintained in accordance with the fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. If such account is not replenished in accordance therewith within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend its review of the application, and any time frames to which the approving agency is bound, with regard to making a determination, shall be deemed to have been waived by the applicant. A building permit or certificate of occupancy or use shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit. If any outstanding balance is owed to the Village of Brewster for professional review services, the applicant shall be ineligible to receive any Planning Board, Zoning Board of Appeals, or Board of Trustees approval, or any building permit or certificate of occupancy relative to the subject property.

- D. SEQR fee and escrow. When an action is subject to a positive declaration and involves an applicant, the approving agency may charge a fee to the applicant in order to recover the actual costs of either preparing or reviewing the draft and or final environmental impact statement and as otherwise provided for in SEQR, 6 NYCRR Part 617. Any part of such fee collected by an approving agency and not used for such purposes shall be returned to the applicant.
- (1) The approving agency may require the establishment of a SEQR escrow account, from which withdrawals shall be made to reimburse the Village for the cost of professional review services determined to be necessary in connection with the environmental review of an applicant's proposed action.
 - (2) If the establishment of a SEQR escrow account is required, the applicant shall provide funds to the Village for deposit into such account, in an amount to be determined by the approving agency based on its evaluation of the nature and complexity of the proposed action. The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village. The balance of the escrow account shall be maintained in accordance with the fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. If such account is not replenished in accordance therewith within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend the environmental review process, and any time frames to which the approving

agency is bound, with regard to making a determination, shall be deemed to have been waived by the applicant.

- (3) The total amount of such fee shall not exceed that as set forth in SEQ, 6 NYCRR Part 617, as may be amended from time to time.
- (4) No building permit or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with an applicant's project have been reimbursed to the Village.

E. Collection of fees. All required fees shall be collected by the Treasurer of the Village of Brewster.



SCALE: 1" = 500'

LEGEND

- BUSINESS 1 (B1)
- BUSINESS 2 (B2)
- BUSINESS 3 (B3)
- CONSERVATION (C)
- LIGHT MANUFACTURING AND WHOLESALE (LMW)
- RESIDENTIAL (R20)
- SINGLE FAMILY (R)
- PROFESSIONAL BUSINESS (PB)
- MIXED USE (MU)
- OFFICE PARK (OP)
- VOB-TAXLOT

VILLAGE OF BREWSTER ZONING SCHEDULE
(ATTACHMENT 1)

District	Allowed Use	Allowed Accessory Uses	Special Exception Uses	Minimum Lot Area (square feet)	Min. Lot Size Width and Frontage (feet)	Front Depth (feet)	Side Yard Width (feet)	Side Yard Corner Width (feet)	Rear Depth (feet)	Maximum Lot Coverage (percent)	Maximum Stories	Maximum Height (feet)	Max. Density (FAR or Ratio)	Parking Requirements	Sign Requirements	Min. Open Space (s.f. per d.u.)
Business 1 (B1)	<ul style="list-style-type: none"> 1. Retail stores, restaurants or taverns 2. Personal services 3. Multi-family dwellings. Residential uses shall be limited to upper floors 4. Art Galleries 5. Multi-family dwellings, theaters, dinner theater and live performance theaters 6. Cabaret, excluding adult entertainment 7. Prohibited Use: Drive-through window are prohibited. 	<ul style="list-style-type: none"> 1. Structured parking 	<ul style="list-style-type: none"> All uses shall conform to the requirements of Chapter 283-20 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> 3,500 	<ul style="list-style-type: none"> 30 	<ul style="list-style-type: none"> 0 	<ul style="list-style-type: none"> 0 	<ul style="list-style-type: none"> 0 	<ul style="list-style-type: none"> 0 	<ul style="list-style-type: none"> 50% 	<ul style="list-style-type: none"> 5 	<ul style="list-style-type: none"> 60' 	<ul style="list-style-type: none"> 2.50 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> 0
Business 2 (B2)	<ul style="list-style-type: none"> 1. Retail stores. 2. Personal services 3. Offices, including medical offices 4. Gasoline Stations. Must be at least 1,000 feet from another gas station 5. Gasoline stations may have as an accessory use a retail store or dealership. 6. Automobile repair, must be at least 1,000 feet from another automobile repair use 	<ul style="list-style-type: none"> 1. Automobile dealership may include as an accessory use automotive repair, car wash, car detailing and car detailing area similar in nature to those for sale or lease at the site. 2. Gasoline stations may have as an accessory use a retail store or dealership. 3. Drive-through uses including banks and fast-food restaurants 		<ul style="list-style-type: none"> 10,000 	<ul style="list-style-type: none"> 100 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 30 	<ul style="list-style-type: none"> 50% 	<ul style="list-style-type: none"> 3 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 1.5 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> A minimum of 10 feet landscaping buffer along the frontage is required
Business 3 (B3)	<ul style="list-style-type: none"> 1. Retail stores, restaurants or taverns 2. Personal services, medical offices 3. Single-Family Dwellings 4. Multi-family dwellings, townhomes 5. Multi-family dwellings, townhomes, multi-family dwellings, townhomes, multi-family dwellings, townhomes 6. Community uses, including fitness or recreation center, or senior center 7. Theaters, including movie theater, dinner cabaret, excluding adult entertainment 8. Cabaret, excluding adult entertainment 9. Laundromats 10. Child day care centers 11. Churches 12. Civic, community or cultural use 13. Day care center 14. Day care center 15. Day care center 16. Multi-family owned or operated building, structure or land 17. Museum 18. Nursery School 	<ul style="list-style-type: none"> 1. Garage, private 2. Home occupation/professional office 	<ul style="list-style-type: none"> 1. Breakfast-Breakfast 2. Drive-through uses including banks 3. Research facility 4. Adult-Oriented Business 	<ul style="list-style-type: none"> 5,000 	<ul style="list-style-type: none"> 30 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 15 	<ul style="list-style-type: none"> 50% 	<ul style="list-style-type: none"> 3 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 2 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> 0
Mixed Use (MU)	<ul style="list-style-type: none"> 1. Single family dwellings 2. Multiple family dwellings 3. Townhomes 4. Adult Lepts 5. Art Galleries 6. Art Galleries 7. Live Theater 8. Offices 9. Incubator spaces 10. Co-working spaces 	<ul style="list-style-type: none"> 1. Home occupation/professional offices 2. Garage, private 	<ul style="list-style-type: none"> 1. Nursing homes 2. Alternative care facilities 3. Post-secondary school 4. Public facilities 5. Museums 	<ul style="list-style-type: none"> Residential Use 5,000 Residential or Mixed Use 8.9 acres 	<ul style="list-style-type: none"> 50 	<ul style="list-style-type: none"> Residential 20 Non-Residential 20 Mixed Use 30 	<ul style="list-style-type: none"> Residential 25 Non-Residential 25 Mixed Use 30 	<ul style="list-style-type: none"> Residential 15 Non-Residential 15 Mixed Use 30 	<ul style="list-style-type: none"> Residential 15 Non-Residential 15 Mixed Use 30 	<ul style="list-style-type: none"> 40% 	<ul style="list-style-type: none"> 2.5 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 1 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Residential 400 square feet or less Non-residential dwelling unit is 100 square feet or less Minimum of 20% of lot area.
Conservation (C)	<ul style="list-style-type: none"> 1. Child day care 2. Recreation areas 			<ul style="list-style-type: none"> 60,000 	<ul style="list-style-type: none"> 100 	<ul style="list-style-type: none"> 25 	<ul style="list-style-type: none"> 15 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 5% 	<ul style="list-style-type: none"> 2 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 0.05 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	
Light Manufacturing and Wholesale (LW)	<ul style="list-style-type: none"> 1. Light Manufacturing 2. Warehousing, wholesale businesses 3. General Business 4. General Business 5. Outdoor or indoor storage, including self-storage buildings 6. Offices 		<ul style="list-style-type: none"> 1. Research facility 	<ul style="list-style-type: none"> 25,000 	<ul style="list-style-type: none"> 100 	<ul style="list-style-type: none"> 40 	<ul style="list-style-type: none"> 15 	<ul style="list-style-type: none"> 50 	<ul style="list-style-type: none"> 50 	<ul style="list-style-type: none"> 50% 	<ul style="list-style-type: none"> 3 	<ul style="list-style-type: none"> 35 	<ul style="list-style-type: none"> 0.6 	<ul style="list-style-type: none"> Parking shall conform to the requirements of Chapter 283-18 of the Code of the Village of Brewster. 	<ul style="list-style-type: none"> Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster. 	

NOTE: The text of Zoning, Chapter 283 takes precedent over Attachment 1, Zoning Schedule.

VILLAGE OF BREWSTER ZONING SCHEDULE
(ATTACHMENT 1)

District	Allowed Use	Allowed Accessory Uses	Special Exception Uses	Minimum Lot Area (square feet)	Min. Lot Size Width and Frontage (feet)	Front Depth (feet)	Side Yard Width (feet)	Minimum Yard Side Yard Corner Lot Width (feet)	Rear Depth (feet)	Maximum Lot Coverage (Percent)	Maximum Stories	Maximum Height (feet)	Max. Density	Max. FAR (Floor Area Ratio)	Parking Requirements	Sign Requirements	Min. Open Space (s.f. per d.u.)
Professional and Business (PB)	1. Offices, including medical offices; 2. Personal services; 3. Single-family dwellings	1. Garage, private offices 2. Home Occupation/professional offices	All uses shall conform to the requirements of Chapter 263-28 of the Code of the Village of Brewster.	7,500	50	20	15	20	15	40%	2.1/2	35	1 dwelling unit/lot or 1 business/lot	1.0	Parking shall conform to the requirements of Chapter 263-18 of the Code of the Village of Brewster.	Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.	150 square foot per dwelling unit
Single Family (R)	1. Single-family detached dwellings	1. Private garages or private parking areas providing a minimum of two 263-18 spaces pursuant to Section 2. Home occupation/professional offices	1. Church/place of worship 2. Day care center 3. Nursery school 4. Accessory single-family dwellings 5. Bed & Breakfast	7,500	60	20	12	20	35	25%	2.1/2	35	1 dwelling unit/lot and 1 accessory dwelling/lot	0.5	Parking shall conform to the requirements of Chapter 263-18 of the Code of the Village of Brewster.	Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.	400 square foot dwelling unit
Residential (R20)	1. Single family dwellings, either detached, semi detached or attached 2. Cluster	1. Private garages or private parking areas pursuant to Section 263-18 2. Home occupation/professional offices	1. Bed & Breakfast	20,000	100	25	20	25	40	15%	2.1/2	35	2.5 detached	0.1	Parking shall conform to the requirements of Chapter 263-18 of the Code of the Village of Brewster.	Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.	5,000 per dwelling unit
Office Park (OP)	1. Offices, including medical offices 2. Medical Laboratory 3. Pharmacy 4. Physical Therapy 5. Research facility	1. Private garages or private parking areas pursuant to Section 263-18 2. Home occupation/professional offices 3. Catering for employees incidental to principal use. Any such catering must be self-contained and accessible to the building, and must be designed to reduce the impact on the Village Water System		40,000	200	25	20	20	10	37.5%	4 unless self-contained parking within the building is provided, in which case the maximum building height may not exceed 70 feet	45' unless self-contained parking within the building is provided, in which case the maximum building height may not exceed 70 feet	0.8	0.8	Parking shall conform to the requirements of Chapter 263-18 of the Code of the Village of Brewster.	Signs shall conform to the requirements of Chapter 199 of the Code of the Village of Brewster.	5,000

NOTE: The text of Zoning, Chapter 263 takes precedent over Attachment 1, Zoning Schedule.



