

## ARTICLE V Supplementary Regulations

### § 260-28. Applicability.

The following supplementary regulations are applicable to all zoning districts within the Town of Woodstock unless otherwise provided herein.

### § 260-29. General performance standards.

No use shall be permitted and/or maintained that does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions of other local, state and federal laws, rules or regulations.

#### A. Noise.

- (1) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated below when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential Districts R8, R5, R3, R1.5, HR and PRD	7:00 a.m. to 7:00	57
	p.m.	53
	7:00 p.m. to 7:00 a.m.	
Commercial Districts HC, NC1 and NC2	7:00 a.m. to 9:00	64
	p.m.	60
	9:00 p.m. to 7:00 a.m.	
Industrial Districts LI/SLI	7:00 a.m. to 9:00	68
	p.m.	63
	9:00 p.m. to 7:00 a.m.	

- (2) For any source of sound which emits a pure tone, a discrete tone or impulsive sound, the maximum sound limits set forth above shall be reduced by five dBA.
- (3) For noises created and measured at outdoor locations within the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts, the sound level shall not exceed the above limits for those districts when measured at a point 10 feet or greater from the sound source or at a property boundary.

- B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential premises shall be disseminated beyond the boundaries of the

lot where such use is located.

C. Glare and heat.

- (1) Any outdoor lighting fixture, with the exception of incandescent fixtures up to and including one-hundred-fifty-watt intensity per light source, and string, rope or similar low-voltage lighting as provided in § 260-54 of this chapter, shall be shielded from above in such a manner that:
  - (a) The edge of the shield is below the light source;
  - (b) Direct rays from the light source are confined to the property boundaries, except when lighting accesses to commercial and/or industrial uses where footcandle values shall be permitted up to one footcandle at the point where the site access meets the pavement of adjoining public roads; in no instance shall site access lighting spill into the carriageways of said public roads; and
  - (c) Direct rays are prevented from escaping toward the sky.
- (2) In the Scenic Overlay (S-O) District and for all home occupations, the above shielding requirements shall apply to all outdoor lighting, including incandescent fixtures of one-hundred-fifty watt intensity or less.
- (3) For the purpose of these provisions, "light source" includes any refractor, reflector or globe.
- (4) Outdoor lighting shall be of substantially minimum intensity needed for the particular purpose.
- (5) Mercury vapor lighting is prohibited.
- (6) No heat shall be produced that is perceptible beyond the boundaries of the lot on which such source is located.
- (7) No light shall be mounted higher than 25 feet above grade, except landscape lighting for a property used exclusively for residential purposes, provided that said parcel is not in the Scenic Overlay District and the lamp is 150 watts or less.
- (8) Parking lot lighting shall be required to be consistent with the use and character of an area: **[Amended 7-3-2013 by L.L. No. 1-2013]**
  - (a) All luminaries over 2,000 lumens shall be full cutoff, nontilting with the lamp not visible below the shield.
  - (b) Pedestrian walkway lighting below 18 feet.
  - (c) Pole spacing no greater than four times height.
  - (d) Average light levels below two footcandles with higher security areas below Illuminating Engineering Society (IES) standards may be applied.
  - (e) Gasoline canopy lighting fully recessed with average footcandles below 20.

- (f) Wayfinding lighting encouraged at site entrances also delineated with landscaping.
  - (g) Utilization of energy efficient luminaries to include LEDs or induction lighting.
  - (h) Photometric submittals and photometric plots may be required.
  - (i) Parking lot lighting shall be reduced to that needed for security one hour after close of business.
- (9) Any outdoor lighting fixture already installed on the effective date of this chapter shall be brought into compliance with these provisions within 24 months of said effective date.
- D. Industrial and commercial waste. No solid or liquid waste, including solvents, grease cutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials, shall be discharged into any public sewer, common or private sewage disposal system, or stream or on or into the ground, except in strict conformance with the standards approved by the Ulster County Health Department, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one standard exists, the most stringent shall apply. No solid or liquid waste containing radioactive material shall be stored.
- E. Radioactivity or electromagnetic disturbance. No activity shall be permitted which emits any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The manufacture or assembly of devices which contain or which utilize substances that emit ionizing radiation, as well as the manufacture or processing of food or merchandise utilizing ionizing radiation, shall be prohibited. The storage of radioactive waste by-products shall be prohibited. The handling and disposal of radioactive material or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, and in accordance with any other applicable laws, regulations or ordinances, including those established by the Town of Woodstock.
- F. Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste material in open fires is prohibited.
- G. Maintenance of developed lots. All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or other material.

**§ 260-30. Parking and loading standards.**

In all districts, at the time any new building or structure is erected, any existing building or structure is enlarged, a new or changed use of either land or structure is established, or a subdivision is completed, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below.

A. Required number of off-street parking spaces. The minimum number of parking spaces stated below shall be required in addition to one parking space for each company vehicle associated with a commercial, business or light industrial use.

(1) Residential uses.

- (a) Single-family dwelling: two spaces.
- (b) Two-family dwelling: four spaces.
- (c) Multifamily dwelling: two spaces per dwelling unit.
- (d) Boarding or rooming house: one space per bedroom plus required spaces for occupants of other dwelling units.

(2) General uses.

- (a) Church or other place of worship, meeting hall, membership club, auditorium, theater or other place of public seating assembly not otherwise specified: one space per four seats or 50 square feet of seating area where fixed seating is not provided.
- (b) School: one space per 12 classroom seats or the auditorium requirements as specified above, whichever is greater.
- (c) Cultural facility (museum, library), art gallery or philanthropic and institutional use: one space for each 400 square feet of gross floor area plus one space for each employee.
- (d) Hospital, convalescent home or nursing home: one space for each two beds.
- (e) Cottage development: one space for each bedroom, plus necessary spaces for employees.
- (f) Artist studio: one space per 250 square feet of such use, plus one space per artist or artisan who does not reside on premises.

(3) Accessory uses.

- (a) Home occupation: one space per 250 square feet of such use, if customers or clients routinely visit the use, plus one space per employee.
- (b) Bed-and-breakfast home: one space per rented room plus required spaces for other dwelling units.
- (c) STR home, and supplemental businesses, STR establishment and STR non-owner-occupied: one parking space per bedroom plus required spaces for the principal

residence. **[Added 5-21-2019 by L.L. No. 1-2019]**

(4) Business uses.

- (a) Bed-and-breakfast establishment: one space per rented room, plus required spaces for other dwelling units.
  - (b) Funeral home: one space per three seats within public areas.
  - (c) Medical clinic and related health service office: five spaces per professional, plus one space per employee.
  - (d) General or professional office:
    - [1] Open to public: one space per 300 square feet of gross floor area, plus one space per employee and/or owner.
    - [2] Not open to public: one space per employee or owner, plus necessary spaces for visitors.
  - (e) Retail business, store or service shop: one space per 200 square feet of floor area used to display or sell merchandise or provide a service, plus one space per employee.
  - (f) Hotel or motel: one space per bedroom plus necessary spaces for employees.
  - (g) Eating and drinking establishment: one space per three seats or 50 square feet of floor space available to patrons, whichever is greater, whether such seats or floor area is situated within an enclosed building or outdoor service area.
  - (h) Bowling alley, billiard hall, golf course, tennis club, or similar use: one space per alley, tee, court, table or similar measure.
- (5) Light industrial uses: one space per employee on largest shift, plus necessary spaces for visitors and company vehicles.
- (6) For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time of special permit and/or site plan review, as provided for in Articles VI and VII, respectively, of this chapter.
- (7) In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

B. Design standards for off-street parking spaces.

- (1) Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking. All permitted or required parking areas shall be on the same lot as the use for which the parking is required.

- (2) No parking area shall encroach on any portion of a required front yard or within 15 feet of any public right-of-way. Open parking and related driveways may, however, encroach on a required side or rear yard to within five feet of a property line, except that if abutting a residential district a minimum of 10 feet of separation shall be maintained. For parking areas of three or more spaces which are in a residential district, or which abut a residential district or property of residential use, there shall be provided and maintained a dense natural screen or other barrier so designed as to form an effective visual screen from the adjoining property. This provision is not, however, to be construed as prohibiting a common driveway which may, by agreement between adjacent property owners, encroach wholly to the lot line.
- (3) In any residential district, required parking spaces shall be fully provided in the side or rear yard of the same lot so long as they shall not encroach on any required front yard or within five feet of any side or rear property line.
- (4) Size of parking space; driveway access and maneuvering area.
  - (a) In all districts, each parking space provided shall be at least nine feet wide and 20 feet long. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces as follows:
    - [1] Parallel curb parking: end-to-end measurement of twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.
    - [2] Thirty-degree parking: thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
    - [3] Forty-five-degree parking: sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
    - [4] Sixty-degree parking: twenty-one-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
    - [5] Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow.
  - (b) The average parking lot area per automobile parking space shall not be less than 300 square feet, including adjacent circulation areas.
- (5) All parking areas shall be suitably drained. Except for one-family or two-family dwellings and as required by the Americans with Disabilities Act (ADA) and the New York State Uniform Fire Prevention and Building Code, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article VII of this chapter, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use.<sup>1</sup>
- (6) All off-street parking areas shall be designed to eliminate the need to back out onto any

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

public street, road or highway.

- (7) All gravel parking areas shall be constructed to a minimum standard of 12 inches of compacted pervious subbase (quarry rubble, run-of-bank gravel, creek gravel) topped with three to four inches of Item 4 or 400 fines and shall be maintained to these standards. Subbase standards may be modified by the Planning Board or the Zoning Enforcement Officer based on existing soil and subsoil conditions.
- C. Cash payment in lieu of on-site provision of required off-street parking spaces. Within the Hamlet Commercial (HC) and Hamlet Residential (HR) Districts, in those instances where the Planning Board has determined that parking cannot be sufficiently and/or safely accommodated on site, provision of the minimum required number of off-street parking spaces, as calculated in accordance with Subsection A above, may be alternatively satisfied for any commercial use, whether permitted by right or by special use permit, by payment to a special Town Parking Fund of an initial charge followed by an annual maintenance fee per parking space required but not provided on site. Said Town Parking Fund shall be used exclusively by the Town Board for the development and subsequent maintenance of municipal parking spaces to service the needs of the affected properties and zoning districts within the Hamlet Commercial (HC) and Hamlet Residential (HR) Districts. The amount of said initial charge and annual fee per parking space alternatively provided shall be in accordance with the fee schedule established and annually reviewed by the Town Board. In setting such fee, the Town Board shall take into account the costs of acquiring property, carrying out suitable site development, and maintaining municipal parking facilities. Before utilizing this subsection, the Planning Board must make every effort, including reducing the proposed development, to establish sufficient on-site off-street parking.
- D. Required number of off-street loading berths. Off-street loading berths, either open or closed, shall be required for the following uses:
- (1) General uses. One berth per 10,000 to 25,000 square feet of floor area and one additional berth for each additional 25,000 square feet, unless truck deliveries do not exceed one vehicle per day.
  - (2) Business uses.
    - (a) Office and commercial uses: one berth per 10,000 to 25,000 square feet of floor area and one additional berth for each additional 25,000 square feet.
    - (b) Hotel, motel and vacation resort: one berth for floor area in excess of 10,000 square feet.
  - (3) Light industrial uses. One berth for the first 10,000 square feet of floor area and one additional berth for each additional 40,000 square feet.
- E. Design standards for off-street loading berths.
- (1) Each required loading berth shall be at least 12 feet wide, 35 feet long, and 14 feet high.
  - (2) Unobstructed access, at least 12 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading

berths shall be on the same lot as the use to which they are accessory, except as permitted below. No entrance or exit for any off-street parking or loading area shall be located within 50 feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three hours during the daily period that the establishment is open for business.

- (3) Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments.

### **§ 260-31. Sign regulations.**

A. General regulations. The provisions contained within this section shall apply to all signs and to all districts, regardless of designation, within the Town of Woodstock.

- (1) Any sign or use of signs not specifically permitted by provision of these regulations is prohibited, including but not limited to the following:
  - (a) Real estate "sold" and "under contract" signs;
  - (b) Movable signs, except permitted temporary signs;
  - (c) Multiple-faced, other than double-faced, signs;
  - (d) Billboards;
  - (e) Signs or other advertising devices which advertise a profit-making business or organization and which appear upon permanent pickup and delivery containers;
  - (f) Directly illuminated signs or advertising devices, unless specifically permitted;
  - (g) Signs which employ reflective or luminous material or paint in their construction;
  - (h) Neon signs or signs with letters or features formed of internally illuminated glass or transparent tubing;
  - (i) All internally lighted signs; and
  - (j) Any off-premises sign, except for directional signs permitted in accordance with Subsection F of this section.
- (2) No sign shall be located in such a way as to interfere with driver vision, pedestrian traffic or other traffic.
- (3) Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. String, rope or similar low-voltage lighting products shall not be formed into words or pictorial representations of commercial products. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public



street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.

- (4) No sign shall be erected or maintained which would project above the front or face of a building a distance of more than 12 inches, except as otherwise provided herein, such as those projecting from the face of a theater or motel marquee. Any projecting or freestanding sign which projects into or above any pedestrian right-of-way or sidewalk shall have clearance of not less than eight feet above the sidewalk or the surrounding ground level. No projecting or freestanding sign shall be permitted to project into or above any public driveway or thoroughfare for vehicular travel.
- (5) No sign shall be placed on the roof of any building.
- (6) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as otherwise provided herein.
- (7) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, balloons, streamers, spinners, or similar moving, fluttering or revolving devices. Included within this prohibition are signs which are mechanically animated, such as moving, rotating or revolving signs. Said devices shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- (8) All signs shall be constructed of wood, metal or other durable material approved by the Zoning Enforcement Officer. All signs shall be so constructed as to withstand reasonable wind and weather and to be neither a detriment nor a hazard to the public health, safety, and welfare. The Zoning Enforcement Officer shall issue notice to owners of signs in violation of this provision. Said owners shall be permitted 10 days within which to make necessary repairs to or remove all signs in violation of the provisions of this section.
- (9) Any sign may consist in whole or in part of three-dimensional elements designed to physically represent the object advertised. A representational sign shall not project more than three feet beyond the principal structure to which it is attached and shall be limited to a sign area of not more than 10 square feet. Only one such sign per establishment shall be permitted. In calculating the sign area, the largest cross-sectional area, considering all possible views, shall be used.

**B. Administrative standards.**

- (1) For the purpose of determining the number of signs, a sign shall be considered to be a display surface or device containing elements organized, related and composed to form a unit. Where advertising material is displayed in a random manner without an organized relationship of elements, each element shall be considered to be a single sign.
- (2) The surface area of a sign shall be computed to include the entire area within a regular geometric form, or contiguous combination of forms, comprising all of the display area of the sign and including all of the elements of the material displayed. Structural support members shall not be included in the calculation of sign surface area. Areas permitted are maximums for each face of the sign, whether single-sided or two-sided, with the total area of all faces of any sign not exceeding twice the permitted area of one face.

- (3) For the purposes of this chapter, the term "sign" shall not include any sign erected and maintained pursuant to, and in the discharge of, any governmental function, or required by law, ordinance or governmental regulation, with the exception that government building or facility identification and/or name signs shall adhere to Subsection C(1) of this section. The term "sign" shall additionally not include the following:
- (a) Memorial signs or tablets, names of buildings and/or dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
  - (b) Displays of automotive maintenance merchandise by gasoline stations, located between the principal building and the gasoline pump island(s).
  - (c) Signs integral to gasoline pumps and racks for the display of automotive maintenance merchandise. The display of gasoline prices upon signs other than those integral to gasoline pumps shall be considered as signs.
  - (d) Traditional barber poles.

C. Permitted signs in all districts.

- (1) The following signs are permitted in any use district without issuance of a sign permit or payment of a permit fee:
- (a) For each bed-and-breakfast establishment, artist studio, governmental use, boardinghouse or apartment building, one wall or borderless sign not exceeding eight square feet in area or one freestanding double-faced sign not exceeding eight square feet per side or face.
  - (b) One double-faced freestanding, projecting or single-faced wall sign denoting the name and address of the occupant of a single-family premises, such sign not exceeding two square feet in area per side or face, provided that a projecting sign shall not project more than three feet from the principal building on the lot.
  - (c) One double-faced freestanding, projecting or single-faced wall sign denoting the name, address, profession or home occupation of the occupants of the single-family premises on which the sign is located, such sign not exceeding two square feet in area per side or face, provided that a projecting sign shall not project more than three feet from the principal building on the lot.
- (2) The following signs are permitted in any use district as a special permit use subject to the procedures and requirements of Article VI of this chapter and the further requirement that a sign permit be issued in accordance with Subsection G of this section:
- (a) Any sign advertising a commercial or not-for-profit enterprise, other than the uses listed in Subsection C(1), in a district zoned residential. Such sign shall not exceed 10 square feet in area and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

D. Permitted signs in commercial and light industrial districts. Within the Hamlet Commercial

(HC), Neighborhood Commercial (NC), and Light Industrial (LI) Districts, no sign, except those allowed without a permit under Subsection C(1), shall be erected and maintained unless a sign permit is issued prior to installation in accordance with Subsection G of this section.

- (1) The primary purpose of each sign shall be for identification and may state the owner's name, trade names, trademarks, products sold, and/or commercial activity conducted on the premises on which the sign is located. All signs must be located on the premises of the business activity, except as noted in Subsection F of this section which relates to directional signs.
- (2) Each business or industrial establishment so located shall be permitted one of the following alternative sign displays:
  - (a) One projecting double-faced sign, not exceeding 10 square feet per side, provided that such sign shall not project more than five feet beyond the principal building on the lot, and provided further that such sign shall not extend more than 13 feet above ground level or exceed the height of the building at the point of location of the sign, whichever is more restrictive.
  - (b) One freestanding double-faced sign, not exceeding 10 square feet per side or face, provided that such sign shall not extend more than 10 feet above ground level at the point of location of the sign. Furthermore, the sign shall not be located closer than eight feet to said ground level if located in an area of pedestrian traffic.
  - (c) Not more than two wall, hanging, or borderless signs having an aggregate area of not more than 25 square feet, provided that neither of the signs extends above the height of the building at the point of location of such sign, and provided further that neither sign extends beyond the end of the building at the point of the location of such sign.
- (3) In addition to the signs described in Subsection D(2) above, a restaurant shall be permitted one menu board to be placed in the window or mounted flat against the face of the building not to exceed four square feet in size.

E. Temporary signs.

- (1) All signs of a temporary nature, such as political posters, banners, and signs of a similar nature, restricted to church, school, civic and other nonprofit functions, shall be permitted for a period of 30 days, except as otherwise explicitly provided by this section, without issuance of a sign permit or payment of a fee. Such signs shall not, however, be attached to fences, trees, utility poles, traffic signs, or the like, nor be placed in a position that will either obstruct or impair vision of traffic or in any manner create a hazard or disturbance to the health, welfare or safety of the general public. Such signs may not represent a commercial product, activity or enterprise and shall not exceed 24 square feet per side. All such signs shall be removed within seven days of the close of the advertised event.
- (2) The following specific temporary sign types are more explicitly addressed by this chapter as provided below:

- (a) Temporary window signs and posters shall be permitted without permit or fee, provided that they do not exceed 15% of the aggregate surface of the establishment's windows on the side of the building in which the temporary window signs and posters appear.
- (b) Temporary "for sale" real estate signs and signs of a similar nature not exceeding four square feet per side in area within any residential or commercial district or 10 square feet per side in any light industrial district shall be permitted without any permit or fee. All such signs shall be removed immediately upon sale or lease of the premises.
- (c) A temporary single-sided real estate development sign not exceeding 10 square feet shall be permitted without fee or permit on property being sold, leased or developed and is to be erected parallel to the fronting highway, set back not less than 15 feet, or attached to the building face. The sign shall be limited to a duration of 24 months unless otherwise authorized by the Planning Board.
- (d) A temporary single-sided construction sign denoting the architect, engineer, and/or contractor shall be permitted without permit or fee when placed upon premises under construction and for which a building permit has been issued, not exceeding four square feet in sign area. Said sign shall be removed immediately upon issuance of a certificate of occupancy or use for the premises or upon termination or revocation of the building permit.
- (e) A temporary garage sale, yard sale, barn sale, tag sale, or similarly descriptive sign, not exceeding six square feet per side in area, located fully on the property on which such sale is being conducted, and restricted to a period of not more than 48 hours in advance of the sale nor more than 12 hours after its completion shall be permitted. Such signs shall be further restricted by the provisions of § 260-50 of this chapter.

F. Directional and notification signs.

- (1) Business and public destinations that are isolated from primary routes of travel shall be permitted a maximum of two off-site directional signs subject to the issuance of a sign permit in accordance with Subsection G and the following additional requirements:
  - (a) In locations with more than one directional sign, all such signs shall be affixed to a common standard and shall be graphically coordinated and arranged so as to present a neat and orderly appearance. Any such standard shall be designed to accommodate the later addition of further directional signs.
  - (b) No directional sign shall be more than three square feet in area. In locations with more than one directional sign, the aggregate area of all such directional signs shall not exceed 12 square feet.
  - (c) An off-premises directional sign permit shall be acquired from the New York State Department of Environmental Conservation (DEC).
  - (d) A letter of authorization shall be obtained from the owner of the property on which

the sign will be located. **[Amended 11-18-2008 by L.L. No. 2-2008]**

- (2) Each general, business or light industrial use may erect on-site directional and notification signs, provided that the individual signs do not exceed two square feet in area and are limited to such text as "Office," "Entrance," "Exit," "Reserved Parking" or "No Parking." Permits shall be granted only if the applicant can clearly demonstrate that any such on-site directional or notification sign will be set back not less than five feet from any public right-of-way or any property line. During site plan review, as governed by Article VII of this chapter, the Planning Board may recommend that the Zoning Enforcement Officer issue sign permits for such signs.
- G. Sign permit required. Except as otherwise stated herein, no sign or other device for advertising or notification purposes of any kind shall be erected, established, added to, or altered until a sign permit has been issued by the Zoning Enforcement Officer. All applications shall include such information as may be required by the Zoning Enforcement Officer to determine compliance with these sign regulations and shall be accompanied by payment of the required sign permit fee in accordance with a schedule established and reviewed annually by the Town Board.

**§ 260-32. Fences, walls and gates.**

- A. Except as otherwise provided in Subsection B or D below, in any residential or commercial district, fences and walls shall not exceed six feet in height when erected in a rear or side yard nor four feet in height when erected within a front yard. Height shall be measured from the finished grade to the top of fence. **[Amended 7-3-2013 by L.L. No. 1-2013]**
- B. In the Light Industrial (LI) District, fences and walls shall not exceed eight feet in height, except that on a residential district boundary line such fences or walls shall not exceed six feet in height, as determined by the Planning Board.
- C. In any district, all fences and walls shall conform to the requirements of § 260-27B of this chapter, as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety.
- D. Fences and walls shall be permitted within the required front, side and rear yard, except that fences and walls shall be set back five feet from the edge of pavement (or alternative surface) or ditch line when bordering a public or private road, highway, shared drive, or right-of-way. Further, fences and walls, for the purposes listed below, shall be permitted as follows, but shall not be located within the required front yard nor within 20 feet of any lot line in the R8, R5, R3, and LI Districts nor within 10 feet of any lot line in the HC, HR, R1.5, and NC Districts unless otherwise specified herein. All such fences shall be removed within 12 months of the termination of the use for which they were erected. **[Amended 7-3-2013 by L.L. No. 1-2013]**
  - (1) Tennis court enclosure. Chain link fence is permitted up to 10 feet in height.
  - (2) Swimming pool enclosure. Fence is permitted up to six feet in height.
  - (3) Enclosures to prevent animal intrusion or escape.

- (a) Vegetable garden enclosure. Chain link or open mesh fence is permitted up to eight feet in height. If the fence is to be less than four feet in height, it may be located within the front yard or within 20 feet of any lot line and may be built from material chosen by the property owner or lessee. No such fence shall enclose a residence or other principal building.
  - (b) Electric fence enclosure.
    - [1] Electric fence is permitted in all districts except the Floodway (FW) District up to eight feet in height and permitted in the required front yard, provided that a twenty-foot setback from the front lot line is maintained. Area enclosed must not exceed 70% of the property.
    - [2] Electric fence shall be conspicuously posted at intervals of not more than 25 feet so as to warn the public that it is electrified.
    - [3] The area around the electric fence must be cleared of undergrowth and debris for a minimum of six feet on the exterior side and two feet on the interior side of the fence.
    - [4] High-tensile smooth steel wire (12 1/2 gauge) utilizing current supplied by a high-voltage, low-impedance charger or a conventional charger emitting short, high-voltage pulses must be used.
    - [5] Fences that conduct a continuous electric current, such as those advertised as pet deterrents or weed burners, are prohibited.
    - [6] All electric fences shall comply with the minimum specifications of the Underwriters' Laboratories, Inc.
  - (c) Livestock enclosure. Fencing, other than electric fencing, is permitted up to six feet in height.
  - (d) Dog enclosure. Chain link or open mesh fence is permitted up to six feet in height. Area enclosed must not exceed 20% of the property if one acre or less. If the property is more than one acre in size, the area enclosed must not exceed 10% of the property or 9,000 square feet, whichever is greater.
  - (e) Enclosure for fowl. Chain link or open mesh fence or cage is permitted up to eight feet in height, which fence must be at least 25 feet from any property line.
- E. Barbed wire fence is prohibited in all districts.
- F. Any fence, wall or gate erected or installed in accordance with this section shall be maintained in good order.
- G. The height of gates shall not exceed permitted fence heights, except that ornamental overhead architectural features, such as arches and trellises, shall be allowed provided that the feature's height shall not exceed 15 feet above ground level at the location of the gate.