Engineering, Surveying and Landscape Architecture, P.C.

Appendix B - Chapter 199 of the Code of the Village of Brewster entitled Signs, Amended November 18, 2015

VILLAGE OF BREWSTER
AMENDMENT TO
BREWSTER VILLAGE CODE

BE IT ENACTED by the Board of Trustees of the Village of Brewster, Putnam County, New York, as follows:

Section 1. Chapter 199, Section 199-5 is hereby amended to read as follows:

Chapter 199
SIGNS

§ 199-5. Allowed locations by zoning district.

This Chapter shall apply to all signs located in the following districts, which are the only districts in which signs may be erected or installed: R District, R20 District, B1 District, B2 District, B3 District, C District, MU District, LMW District, OP District and PB District.

Section 2. If any provision of this local law shall be deemed by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this local law shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Dated: November 18, 2015

VILLAGE OF BREWSTER
AMENDMENT TO
BREWSTER VILLAGE CODE

BE IT ENACTED by the Board of Trustees of the Village of Brewster, Putnam County, New York, as follows:

Section 1. Chapter 199 is hereby amended to read as follows:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

Section 2. If any provision of this local law shall be deemed by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this local law shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Dated: November 18, 2009

SCHEDULE "A"

Chapter 199

SIGNS

- § 199-1. Title.
- § 199-2. Statement of purpose.
- § 199-3. Compliance required.
- § 199-4. Definitions.
- § 199-5. Allowed locations by zoning district.
- § 199-6. Obtaining a sign permit.
- § 199-7. Sign Standards.
- § 199-8. Allowable commercial signs.
- § 199-9. Non-Commercial Signs.
- § 199-10. Temporary signs.
- § 199-11. Signs permitted by special exception use permit.
- § 199-12. Signs exempt from permit requirements.
- § 199-13. Prohibited signs.
- § 199-14. Nonconforming signs.
- § 199-15. Amortization schedule for billboards.
- § 199-16. General provisions.
- § 199-17. Construction requirements.
- § 199-18. Enforcement.

§ 199-19. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Brewster __ - __ - 2009 by L.L. No. __ - 2009. Amendments are noted where applicable.]

§ 199-1. Title.

This chapter shall hereafter be known and cited as the "Sign Local Law of the Village of Brewster."

§ 199-2. Statement of purpose.

The Village of Brewster recognizes and supports the right of all citizens to communicate using signs. However, the Village also recognizes that the location, number, size and design of signs significantly influence public health, safety and visual environment, and subsequently the perception of the Village's social and economic condition. It is the intent of these regulations to maintain and enhance the quality of life within the Village of Brewster by permitting orderly signage and minimizing visual clutter, while continuing to recognize the rights of business owners as well as all members of the public.

§ 199-3. Compliance required.

No person, including any owner, lessee, or other occupant of any premises, shall erect, construct or display, or permit the erection, construction, or display of any sign within the Village of Brewster, other than in accordance with the provisions of this chapter.

§ 199-4. Definitions.

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

ABANDONED SIGN - Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

ALTERATION - Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

ANIMATED OR MOVING SIGNS - A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

AWNING - A roof-like cover that projects from a building wall for the purpose of shielding a window or doorway from the elements.

BANNER, FLAG, OR PENNANT - Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of New York, and other states, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

BENCH SIGN - A sign painted on or affixed to a bench.

BILLBOARD - A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages.

BRACKET SIGN - A small sign mounted on the ground using one or more posts.

BUILDING FRONTAGE - That building elevation that fronts on a public street or parking area where customer access to the building is available.

BUSINESS FRONTAGE - That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located in the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

BUSINESS IDENTIFICATION SIGNS - A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

CABINET SIGN (CAN SIGN) - A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

CANDLEPOWER - The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower.

CANOPY - A roof-like cover, either freestanding or attached to a building wall and supported totally or partially by the ground below.

CHANGEABLE COPY SIGN - A sign designed to allow changing of copy manually.

CHANNEL LETTERS - Three-dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a structure.

CIVIC EVENT SIGN - A temporary sign, other than a commercial sign, posted to announce a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar not-for-profit organization.

COMMERCIAL SIGN – A sign that advertises, promotes or identifies a commercial business or commercial operation, or which is otherwise related to or connected with trade and traffic or business and commerce in general.

CONTRACTOR OR CONSTRUCTION SIGN - A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.

CONVENIENCE SIGN - A sign that conveys information (e.g., restrooms, no parking, entrance) or minor business identification for directional purposes, and is designed to be viewed by pedestrians and/or motorists.

COPY - Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

DIRECTLY LIGHTED SIGN - A sign that is illuminated by a light source that shines through the letters or logo from the back of the sign.

DIRECTORY SIGN - A sign listing the tenants of a multiple-tenant structure or center.

DOUBLE-FACED SIGN - A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

ELECTRONIC READER BOARD SIGN OR ELECTRONIC GRAPHICS SIGN - A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

FLASHING SIGN - A sign that contains an intermittent or sequential flashing light source.

FUTURE TENANT IDENTIFICATION SIGN - A temporary sign that identifies the names of future businesses that will occupy a site or structure.

GRAND OPENING - A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion by a business.

GROUND SIGN - See "monument" signs.

HANGING SIGN - A sign hanging down from a marquee, awning or porch that would exist without a sign.

HEIGHT OF SIGN - The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

ILLEGAL SIGN - Any of the following:

A. A sign erected without first obtaining a permit, if required by this Chapter, and complying with all regulations in effect at the time of its construction or use.

B. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises.

C. A nonconforming sign for which the amortization period hereunder has expired.

D. A sign that is a danger to the public or is unsafe; or a sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

E. A temporary sign displayed for over twenty one (21) days.

INDIRECTLY LIGHTED SIGN - A sign that is illuminated by a light source that shines directly on the surface of the sign, which light source is designed specifically to illuminate only the sign.

INFLATABLE DEVICE - An object that is blown up with air or gas.

INTERNALLY ILLUMINATED SIGN - A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign; same as a directly lighted sign.

LOW-PROFILE MONUMENT SIGN - A freestanding sign with a lower height configuration. Such signs are usually used for building complexes that are separated from adjacent streets by substantial setbacks.

MARQUEE - A permanent structure attached to a building wall, having horizontal or nearly horizontal top and bottom surfaces, which is intended to serve as a covering over the area thereunder.

MONUMENT - Any detached sign on the same lot or parcel as the use it identifies which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box, or structural frame.

MULTIPLE-TENANT BUILDING - A development consisting of two or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

NEON SIGN - Glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NON-COMMERCIAL SIGN - A sign that does not advertise, promote or identify a commercial business or commercial operation, and which is not otherwise related to or connected with trade and traffic or business and commerce in general.

NONCONFORMING SIGN - An identifying structure or sign which was lawfully erected through the issuance of a sign permit and maintained prior to the adoption of this chapter, and which has subsequently come under the requirements of this chapter, but does not now completely comply.

PERMANENT BANNER SIGNS - As a primary sign only, permanent banner signs shall look like architectural elements of the building and shall hang from projecting metal brackets of a size and design appropriate to the banner and the architectural character of the building. Banner signs shall be mounted perpendicular to the face of the facade at both the top and bottom.

PERMANENT SIGN - A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

PLAQUE SIGN - Small version of a wall sign that is attached to a surface adjacent to the front entry.

POLE SIGN - A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above finished grade (same as pylon sign).

POLITICAL SIGN - A sign designed for the purpose of announcing support of or opposition to a candidate or proposition for a public election or a sign expressing political, religious, or other ideological sentiment that does not advertise a product or service.

PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of persons or wheels; signs converted to A-frames; menu and sandwich board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, in which case the vehicle must be removed from the site during non-business hours.

PROJECTING SIGN - A sign, attached to a building, the face of which is perpendicular or nearly perpendicular to the building wall.

PROMOTIONAL SIGN - A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

PROPERTY FRONTAGE - The side of a parcel or development site abutting on a public street.

PYLON SIGN - See "pole sign."

REAL ESTATE SIGN - A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

RESTAURANT MENU SIGN - A sign that incorporates a menu containing a list of products and prices offered by the business.

ROOF SIGN - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN - Any announcement, declaration, demonstration, billboard display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed where it may be viewed from the outside of any structure on the premises where placed.

SIGN AREA - The area including the frame or edge of the sign; where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign. When two identical sign faces are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding 30°, only one of the sign faces shall be used to compute the sign area. If the angle of the sign faces exceeds 30°, then both faces shall be used to compute the sign area.

SIGN DESIGN GUIDELINES - The general and specific guidelines as set forth in this Chapter.

SPECIAL EVENT SIGN/BANNER - A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).

SPECIALTY SIGN - A sign made using techniques or materials akin to the type of business it advertises.

TEMPORARY SIGN - Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

THREE-DIMENSIONAL SIGNS - Signs that have a depth or relief on their surface greater than six inches.

TIME AND/OR TEMPERATURE SIGN - A sign that accurately displays the current local time and/or temperature, usually through arrays of small electric lights. No commercial advertising or other message is generally allowed.

VEHICLE SIGN - A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

WALL SIGN - A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

WINDOW AREA - Window area shall be computed by calculating each window pane or panel.

The area shall be separate for each building face, and for each window. A group of window panes or panels per business may be considered one window if they are adjoining on the building face.

WINDOW SIGN - A sign posted, painted, placed, or affixed in or on the interior surface of a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

§ 199-5. Allowed locations by zoning district.

This Chapter shall apply to all signs located in the following districts, which are the only districts in which signs may be erected or installed: R District, R20 District, PB District, B1 District, B2 District, B3 District, B4 District, B5 District, LMW District, and P District.

§ 199-6. Obtaining a sign permit.

An application for a permanent sign that is permitted by this Chapter must be submitted to the Code Enforcement Officer for review and approval, along with the appropriate fee. The fees for the application are as set forth in the Schedule of Fees of the Village of Brewster, which may be amended from time to time by resolution of the Board of Trustees of the Village of Brewster. After a complete application is submitted in accordance herewith, the appropriate fees paid, and a finding by the Code Enforcement Officer that the proposed sign is in conformance with the provisions of this Chapter, the Code Enforcement Officer shall issue the appropriate permit to the applicant. If a proposed sign requires a special exception use permit or a variance pursuant to the provisions of this Chapter, then in that case a permit shall not be issued by the Code Enforcement Officer until the applicant has obtained the special exception use permit from the Board of Trustees or the variance from the Zoning Board of Appeals, as the case may be. If the Code Enforcement Officer determines that a variance is required for a particular sign, then the applicant may submit an application to the Zoning Board of Appeals to apply for a variance. If a special exception use permit is required, the applicant may then submit an application to the Board of Trustees to apply for the special exception use permit.