**§ 260-33. Excavation as part of site preparation.**

Nothing contained herein shall prohibit the excavation of sand, gravel, shale, topsoil or similar material from a lot preparatory to construction of a building for which a building permit has been issued, or to move such material from one part of a site to another part of the same site, when such excavation or removal is clearly incidental to the approved building construction and/or site development and necessary for improving the property for a use permitted in the district in which the property is located. Provision shall be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered within the first growing season following the start of such operation.

**§ 260-34. Wetlands and watercourse protection standards. [Amended 8-18-2009 by L.L. No. 1-2009; 10-25-2011 by L.L. No. 8-2011]**

It shall be unlawful for any person to undertake any regulated activity, as defined in § 260-34C, in any wetland, watercourse, water body or their associated buffer without a wetland and watercourse permit (hereinafter referred to as "wetland and watercourse permit") issued by the Town of Woodstock.

- A. Definitions specific to wetland permits. Words and phrases used in this section shall be interpreted as defined below, and where ambiguity exists, words or phrases shall be interpreted so as to give this section its most reasonable application in carrying out the regulatory purpose and intent as set forth herein. Words and phrases of broad application to the general provisions of this chapter shall be found in § 260-123, Word usage and definitions.

ACOE — Army Corps of Engineers.

ACTIVITY, PREEXISTING, NONCONFORMING — Those actions and activities occurring within a wetland, water body, watercourse or their associated buffer areas which were approved prior to the effective date of this section and for which the approval has not expired and is still valid. These actions and activities may not be expanded, changed, enlarged, or altered; or discontinued for a period of 12 consecutive months without losing their preexisting, nonconforming status. Preexisting, nonconforming activities destroyed by human activities or a natural catastrophe must be reconstructed within 12 months and be completed within 24 months or lose their preexisting, nonconforming status.

ACTIVITY, REGULATED — See "regulated activity."

AREAL — Of or relating to or involving an area.

BANK — The side slopes of a watercourse.

BERMING — The process of building up stream banks higher than surrounding floodplain elevations to contain water unnaturally in the channel.

BOUNDARY OF A WETLAND — The outer limit of wetland soils, wetland hydrology, and wetland vegetation as defined under "wetland/freshwater wetland."

BUFFER, WATERCOURSE — See "watercourse buffer area."

BUFFER, WETLAND — See "wetland buffer area."

**CHANNEL** — A surface feature open to the air that conveys surface water and has existed long enough to establish a stable route and/or biological community.

**CHANNELIZATION** — The process of straightening, widening, and excavating gravel from a watercourse.

**CHROMA** — See "Munsell Soil Color Charts."

**DAMS AND WATER CONTROL MEASURES** — Barriers which intentionally or unintentionally obstruct the natural flow of water either to raise it, lower it, or artificially maintain its level.

**DEPOSIT (DEPOSITING)** — The act of filling, grading, discharging, emitting, dumping, or the placement of any material.

**DISCHARGE** — The emission of any water, substance, or material into a wetland, watercourse or wetland/watercourse buffer.

**DOMINANT SPECIES** — A dominant species is one that exhibits either the greatest areal extent (ground or canopy cover) or greatest density (number of plants per unit area) within one or more layers (tree, shrub, herb) of a naturally occurring plant community.

**DRAIN** — To deplete or empty of water by drawing off by increments.

**DURATION, LONG** — A duration class referring to flooding or inundation in which inundation for a single event ranges from seven days to one month.

**DURATION, VERY LONG** — A duration class referring to flooding or inundation in which inundation for a single event is greater than one month.

**FACULTATIVE SPECIES** — Plant species that, because of their broader ecological requirements or tolerances, can occur in both wetlands and uplands to varying degrees. Subcategories of facultative species include:

- (1) **FACULTATIVE WETLAND SPECIES (FACW)** — Plant species that usually occur in wetlands (estimated probability 67% to 99%), but occasionally are found in nonwetlands;
- (2) **FACULTATIVE SPECIES (FAC)** — Plant species that are equally likely to occur in wetlands or nonwetlands (estimated probability 34% to 66%); and
- (3) **FACULTATIVE UPLAND SPECIES (FACU)** — Plant species that usually occur in nonwetlands (estimated probability 67% to 99%), but occasionally are found in wetlands.

**FLOOD, ONE-HUNDRED-YEAR OR BASE** — The highest level of the flood that, on the average, is likely to occur once every 100 years, i.e., has a one-percent chance of occurring each year.

**FLOODPLAIN or FLOOD-PRONE AREA** — A land area adjoining a river, stream, lake, watercourse, water body or wetland, which is likely to be inundated by water from any source.

**GROWING SEASON** — The portion of the year when soil temperatures are above biologic zero (5° C.); the growing season for Ulster County is approximately May 15 through



September 15.

HEC-RAS — River analysis system software developed by the Hydrological Engineering Centers of the Institute for Water Resources of the United States Army Corps of Engineers.

HISTOSOLS/ORGANIC SOILS — A taxonomic soils order composed of organic soils (mostly peats and mucks) that have a predominance of organic materials to a depth of 16 inches or more, or to any lesser depth if bedrock is closer than 16 inches to the surface.

HYDRIC SOILS — A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part; see expanded definition under "wetland." For field identification delineation purposes, soil in the upper 18 inches with a predominant chroma of two or less on the Munsell Color Charts, whether streaked with brighter colors (mottled) or not, generally meet the field criterion of hydric soils.

HYDROPHYTIC VEGETATION — The sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present.

MITIGATION PLAN — A plan prepared and implemented by an applicant in accordance with a wetland and watercourse permit issued upon demonstration that either losses or impacts to wetlands/watercourses and/or wetland/watercourse buffer areas are necessary and unavoidable.

MUNSELL SOIL COLOR CHARTS — A soils color designation system based on a collection of color-reproduced chips that visually demonstrate the relative degree of the three fundamental variables of color: hue, value, and chroma, as produced by the Kollmorgen Corporation, 1975, or as amended or updated from time to time. Each color chart shows the range and variation in value and chroma for a specific hue.

NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, 1988, NEW YORK — The list of obligate and facultative upland and wetland plant species developed by the United States Department of the Interior Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels, as amended and updated from time to time.

NYCDEP — New York City Department of Environmental Protection.

OBLIGATE UPLAND SPECIES (UPL) — Plant species that, under natural conditions, nearly always occur in nonwetland uplands (i.e., greater than 99% of the time). The less-than-one-percent difference allows for anomalous wetland occurrences (i.e., occurrences that are spontaneous or unexplainable or are the result of human-induced disturbances and transplants).

OBLIGATE WETLAND SPECIES (OBL) — Plant species that, under natural conditions, nearly always occur in wetlands (i.e., greater than 99% of the time). The less-than-one-percent difference allows for anomalous wetland occurrences (i.e., occurrences that are spontaneous or unexplainable or are the result of human-induced disturbances and transplants).

ORGANIC SOILS — See "histosols."

**POLLUTION OF WETLAND OR WATERCOURSE** — The contamination or the departure from the range of normal variation in physical or chemical factors of any wetland or watercourse by reason of erosion, or by any waste or other materials discharged or deposited therein.

**REGULATED ACTIVITY** — Those actions and activities occurring within a wetland, water body, watercourse or their associated buffer areas which are not exempted from requiring a wetland permit by § 260-34D of this section and are more specifically listed in § 260-34C.

**REGULATED AREA** — Wetlands, waterbodies, vernal pools, watercourses and their associated wetland/watercourse buffer areas as defined in this section.

**UCSWCD** — Ulster County Soil and Water Conservation District.

**VERNAL POOL** — Seasonally flooded, isolated pool of standing water that is devoid of naturally occurring fish and that persist, in a year of average, precipitation for at least two months (average annual precipitation in the Woodstock area is 48 inches). Vernal pools are essential breeding habitat for certain amphibians, including, but not limited to, the following species: spotted salamander (*Ambystoma maculatum*), marbled salamander (*Ambystoma opacum*), Jefferson salamander (*Ambystoma jeffersonianum*), blue-spotted salamander (*Ambystoma laterale*), Northern spring peeper (*Hyla c. crucifer*), and wood frog (*Rana sylvatica*).

**WATER BODY** — Any natural or artificial pond, lake, reservoir, or other area which usually or intermittently contains water and which has a discernible shoreline. For the purposes of this chapter, a water body is also a wetland, and the appropriate wetland buffer area shall apply. An artificial pond of less than 1/10 of an acre (i.e., 4,356 square feet) shall not be considered a regulated water body, provided its creation and maintenance does not alter the flow, function or values of existing waterbodies, wetlands or watercourses.

**WATERCOURSE** — Any natural, artificial, permanent, seasonal, or intermittent, public or private water segment, such as rivers, streams, brooks, or other waterways that are contained within, flow through, or border on the Town of Woodstock. A watercourse contains a discernible channel, bed, and/or banks and usually flows in a particular direction. Artificial water segments, such as swales and ditching shall not be considered a regulated watercourse, provided they do not discharge directly into a naturally occurring wetland water body or watercourse.

**WATERCOURSE BUFFER AREA** — A specified area surrounding a watercourse that is intended to provide some degree of protection to the watercourse from human activity or other encroachment associated with development. The watercourse buffer area shall be subject to the regulations for watercourses as defined herein and shall be determined by consulting the map entitled, "Applicable Watercourse Buffers" which is maintained in the office of the Planning Board and Building Inspector. The buffer area is the area extending horizontally away from and paralleling the edge of bank of a watercourse. Buffer widths vary from 30 to 45, 60, 75, 90 or 100 feet (each side) depending on the upstream drainage area and the slope of the land. The default buffer for all watercourses is 30 feet from the edge of bank.

**WATERSHED** — The region draining into a river, river system, or other body of water.

**WETLAND AND WATERCOURSE INSPECTOR** — The agent appointed by the Town

Board, who may or may not be employed by the Town also as a Building Inspector, charged with enforcement and permit-processing responsibilities associated with regulated activities within regulated areas. The determination of the Wetland and Watercourse Inspector shall be of the same force and effect and subject to the same laws and regulations as those of the Building Inspector. The Wetland and Watercourse Inspector must be certified in basic wetland delineation.

**WETLAND BUFFER AREA** — A specified area surrounding a wetland, that is intended to provide some degree of protection to the wetland from human activity or other encroachment associated with development. The wetland buffer area shall be subject to regulations and site conditions for wetlands and watercourses as defined herein. The wetland buffer area shall consist of the area extending 100 feet horizontally away from and paralleling the outer wetland boundary limits of a wetland of greater than 1/10 of an acre (i.e., 4,356 square feet) and 50 feet horizontally away from and paralleling the outer wetland boundary limits of a wetland of equal to or less than 1/10 of an acre.

**WETLAND DELINEATION** — The process by which the boundary or edge of a wetland is determined. Delineations shall be in accordance with Part IV of the US Army Corps of Engineers Wetland Delineation Manual (1987) herein referred to as the Wetland Delineation Manual.

**WETLAND DELINEATOR** — A person who has demonstrated training and experience in the identification of wetlands and watercourses, and the use of the Corps of Engineers Wetland Delineation Manual (January, 1987) including preparation of federal data forms and federal level wetland delineation reports. A wetland delineator must have a degree from an accredited university in a related field and a minimum of two years of continuous wetland and watercourse delineation experience as set forth above.

**WETLAND (FRESHWATER WETLAND)** —

- (1) All areas that comprise hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For the purposes of this chapter, the term "wetland" shall refer to freshwater wetlands and shall generally include swamps, marshes, bogs, vernal pools, and similar areas. Wetlands must have the following three general diagnostic environmental characteristics:
  - (a) Wetlands vegetation. The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions as described above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaption(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. Indicators of vegetation associated with wetlands are listed in Paragraph 35 of the Wetland Delineation Manual.
  - (b) Wetlands Soil. Soils are present and have been classified as hydric, or they possess characteristics that are associated with saturated soil conditions. Indicators of these soils are listed in Paragraphs 44 and 45 of the Wetland Delineation Manual.

- (c) Wetlands hydrology. Wetlands are inundated either permanently or periodically at mean water depths equal to or less than 6.6 feet, or the soil is saturated to the surface at some time during the growing season. Indicators of hydrologic conditions that occur in wetlands are listed in Paragraph 49 of the Wetland Delineation Manual.

(2) Regulated wetlands do not include:

- (a) Detention, infiltration and retention basins created as part of an approved local, state or federal stormwater pollution prevention plan; or
- (b) An artificial pond of less than 1/10 of an acre (i.e., 4,356 square feet), provided the pond's creation and maintenance does not alter the flow, function or values of existing waterbodies, wetlands or watercourses.

**WETLAND HYDROLOGY** — The sum total of wetness characteristics in areas that are inundated or have saturated soils to within 18 inches of the surface for a sufficient duration to support hydrophytic vegetation.

**WETLAND PERMIT** — That form of written approval required by § 260-34 of this chapter allowing for a specific regulated activity in a regulated area.

B. Regulated areas. Areas subject to a review under this section are as follows and more specifically defined in § 260-34A:

- (1) Waterbodies.
- (2) Watercourse buffer areas.
- (3) Watercourses.
- (4) Wetlands (freshwater wetlands).
- (5) Wetland buffer areas.

C. Regulated activities. The following activities shall require a wetland and watercourse permit when conducted within a regulated area:

- (1) Any form of mining, dredging or excavation and any grading or removal of soil, mud, sand, gravel, peat, silt or any other earth material, either directly or indirectly.
- (2) Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly.
- (3) Construction or enlargement of any building or structure except as allowed by § 260-34D(13) and (14), whether or not the same affects the ebb and flow of water.
- (4) Construction of any road, driveway or parking facility, or paving, or establishment of trails consisting of impervious surfaces for vehicles, whether or not the same affects the ebb and flow of water.
- (5) Placement of any obstructions within a wetland, water body and/or watercourse, whether or not the same affect the ebb and flow of water.

- (6) Draining or ditching with the intent of mosquito control.
  - (7) Creation of a diversion of water flow on any watercourse, including but not limited to constructing dams, docks (pilings), or bridges.
  - (8) Timber harvesting or clearing of vegetation, except as allowed without a wetland and watercourse permit pursuant to § 260-34D of this chapter.
  - (9) Commercial use or storage of any chemicals, dyes, fertilizers, fuels, herbicides, pesticides, petroleum products, de-icing materials, or similar materials in any regulated area, such that the same may cause pollution of waters.
  - (10) Introduction of any influents of high thermal content to a wetland, water body or watercourse, as may be capable of causing deleterious ecological effect. Deleterious effects shall be defined in accordance with the New York State Department of Environmental Conservation, Chapter X, Division of Water, Part 704 regulations, or its successor.
  - (11) Installation of septic disposal systems or swimming pool drainage systems; discharging sewage treatment effluent or other liquid wastes; construction of wells; or installation of any pipe or other conduit in a regulated area; whether or not said activities affect the ebb and flow of water.
  - (12) Withdrawal of ground- or surface water in excess of 2,500 gallons per day for more than seven days in the course of one year which may cause an increase or decrease in the flow, velocity or volume of water in any watercourse or water body (excluding the natural seasonal fluctuations of said watercourse or water body and controlled dam releases);
  - (13) Interbasin transfers of water (such as water supply distribution systems and sewer systems) of more than 10,000 gallons per day from one watershed to another watershed.
  - (14) Any other activity which impairs the function of a wetland, water body or watercourse as defined in § 260-34B of this chapter, unless said activity is allowed without a wetland permit under § 260-34D.
- D. Nonregulated activities. The following activities may be conducted within a regulated area, as defined in § 260-34B of this chapter, without a wetland and watercourse permit to the extent that such activities do not constitute a pollution or erosion hazard or interfere with proper drainage. Such non-regulated activities shall conform to all other applicable ordinances and/or laws.
- (1) Creation or maintenance of an artificial pond less than 1/10 of an acre (4,356 square feet) in size, provided the pond does not alter the flow, function or value of existing, regulated waterbodies, wetlands or watercourses as defined herein.
  - (2) Creation of an artificial water segment, such as a ditch or swale, to collect diffuse surface runoff, provided that the artificial water segment does not discharge directly into a naturally occurring water body, wetland or watercourse.
  - (3) Construction of an addition to an existing single-family residence or existing customary

detached accessory structure within a wetland buffer area or watercourse buffer area, which addition shall be no greater than 300 square feet in structure coverage, and provided that such addition shall be constructed no closer than the existing structure to the top of bank of a regulated watercourse or the delineated wetland or water body boundary.

- (4) Construction or placement of one accessory structure or portable accessory building per lot with a maximum floor area of 80 square feet within a wetlands buffer or watercourse buffer area, providing construction or placement maintains a minimum distance of 1/2 the applicable regulated buffer width from the top of bank of a regulated stream and/or delineated wetlands boundary, does not involve land clearing, grubbing, grading, excavation or fill activities and conforms to the applicable provisions of § 260-16 of this chapter.
- (5) Ordinary maintenance and repair of existing functional structures, facilities, or improved areas which do not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, driveways, walkways, walls, fences, railroad beds, bulkheads, docks, piers, or pilings.
- (6) Installation of fences in a wetland or watercourse buffer if post holes are hand dug and are the only permanent disturbance.
- (7) Public health activities, orders, and regulations of the Ulster County Department of Health and/or the New York State Department of Health for emergencies.
- (8) Operation and maintenance (but not expansion, replacement or enlargement) of dams, retaining walls, terraces, sluices, culverts, or other water control structures or devices, involving the adjustment of water elevations of no greater than 18 inches from existing levels.
- (9) Normal ground maintenance of existing landscaped or improved areas, including mowing, trimming of vegetation, and removal of dead or diseased vegetation, including trees.
- (10) Harvesting of trees and firewood for the personal use of the property owner providing at least 60 trees of five inches or more in diameter at 4 1/2 feet above ground level are left per acre.
- (11) Commercial logging as defined by § 260-63K and § 260-123 of this chapter, provided the necessary special use permit is obtained from the Planning Board.
- (12) Any actual and ongoing emergency activity which directly addresses an imminent threat to the protection or preservation of life, property or natural resource values. Such emergency activities include, but are not limited to search-and-rescue operations; activities intended to remedy large-scale contamination of streams or other bodies of water; response to imminent floods, hurricanes, and other storms that follow established emergency response plans for a watercourse; firefighting and public health concerns.
- (13) Deposition or removal of natural products of wetlands in the process of recreational or

commercial fishing, aquaculture, hunting, or trapping where otherwise legally permitted and required but excluding excavation and removal of peat, timber or mined material such as gravel.

- (14) Agricultural activities as defined in § 260-123 of this chapter.
- (15) Removal of invasive species by recipients of grants under the New York State Department of Environmental Conservation's Aquatic Invasive Species Eradication Grant Program or similar program with the same standards of issuance. A copy of such standards shall be available at the offices of the Town of Woodstock Building Inspector and/or Wetland and Watercourse Inspector.
- (16) Preexisting, nonconforming activity or use approved prior to the effective date of this chapter, whether or not such activity or use has commenced provided that the:
  - (a) Approval of such activity or use has not expired and is still valid;
  - (b) Activity or use is not expanded, changed, enlarged, or altered except in accordance with the provisions and procedures set forth herein;
  - (c) Activity or use is not discontinued for a period of 12 consecutive months;
  - (d) Activity or use once destroyed by human activities or a natural catastrophe begins reconstruction within 12 months and is completed within 24 months.
- (17) The Woodstock Highway Department shall be exempt from the permitting requirements named herein.

E. Wetland and watercourse permit determination.

- (1) Any person proposing to conduct or causing to be conducted an activity in or near a regulated area as defined in this chapter shall file a request for a wetland and watercourse permit determination with the Town of Woodstock on forms provided by the Building Department as follows:
  - (a) The wetland and watercourse permit determination request shall be filed with the Building Inspector on forms provided by the Building Department for all building permit applications.
  - (b) The wetland and watercourse permit determination request shall be filed with the Planning Board office if the project involves site plan, subdivision or special permit approval.
- (2) Within seven business days of receipt of a complete wetland and watercourse determination application, the Town of Woodstock Building Inspector or the Planning Board office shall forward the application to the Wetland and Watercourse Inspector.
- (3) Site visit(s). The Wetland and Watercourse Inspector, or his/her agent, may enter upon lands or waters so as to undertake investigations, examinations, surveys, or other activity, including the review of applications and determinations of compliance with permits.

- (4) Duties and considerations. The Wetland and Watercourse Inspector shall:
- (a) Confirm as part of his/her determination that the proposed activity consists of a regulated activity in accordance with § 260-34C of this chapter or is a nonregulated activity in accordance with § 260-34D of this chapter.
  - (b) Determine, after a site visit to the subject property(ies), whether the proposed regulated activity is within a regulated area. The Wetland and Watercourse Inspector may utilize all available information to make such a determination, including but not limited to:
    - [1] New York State Department of Environmental Conservation Freshwater Wetland Maps.
    - [2] United States Department of the Interior National Wetlands Inventory Maps.
    - [3] USDA — Natural Resources Conservation Service Revised Soil Survey for Ulster County.
    - [4] Aerial photographs, which may be obtained from the USDA-Soil Conservation Service in Ulster County, or from the Town of Woodstock's Geographic Information System.
    - [5] Flood Insurance Rate Maps, Drainage Reports, and Flood Insurance Studies produced by the Federal Emergency Management Administration.
    - [6] Stable stream channel geometry dimension data as available from NYCDEP or the UCSWCD.
- (5) Written response. Within 10 business days of receipt of a complete wetland permit determination application, the Wetland and Watercourse Inspector shall transmit in writing to the Building Department, Planning Board and applicant the determination on whether a wetland and watercourse permit is required. If a determination cannot be made due to lack of information, the Wetland and Watercourse Inspector shall request additional information, including but not limited to a wetland delineation, at this time.
- F. Wetland and watercourse permit application. Upon a determination by the Wetland and Watercourse Inspector that a wetland and watercourse permit is required, a wetland and watercourse permit application shall be filed by the applicant with the Planning Board on forms furnished by the Planning Board office. An application for a wetland and watercourse permit shall include the following information:
- (1) The completed original application and five copies of all forms.
  - (2) The application fee as specified by the fee schedule established by the Town Board and available from the Planning Board office.
  - (3) A description of the proposed work and the purpose thereof, and an explanation why the proposed activity cannot be located outside of wetlands, watercourses and associated buffer areas.



- (4) Owner's permission to allow site visits to subject property by Town authorities.
  - (5) The name(s) and mailing address(es) of the owner(s) of record of lands adjacent to the property(ies) where the proposed regulated activity will be located. The names and addresses shall be as they appear on the tax roll of the Town of Woodstock.
  - (6) A completed long or short Town of Woodstock environmental assessment form (EAF) as required by Local Law No. 1 of the year 1990, the Town of Woodstock Environmental Quality Review Law (TWEQR).<sup>2</sup>
  - (7) Copies of all applicable local, county, state, and federal permits or other permit applications that are required for proposed activities.
  - (8) A project location map which indicates the approximate boundaries of the property in relation to surrounding land and roadways on a United States Geological Survey or New York State Department of Transportation topographic map having a scale of no less than one inch equals 2,000 feet.
  - (9) A detailed map of the subject property(ies), drawn to a scale of not less than one inch equals 50 feet and showing:
    - (a) An existing conditions plan depicting all existing structures and improvements, including buildings, drainage structures, wells and septic systems, and depicting all natural resources to be impacted such as trees, ridgelines, woodlands, and stone walls located on the subject property(ies).
    - (b) The approximate boundaries of all areas of one-hundred-year floodplains, wetlands, watercourses and associated buffer areas.
    - (c) A grading and drainage plan showing contour lines at two-foot intervals in the area to be disturbed and depicting existing and proposed topographic conditions.
    - (d) All proposed site improvements, including all areas to be disturbed, structures, roads, parking areas, sewage disposal facilities, water supply facilities, drains, culverts, stormwater treatment facilities, fences and walls.
    - (e) A stormwater pollution prevention plan (SWPPP) in accordance with the New York State Stormwater Management Design Manual where required by state law.
    - (f) Where creation of a lake, pond, detention or other water impoundment is proposed, details of the construction of any dams, berms, embankments, outlets or other water control devices.
    - (g) A request for any waivers in accordance with § 260-34G(6) of this chapter.
- G. Planning Board procedures and standards. Upon receipt of a completed application, the Clerk of the Planning Board shall schedule the application for sketch review at the next available time on the agenda and shall transmit a copy of said application to the Woodstock Environmental Commission for its review. Planning Board review shall follow the

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2. Editor's Note: See Ch. 65, Environmental Quality Review.

procedures and standards set forth herein.

- (1) Planning Board review of application. At sketch review, the Planning Board shall determine whether the application is complete pursuant to § 260-34F. When the wetland and watercourse permit application is in conjunction with a site plan, subdivision and/or special permit application pursuant to the Town of Woodstock Town Code, the Planning Board shall consider whether the following additional information is required based on the project's scope, the basic land use and design:
  - (a) A wetland delineation report in accordance with the standards set forth in this chapter and prepared by a qualified wetland delineator. The report shall include the identification of hydrophytic vegetation, wetland hydrology, and a description of the soil types on site, including all hydric inclusions per soil type and field-observed indicators of hydric soils and shall confirm the limits of the wetlands as shown on the plans. The description of the vegetative cover of the regulated area shall include the dominant species and their wetland classified status [Facultative (FAC), Facultative Wetland (FACW), Facultative Upland (FACU), Obligate Wetland (OBL)].
  - (b) Detailed maps of the proposed site improvements containing the elements required by § 260-34F(9) above and certified by an engineer, architect, land surveyor, or landscape architect licensed in the State of New York, drawn at a scale of no greater than one inch equals 50 feet, and supplemented by one or more of the following:
    - [1] The boundaries of all wetlands, watercourses and associated buffer areas as identified and delineated by a qualified scientist/wetland delineator on a survey documenting the field delineation. This survey shall have been completed no more than 18 months prior to the date of filing of the application and shall utilize the Wetland Delineation Manual.
    - [2] The locations and specifications for all proposed draining, fill, grading, dredging, drainage-way modifications and vegetation removal, including the areas and quantities proposed for deposition or removal, the procedures to be used and the dominant species of vegetation to be removed.
    - [3] Groundwater table elevations indicating depth to groundwater and direction of flow and hydrologic connections with surface water features.
    - [4] Location of the construction area and proposed area of disturbance in relation to all property lines, roads, buildings, wetlands, watercourses and associated buffer areas within 500 feet utilizing available aerial photography, orthoimagery, land surveys or similar resources.
    - [5] A grading and drainage plan showing contours lines at two-foot intervals in the area to be disturbed and depicting existing and proposed topographic conditions.
    - [6] Details on any existing and proposed drainage facilities, including locations of any point discharges, artificial inlets, or other conveyances which would

discharge into the wetland, watercourse or associated buffer, and measures proposed to control erosion both during and after the proposed work, including a schedule for installation and maintenance for such measures.