§ 199-7. Sign Standards.

All permanent signs require a sign permit, not inconsistent with any other regulations stated in this Code. The standards that shall apply to all permanent signs are as stated in this Section.

A. Message.

1. The message shall consist of letters and numbers displaying the name, nature of business, telephone number and/or website address of the organization it advertises.
2. Graphics may be permitted pending Planning Board approval.
3. All signs must be posted on private property and must pertain to a business or occupant of the property upon which it is erected or constructed.

B. Material

1. All signs must be made of wood, metal, plastic or other quality materials.
- C. All signs must consist of colors from the Village approved color palette, which is available in the office of the Village Clerk, and which may be changed from time to time by resolution of the Board of Trustees.
 1. All signs must have a solid background color.
 2. Sign message may consist of up to 2 additional colors.
- D. Illumination may be provided from a shielded light source, provided that the illumination source does not project or reflect into nearby windows, or create a glare at the sidewalk level.
- E. The area of a sign shall be as defined in Section 199-4 hereof.
- F. One sign per business or occupant may be installed per building elevation fronting on a public right-of-way.

§ 199-8. Allowable commercial signs.

All permanent commercial signs must have an application filed in accordance with Section 199-6 of this Chapter. Each allowable sign type must adhere to the corresponding specifications below:

A. Wall Signs

1. Permanently mounted on or attached to exterior wall.
2. Must be mounted parallel to the wall and shall not protrude more than 12 inches.
3. Must be placed below windows of the floor above the retail location, or below the roof of a one-story building.
4. The allowable sign area shall not exceed the square footage that is equal to the linear footage of the building's frontage towards a public right-of-way.

B. Awnings

1. Metal frame clad with sloped opaque fabric attached over a door, window or storefront.
2. May be installed in addition to a wall sign.
3. May be retractable or fixed.
4. May have a skirt hanging parallel to the building wall, not longer than 12 inches, either framed or flexible.
5. The business name, nature of business, telephone number or website address may be displayed on the skirt.
6. Any graphic or message placed on sloped portion shall not be larger than eight square feet or 25% of the surface area, whichever is less.

7. All permitted awnings shall be solid or striped, and must consist of no more than two colors which are part of the Village approved color palette.

C. Canopies

1. An overhead covering or structure projecting from a building wall over the sidewalk.
2. May be installed in addition to a wall sign.
3. Must have at least an 8 foot clearance between the sidewalk and the lowest section of the canopy.
4. Must be fixed to the sidewalk no more than 12 inches from the curb.
5. The business name, nature of business, telephone number or website address may be displayed on the canopy.
6. Any graphic or message placed thereon shall not be larger than eight square feet or 25% of the surface area, whichever is less.
7. All permitted canopies shall be solid or striped, and must consist of no more than two colors which are part of the Village approved color palette.

D. Window Signs

1. Sticker, paper or other object posted on interior of windows.
2. May be posted in addition to other types of signage, provided that all window signs shall not cover more than 20% of the square footage of the window. Hours of operation and contact information for the business shall not be calculated in the total window area coverage provided that such signage does not exceed a total of one (1) square foot.
3. No flashing, revolving, animated, moving or neon signs, or continuous strip lighting.

E. Ground Signs

1. A sign may be fixed into the ground using proper construction methods.
2. Must be fully within the boundaries of the building's lot, and must be set back a minimum of ten (10) feet from the property line.
3. May not stand more than five (5) feet tall.
4. The allowable sign area shall not exceed the square footage that is equal to the linear footage of the building's frontage towards a public right-of-way.
5. Must not encroach on or overhang the street, sidewalk or right-of-way.

F. Bracket or Projecting Sign

1. The size of the sign shall not exceed four (4) square feet.
2. The sign shall not protrude more than eighteen (18) inches from the exterior wall of the building.

G. Home Occupation Sign

1. The size of the sign shall not exceed two (2) square feet.
2. The sign must be set back a minimum of ten (10) feet from the property line.
3. The sign must not interfere with sight visibility on streets, roadways or driveways.
4. The sign may not exceed four (4) feet in height, including any and all supports for the sign.
5. The sign may not be illuminated in any manner.

§ 199-9. Non-Commercial Signs.

Non-Commercial permanent signs must adhere to the Sign Standards set forth in Section 199-7 hereof, as well as the specifications that apply to commercial signs as set forth in Section 199-8 hereof. Any non-commercial signs that are subject to special exception use permit as set forth herein must comply with the provision of Section 199-11 hereof.

§ 199-10. Temporary signs.

Temporary signs may be commercial or non-commercial, and free-standing or placed in the window of an occupied building, provided that:

- A. All temporary signs are posted on private property by the property owner, or with the permission of the property owner, and must be set back at least three (3) feet from the property line.
- B. The sign must not exceed six (6) square feet, and may be no larger than six square feet on each side if the sign is double-sided.
- C. A limit of five (5) signs may be erected per property.
- D. Temporary signs may be posted for 21 days around an event, provided that they are removed no later than 5 days after the corresponding event.
- E. No temporary sign may be posted on public property.
- F. The total area of temporary signs placed in windows may not exceed ten (10%) percent of the window area of each window in which a sign is placed.
- G. All temporary signs must contain sufficient information to easily identify the owner of the sign.
- H. No fluorescent colors or reflective materials shall be used.
- I. No illumination shall be permitted.

§ 199-11. Signs permitted by special exception use permit.

The following signs shall require a special exception use permit issued by the Board of Trustees of the Village of Brewster, which shall be subject to the criteria set forth herein, and which shall be subject to the special exception use permit procedures set forth in Section 263-20 of the Code.

A. Types of signs permitted by special exception use permit:

1. Any sign, mural or message painted directly onto a building façade, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a) The size of the sign shall not exceed 75% of the wall area of the wall upon which the sign, mural or message is placed.
 - b) There shall be no more than one sign per building, which shall be located on only one side of that building.
 - c) The colors, if proposed to be different than otherwise permitted, and design of the sign are approved by the Board of Trustees.
 - d) The type of paint used shall be weather resistant.
 - e) The sign must be re-painted as often as necessary to maintain the sign.
 - f) Sufficient measures must be taken to ensure the safety of pedestrians and automobiles traveling in the area where the sign is being painted.
 - g) A full and complete rendering of the sign must be submitted to the Board of Trustees exhibiting the exact mural or painting that is proposed, including an estimate of the time it will take to complete the sign.
2. Roof Sign, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign shall not exceed 12 square feet.
 - b. The height of the sign shall be no more than 3 feet tall.
3. Pole Sign, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign shall not exceed 12 square feet, excluding the poles or posts.
4. Specialty Signs, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign may not exceed 4 square feet.

- b. If the sign is three-dimensional, it may not exceed 1 foot in depth.
 - c. The manner in which the sign is to be displayed must be approved by the Board of Trustees.
 - 5. Marquee, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. Only if a marquee is a necessity of the operation of the business operated at the location of the marquee.
 - b. If illuminated, it may be illuminated by direct or indirect illumination.
 - c. The sign may not exceed 15 feet in height, including all supports.
 - d. The size of the sign may not exceed 12 square feet, excluding supports.
- B. All signs permitted by special exception use permit must conform to the following criteria to be approved by the Board of Trustees, in addition to the criteria set forth herein for each particular sign that is permitted by special exception use permit. The criteria set forth herein may not be waived in whole or in part by the Board of Trustees.
 - 1. Each sign must be inherent to the type of business operated on the premises upon which the sign is to be erected or constructed.
 - 2. Each sign must be so closely associated with and common to the business operated on the premises upon which the sign is to be located that it may be considered necessary for the operation of the business.
 - 3. No sign may be too dissimilar to the character of the surrounding neighborhood, and must reasonably conform to the character of the surrounding neighborhood.
 - 4. In addition to the criteria set forth herein, each sign must also conform to the sign standards and all other provisions of this Chapter.

§ 199-12. Signs exempt from permit requirements.

The following signs are permitted in all zoning districts in accordance with Section 199-5 hereof and are exempt only from the requirements for a sign permit. An exemption from obtaining a sign permit shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in good and safe condition and for complete compliance with the requirements of this chapter.

- A. Memorial tablets, emblems, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or similar material as an integral part of the building. The total area of said signs shall not exceed 1% of the area of the building

wall on which they are located or four square feet, whichever is smaller. The area of said signs shall not be included in the maximum permitted wall sign area.

- B. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, and such temporary emergency signs as may be erected by the government or public utility employees in carrying out their official work.
- C. Historic site and historic building plaques and markers subject to the provisions of any applicable historic preservation ordinances.
- D. Names on mailboxes.
- E. Signs used on property warning the public against trespassing, parking, or soliciting thereon.
- F. Temporary safety, traffic, directional, and warning signs approved by the governmental agency having jurisdiction.
- G. Window and door signs and temporary signs attached to or painted on windows and doors to indicate a suite number or apartment number for address purposes only.
- H. Signs required by any provision of law or signs deemed necessary to the public welfare by the governing body.
- I. For any residential premises for sale or rent, one temporary non-illuminated "for rent" or "for sale" sign not over six (6) square feet in area and one (1) "open house" sign not over four (4) square feet in area. For any nonresidential premises for sale or rent, one (1) temporary non-illuminated "for sale" or "for rent" sign not over sixteen (16) square feet located at least fifteen (15) feet from any property line. Such signs shall not be embellished by balloons, streamers or other distractive adornments and shall be placed only on private property with the permission of the owner and shall in no event be placed upon or over the street or road right-of-way. Real estate "for sale" or "for rent" signs shall be removed within seven days after the execution of a lease or closing of a sale.
- J. A nameplate sign, situated within the property lines and bearing only the name and address of the principal occupant, provided that the sign does not exceed 12 inches in height and 24 inches in length.
- K. Signs not exceeding one square foot in area designating or calling attention to driveway entrances and exits.
- L. Signs erected to control the movement of traffic on a premises, provided these signs shall provide traffic directions only and shall not be used for any advertising purposes. These signs shall not exceed two square feet in area and shall have been approved by the Planning Board.

- M. The American flag, and governmental flags displayed by recognized governments or governmental agencies, provided such flags are displayed in a respectful manner and in accordance with established or recognized rules, standards and criteria as may be set forth from time to time by resolution of the Board of Trustees of the Village of Brewster. Any such flag shall be hung in a safe manner with adequate support based on its size, weight, and exposure to wind in order to avoid hazard to persons and property.
- N. Temporary signs as set forth in Section 199-10 hereof and subject to the provisions of said section. Such signs shall not be embellished by balloons, streamers or other distracting adornments and shall be placed only on private property with the permission of the owner and shall in no event be placed upon or over the street or road right-of-way.

§ 199-13. Prohibited signs.

Any sign that is not expressly permitted by this Chapter, or permitted by Special Exception Use Permit pursuant to this Chapter, is expressly prohibited.

§ 199-14. Nonconforming signs.