- (c) An analysis of wetland and watercourse hydrologic systems prepared by a qualified wetland delineator or similar specialist. The analysis shall include how the hydrological system will be affected by the proposed action, including water retention capacity, water flow or other drainage characteristics.
  - (d) A floodplain encroachment analysis or a floodplain modeling and analysis consistent with HEC-RAS procedures or its successor.
  - (e) Where appropriate, the Planning Board may, at its discretion, require that the list of contiguous property owners also include those contiguous to the subject watercourse(s) for a distance of 500 feet upstream and downstream from the subject property and those within or contiguous to the subject wetland(s).
  - (f) Correspondence from the New York Natural Heritage Program on significant natural communities, rare plants and animals and threatened and endangered species on site and in the immediate area.
  - (g) Description of all proposed temporary disruptions or diversions of local hydrology and proposed mitigation measures.
  - (h) The Planning Board may require additional information deemed necessary to evaluate the proposed regulated activity in terms of reducing potential impacts on wetlands, waterbodies, watercourses and wetland/watercourse buffers. Such information may include, but is not limited to, the study of other hazards at the site, and the effect of any protective measures that might be taken to reduce such hazards.
- (2) Standards for permit review. In the review of permit applications the Planning Board shall require all applicants to demonstrate the following in priority order:
- (a) First, applicants must demonstrate that potential wetland and watercourse impacts and losses cannot be entirely avoided.
  - (b) Second, applicants must demonstrate that any unavoidable impacts and losses to wetland and watercourse functions or benefits can and will be minimized to the greatest extent practicable.
  - (c) Finally, applicants must fully mitigate any remaining adverse impacts and losses to wetlands, watercourses and adjacent buffer areas and the functions and benefits of such resources, and must demonstrate that there will be no net loss of wetland acreage through a mitigation plan pursuant to § 260-34H.
- (3) Recordkeeping. All information relating to a wetland and watercourse permit application, including but not limited to the application itself, additional required materials or information, notices, record of hearings, written comments, and findings shall be maintained on file in the office of the Planning Board.

- (4) Consultant review. In its review of the wetland and watercourse permit application, the Planning Board may consider the recommendation(s) of the Woodstock Environmental Commission. The Planning Board may seek the advice of its designated private consultants, the Building Inspector, the Superintendent of Highways, other local and county officials, in addition to representatives of federal and state agencies, including, but not limited to the Natural Resources Conservation Service, the New York State Department of Transportation (DOT), the New York State Department of Environmental Conservation (DEC) and the Army Corps of Engineers. Designated consultant fees shall be paid by the applicant in accordance with § 260-34L.
- (5) Simultaneous review. Nothing herein shall prohibit simultaneous review of a wetland and watercourse permit application with all other applications requiring Planning Board approval; however, a separate fee and wetland and watercourse permit application shall be filed by the applicant with all other required applications. Issuance of a separate wetland and watercourse permit shall be required.
- (6) Waivers.
  - (a) Should the Planning Board determine, after reviewing the application, and upon the recommendation of the Wetland and Watercourse Inspector, that the proposed activity will have no significant negative impacts on the values and functions of the regulated area, the Planning Board shall have the power to:
    - [1] Waive the public hearing required by § 260-34J.
    - [2] Waive the requirement for the mitigation plan required by § 260-34H.
    - [3] Waive any application information requirements as set forth herein.
  - (b) The decision and reasons for any such waiver shall be clearly set forth in the official record.
  - (c) The abovementioned waivers may also be granted for a proposed action of a significant nature when the proposed action consists of a specific, independent watercourse, wetland or wetland/watercourse buffer restoration project and a restoration plan has been submitted to the Planning Board.

#### H. Wetland/watercourse mitigation plan.

- (1) The Planning Board shall require the applicant to prepare and submit a wetland/watercourse mitigation plan when the Planning Board has determined that either losses or impacts to the wetland, watercourse or wetland/watercourse buffer area are necessary and unavoidable. For the purposes of this chapter, wetland, watercourse or wetland/watercourse buffer area impacts are necessary and unavoidable only if all of the following criteria are satisfied:
  - (a) The proposed regulated activity is compatible with the public health, safety, and general welfare.
  - (b) There is no feasible or practical alternative to the proposed regulated activity, including, but not limited to, reduction in density, change in use, revision of road

and lot layout, and/or related site planning considerations, that could accomplish the basic objectives of the proposal.

- (c) There is no practicable alternative to the proposed regulated activity on another portion of the subject property that is not within a wetland, watercourse or wetland/watercourse buffer area.
- (2) Mitigation plan format. The minimum components of the wetland/watercourse mitigation plan shall be:
  - (a) A project narrative, describing:
    - [1] The project name, the name of all responsible parties (applicant and applicant representatives), a description of the proposed activities, their location and any available watercourse or wetlands classification (NYSDEC and National Wetlands Inventory).
    - [2] Existing conditions, including soil types, vegetation, land uses, fauna, hydrological characteristics, wetland or watercourse size, size of undisturbed buffer areas.
    - [3] The proposed action's impacts on the regulated area, including the size of the area disturbance, effects on hydrological functions and values, effects on vegetation and effects on fauna.
    - [4] The mitigation alternatives to be employed, rationale for why they were chosen, the sequence for implementation, their success criteria and monitoring provisions as required by § 260-34OH(3) of this chapter.
  - (b) Elements of the mitigation plan requiring site improvements, such as constructing vegetative swales or detention areas, shall be depicted on the detailed site plan required by § 260-34F of this chapter.
  - (c) A landscaping/planting plan, which shall include, but is not limited to, drawings depicting plant species, plant distribution, number and spacing, plant height at the time of planting, a replacement plan for dead or dying plantings, soil enhancements if necessary, erosion control methods and irrigation plan if necessary.
  - (d) All temporary sediment and erosion controls and stream/wetlands crossing mitigation methods to be employed shall be depicted on the detailed site plan required by § 260-34F of this chapter.
  - (e) Any wetland creation or restoration mitigation plan shall be no less comprehensive than that recommended by the ACOE's, "Operation Guidelines for Creating or Restoring Wetlands that are Ecologically Self-Sustaining," or its successor.
- (3) Mitigation plan alternatives. Acceptable mitigation must be provided to minimize impacts to the maximum extent practicable. Wetland and/or watercourse mitigation measures shall employ generally accepted methodology, including, but not limited to, the ACOE's "Operation Guidelines for Creating or Restoring Wetlands that are Ecologically Self-Sustaining," NYCRR, Chapter X, Part 663.5 regulations pertaining to

freshwater wetland permit requirements; the Federal Interagency Stream Corridor Restoration Working Group, "Stream Corridor Restoration" manual; the New York State Department of Environmental Conservation's "Stream Crossing: Guidelines and Best Management Practices;" and any locally adopted guidelines or manuals. The following additional mitigation measures may be considered:

- (a) Restricting activities within buffer areas by the establishment of a conservation easement, deed restriction or permanent greenbelt around wetlands and watercourses and generally prohibiting any activity within buffer areas which would negatively impact their function.
- (b) Increasing width of the wetland/watercourse buffer area in one area of the wetland or watercourse to compensate for unavoidable encroachment in another area on a two-for-one areal basis. Establishment of buffer area could include improving the density and diversity of native woody plant species.
- (c) Submission of a mitigation fee specified in the Town of Woodstock development fee schedule in lieu of on-site mitigation/restoration activities where it can be proven that there is no practicable method to mitigate and/or minimize to the maximum extent possible impacts to a wetland, watercourse or wetland/watercourse buffer area. In no instance shall a fee be imposed or accepted where it is found other forms of mitigation are possible. Wetland mitigation fees must be placed in a special reserve fund as established under the provisions of § 6 of the General Municipal Law for Town of Woodstock wetland and watercourse restoration projects.
- (d) As part of a wetland/watercourse mitigation plan, the applicant may be required to provide for the hiring, by the Town at the applicant's expense, an environmental monitor who, at the discretion of the Planning Board, shall be responsible for either short- or long-term inspections and assessment of permit compliance and wetland mitigation conditions, as may be needed to assure the effectiveness of the overall mitigation plan in protecting wetland, watercourse and/or wetland/watercourse buffer area resources. To conduct environmental monitoring, the Town may contract with a qualified professional consultant(s), an academic institution, an independent research group, or other qualified professional(s). The Town may also use its own staff expertise.
- (e) When required pursuant to § 260-34H(3)(d), the requirements for environmental monitoring procedures shall be specified in the wetland/watercourse mitigation plan in accordance with the provisions of § 260-34O and shall include but not be limited to:
  - [1] The time period over which environmental monitoring shall occur, said period to be no less than three years.
  - [2] Field measurements to verify the size and location of the impacted regulated areas and the restored/replaced mitigation area.
  - [3] Date by which the restoration/replacement is required to be completed.

[4] Field verification of the persistency of the vegetative, hydrologic, and soils criteria as specified in the mitigation plan and wetland permit.

- I. Inactive applications. A wetland and watercourse permit application must be diligently pursued by the applicant. Should any application before the Planning Board remain inactive for one year pending submission of required information, and in absence of a written update and request for additional time from the applicant within this period, the application shall be considered withdrawn. A withdrawn application may be resubmitted as a new application, subject to all applicable fees and review requirements of this section of this chapter.
- J. Public hearing. A public hearing shall be required as follows:
  - (1) Upon a determination by the Planning Board that an application for a wetland and watercourse permit is complete, the Planning Board shall set a public hearing which shall commence no later than 62 days after a determination.
  - (2) Notice of the public hearing shall be published at least once in the official newspaper(s) of the Town. Said notice shall appear at least five days before such hearing. At least 10 days before the commencement of the public hearing, the Planning Board shall send a copy of said notice to all property owners whose names have been provided by the applicant pursuant to § 260-34F of this chapter.
  - (3) All applications, maps, and documents relating to the proposed regulated activity shall be available for public inspection in the office of the Planning Board at least 10 days prior to the public hearing.
  - (4) Any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act.<sup>3</sup>
- K. Planning Board decision.
  - (1) Within 62 days of the close of a public hearing, the Planning Board shall issue a written decision approving, approving with conditions or denying the proposed application for a wetland and watercourse permit.
  - (2) Such decision shall be filed in the office of the Woodstock Town Clerk within five business days. A copy of the filed decision shall be sent to the applicant, Building Inspector, Wetland and Watercourse Inspector and any affected municipality which was given notice of the public hearing.
  - (3) Any person or persons who may be individually, jointly or severally aggrieved by any decision of the Planning Board rendered under the provisions of this Subsection K of this chapter may apply to the New York State Supreme Court for review of such decision under the provision of Article 78 of the Civil Practice Law and Rules (CPLR) of New York State, provided that such proceeding shall be instituted within 30 calendar days after the filing of the decision of the Planning Board in the office of the Town Clerk.

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3. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

- (4) The Planning Board decision shall set forth, in writing, the grounds for its determination and shall include specific findings with respect to:
- (a) The impact of the proposed regulated activity upon wetland, watercourse and wetland/watercourse buffer functions, including:
    - [1] Infilling of a wetland and watercourse, or other modification of topographic contours.
    - [2] Disturbance or destruction of flora and fauna, including disturbance of significant habitats and/or impacts on rare and endangered species.
    - [3] Influx of sediments or other materials causing increasing water turbidity and/or substrate aggradation.
    - [4] Removal or disturbance of wetland, watercourse and wetland/watercourse buffer area soils.
    - [5] Destablization of a stream channel or stream bank.
    - [6] Reductions and/or increases in wetland and watercourse water supply.
    - [7] Interference with the circulation of water within or through a wetland or watercourse.
    - [8] Damaging thermal changes and/or nutrient levels changes in the water supply within or through a wetland or watercourse.
    - [9] Any other considerations which the Planning Board deems pertinent.
  - (b) Any existing wetland, watercourse or wetland/watercourse buffer area impacts.
  - (c) Impact of the proposed regulated activity and reasonably anticipated similar activities upon flood flows, flood storage, upstream and downstream channel and bank stability, storm barriers, and water quality.
  - (d) Safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations, and other hazards, and possible losses to the applicant and subsequent purchasers of the land.
  - (e) Compliance with federal, state, county, and local land use regulations.
  - (f) Availability of a practicable alternative for the proposed regulated activity.
  - (g) Whether the impacts are necessary or unavoidable based on the criteria listed in § 260-34K(4) of this chapter.
  - (h) The impact of the proposed regulated activity upon neighboring land uses (where Town records are available).
  - (i) The overall impact of the proposed regulated activity upon public health and safety.