- A. Intent. This chapter is intended to encourage the eventual elimination of signs which do not comply with this chapter.
- B. Amortization. A permanent sign not complying with this chapter, but in place, by permit, on the effective date of this chapter, shall be removed, or brought into compliance with this chapter, within three (3) years after the effective date of this chapter. Signs which were erected without a sign permit and which are prohibited by this chapter shall be removed. Signs in compliance with this Chapter but with no permit, shall apply for a permit within three (3) years from the date of enactment of this Chapter. An application may be made to the Board of Trustees for an extension of the time period within which a sign must comply with this Chapter for the purposes of depreciation of the sign or such other reasons as the Board of Trustees may find to be reasonable and appropriate. This Section shall not apply to temporary signs, which shall have no amortization period and which shall immediately comply with the provisions of this Chapter.
- C. Continuance. A nonconforming sign may be continued during the amortization period if it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. A nonconforming sign may not be structurally altered so as to prolong the life of the sign. It may not be reestablished after damage or destruction if the Code Enforcement Officer determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.
- D. Nuisance. An unsafe or abandoned sign is declared a public nuisance, which shall be abated by the owner within 30 days of receiving notice from the Code Enforcement Officer.

§ 199-15. Amortization schedule for billboards.

Billboards are not permitted signs pursuant to the provisions of this Chapter. Billboards that were in place on the effective date of this chapter shall be removed within the time period specified below, based upon each billboard's fair market value at the time of the enactment of this Chapter.

<u>Fair Market Value</u>	<u># of Years</u>
under \$1,999	3
\$2,000 to \$3,999	4
\$4,000 to \$5,999	6
\$6,000 to \$ 7,999	7
\$8,000 to \$9,999	9
\$10,000 and over	10

§ 199-16. General provisions.

- A. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. This shall not prohibit signs in private parking lots as directed by the Planning Board.
- B. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- C. Sign lighting. Illuminated signs may be directly or indirectly lighted in accordance with this Chapter, provided that they comply with the following standards:
 - 1. Illumination of directly illuminated signs shall be of the diffused lighting type.
 - 2. Indirectly illuminated signs with external spot or flood lighting must be arranged such that the light source is directed away from passersby. The light source must be directed against the sign such that it does not shine into adjacent property or cause glare for motorists and pedestrians.
 - 3. Noticeable raceways and transformers for individual letters are prohibited. Sign installation details shall indicate the location of the transformer and other mechanical equipment.
 - 4. Floodlights or spotlights used for the illumination of signs, whether such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be

permitted, provided that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

5. Flashing signs and neon signs are prohibited.

- D. All lighting in connection with signs shall be extinguished by 11:00 p.m. prevailing time, or at the close of the business or activity services by said signs or lights, whichever is later; provided, however, that the Code Enforcement Officer may authorize exterior lighting at additional hours to assist in the protection of properties which otherwise may be subject to this section when so recommended by the Village of Brewster Police Department.
- E. Moving, revolving or animated signs, or signs embellished by balloons, streamers or other distractive adornments are prohibited.

§ 199-17. Construction requirements.

- A. Material. Signs shall be constructed of quality materials in accordance with this Chapter and completed with durable finishes.
- B. Codes. All signs shall conform to the latest edition of the applicable building and electrical codes.
- C. Fastenings. All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.
- D. Fire escapes. A sign may not obstruct a fire escape.
- E. Lighting. External lighting shall be shielded from view and shall be focused upon the sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.
- F. Proximity to electrical conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
- G. Sanitation. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
- H. Landscaping. The area beneath and around a monument sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
- I. Responsibility for compliance. The owner of the parcel on which a sign is placed and the tenant are each fully responsible for the condition and the maintenance of the sign, and the area

around the sign.

§ 199-18. Enforcement.

This Chapter shall be enforced by any official authorized to issue and serve appearance tickets under Chapter 4, Appearance Tickets, of the Code of the Village of Brewster or the laws of the State of New York.

§ 199-19. Penalties for offenses.

Any person, corporation, firm, association, organization or other entity who violates any provision of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a penalty of not more than \$250 or by imprisonment for not more than 15 days, or both. A person, corporation, firm, association, organization or other entity who violates this Chapter after having been convicted of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$350 and/or not more than 15 days in jail; and further provided that a person, corporation, firm, association, organization or other entity who violates this Chapter after having been convicted two or more times of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$500 and/or 15 days in jail. Each day that a violation of this Chapter shall continue shall constitute a separate offense.



Engineering, Surveying and Landscape Architecture, P.C.

Appendix C - Chapter 182 of the Code of the Village of Brewster entitled Planning, Adopted November 18, 2015

Chapter 182

PLANNING

Article I

Site Plan Approval.

§182-1. Procedure for approval.

A. Authority and purpose; recreation fees.

- (1) Purpose. In order to ensure that development and use of land within the Village of Brewster will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods, and so to ensure that the health, safety, general welfare, comfort and convenience of the public is fully considered, this article of the Village of Brewster Zoning Chapter, entitled "Site Plan Approval," is hereby enacted in accordance with § 7-725-a of the Village Law of New York State.
- (2) The Planning Board shall also have the power to pass finally upon any site plan submitted in connection with any proposed development upon which it is empowered to take final action under any provision of this chapter. The Planning Board is hereby authorized, among other things, to review and approve, approve with modifications or disapprove any such site plan as to the size, location, character, architectural features and suitability of all buildings and facilities relating thereto, including the safety, adequacy and convenience of public and private ways, walks, streets and highways, required off-street parking and loading areas, access drives and turning areas related thereto, yards, landscaping, shrubbery screens, signs and required open spaces in relation to each other and to pedestrian and vehicular traffic and to the proposed use and the use and enjoyment of adjacent properties. In addition, the Planning Board shall consider the factors of drainage, road alignment, availability of sewer and water facilities and other engineering aspects of such site plan, and may require the review of such factors by engineering authorities, technical personnel or commissions which may be concerned with any proposed site plan. The Planning Board shall have the power to waive site plan requirements pursuant to § 7-725-a of the Village Law of New York State.
- (3) In passing upon the location, character and suitability of buildings and the facilities relating thereto, the Planning Board shall consider the design and proposed construction of all buildings and related developments to the extent that such design and construction shall conform to and not detract from the

architecture of the surrounding neighborhood.

- (4) Site plan recreation fees. Upon final approval of a site plan which shows an increase in bedrooms, the Planning Board, as a condition of approval, shall require either the setting aside of parkland or the payment by the applicant to the Village of a sum to be determined from time to time by resolution of the Village of Brewster Board of Trustees, which sum shall constitute a trust fund to be used by the Village of Brewster Board of Trustees exclusively for neighborhood park, playground or recreational purposes, including the acquisition or improvement of land. The Planning Board may, where appropriate, require the provision of parkland and the payment of a sum to the Village.

B. Uses for which approval is required.

- (1) Site plan approval by the Planning Board is required, unless otherwise excepted, for the use of land or the issuance of building permits pertaining to such use, for any permitted use, any use permitted by special exception use permit, signs, and for any nonconforming use changed in accordance with Article I of chapter 263. Site plan approval shall not be required for one single-family dwelling.
- (2) Site plan approval by the Planning Board shall also be required for any structures, driveways, drainage improvements or other improvements made to any lot created pursuant to a subdivision of land approved subsequent to the adoption of this chapter, including single- or two-family dwellings, subject to the following requirements and limitations. Approval of a site plan showing one or more lots shall not be considered approval of a subdivision of land as defined pursuant to this chapter.
 - (a) Site plan approval shall not be required for any individual accessory building with a building coverage of less than 400 square feet, nor any fence which conforms to the dimensional requirements of this chapter and chapter 263 of the Code, either of which are located on a lot for which site plan approval must otherwise be obtained.
 - (b) Approval of architecture shall not be required for any single-family dwelling for which site plan approval is required pursuant to this section, nor its accessory buildings and structures, excepting that any such accessory buildings or structures shall conform in general appearance to the principal structure on the lot.
 - (c) The location or size of any improvements on a lot used as a single-family dwelling for which a site plan has been approved by the Planning Board shall not be changed as to size or location except that upon review and

approval by the Village Code Enforcement Officer a change may be authorized, in writing, provided that:

- [1] The change does not significantly increase the volume of stormwater runoff or affect the drainage improvements on the site.
 - [2] The change does not create any substantial adverse environmental impact, or is contrary to any provision of this chapter of chapter 263 of the Code.
 - [3] The change is not in conflict with any condition placed on the site plan or contained in any resolution approving the site plan.
- (3) An appeal of any decision of the Village Code Enforcement Officer regarding a change of the size or location of an improvement shown on a site plan approved pursuant to Subsection B by any party aggrieved by this subsection shall be to the Planning Board.

C. Conditions for which approval is required.

- (1) No building permit shall be issued until the site plan approval, as required pursuant to this chapter, shall have been obtained from the Planning Board.
- (2) The owner of any building or site is required to notify the Code Enforcement Officer and the Planning Board of any proposed change of use in said building, or any change in the site plan or improvement shown thereon. For any change in use of a building or site, the Planning Board shall issue notice, in writing, within 60 days, that the change of use conforms with the requirements of the Brewster Code and no changes to the site improvements are required or that the change or use will require a change to the site plan or the improvements shown thereon.
- (3) No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of the site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto. A temporary certificate of occupancy may be issued prior to the completion of all the required conditions of the site plan approval in accordance with § 263-21 of the Code.
- (4) Any and all changes to an existing site plan shall be subject to the approval procedure as provided herein.

D. Application for approval.

- (1) Application for site plan approval must be in writing on forms provided by the Village, subscribed to and verified by the owner of the property or by the agent of the owner duly authorized as an instrument in writing, executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property. The number of copies required for submission shall be determined by the Planning Board. A fee schedule shall be established by resolution of the Village of Brewster Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fee schedule will be on file with the Clerk of the Village of Brewster. No application for site plan approval shall be reviewed or approved if any condition exists on the subject property which is in violation of the Village Code or the New York State Uniform Fire Prevention and Building Code, or if any outstanding balance is owed to the Village for professional consultant review fees relating to the subject property.
- (2) Application for such approval must be filed with the Village Engineer and the Village Code Enforcement Officer, together with the appropriate review fee by the owner of record or by his agent or other authorized person acting on his behalf. The date by which an application, a site plan and other supporting materials must be submitted in order for such application to be considered at such regularly scheduled Planning Board meeting shall be established by the Planning Board, subject to a public hearing, which shall have been advertised in a newspaper of general circulation not less than five days prior to the date of the public hearing.
- (3) Preliminary site plan review. Prior to the submission of a formal site plan, the applicant may meet in person with the Planning Board and/or its designated representative to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Planning Board's requirements in matters relating to the development of the site.
- (4) Application procedures for site plan approval. At least 15 business days in advance of the Planning Board's meeting at which a site plan or any amendment to it is to be presented, the information enumerated below must be submitted to the Village Engineer along with a letter of application addressed to the Secretary of the Planning Board for forwarding to the Planning Board. Ten copies of all materials shall be submitted, including the necessary application forms and SEQRA documentation. This information in total shall constitute the site plan application and shall be the same information, drawings and supplementary material normally understood to be completed working drawings and be the same material by which the building permit will be issued. Such plans shall be prepared

and signed by a professional engineer, land surveyor or architect licensed to practice in the State of New York. The information submitted, which in total shall constitute a site plan application, shall be as follows:

- (a) The title of the development; the date; a North arrow; a scale of not less than one inch equals 50 feet; a location map at a scale of not less than one inch equals 500 feet showing the location of the proposed project with respect to all streets and property within 1,000 feet of the applicant's tract and identifying all property in the area held by the applicant or any corporation or partnership in which the applicant is a party; the name and address of the record owner and of the architect, engineer, surveyor or planner preparing the site plan; and the lot, block and section number of the property.
- (b) The existing zoning of the property and all property within 150 feet of all lot lines of the premises and a narrative describing conformity to applicable zoning regulations, including variances.
- (c) Statement of use.
 - [1] A written statement of use describing in detail the nature and extent of the proposed use and occupancy; the provisions to be made for water supply, sewage disposal, solid waste disposal, drainage and other utilities; the anticipated vehicular traffic generation; and the impact upon adjoining property, the neighborhood and community facilities and services. A statement that there are no outstanding violations on the property, unless the application is to cure the violation.
 - [2] The statement of use shall include a zoning schedule^[1] indicating the area of the lot; the floor area of buildings and structures; the ground coverage by buildings and structures; the total ground coverage by buildings, other structures, paving and outside storage areas; and the computations of required off-street parking and loading spaces. Should any variances for any requirement identified in this article be required they should be explicitly identified in this table.
- (d) The boundaries of the property; building and setback lines; lines of existing streets, lots, easements and areas dedicated to public use; and an existing pedestrian and vehicular circulation diagram for the site and immediate area.

- (e) The location and dimensions of existing buildings on the applicant's entire property and approximate location of all neighboring structures within 50 feet of all lot lines of the premises, including the approximate location and dimensions of all existing structures.
- (f) The location of all existing and proposed water mains, sanitary sewer service connections, culverts and drains on the property, with pipe sizes, grades and direction of flow, and other underground utilities to the extent relevant and the location of all utilities in the adjacent street and connections to structures on the premises.
- (g) Existing contours with intervals of two feet or less extended at least 10 feet into adjoining properties, referenced to a datum satisfactory to the Planning Board; locations of existing watercourses, marshes, rock outcrops, vegetative cover, wooded areas, trees with eight-inch diameter or more and other significant features and the location, depth and results of soils samples, test borings, test pits and seepage tests.
- (h) Existing and proposed fences, landscaping and screening and all other existing and proposed improvements.
- (i) Identification of all slopes in excess of 15% within a fifty foot radius of the site.
- (j) The boundaries of any area subject to flooding or stormwater overflows, including flood hazard areas established by the United States Department of Housing and Urban Development, and the locations of all proposed and existing water hydrants.
- (k) The proposed stormwater drainage system.
- (l) The locations and specifications of all proposed exterior site illumination, including lighting for public walkways, parking areas and other public spaces. The proposed location, direction, intensity and timing of proposed outdoor lighting shall be highlighted.
- (m) The location, type, size, wording, design, color and illumination of all signs.
- (n) The location, layout, finished grade pavement specifications and curbing proposed for all parking and loading areas, driveways and access roads and sidewalks, including profiles.
- (o) The extent and amount of cut and fill for all disturbed areas, including

before and after profiles of typical development areas, parking lots, roads and retaining walls.

- (p) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Part 1, Article II, of Chapter 209 of the Code of the Village of Brewster. The approved site plan shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.
- (q) The proposed use or uses and locations of buildings, including proposed grades.
- (r) All proposed lots, easements and public community areas; all proposed streets, with profiles indicating grading and cross sections showing the width of proposed sidewalks and locations and sizes of utility lines and/or pipes and proposed curbs.
- (s) A proposed screening and landscaping plan, including a planting plan prepared by a landscape architect or architect. Included in the plan shall be an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction as well as the location, design and proposed screening of outdoor storage areas.
- (t) Location, width and approximate grade of all proposed streets, showing center line, radii, high and low points and sags.
- (u) Profiles showing existing and proposed elevations along the center line of all proposed streets or driveways and the elevations of existing streets for a distance of 200 feet on either side of their intersection with a proposed street or driveway.
- (v) Approximate location and dimensions of all property proposed to be reserved for park or public use.
- (w) The boundaries of all wetlands, watercourses, water bodies and their associated control areas within 100 feet of all lot lines of the premises.
- (x) In the Light Manufacturing and Wholesale District (LMW), the specific uses proposed, the number of employees for which buildings are designed,

the type of power to be used for any manufacturing process, the type of wastes or by-products to be produced by any manufacturing process and the proposed method of disposal of such wastes or by-products shall be identified.

- (y) The stages of development or construction proposed and a statement from the applicant on steps the applicant will take to protect the surrounding neighborhood from noise, pollution, traffic or disruption is required.
- (z) Schematic architectural plans of all proposed buildings, structures, signs and outdoor storage facilities, which may be preliminary in form but shall include exterior elevation drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, roofline, ornamentation, interior uses and general character and, with the exception of signs and outdoor illumination of facilities, shall bear the seal of a registered architect or professional engineer licensed to practice in the State of New York.
- (aa) The application shall be signed by the applicant and the owner of record if the owner is not the applicant.
- (bb) A statement from the applicant's engineer indicating the estimated cost of construction of all new public streets and sidewalks and of the water supply, sanitary sewerage and storm drainage systems upon submission of a final site plan is required.
- (cc) All applications shall be reviewed, considered and approved in accordance with the State Environmental Quality Review Act.

E. Notations.

- (1) Each site plan shall contain an endorsement block for the Planning Board stating:
"Approved by resolution of the Planning Board of the Village of Brewster,
New York, on the ____ day of _____ 20___. Any change, erasure,
modification or revision of the plan, as approved, shall void this approval.

Signed this _____ day of _____ 20____, by

Chairman

Secretary”

- (2) Each site plan shall contain the endorsement of the property owner and the applicant stating: "The undersigned owner of the property hereon states that he is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon."
 - (3) Each site plan shall contain the signature and seal of the design professional who prepared the plan.
- F. Additional submissions. Any other information determined necessary or appropriate by a majority of the members of the Planning Board in order to provide for the proper administration and enforcement of this section shall be submitted.
- G. Exceptions. In appropriate circumstances, the Planning Board, upon application by the applicant, may waive the provision of any items of information listed in Subsection D(4).
- H. Guiding principles. No building permit may be issued for any building within the purview of this section except in conformance with an approved site plan. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site development plan.
- (1) All site plans, including site plans necessary for special exception use permits or variances, shall require approval by the Planning Board and shall be required in all districts for:
 - (a) The erection, enlargement or change of use of any building or structure, other than one single-family dwelling. Any building or structure requiring a building permit, variance or special exception use permit for a building other than single-family dwellings shall be referred by the Zoning Board of Appeals to the Planning Board for the Planning Board's review and recommendation as to the adequacy of the site plan.
 - (b) All uses of open land for which a certificate of occupancy is required.

- (c) Any amendment of a previously approved site plan.
- (2) The following criteria and standards shall be used by the Planning Board in reviewing applications for site plan approval:
- (a) Comprehensive Plan. The site plan shall be in conformance with the vision statement, purpose and intent of the current Comprehensive Plan of development or supplement or amendment thereto adopted by the Village of Brewster Board of Trustees pertaining to the area in which the use is to be located.
 - (b) Neighborhood. The use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood and to preserve and enhance the appearance, scale and beauty of the neighborhood.
 - (c) Existing streets. Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks in accordance with the pattern of development along the street.
 - (d) Vehicular access. Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street. Access shall also conform to the following:
 - [1] Where alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by existing residential neighborhoods.
 - [2] Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - [3] The street giving access to the lot shall have traffic-carrying capacity to accommodate the amount and types of traffic generated by the proposed use.
 - [4] Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be

made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.

- [5] Vehicular access shall be of a design and have sufficient capacity to avoid backup of entering vehicles within any street.
 - [6] Vehicular access shall achieve maximum practicable distance from street intersections and from existing and proposed access connections to adjacent properties. The Planning Board shall have the right to restrict access to one point or to require shared vehicular access in order to minimize curb cuts.
 - [7] Vehicular access into the lot shall not exceed a grade of 10% and shall meet the street line and travelway of the street in such a manner as to conform to the standard cross section for the street as may be specified by this chapter.
- (e) Pedestrian safety. Insofar as practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize adverse effects of vehicular traffic upon sidewalks and bicycle paths.
 - (f) Parking and loading. Off-street parking and loading spaces shall be provided in accordance with the provisions of § 263-18 and the landscape standards of this chapter. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Insofar as practicable, separate rows or aisles in parking areas shall be divided by trees, shrubbery and other landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.
 - (g) Sanitation. Proper provision shall be made for the water supply and sewage disposal requirements of the proposed use. Connections to Village water and sewer shall be designed and constructed in accordance with Village ordinances and as directed by the Village Water and Wastewater Superintendent. In addition, provision shall be made for the collection, storage and disposal of solid wastes accumulated in connection with the

proposed use and for the control of litter by means of receptacles, fences or other means and the screening of such storage receptacles.

- (h) Fire protection. Proper provision shall be made for fire protection, taking into account any recommendations of the Village Code Enforcement Officer or the Village Fire Inspector, including the following:
 - [1] A suitable location for and access to fire hydrants and/or fire ponds and other water storage.
 - [2] Suitable access to buildings and storage areas for the operation of fire protection vehicles and equipment.
 - [3] Sufficient controls on traffic and parking to permit access by fire protection vehicles in emergencies.
 - [4] Adequate circulation driveways within the lot, coordinated with access to other lots, to permit access by fire protection vehicles.
- (i) Utility services. Electric, telephone and other wire served by utility lines and service connections shall be underground insofar as feasible and subject to state public utility regulations. Any utility installations remaining aboveground shall be located so as to have a harmonious relation to neighboring properties and to the site. Utility services, such as air-conditioning units, that are located on building rooftops shall be adequately screened from the views from adjacent properties and abutting streets.
- (j) Ecological considerations. The development shall comply with the following requirements insofar as practicable:
 - [1] Stormwater. The site plan shall comply with the current state, county and Village ordinances pertaining to stormwater handling, treatment and discharge.
 - [2] Critical areas. Development shall result in minimal degradation of unique or irreplaceable land types and have minimal adverse impact upon the critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils, areas with a high water table, mature stands of vegetation and extraordinary wildlife nesting, feeding or breeding grounds.
 - [3] Erosion and sedimentation. Provision shall be made for control of erosion and sedimentation and for avoiding siltation of streams and

wetlands both during construction and upon completion thereof.

- [4] Landscape. The landscape shall be preserved in its natural state, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- [5] Relation of proposed structures to environment. All proposed nonresidential structures shall incorporate "Leadership in Energy and Environmental Design" (LEED) standards to the maximum extent practicable. Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures. The achievement of such harmonious relationships may include the enclosure of space in construction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
 - [a] Proposed structures shall be so sited as to minimize any adverse impact upon the surrounding area, and particularly upon any nearby residences, by reason of the following characteristics of any proposed structures:
 - [i] Building location, height, bulk and shadows.
 - [ii] The location, intensity, direction and times of use of outdoor lighting.
 - [iii] The likelihood of nuisances.
 - [iv] Other similar considerations.
 - [b] Appropriate natural or artificial screening may be required to minimize any such adverse impact.
- [6] Scenic, historic, archaeological and landmark sites. Scenic, historical, archaeological and landmark sites and features that are

located on or adjacent to the proposed development shall be preserved and protected insofar as practicable.

- [7] Noise. All applicable federal, state and local regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.
 - [8] Advertising features. The size, location, height, design, color, texture, lighting and materials of permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures or of the surrounding properties. Signs shall be in accordance with Chapter 199 of the Code of the Village of Brewster.
 - [9] Lighting. The location, height, design, arrangement and intensity of outside lighting, including the illumination of signs, shall avoid unreasonable glare and veiling glare on the lot, on any other lot and in any street. Such lighting shall also avoid hazards to traffic and shall harmonize with the neighborhood.
 - (k) Outside storage. Outside storage areas, machinery and structures, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property. Any permitted outside storage areas shall not extend into the required yards for setback from a property line, street line or residence district boundary line and shall not exceed a minimum of 25% of the area of the lot.
 - (l) Handicapped persons. The site plan for any use to which the public is invited or expected to visit shall comply with Americans with Disabilities Act (ADA) requirements in effect at time of approval.
- I. Referral to other agencies. Site plans within 500 feet of state or county facilities shall be immediately referred by the Village Planning Board to the Putnam County Planning Department through the Village Clerk. Notice shall be mailed to the Putnam County Planning Department pursuant to § 239-m of the General Municipal Law and § 7-725-a of the Village Law. Any plans showing access to a state road shall be referred to the State Department of Transportation. Sites, including state-designated wetlands or abutting state wetlands, shall be referred to the State Department of Environmental Conservation. Sites that include or abut the New York City Watershed as identified on the Environmental Assessment Form (EAF) shall be referred to the New York City Department of Environmental Protection, Bureau of Water Supply and Wastewater Collection for the

Croton System Water Supply. Recommendations shall be requested from these agencies within 30 days from the time of submission of the site plan to the Village. Sites that include historic structures shall be referred to the Village Historian for review.

J. Landscape standards and submission requirements for parking lots and screening and buffer areas. The objective of this subsection is to preserve the natural character of off-street parking areas and certain other setback and yard areas of multifamily and nonresidential developments and adjacent areas. Landscape plans prepared by a New York State registered landscape architect shall be submitted that comply with the following specific goals:

- (1) To provide natural visual screening of parking areas and along property boundaries to preserve the existing visual quality of adjacent lands.
- (2) To reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas, and through the use of pervious devices wherever impervious surfaces are proposed.
- (3) To provide natural buffers that reduce glare and noise.
- (4) To moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural windbreaks.
- (5) To enhance the overall visual quality of new development by providing a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

(a) Parking lot standards.

[1] Off-street parking and loading areas, where the physical setting is appropriate, shall be curbed and landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board, based upon consideration of the adequacy of the proposed landscaping, to assure the establishment of a safe, convenient and attractive parking facility needing a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. These standards shall apply to all proposed site plans.

[2] At least one tree, of not less than three-inch caliper measured three feet above ground level at the time of planting, shall be provided within such parking area for each 10 parking spaces. In all off-street parking areas containing 25 or more parking spaces, at least 10% of the interior of the parking area shall be curbed and

landscaped with trees, shrubs and other plant material.

- [3] Raised or partially raised planting islands, at least four feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. The islands shall be tailored to conform with the size of the lot under consideration. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
 - [4] No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.
 - [5] All self-propelled maintenance equipment, including accessories, shall be stored in enclosed structures only, which structures shall conform to the architectural theme of the development.
- (b) Exterior lighting standards. All exterior lighting accessory to multifamily or nonresidential uses and all exterior lighting of recreation facilities accessory to a residential use, including the lighting of signs, shall be of such type and location and shading. No exterior lighting shall be located at a height exceeding 14 feet unless manufacturer's specifications require otherwise and indicate that the standards stated herein shall be met.
- (c) Screening and buffer area standards.
- [1] All disturbed portions of multifamily and nonresidential properties which are not used for buildings, structures, off-street parking and loading areas, sidewalks or similar purposes shall be suitably landscaped and permanently maintained with planting of trees and shrubbery, as approved by the Planning Board as part of the site plan, so as to minimize erosion and stormwater runoff and harmoniously blend such uses with the character of the Village as a

whole.

- [2] On all multifamily and nonresidentially developed properties, a landscaped buffer area shall be required to screen and protect neighboring residential properties from the view of uses and parking areas on the site, provided that a wall or fence, whose height and design has been approved by the Planning Board, has not been substituted for the required planting. A buffer area shall:
 - [a] Be at least 20 feet in depth along any lot line abutting or directly across the street from a lot in a residential district.
 - [b] Be of plantings of such type, height and spacing as, in the judgment of the Planning Board, will effectively screen the activities on the lot from view of persons standing on adjoining properties. The plan and specifications for such planting shall become part of the approved site plan, shall be filed with the approved plan for the use of the lot, and shall be complied with prior to issuance of a certificate of occupancy.
- (d) Modifications. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.
- (e) Maintenance. All plantings shown on an approved site plan shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants at the beginning of the next growing season.
- (f) New plantings. All new plant materials shall be consistent and compatible with the existing vegetation of the site and the surrounding area. Plant materials judged to be inappropriate by the Planning Board will not be approved. New plantings should be compatible with native vegetation and this growing region. New plantings must meet the soil needs of the site and adhere to erosion control and runoff needs.
- (g) Submission requirements. Landscaping plans shall be included with the site plan submissions and shall consist of the following:
 - [1] Preliminary landscaping plan:

- [a] A general concept of the landscaping both in written and graphic form.
- [b] A list of existing vegetation, with the location, type and size of existing trees.
- [c] Proposals to preserve and protect existing vegetation during and after construction.
- [d] The location of existing natural features, such as streams, wetlands and rock outcroppings.

[2] Final landscaping plan:

- [a] All proposed physical improvements, such as buildings, walls, parking areas, sidewalks, etc.
- [b] Proposed landscaping materials, including:
 - [i] Existing vegetation to remain.
 - [ii] Types of new plant materials, identified by common name and botanical name.
 - [iii] Sizes of all new plant materials by height and/or diameter.
 - [iv] Quantities of each of the planting materials.
 - [v] Treatment of ground surfaces (paving, seeding and ground cover).
- [c] Methods for controlling erosion and protecting landscaped areas, particularly during the construction phase, including:
 - [i] A grading and drainage plan.
 - [ii] An irrigation plan or the location of water outlets.

K. Variances in conjunction with site plan application.

- (1) No application will be deemed complete unless it complies with all the requirements of this chapter and chapter 263 of the Code, and any necessary variances have been granted by the Zoning Board of Appeals.
- (2) In cases where an application requires one or more variances, the applicant shall be advised by the Code Enforcement Officer that such variances may be obtained

by submitting an application to the Zoning Board of Appeals who shall also advise the applicant of the procedures and requirements to be followed in obtaining any necessary variances from the Zoning Board of Appeals. No further actions shall be taken with respect to the application unless and until all required variances have been approved by the Zoning Board of Appeals.

- (3) After approval by the Zoning Board of Appeals of any necessary variances, an application for site plan approval may be submitted and processed in accordance with this section.
- L. Compliance. Upon completion of construction, an as-built plan shall be submitted to the Village Code Enforcement Officer which shall show all elements of the site as actually constructed. Except as provided by the Building Codes,^[4] no certificate of occupancy may be issued until the as-built site plan has been reviewed by the Village Code Enforcement Officer and Village Engineer and found to be in compliance with the approved site plan.
- M. Amendments to approved site plan.
 - (1) Minor amendments. During construction, the Village Code Enforcement Officer, upon consultation with the Village Engineer, may authorize minor adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering consideration, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the concepts of the approved site plan.
 - (2) Substantial amendments. Where unforeseen conditions are encountered which require any change to an approved site plan which the Village Code Enforcement Officer considers substantial or where the applicant wishes to modify the approved plan for other reasons, an amended site plan shall be filed with the Code Enforcement Officer and Village Engineer for review and approval in accordance with the same procedures required for initial applications.
- N. Performance bonds or financial guaranty. The applicant may be required to post performance bonds or similar financial guaranties in sufficient amounts and duration to assure that all streets or other public places shown on the site plan shall be suitably graded and paved and that street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices, including necessary ducts and cables or other connecting facilities, sanitary sewers and storm drains shall all be installed in

accordance with standards, specifications and procedures acceptable to the Village Engineer. Such bond shall be posted in accordance with § 7-730, Subdivision 9, of the Village Law of New York State.

- (1) Legislative intent. In order to ensure that once a project has been started it shall not be abandoned, partially completed or left in a state which will cause erosion of the soil, improper drainage or any other condition which will result in the deterioration or devaluation of the surrounding land or neighborhood, and in order to ensure that, while under construction, the workmanship and materials used shall promote the long life of the project and the health, safety and welfare of the future users of the subject premises and surrounding areas, the Village of Brewster Board of Trustees has determined it to be a proper exercise of authority conferred upon it by the laws of the State of New York to require the posting of adequate security for the performance of required infrastructure and improvements contemplated in connection with a residential or commercial site development.
- (2) Procedure.
 - (a) Prior to the grant of final site plan approval for a particular project, the Planning Board, in considering the recommendation of the engineering authorities available to it, shall recommend the amount of performance security to cover the full cost of the required site improvements as shown on such final site plan. The Planning Board shall make a referral of the matter regarding the establishment of the amount of performance security of a particular project to the Village of Brewster Board of Trustees, which referral shall include its recommendation as to the amount of such performance security. The performance security shall become effective only if and when the Village of Brewster Board of Trustees shall have approved it as to form, sufficiency of surety and manner of execution.
 - (b) The performance security shall be in the amount approved by the Village of Brewster Board of Trustees in the form permitted by § 7-730, Subdivision 9, of the Village Law of the State of New York.
 - (c) Such performance security, if in the form of a performance bond or letter of credit, shall run for a term to be fixed by the Planning Board, but in no event for a term longer than three years; provided, however, that the term of such security may be extended by the Planning Board with the consent of the parties thereto. In the event that such security is in the form of an irrevocable letter of credit, such a letter of credit shall contain a provision requiring automatic renewal thereof unless, not less than 30 days prior to

its expiration, the Village of Brewster is given written notice of the issuing institution's intention not to renew such letter of credit.