- (5) Criteria for denial. The Planning Board shall deny a permit if it finds that:
- (a) It has been given written notice by the appropriate federal or state agency that the proposed regulated activity will threaten a rare or endangered plant or animal species, or violate other federal or state standards and regulations.
  - (b) The proposed regulated activity will be a detriment to the wetland, watercourse or wetland/watercourse buffer area, and/or associated functions and values of these resources, measured by the factors listed in § 260-34K(4), and this detriment outweighs the cumulative benefits associated with the activity.
  - (c) There is a feasible alternative for the proposed regulated activity on site which does not impact a wetland, watercourse or wetland/watercourse buffer or which can be practicably relocated on the site so as to eliminate or reduce the intrusion into the regulated area.
  - (d) The proposed regulated activity will cause a nuisance to neighboring property(s) or threaten public health and safety.
  - (e) The proposed activity will violate other local standards and regulations.
  - (f) The proposed mitigation plan shall not meet the requirements of § 260-34H and/or fails to protect the impacted wetland, watercourse and/or wetland/watercourse buffer area; or achieve to the greatest extent practicable, the Town's goal of no-net-loss of wetlands.
- L. Reimbursable costs. Reasonable costs incurred, or expected to be incurred, by the Planning Board for private consultation fees for technical, biological, and engineering services, legal fees, or other expenses in connection with the review of a proposed permit application and wetland/watercourse mitigation plan shall be charged to the applicant and deposited in an escrow account. Such reimbursable costs shall be in addition to the application fee required in this section. All costs charged to the applicant shall be in accordance with the Town of Woodstock's development fee schedule. If the applicant fails to submit the necessary fees for an outside consultant review or there are unpaid amounts for which the applicant is responsible pursuant to this Subsection L, the Planning Board in its discretion may cease review of the application until such amounts are paid; or deny the application. In no event, however, shall any approval be made until all such sums have been paid in full.
- M. Approved wetland and watercourse permits. A wetland and watercourse permit shall be issued by the Planning Board once all conditions of written decision approving the application have been met.
- (1) All approved wetland and watercourse permits issued pursuant to this chapter shall be filed with the Wetland Inspector, Building Inspector and Town Clerk.
  - (2) All wetland and watercourse permits shall be issued pursuant to this chapter in written form and shall include the following conditions:
    - (a) Work conducted under a wetland and watercourse permit shall be open to inspection at any time by the Wetland and Watercourse Inspector, Building

Inspector or his/her agent.

- (b) The wetland and watercourse permit expiration date shall be clearly noted and shall be pursuant to the time periods specified by this chapter.
    - (c) The wetland and watercourse permit issued by the Planning Board shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
  - (3) The Planning Board may impose such conditions to any wetland and watercourse permit approval as may be necessary to assure compliance with the purposes and intent of this chapter.
  - (4) All wetland and watercourse permits shall expire upon completion of the activities specified and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. Upon written request by the original permit holder or his/her legal agent, the Planning Board may extend the expiration date of the permit for a time not to exceed that necessary to insure the work required by the permit is completed, if in its opinion such extension is warranted. Requests for extensions shall be submitted prior to the expiration date of the permit.
  - (5) Upon satisfactory completion of the work authorized under the wetland and watercourse permit, the Wetland and Watercourse Inspector shall recommend to the Building Inspector the issuance of a certificate of compliance.
  - (6) Failure to comply with the conditions of the wetland and watercourse permit shall be deemed a violation of this chapter.
- N. Time extensions. The applicant and Planning Board may mutually consent to extend the time for any determination or decision on the application. Any such extension must be in writing or recorded in the minutes of the Planning Board meeting at which the extension of time was granted.
- O. Environmental monitoring.
- (1) The Planning Board may require, as a form of mitigation, monitoring of any approved wetland/watercourse mitigation plan to determine whether the elements of the granted wetland permit and approved wetland/watercourse mitigation plan have or are being met, and/or what additional mitigative measures must be taken to assure compliance with the approved wetland permit.
  - (2) The Planning Board may require the applicant to establish a monitoring escrow account with the Town to offset the costs of hiring an environmental monitor for this purpose. The total amount to be deposited for monitoring shall be determined by the Planning Board upon approval of a wetland permit or may also be established prior to the commencement of any permitted regulated activity and shall be based upon the Town of Woodstock development fee schedule. To perform specific monitoring duties as defined in the permit, the Planning Board may contract with a qualified professional consultant(s), an academic institution, an independent research group, or other qualified professional(s), or may use its own staff expertise.

- (3) The requirements for monitoring shall be specified in the mitigation plan and shall include but not be limited to:
  - (a) The time period over which environmental monitoring shall occur, said period to be no less than three years.
  - (b) Field measurements to verify the size and location of the impacted regulated areas and the restored/replaced mitigation area.
  - (c) Date by which the restoration/replacement is required to be completed.
  - (d) Field verification of the persistency of the vegetative, hydrologic, and soils criteria as specified in the mitigation plan and wetland permit.

P. Bonds and guarantees.

- (1) The Planning Board may require the permittee to file with the Town Board a maintenance bond or letter of credit in an amount equal to 100% of the cost estimate for implementation of the required wetland/watercourse mitigation plan. The maintenance bond or letter of credit shall be adequate to assure the satisfactory establishment of hydrological and vegetative restorations for a period of not less than three and not greater than five years following the completion and acceptance of the wetland/watercourse mitigation plan by the Town Board. Such maintenance bond or letter of credit shall be satisfactory to the designated Planning Board Attorney as to form, manner of execution and surety.
- (2) A performance bond or equivalent security shall be delivered to the Town to guarantee to the Town that the applicant shall faithfully cause to be implemented within a reasonable time any required mitigation plan components.
- (3) Before the Planning Board issues the wetland and watercourse permit the applicant shall provide to the Planning Board a detailed cost estimate of all required mitigation plan components for review and approval by the Planning Board and its designated representatives.
- (4) In an amount set by the Planning Board, the applicant shall file with the Planning Board office either a certified check or performance guarantee to cover the full cost of the required mitigation plan components. Any such performance bond or equivalent security shall be satisfactory to the Planning Board and designated Planning Board Attorney as to form, sufficiency, manner of execution, term and surety. A period of one year shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. If an extension is requested, the Planning Board may require an increase in the amount of the bond or equivalent security.
- (5) The applicant shall construct all required improvements to the satisfaction of the Planning Board or its designated representatives within the one-year period. For any required improvements not so completed, the applicant shall file with the Planning Board office an additional bond or certified check covering the costs of such improvements.

- (6) The performance bond or equivalent security shall not be released until the Planning Board or its designated representative determine the mitigation plan components successfully implemented in accordance with the approved mitigation and site plan.

Q. Enforcement.

- (1) Site access. Work conducted under an approved wetland and watercourse permit shall be open to inspection by the Wetland and Watercourse Inspector or his or her duly authorized agent.
- (2) Whenever the Wetland and Watercourse Inspector has reasonable grounds to believe that the wetland and watercourse permit holder has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the approved application, the Wetland and Watercourse Inspector shall promptly refer the matter to the Building Inspector for issuance of a stop-work order. All work shall be suspended and shall not resume again until such time that the stop-work order has been rescinded by the Building Inspector. Such order and notice shall be in writing, shall state the nature of the noncompliance, shall state the conditions under which the work may be resumed and may be served upon the person to whom it is directed either by delivering it personally to him or her, or by posting the same in a conspicuous location on the project site and by sending a copy of the same to the person or persons responsible by certified mail. The Building Inspector shall file such order and notice as required for an approved wetland and watercourse permit.
- (3) The Building Inspector is hereby empowered to issue appearance tickets and to enforce the provisions of this chapter.

R. Penalties for violations. Penalties for violation of any section of this chapter shall be applied in accordance with § 260-100 of this chapter.

**§ 260-35. Standards for development within the Flood-Fringe Overlay (FF-O) District.**

All uses within the Flood-Fringe Overlay District, as mapped by the Federal Emergency Management Agency (FEMA), with the addition of other lands designated by the Town Board of the Town of Woodstock as subject to periodic flooding, shall be subject to the following standards, as shall be certified to by a registered architect or licensed professional engineer:

- A. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.
- B. All construction materials and utility equipment used shall be resistant to flood damage.
- C. Construction practices and methods shall be employed which minimize potential flood damage.
- D. Adequate drainage shall be provided to reduce flood hazard exposure.
- E. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

- F. All water supply and sanitary sewage systems shall be designed to minimize or eliminate floodwater infiltration or discharges into the floodwaters, including the provision that on-site sewage systems shall be located so as to avoid impairment of them or contamination from them during flooding.
- G. All new residential construction or substantial improvement to residential structures shall have the lowest floor, including basement, elevated to at least one foot above the water level of the one-hundred-year flood.
- H. All new nonresidential construction or substantial improvements to such nonresidential structures shall have their lowest floor, including basement, elevated to at least one foot above the water level of the one-hundred-year flood or, as an alternative, be floodproofed up to the same water level, including attendant utility and sanitary facilities.
- I. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one-hundred-year flood more than one foot at any point.
- J. Record of all necessary permits from New York State or Ulster County agencies from which approval is required shall be provided.
- K. Plans shall be submitted showing such information as may be necessary to determine the suitability of the particular site for the proposed development or use, which information shall include but not be limited to the following:
  - (1) The location of the lot or construction site in relation to affected watercourses or other bodies of water, boundaries of the Flood-Fringe Overlay District, topography of the site with elevations in relation to mean sea level, existing and proposed buildings and other structures, fill, drainage facilities, and the location and description of any materials proposed to be stored within the Flood-Fringe Overlay District on either a permanent or temporary basis incidental to the proposed project;
  - (2) Elevation in relation to mean sea level of the lowest floor, including basement, of all existing and proposed structures;
  - (3) Elevation in relation to mean sea level to which any nonresidential structure is proposed to be floodproofed, together with its attendant utility and sanitary facilities;
  - (4) Details of how any nonresidential floodproofed structure meets or exceeds essential floodproofing standards, i.e., that floodproofing occur so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (5) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- L. Any use proposed within the Flood-Fringe Overlay District shall include as a condition the additional requirement that certification by a registered architect or licensed professional

engineer of as-built compliance with the approved plans be submitted to the Zoning Enforcement Officer prior to either use of the property or issuance of a certificate of occupancy or use for the intended use or structure. This certification shall be maintained by the Zoning Enforcement Officer as a permanent public record available for inspection.

**§ 260-36. Standards for development within the Scenic Overlay (S-O) District.**

Within the Scenic Overlay District, as determined by the twelve-hundred-foot contour as mapped by the United States Geological Survey (USGS), the construction of new houses, house additions exceeding 300 square feet in floor area, and accessory structures exceeding 300 square feet in floor area, excluding decks and pools, shall be subject to the special use permit procedure provided by § 260-66 of this chapter. All development within the Scenic Overlay District shall conform to the standards for the mitigation of visual impact enumerated in § 260-66 of this chapter. In the event that any proposed development within the Scenic Overlay District does not, in the judgment of the Zoning Enforcement Officer, adequately conform to those standards, the relevant application for a building permit shall be referred to the Planning Board for review under the special use permit procedure provided in § 260-66 of this chapter.

**§ 260-37. Standards for development within the Hamlet Preservation Overlay (HP-O) District.**

Within the Hamlet Preservation Overlay District all exterior alterations which are subject to a building permit, all demolition of buildings or parts of the exteriors of buildings, any erection or relocation of any building, and any alteration subject to site plan review as provided in Article VII of this chapter shall be subject to a determination by the Commission for Civic Design, as specified in Article XII of this chapter. The boundaries of the Hamlet Preservation Overlay District shall be as defined in § 260-8C of this chapter.