- (d) The performance security in the full amount established by the Village of Brewster Board of Trustees shall be posted with the Village Clerk upon grant of final site plan approval. No building permits shall be issued for and no site preparation work shall be commenced on the subject premises unless and until the necessary performance security has been posted.
 - (e) A duly designated official of the Village shall inspect the improvements during construction to assure their satisfactory completion.
 - (f) During the course of construction, the performance security may be reduced, in the sole discretion of the Village of Brewster Board of Trustees upon the recommendation of the Planning Board, to an amount certified by the Village Engineer or consulting engineer to be the probable cost of completion of the remainder of the required site improvements, but in no event shall such amount be reduced to less than 50% of the original amount of the performance security until all work is completed.
 - (g) The performance security shall be released or reduced only by the Village of Brewster Board of Trustees and only upon recommendation of the Planning Board after certification by the Village Engineer or consulting engineer that all or part of the required site improvements have been completed in conformance with the approved final site plan and all applicable regulations.
- (3) Site improvements subject to bonding. The following items are considered essential to the principles stated above and shall be included in the amount of the performance security to be set:
- (a) Site grading, including replacement of topsoil and seeding, and including necessary structural features such as retaining walls and ground cover.
 - (b) Drainage, including waterways, conduits and all necessary appurtenances and structures.
 - (c) Water, stormwater and sanitary sewer systems, including all wells, conduits, structures and appurtenances as may be required by those government agencies having final jurisdiction for approval of those systems.
 - (d) Foundation course, pavement, curbs and sidewalks for all roads, drives, parking areas and walkways.

- (e) Lighting, including all necessary wiring, structures and appurtenances.
 - (f) Landscaping, including all shrubs, trees and screening as may be required to ensure that the final site condition meets with the site plan approved by the Planning Board.
- (4) Phased projects. In the event that a particular site plan is to be constructed in sections or phases, the Planning Board, in its sole discretion, taking into consideration the importance of the entirety of the site improvements on the section or phase to be constructed, may recommend to the Village of Brewster Board of Trustees that the performance security be posted for only so much of the project as is going to be constructed in a particular phase or section; provided, however, that no building permits shall be issued for and site work shall be conducted on any future phase or section unless and until the required performance security is established for such future phase or section and properly posted in accordance with the provisions of this section.
- (5) Default. In the event that any required site improvements have not been installed as provided in this section within the term of the performance security, the Village of Brewster Board of Trustees may thereupon declare said performance security to be in default and collect the sum remaining payable thereunder, and, upon receipt of the proceeds thereof, the Village shall install such improvements as are covered by such security and are commensurate with the extent of building development that has taken place on the site. In the event that no building has taken place but site preparation has taken place, the proceeds of the security shall be used, to the extent practicable, to restore the site to its original state and avoid erosion and adverse drainage conditions.
- O. Fees for site plan review. Fees for submission of an application requesting site plan approval shall be in accordance with the current schedule of fees adopted by resolution of the Village of Brewster Board of Trustees.
- P. Public hearing. A public hearing shall be required prior to final approval by the Planning Board in accordance with § 7-725-a, Subdivision 8, of the Village Law of New York State.
- (1) A public hearing on a site plan application shall be scheduled and conducted by the Planning Board within 62 days after receipt of a properly completed application. Notice of the public hearing shall be provided to a newspaper of general circulation in the Village such that it may be advertised in the newspaper at least five days prior to the date of the hearing.
 - (2) Official submission. In order to determine the date of submission from which a

public hearing is required to be held, an application, complete in every respect and accompanied by the required plans and fees, shall be considered officially submitted to and received by the Planning Board on the date of its regularly scheduled monthly meeting following no less than 14 days the date on which the same was submitted to the Secretary or Clerk of the Planning Board.

- (3) At least 10 days prior to the day of any public hearing, the Planning Board shall give notice by mail to any adjacent municipality that is within 500 feet of any property for which an application for a site plan is being considered.

Q. Notice to property owners.

- (1) The applicant shall mail notice of the public hearing to all property owners whose property is within 500 feet of the site of the proposed project or within 500 feet of any property contiguous to said site that is owned partially or wholly by the applicant or property owner, members of the applicant's and property owner's family(ies) or firms in which the applicant or property owner owns a financial interest.

- (a) Such notice shall be mailed, certified return-receipt requested, not less than 15 calendar days prior to the date of the public hearing scheduled by the Planning Board. Prior to the public hearing the applicant shall provide to the Planning Board a copy of the required notice and an affidavit listing all of the property owners to whom such notice was mailed and copies of all mailing receipts.

- (b) Such notice shall be in a form approved by the Planning Board, including no less than:

- [1] The name of the applicant.

- [2] The location of the site of the proposed site plan.

- [3] A brief description of the proposed use of the property including, as a minimum, the total acreage involved, the total area of disturbance, the location of proposed entrances and the proposed methods of providing water supply and sewage disposal.

- [4] The date, time and place of the public hearing.

R. Waiver of site plan approval.

- (1) Site plan approval as required in this section may be waived in whole or in part when the site plan is for a conforming or nonconforming use or occupancy that will not enlarge an existing building or if there is a proposed enlargement of an

existing building for less than 10% of the minimum floor area for dwelling units or minimum floor area for other uses and where said conforming or nonconforming use or occupancy would also conform to all other requirements of this chapter and chapter 263 of the Code.

- (2) For said waiver, the applicant shall submit to the Planning Board a written request setting forth the following:
 - (a) A detailed statement of the applicant's proposed use of the building or property, including detailed information on the conformity and adequacy of the on-site parking and loading facilities, signs and all other applicable information required by this section and other Village ordinances for the proposed use in the zone in which said use is located.
 - (b) The applicant's reasons for requesting a waiver of all or part of the site development plan requirements of this chapter.
 - (3) In considering a request for waiver of site development plan approval, the Planning Board shall consider the standards and other requirements for said site development plan approval as contained in this article. The Planning Board shall make findings that the approval of the waiver does not impair the intent and purposes of the site development plan requirements of this chapter.
- S. The Planning Board's findings and written approval or disapproval with or without conditions shall be forwarded to the applicant and the Code Enforcement Officer or other Village agency or department, where appropriate.
- T. Expiration of approval. The approval of any site plan by the Planning Board, excepting a residential site plan, shall be deemed null and void one year from the date thereof unless a building permit in compliance therewith shall have been obtained and construction thereunder shall have progressed such that structural improvements as shown on the approved plan have been installed on the site. Expiration of the building permit shall constitute an expiration of the approved site plan. In the event that no building permit is required for a site plan, approval of the site plan shall be deemed null and void one year from the date of the approval unless the improvements shown thereon have been substantially completed. The expiration of such approval of a site plan shall not prevent the submission of a subsequent application and site plan, which shall be considered without reference to the prior approval.
- U. Damage to conforming building. Any building or structure which conforms to the requirements of this chapter, and chapter 263 of the Code, and has also received site plan approval, and which has been destroyed or damaged from any cause to the extent, as determined by the Code Enforcement Officer, of over 50% of the volume of its structure

above the foundation, the owner thereof, or authorized agent of the owner, shall apply for a permit from the Code Enforcement Officer to rebuild or restore the damaged portion of any building damaged or destroyed within six months of the day of such damage, and said application shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects.

Article II

Subdivision Approval.

§182-2. Applicable provisions.

- A. Subdivision plats shall be approved by the Planning Board in accordance with §§ 7-728 through 7-740 of the Village Law of the State of New York.
- B. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part I, Article II, of Chapter 209 of the Code of Village of Brewster. The approved preliminary subdivision plat shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.
- C. Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part 1, Article II, of Chapter 209 of the Code of the Village of Brewster. The approved final subdivision plat shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.

Article III

Lot Line Change / Lot Line Adjustment.

§182-3. Lot line change / adjustment.

- A. Definitions.

- (1) LOT LINE ADJUSTMENT AND /OR LOT LINE CHANGE - Any change in existing property lines between two or more adjoining properties, excluding the joinder or combination of one or more lots into a larger single parcel.

B. Submission requirements.

- (1) In order that the Planning Board may adequately understand the proposed lot line adjustment, the initial submission shall consist of eight (8) copies of the following documents:
 - (a) Application Form.
 - (b) Copies of all prior actions of the Board of Trustees, Zoning Board of Appeals, and any other County, State, or Federal Agency.
 - (c) Copies of any restrictions or easements on the land (copy of deed).
 - (d) Lot line Adjustment Plan. The Lot line Adjustment Plan shall contain the information as outlined herein.
 - (e) A short form Environmental Assessment Form (EAF).
- (2) The review fee for lot line adjustment consideration in an amount as set forth by the Board of Trustees in the Fee Schedule.
- (3) An application for a lot line adjustment shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board accompanied by ten (10) copies of the items described in A.
- (4) A lot line adjustment plan shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement (DEIS) has been filed in accordance with the provisions of the state environmental quality review act (SEQRA). The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (5) Within sixty-two (62) days of the receipt of a complete application the Planning Board by resolution shall disapprove or approve, with or without modifications and/or conditions and authorize the signing of the plat.
- (6) A conditional Final Approval of lot line adjustment plat shall expire within one hundred eighty (180) days of the approval if the conditions of the approval have not been complied with. The signature of the duly authorized officer(s) of the

Planning Board shall constitute final approval by the Planning Board of the plat. Final plat approval shall expire within sixty-two (62) days of the signing of the plat unless such plat has been filed or recorded by the owner in the office of the County Clerk.

- (7) A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease of any lot by more than twenty-percent (20%) or twenty thousand (20,000) square feet of its original lot area.
- (8) Lot line adjustments submitted to the Planning Board shall be drawn to a scale of not more than 1" = 50', submitted on uniform size sheets not more than 36" by 48" and shall show the following information:
 - (a) Proposed project name or identifying title. (MUST INCLUDE "LOT LINE ADJUSTMENT" IN THE TITLE)
 - (b) Date, North Point, and Scale.
 - (c) Name, address, seal and signature of professional engineer or land surveyor preparing the plat.
 - (d) A key map at a scale of one inch equals 800 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to its neighborhood for at least 1,000 feet beyond its boundaries.
 - (e) A legend, including, names of all adjacent landowners and those within 500 feet of any property line; zoning district the site is located in with the requirements of said zone compared to the proposed standards, as well as the abutting zones in the subdivision; names and addresses of owner(s).
 - (f) All proposed lot lines, dimensions in feet and the areas of all lots in square feet. Meets and bounds description of all proposed lot lines.
 - (g) The location of proposed setback lines (setback envelope).
 - (h) Existing or proposed covenants or deed restrictions applying to the site.
 - (i) Location, composition, and approximate size of all monuments.
 - (j) Signature Block for Planning Board Chairman to endorse approved Plat.
 - (k) Label "old" and "new" property lines.
 - (l) Location of all structures, wells, and septic systems.
 - (m) Putnam County Dept. of Health approval.

Article IV

Planning Board.

§182-4. Establishment.

Pursuant to Article 7 of the Village Law of the State of New York, there shall be a Planning Board.

§182-5. Composition; appointment; terms.

The Planning Board shall consist of five members. The members of the Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. All such appointments shall not exceed a term of five years.

§182-6. Officers.

The Chairperson of the Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. The term of the Chairperson shall be one official year, and shall be appointed each year at the organizational meeting of the Board of Trustees. In the absence of a Chairperson, the Planning Board may designate a member to serve as Acting Chairperson.