- A. The Hamlet Preservation Overlay District has many significant historic, architectural and cultural resources which it is in the interest of the Town to preserve, protect and enhance. It is the function of the district to protect and enhance the buildings, landmarks, historic structures and distinctive elements of the district in order to ensure the harmonious, orderly and efficient growth and development of the Town. The Hamlet Preservation Overlay District shall be maintained and preserved to promote its use for the education, pleasure and welfare of the citizens of Woodstock and visitors.
- B. Further, the purpose of the Hamlet Preservation Overlay District is as follows:
  - (1) To encourage good qualities of exterior building design and good appearances and to relate such design and appearances to the sites and surroundings of structures within the district;
  - (2) To preserve the prevailing aesthetic character of the district and to enhance the district by means of complementary building design;
  - (3) To ensure that the design and location of any proposed structure or the addition, alteration or reconstruction of existing structures is in harmony with the existing location of its site and/or the existing structure as well as neighboring properties and the existing property location;

- (4) To discourage and prevent such design and appearances that would adversely affect neighboring property(ies);
  - (5) To prevent such design and appearances as are unnecessarily offensive to visual sensibilities, which impair the use, enjoyment or value of neighboring properties in the district and/or the health, safety or general welfare of the community at large;
  - (6) To preserve existing residential structures in the district and to encourage their continued use as residences;
  - (7) To ensure that the facades of buildings and structures within the district shall be compatible with those of nearby buildings and structures and, where possible, shall be of wood, with use of plastic and metal to be kept at a practical minimum; the facade treatment shall not impair the historic or architectural value or worth of surrounding property and thus lead to the degradation of property values; and
  - (8) To ensure that consideration shall be given to the historic, architectural and cultural value and significance of buildings and structures within the district and their relationship to the surrounding area as well as any other factors deemed pertinent for the benefit of the Town of Woodstock.
- C. Nothing contained herein shall be deemed to prevent the ordinary and necessary maintenance and repair of any exterior architectural feature(s) of a structure within the Hamlet Preservation Overlay District which does not involve a significant change in design, material or outward appearance thereof. However, all such changes shall comply with the pertinent provision of this section and Article XII of this chapter.

#### **§ 260-38. Standards for development within the Gateway Overlay (G-O) District.**

The purpose of the Gateway Overlay District shall be as described in § 260-8D of this chapter. All development within the Gateway Overlay District shall be subject to the special use permit procedures provided by § 260-67 of this chapter. The boundaries of the Gateway Overlay District shall be as defined in § 260-67H of this chapter.

#### **§ 260-39. Standards for development within registered historic districts.**

In order to preserve, protect and enhance the existing character of the built environment in the Town of Woodstock while discouraging both new construction and alterations that may be architecturally incompatible (for example, of a "highway commercial" or "franchise modern" architectural style), development within the Town shall be subject to design review as follows. Before either a building permit or certificate of occupancy or use may be issued for the following types of development, the Zoning Enforcement Officer shall refer the full application to the Commission for Civic Design for its review and recommendation.

- A. For individual structures or districts included within the New York State Register of Historic Places and/or the National Register of Historic Places. Such review shall take into account the Secretary of the Interior's Standards for Rehabilitation.
- B. For any individual structure included within the Town of Woodstock Local Historic Structures Register. Such review shall address issues regarding the preservation, protection

and enhancement of significant exterior architectural and site features.

**§ 260-40. Standards for development within Light Industrial (LI) Districts.**

The Town Board may, after Planning Board review, public notice and hearing, approve the development of a parcel of land for light industrial use and establish a Special Light Industrial District for such development to be imposed on any R5, R3, or R1.5 District, subject to the following conditions:

- A. Location and minimum required acreage of site.
  - (1) R5 District: eight acres.
  - (2) R3 District: five acres.
  - (3) R1.5 District: three acres.
- B. Individual uses and structures shall comply with the specific building location, height, and open space requirements for the appropriate Light Industrial District as specified in § 260-16 of this chapter, the Schedule of Area and Bulk Regulations.
- C. Permitted and prohibited uses.
  - (1) Permitted uses:
    - (a) Any use permitted by right in Light Industrial Districts.
    - (b) Any use permitted by special permit in Light Industrial Districts subject to the favorable approval thereof by the Planning Board as specified in Article VI of this chapter.
  - (2) Prohibited industrial uses are delineated in § 260-15 of this chapter.
- D. Area and bulk regulations for Light Industrial Districts in existence prior to the adoption of this chapter.
  - (1) Less than three acres: use setbacks required for an LI District in an R1.5 District.
  - (2) Three to five acres: use setbacks required for an LI District in an R3 District.
  - (3) Over five acres: use setbacks required for an LI District in an R5 District.
- E. Minimum size for general or professional office uses in Light Industrial Districts. The first or single office occupancy on a light industrial parcel shall occupy a minimum of 2,000 square feet. Each additional occupant on said parcel shall occupy a minimum of 1,500 square feet.
- F. Performance standards for Light Industrial Districts. The general performance standards listed in § 260-29 of this chapter, as well as all standards listed below, shall apply to all Light Industrial Districts. Where any two standards are at variance, the stricter standard shall apply.
  - (1) Smoke and particulate matter.



- (a) Definitions. For the purposes of this subsection, the following terms are defined as follows:

PARTICULATE MATTER — Material, including smoke, discharged into or suspended in the atmosphere in finely divided form.

RINGELMANN CHART — The Ringelmann Chart described in United States Bureau of Mines Information Circular 6888 provides standards for estimating the light-obscuring capacity, and thus the density, of smoke. Ringelmann numbers are used for identifying the standardized elements of the Ringelmann Chart.

SMOKE — Particulate matter resulting from the process of combustion.

SMOKE UNITS — Numbers obtained by multiplying the number used to identify density on the Ringelmann Chart by time of emission in minutes of smoke at that density.

- (b) Method of smoke measurement. For the purpose of grading the density of emission of smoke, the Ringelmann Chart shall be employed. For the purpose of determining smoke units, the Ringelmann density reading shall be made at least once every minute during the period of observation. Each reading (Ringelmann number) shall be multiplied by the time in minutes for which it was observed during the total period of observation. This total shall then be converted into units per hour.
- (c) Maximum permitted emission of smoke. The emission of more than 10 smoke units per hour per stack, and smoke with a density in excess of Ringelmann No. 2, is prohibited, except as indicated below. For special operations, the following limitations apply:<sup>4</sup>

[1] Maximum frequency permitted for special operations:

[a] For rebuilding fires within a twenty-four-hour period: once.

[b] For banking or cleaning fires, soot blowing, or process purging: once in six hours.

[2] Maximum smoke units permitted per hour per stack during special operations:

[a] Ringelmann No. 1: 20.

[b] Ringelmann No. 2: 10.

[c] Ringelmann No. 3: three.

- (d) Method of measuring emission of particulate matter from all sources.

[1] Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

[a] Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross

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

hourly rate of emission in pounds per acre.

[b] Adding together individual gross rates of emission shall give the total net rate of emission from all sources of emission within the boundaries of the lot.

[2] In addition, the Town Board, in its review of the proposed Light Industrial District, may require any smoke emission standards which are accepted by the New York State Department of Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), or other appropriate governmental agency, which standards are of equal or greater restrictiveness with respect to the above list of standards.

- (2) Odorous matter. No discernible odor shall be permitted at the property line of the Light Industrial District from which the odor is emitted.
- (3) Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases, or other matter outside the structure in which the use is conducted.
- (4) Solid waste. Based on the solid waste study required under the provisions of this section, the Town Board shall set appropriate solid waste and recycling requirements. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street and from any adjoining property and in such manner as to discourage the breeding of rodents or insects.
- (5) Parking and loading, signs, fences and walls and screening. Regulations regarding parking and loading standards, signs, fences and walls, and screening are found in §§ 260-30, 260-31, 260-32 and 260-45 of this chapter.
- (6) Traffic. Based on the traffic study that may be required under Subsection G(1)(d) below, the Town Board may require appropriate traffic mitigation measures to be undertaken, such as requiring the applicant to provide traffic improvements as a condition for granting the Light Industrial District designation, or to reduce the size or density of the proposed Light Industrial District.
- (7) Access drive. No access drive for any Light Industrial District shall be within 300 feet of any school, public library, theater, church or other public gathering place, park, playground, or fire station unless the development proposed for such district would not generate in excess of 60 vehicle trips using such access during the weekday p.m. peak hour, nor more than 250 average vehicle trips per weekday, and further provided that the level of service (LOS) of such access roadway would not be changed by such traffic generation. Anticipated trip generation shall be determined by the use of the most recent ITE Trip Generation Rates for the particular use proposed. In each instance, the Town Board shall make a specific finding that the traffic and trip generation from the particular use(s) proposed for the special Light Industrial District under consideration will not have a significant adverse impact upon traffic movement and safety.
- (8) Additional standards. The Town Board may establish any additional standards appropriate to the Light Industrial District or to the industry or industries that will be

located there.

G. Procedure.

- (1) Application for light industrial classification of a site shall be filed by the owner or several owners jointly, or the holder of a written option to purchase the site, with the Town Clerk in writing in a form required by the Town Board and shall be accompanied by a certified check for \$1,500, to be applied toward the cost of advertising public hearings on said application and toward any consulting fees incurred by the Town Board and/or Planning Board with respect to the application. The applicant shall also submit the following:
  - (a) A plan of the entire proposed Light Industrial District drawn to scale and accurately dimensioned, showing the location of existing and proposed lots, buildings, internal roadways and structures, parking and loading areas, access roads and streets, community facilities and topography.
  - (b) The use and height of each proposed building or structure, the number of parking spaces in each parking area, and the expected flow of traffic in and out of the area.
  - (c) A comprehensive solid waste study and its impact on the Town of Woodstock landfill and recycling program shall be undertaken. The solid waste study shall identify the wastes to be created by the proposed Light Industrial District and relate the wastes to Woodstock's recycling and waste management programs.
  - (d) The Town Board or the Planning Board may require a traffic study to facilitate the mitigation of traffic impact on the neighborhood from the proposed Light Industrial District.
  - (e) Any additional data as may be requested by the Town Board or Planning Board in order to determine the suitability of the tract for the proposed development.
- (2) Each application for light industrial classification shall be referred to the Planning Board. The Planning Board shall report its recommendations prior to the public hearing. If the Board shall not make its report within 45 days of receiving all additional material requested by the Planning Board, the Town Board may act without such report.
- (3) The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
  - (a) By publishing a notice of the application and the time and place of the public hearing in a newspaper of general circulation in the Town of Woodstock, as designated by the Town Board, not less than 10 days prior to the date of the public hearing.
  - (b) By giving notice of hearing to any required municipal, county, state, or federal agency in the manner prescribed by law. Upon approval of the proposed Light Industrial District, the new district established shall be excepted from the provisions and controls of this chapter only to the extent specified in the approval. Such new district shall become a part of the regulations established herein, which

shall be enforced in the same manner, and shall be similarly subject to amendment as all other districts created herein. If construction of the proposed Light Industrial District is not commenced within 12 months after approval by the Town Board, such approval shall be deemed to be revoked and such area shall be subject to the requirements of the prior district regulations.

**§ 260-41. Agriculture and keeping of farm animals.**

- A. The growing of field or garden crops, vineyards, orchards and nurseries shall be allowed in all districts; the keeping of livestock on a lot of two acres or more and the keeping of fowl on a lot of 1 1/2 acres or more shall be permitted in all districts, provided that:
- (1) Buildings or structures for such uses shall be located not less than 50 feet from any side or rear lot line and shall additionally conform to the front yard requirements for their principal structure.
  - (2) The storage of manure or other dust- or odor-producing substances shall be adequately screened from adjacent properties and located not less than 100 feet from any lot line, stream or other water body or well providing a source of potable water, nor within 200 feet of the nearest neighboring residential structure.
  - (3) Where permitted, the aggregate number of adult horses, cows, beef cattle, sheep, goats or other four-legged domestic-type farm animals shall not exceed two per acre of land.
  - (4) In addition to four-legged domestic-type farm animals, where permitted, the aggregate number of fully grown chickens, ducks, geese or other fowl or farm birds shall not exceed 12 per acre of land.
  - (5) All animals shall be adequately housed, fenced, not permitted to leave the owner's property unattended, and otherwise maintained in a sanitary and safe manner so as not to create a nuisance, health or safety hazard to nearby property, property owners, or inhabitants of the neighborhood, or the animals themselves.
  - (6) Animals in greater numbers than those permitted above may be permitted by special use permit, provided that the Planning Board finds that the requirements of Subsection A(1) through (5) above and Article VI of this chapter are satisfied.
- B. A roadside stand, as a seasonal home occupation, is permitted in the R5, R3 and R1.5 and NC Districts, provided that:
- (1) Such stand shall not exceed 150 square feet in total area;
  - (2) Such stand is located a minimum of 25 feet from any street line;
  - (3) Such stand is used solely for display and sale of agricultural products grown exclusively by the operator of the roadside stand; and
  - (4) Signage is limited to 12 square feet and is located not less than five feet from any street line.

**§ 260-42. Swimming pools.**

Any outdoor swimming pool, whirlpool or hot tub, as defined in § 260-123 of this chapter, shall be subject to the following requirements:

- A. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four feet nor more than six feet in height or, in the case of whirlpool or hot tub, a securely locked cover shall be provided.
- B. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub.
- C. All other requirements of the New York State Uniform Fire Prevention and Building Code shall be complied with.