§182-7. Meetings; quorum; vote.

The Planning Board shall hold at least one regular meeting each month and such executive sessions and public hearings as deemed necessary or as may be called by the Chairman. No action of the Planning Board shall be valid unless authorized by a majority vote of the fully constituted Planning Board, regardless of absences or vacancies.

§182-8. Removal of members; filling of vacancies.

- A. Members of the Planning Board shall be removable by the Village of Brewster Board of Trustees, after a public hearing, by a vote of the majority of the Village of Brewster Board of Trustees.
- B. Vacancies on the Planning Board shall be filled by the Village of Brewster Board of Trustees for the unexpired term of the member whose term becomes vacant.

§182-9. Rules and regulations; records.

The Planning Board shall from time to time adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

§182-10. Consultants; expenditures.

The Planning Board shall have full power and authority to make such investigations, maps and reports and recommendations relating to the planning and development of the Village, provided that the total expenditures of said Board shall not exceed the appropriation of expenses.

§182-11_. Powers.

- A. The Planning Board of the Village of Brewster is authorized and empowered to approve, approve with modifications or disapprove:
- (1) Site plans in accordance with local law XXX.
 - (2) Subdivision plats in accordance with [TBD] local law XXX
 - (3) Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the Putnam County Clerk's office.
 - (4) The laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Village Law and Highway Law.
- B. The Planning Board may require the posting of performance bonds or letters of credit in accordance with § 7-730 of the Village Law of the State of New York.

§182-12. Referral and reports.

The Village of Brewster Board of Trustees may refer any matter or class of matters to the Planning Board, before final action, for a report to be submitted within a reasonable amount of time as fixed by the Board.

Appendix D List by Tax Map Number of Properties wholly within borders of the Urban Renewal Area as contained in the Tax Assessment Rolls on July 1, 2014

Section-Block-Lot	Street Address	Municipality	State	Zip Code
67.27-1-1	22 GARDEN ST	Brewster	NY	10509
67.34-1-1	472 NORTH MAIN ST	Brewster	NY	10509
67.34-1-10	10 HOYT ST	Brewster	NY	10509
67.34-1-11	7 OAK ST	Brewster	NY	10509
67.34-1-2	470 NORTH MAIN ST	Brewster	NY	10509
67.34-1-3	468 NORTH MAIN ST	Brewster	NY	10509
67.34-1-37	20 GARDEN ST	Brewster	NY	10509
67.34-1-4	466 NORTH MAIN ST	Brewster	NY	10509
67.34-1-5	15 OAK ST	Brewster	NY	10509
67.34-1-6	460 NORTH MAIN ST	Brewster	NY	10509
67.34-1-7	6-8 HOYT ST	Brewster	NY	10509
67.34-1-8	450 NORTH MAIN ST	Brewster	NY	10509
67.34-1-9	21 OAK ST	Brewster	NY	10509
67.34-2-1	13 HOYT ST	Brewster	NY	10509
67.34-2-10	25 OAK ST	Brewster	NY	10509
67.34-2-11	10 PROGRESS ST	Brewster	NY	10509
67.34-2-12	8 PROGRESS ST	Brewster	NY	10509
67.34-2-13	4-6 PROGRESS ST	Brewster	NY	10509
67.34-2-14	72 MAIN ST	Brewster	NY	10509
67.34-2-15	74-76 MAIN ST	Brewster	NY	10509
67.34-2-16	78 MAIN ST	Brewster	NY	10509
67.34-2-17	80-88 MAIN ST	Brewster	NY	10509
67.34-2-18	90-94 MAIN ST	Brewster	NY	10509
67.34-2-19	98-100 MAIN ST	Brewster	NY	10509
67.34-2-2	11 HOYT ST	Brewster	NY	10509
67.34-2-20	104 MAIN ST	Brewster	NY	10509
67.34-2-21	108 MAIN ST	Brewster	NY	10509
67.34-2-23	39 OAK ST	Brewster	NY	10509
67.34-2-24.1	114 MAIN ST	Brewster	NY	10509
67.34-2-24.2	41 OAK ST	Brewster	NY	10509
67.34-2-25	128 MAIN ST	Brewster	NY	10509
67.34-2-26	132 MAIN ST	Brewster	NY	10509
67.34-2-27	59 OAK ST	Brewster	NY	10509
67.34-2-28	57 OAK ST	Brewster	NY	10509
67.34-2-29	53 OAK ST	Brewster	NY	10509
67.34-2-3.1	2-16 MAIN ST	Brewster	NY	10509

67.34-2-3.2	7-9 HOYT ST	Brewster	NY	10509
67.34-2-30	43 OAK ST	Brewster	NY	10509
67.34-2-31	35 OAK ST	Brewster	NY	10509
67.34-2-32	31 OAK ST	Brewster	NY	10509
67.34-2-33	29 OAK ST	Brewster	NY	10509
67.34-2-34	27 OAK ST	Brewster	NY	10509
67.34-2-35	99 MAIN ST	Brewster	NY	10509
67.34-2-36	97 MAIN ST	Brewster	NY	10509
67.34-2-37	95 MAIN ST	Brewster	NY	10509
67.34-2-38	91-93 MAIN ST	Brewster	NY	10509
67.34-2-39	4-6 WILKES ST	Brewster	NY	10509
67.34-2-4.1	20-30 MAIN ST	Brewster	NY	10509
67.34-2-4.2	50 MAIN ST	Brewster	NY	10509
67.34-2-4.3	5 PROGRESS ST	Brewster	NY	10509
67.34-2-40	40 MARVIN AVE	Brewster	NY	10509
67.34-2-41	44 MARVIN AV	Brewster	NY	10509
67.34-2-42	89 MAIN ST	Brewster	NY	10509
67.34-2-43	MAIN ST	Brewster	NY	10509
67.34-2-44	85 MAIN ST	Brewster	NY	10509
67.34-2-45.-1	81 MAIN ST	Brewster	NY	10509
67.34-2-45.-2	24 MARVIN AVE	Brewster	NY	10509
67.34-2-46	79 MAIN ST	Brewster	NY	10509
67.34-2-47	67 MAIN ST	Brewster	NY	10509
67.34-2-48	MAIN ST	Brewster	NY	10509
67.34-2-49	65 MAIN ST	Brewster	NY	10509
67.34-2-5	22 MAIN ST	Brewster	NY	10509
67.34-2-50	63 MAIN ST	Brewster	NY	10509
67.34-2-51	55-61 MAIN ST	Brewster	NY	10509
67.34-2-52	47-49 MAIN ST	Brewster	NY	10509
67.34-2-53	39-45 MAIN ST	Brewster	NY	10509
67.34-2-54	35 MAIN ST	Brewster	NY	10509
67.34-2-55	31 MAIN ST	Brewster	NY	10509
67.34-2-56	1 MAIN ST	Brewster	NY	10509
67.34-2-6	52 MAIN ST	Brewster	NY	10509
67.34-2-7	56-62 MAIN ST	Brewster	NY	10509
67.34-2-8	64-70 MAIN ST	Brewster	NY	10509
67.34-2-9	3 PROGRESS ST	Brewster	NY	10509
67.35-1-1	50 MARVIN AV	Brewster	NY	10509
67.35-1-10	120-124 MARVIN AV	Brewster	NY	10509
67.35-1-11	141 MAIN ST	Brewster	NY	10509
67.35-1-12	139 MAIN ST	Brewster	NY	10509
67.35-1-13	137 MAIN ST	Brewster	NY	10509
67.35-1-14	1101-2208 MAYOR MITCHELL	Brewster	NY	10509

67.35-1-16	125 MAIN ST	Brewster	NY	10509
67.35-1-17	121 MAIN ST	Brewster	NY	10509
67.35-1-18	117 MAIN ST	Brewster	NY	10509
67.35-1-19	111 MAIN ST	Brewster	NY	10509
67.35-1-2	52-54 MARVIN AV	Brewster	NY	10509
67.35-1-20	107 MAIN ST	Brewster	NY	10509
67.35-1-21	101 MAIN ST	Brewster	NY	10509
67.35-1-22	61 OAK ST	Brewster	NY	10509
67.35-1-23	134-136 MAIN ST	Brewster	NY	10509
67.35-1-24	1 MERRITT LN	Brewster	NY	10509
67.35-1-25	3 MERRITT LN	Brewster	NY	10509
67.35-1-26	5 MERRITT LN	Brewster	NY	10509
67.35-1-27	7 MERRITT LN	Brewster	NY	10509
67.35-1-28	81 OAK ST	Brewster	NY	10509
67.35-1-29	85-87 OAK ST	Brewster	NY	10509
67.35-1-3	56 MARVIN AV	Brewster	NY	10509
67.35-1-30	152 MAIN ST	Brewster	NY	10509
67.35-1-32	154 MAIN ST	Brewster	NY	10509
67.35-1-33	71-73 OAK ST	Brewster	NY	10509
67.35-1-34	65 OAK ST	Brewster	NY	10509
67.35-1-4	58-60 MARVIN AV	Brewster	NY	10509
67.35-1-5	62-66 MARVIN AV	Brewster	NY	10509
67.35-1-50	155 MAIN ST	Brewster	NY	10509
67.35-1-51	151-153 MAIN ST	Brewster	NY	10509
67.35-1-52	149 MAIN ST	Brewster	NY	10509
67.35-1-53	147 MAIN ST	Brewster	NY	10509
67.35-1-54	145 MAIN ST	Brewster	NY	10509
67.35-1-55	121 MARVIN AV	Brewster	NY	10509
67.35-1-6	70 MARVIN AV	Brewster	NY	10509
67.35-1-7	72 MARVIN AV	Brewster	NY	10509
67.35-1-8	80 MARVIN AV	Brewster	NY	10509
67.35-1-9	86 MARVIN AV	Brewster	NY	10509
67.36-1-1	177 MAIN ST	Brewster	NY	10509
67.36-1-10	159 MAIN ST	Brewster	NY	10509
67.36-1-2	175 MAIN ST	Brewster	NY	10509
67.36-1-3	173 MAIN ST	Brewster	NY	10509
67.36-1-4	167 MAIN ST	Brewster	NY	10509
67.36-1-5	171 MAIN ST	Brewster	NY	10509
67.36-1-6	165 MAIN ST	Brewster	NY	10509
67.36-1-7	161 MAIN ST	Brewster	NY	10509
67.36-1-8	161A MAIN ST	Brewster	NY	10509
67.36-1-9	159A MAIN ST	Brewster	NY	10509
67.42-1-1.-1	400 RAILROAD AV	Brewster	NY	10509

67.42-1-1.-2	27 MAIN ST	Brewster	NY	10509
67.42-1-2	2 MARVIN AV	Brewster	NY	10509
67.42-1-3	15 PARK ST	Brewster	NY	10509
67.42-1-4	7 PARK ST	Brewster	NY	10509
67.42-1-5	5 PARK ST	Brewster	NY	10509
67.42-1-6	4-10 PARK ST	Brewster	NY	10509
67.42-1-7	10 MARVIN AV	Brewster	NY	10509
67.42-1-8	36 MARVIN AV	Brewster	NY	10509