**§ 260-43. Home occupations. [Amended 7-3-2013 by L.L. No. 1-2013]**

In any district, a home occupation, as defined in § 260-123 of this chapter, shall conform to the following use limitations:

- A. A home occupation shall only be conducted within a dwelling, which is a bona fide residence of the principal practitioner of the occupation, or in an accessory building thereto which is normally associated with the residential use. For purposes of this chapter, a home occupation occurring fully within the dwelling shall be considered a permitted Class A home occupation. A home occupation occurring in an accessory building shall be considered a permitted Class B home occupation, which shall require authorization by special use permit in accordance with § 260-63O of this chapter.
- B. Not more than two home occupations in total, of whatever type, shall be permitted on a single residential premises, with Subsections C, E, G and H below applying to either a single home occupation or the aggregate of two home occupations occurring on the premises.
- C. The home occupation activity or activities, whether located within a dwelling or in a customary accessory structure, shall occupy a maximum of 25% of a structure's livable floor area, but in no case shall exceed 800 square feet.
- D. Except for articles produced on the premises, no stock-in-trade shall be displayed or sold on the premises. Nothing in this section shall prevent the establishment of a mail order business.
- E. No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premises, except that a single sign not exceeding two square feet in area shall be permitted. Any new construction undertaken to accommodate the home occupation activity shall also be wholly consistent with the character of a residential premises.
- F. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be allowed, except as may be permitted for a Class B home occupation in accordance with the requirements of § 260-63O of this chapter.
- G. Not more than four persons, other than members of the household occupying such dwelling,

shall be employed on site in the conduct of the home occupation, regardless of whether one or two home occupations are being conducted on the premises. Additional persons may be employed off site, provided that such employment does not require visitation to the home occupation for business purposes.

- H. There shall be permitted no sharing, letting or subletting of space for use by others in the conduct of their profession, trade, service or business.
- I. Sufficient off-street parking shall be provided as required in § 260-30 of this chapter.

**§ 260-44. Outdoor storage of vehicles, trailers and boats on residential lots. [Amended 7-3-2013 by L.L. No. 1-2013]**

Not more than two vehicles in excess of 20 feet in length, nor more than a total of two camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and shall not occur within the minimum required front yard. No commercial vehicle shall be stored within 100 feet of an adjoining residential lot, nor shall any trailer or boat be stored within 25 feet of an adjoining residential lot, unless a dense natural screen is planted and maintained, or an opaque fence, such as a stockade fence, is constructed and maintained, in which case the minimum distances specified above may be reduced to 50 feet and 15 feet, respectively.

**§ 260-45. Required screening.**

Any enclosed or unenclosed use permitted by this chapter, other than single- or two-family residential uses, may be required by the Planning Board to be enclosed by a fence, screen and/or landscaping sufficient to obscure objectionable aspects of such use from view from adjoining properties and/or public rights-of-way.

- A. Any use which is not conducted within a completely enclosed building, including but not limited to junkyards, storage yards, and parking lots, and which use abuts, is adjacent to, or is located within a residential district or fronts a public right-of-way may be required by the Planning Board to be obscured from view from such residential districts and public rights-of-way in an effective manner.
- B. Adequate plans for the installation of required fences, screens and landscaping shall be reviewed by the Planning Board in accordance with the requirements of site plan review set forth in Article VII of this chapter.
- C. Any required fences, screens and landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives stated herein.

**§ 260-46. Residential cluster development.**

The Planning Board is authorized simultaneously with the approval of a plat or plats, pursuant to Article 16 of the Town Law of the State of New York and the Land Subdivision Regulations of the Town of Woodstock, as amended,<sup>5</sup> to modify applicable provisions of this chapter in

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5. Editor's Note: See Ch. 202, Subdivision of Land.

order to accommodate residential cluster developments. For reasons of drainage, traffic safety, or protection of aquifers or waterways or to enhance the protection of aesthetic, historic, rural and environmentally sensitive lands the Planning Board may mandate clustering under the provisions of this section. Application of this authority shall be subject to the conditions set forth in § 278 of the Town Law and those further requirements and limitations set forth below:

- A. The maximum number of dwelling units that may be permitted and approved within a cluster development shall not exceed the number of lots shown on an approvable preliminary plat for lot-by-lot development of the site for single-family detached dwellings. Lots shown on the preliminary plat shall be fully consistent with both the lot area and bulk requirements of the zoning district in which the cluster development is proposed and the requirements of the Town's Land Subdivision Regulations for the provision of streets and other facilities. Platting shall be restricted to those portions of the site which are considered by the Planning Board to be suitable for residential building development, based on an analysis of the site's topographic, geologic and hydrological characteristics.
- B. Central water supply and/or common sewage disposal facilities may be required by the Planning Board and, if so, shall be provided in accordance with the requirements of the Town of Woodstock and the Ulster County Health Department.
- C. While either attached or detached dwelling units shall be permissible within cluster development, no individual structure shall contain more than four attached dwelling units in the R8, R5 or R3 District nor more than six attached dwelling units in the R1.5 or Hamlet Residential (HR) District.
- D. The minimum number of residential dwelling units that may be considered as a cluster development shall generally be six dwelling units, except that in the R5 and R8 Districts four dwelling units may be considered a sufficient number to constitute a cluster development. The minimum land area to which the cluster provision may be applied within the districts stated shall be as follows:
  - (1) Within the R8 District: 32 acres;
  - (2) Within the R5 District: 20 acres;
  - (3) Within the R3 District: 18 acres;
  - (4) Within the R1.5 District: nine acres; and
  - (5) Within the Hamlet Residential (HR) District: 60,000 square feet.
- E. Common driveway access shall be provided to the extent considered practicable by the Planning Board.
- F. Common open space totaling not less than 50% of the total cluster development site shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the cluster development.
- G. A homeowners' association, deeded conservation easement, condominium association, or similar mechanism for the long-term ownership and maintenance of common open space shall be provided, subject to the approval of the Planning Board during the subdivision

review process. Similar provision shall be made for the long-term ownership and maintenance of roadways, drainageways, utilities and other improvements within the cluster development.

- H. For each cluster development, the minimum front, rear and side yards required by § 260-16 of this chapter, the Schedule of Area and Bulk Regulations, for the zoning district in which the cluster development is proposed shall be doubled, that is, increased by 100%, to establish the minimum front, rear and side yards. This doubling of the yards shall apply only to those yards which border on the outside boundary of the parcel in which cluster development is proposed.

#### **§ 260-47. Sewage disposal facilities.**

No person shall undertake to construct any new building or structure intended for human occupancy within the Town of Woodstock without first meeting the requirements for a system, or facilities, for the disposal of sewage or domestic or trade wastes in accordance with the applicable regulations of the Town of Woodstock, the Ulster County Health Department, and the New York State Department of Environmental Conservation (DEC). All such systems or facilities shall additionally be approved by the Zoning Enforcement Officer prior to their installation or construction.

#### **§ 260-48. Solar access.**

To the extent practicable, and in accordance with Chapter 742 of the Laws of 1979,<sup>6</sup> the accommodation of solar energy systems and equipment, and the protection of access to sunlight for such equipment, shall be encouraged in the application of the various review and approval provisions of this chapter.

#### **§ 260-49. Disposal areas.**

No dump, landfill, seepage disposal site, or other disposal area shall be permitted within the Town of Woodstock, except where owned or leased and operated by the Town of Woodstock, whether such operation is through the Town's own forces or on a contract basis.

#### **§ 260-50. Yard and garage sales.**

No person or persons shall conduct a yard sale, attic sale, barn sale, garage sale, tag sale, or similar event on a residential premises, regardless of how the event is described, except in accordance with the provisions of this chapter. Such event shall occur not more than four times per calendar year on any residential premises and shall not exceed three consecutive calendar days per occurrence. All such events shall be restricted to the hours of 8:00 a.m. to 8:00 p.m. Any sign associated with the event shall be installed not more than 48 hours prior to the start of the event and shall be removed within 12 hours of its close.

#### **§ 260-51. Antennas.<sup>7</sup>**

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6. Editor's Note: See Energy Law § 3-101 et seq.

7. Editor's Note: See also § 260-64, Personal wireless service facilities.



- A. Antennas mounted at grade level, including dish receiving antennas for residential use, shall be classified as accessory structures and shall be limited to a maximum height of 65 feet.
- B. For antennas mounted on a building, see § 260-23A of this chapter.

### **§ 260-52. Mobile homes.**

Mobile homes shall be permitted in the R5, R3, and R1.5 Districts on individual lots, under the following conditions:

- A. It shall be unlawful to park, place, maintain or permit more than one mobile home on any lot.
- B. Mobile homes shall be mounted on a permanent foundation or concrete pier, which shall be skirted so as to conceal on all sides the area between the undercarriage and the ground. Wheels and axles shall be removed.
  - (1) Where mobile homes are provided with installation instructions, footings, piers or supports shall be sized and located to support the loads specified in the manufacturer's installation instructions.
  - (2) Where mobile homes are not provided with installation instructions, the support system shall be designed by a licensed professional engineer or architect and constructed accordingly, or supports shall be placed in accordance with the requirements set forth by the Zoning Enforcement Officer, and in accordance with the New York State Uniform Fire Prevention and Building Code.
  - (3) A mobile home placed on a permanent foundation shall be affixed with sill plates and bolts into the trailer frame according to the standards for affixing a dwelling unit to a foundation specified in the New York State Uniform Fire Prevention and Building Code.
  - (4) If a mobile home is to be placed on a concrete slab or pier, the mobile home must be secured by means of cables run over the frame and attached on both sides to steel cable hooks buried in the concrete slab.
- C. Mobile homes shall have been constructed in accordance with regulations set forth in the Code of Federal Regulations (CFR), Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Manufactured Mobile Home Construction and Safety Standards.

### **§ 260-53. Displays of merchandise.**

Displays of merchandise, exhibits and/or similar advertising devices which are located between the face of a building or structure and the curb or edge of a public driveway or thoroughfare are not allowed.

### **§ 260-54. String, rope or similar low-voltage lighting products.**

String, rope or similar low-voltage lighting shall be restricted as follows:

- A. String, rope or similar low-voltage lighting shall be prohibited on exterior surfaces and, where externally visible, from all commercial uses, with the exception of commercial uses in the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts.
- B. In the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts, no string, rope or similar low-voltage lighting fixtures, except seasonal and other temporary lighting, shall be erected or maintained unless a permit is issued prior to installation in accordance with § 260-31G of this chapter.
- C. String, rope or similar low-voltage lighting manufactured for seasonal temporary use, or UL listed for installations not to exceed 90 days, shall be prohibited for permanent year-round use.
- D. String, rope or similar low-voltage fixtures shall be installed in accordance with the National Electric Code and shall be UL listed for the intended purpose.
- E. String, rope or similar low-voltage lighting meant for year-round use must be single-colored mini lights emitting a constant intensity not to exceed 24 volts per bulb. These restrictions shall not apply to temporary Christmas, carnival or other temporary seasonal lighting.
- F. String, rope or similar low-voltage lighting shall not be placed on roofs or on exterior surfaces of buildings where there is no physical barrier, such as bollards or sidewalks, between the building and vehicular traffic.

#### **§ 260-55. Artist studios.**

An artist studio, as defined in § 260-123 of this chapter, shall conform to the following use limitations:

- A. The originators of works produced at the studio may offer these works for sale on site but may, in no case, exhibit or sell works produced by other artists and/or artisans.
- B. In the R8, R5, R3, R1.5 and HR Districts, studio space, whether located within a dwelling or in an accessory structure, shall be restricted to not more than 1,000 square feet of floor area. Additionally, the number of artists and/or artisans working in any one studio in the above-mentioned districts shall be limited to not more than five persons.
- C. An artist studio may contain bathroom facilities and running water and must meet all requirements related to the provision of potable water supply and sewage disposal facilities.

#### **§ 260-56. Bed-and-breakfasts and short-term rentals (STRs). [Amended 5-21-2019 by L.L. No. 1-2019]**

Bed-and-breakfast establishments, STR establishments, bed-and-breakfast homes, STR homes, and STR non-owner-occupied establishments, as defined in § 260-123 of this chapter, require property owner application for an annual operating permit from the Building Department, including any related permitting/inspection fees, submittals and compliance with the following:

- A. Application process and required submittals:
  - (1) Provide a completed annual permit application.

- (2) Provide a safety/egress plan, to be posted in the rental unit in a visible location and on the back of each bedroom door.
  - (3) A parking layout plan identifying where parking is to be located, as required in accordance with standards set forth in § 260-30 of this chapter, is to be submitted.
  - (4) Provide garbage-removal plan (garbage receptacles will not be left out for more than 24 hours).
  - (5) For non-owner-occupied STRs, the name and contact information of the designated host shall be provided to the Building Department and shall be posted in the STR. Both the property owner and the host will be responsible for addressing renter issues and compliance with STR requirements within 24 hours. When host contact information changes, the Building Department will be notified and STR-posted renter notices shall be revised accordingly.
  - (6) Occupancy shall be limited to two guests per bedroom, and total maximum house occupancy shall be posted in the STR. Children 12 years old and under are not counted as guests.
- B. STRs must register with Ulster County (per Ulster County Local Law No. 5 of 1991), and a copy of said registration is to accompany STR applications to the Town of Woodstock Building Department. Property owners in Woodstock that are listed on an Ulster County-maintained list of homes used for STRs shall receive notification by the Town of the Woodstock STR law, including that law's registration and operational requirements.
- C. STRs must pass a yearly fire/safety inspection, and the report of said inspection is to be attached to STR annual renewal permit applications. All STR units must comply with New York State Building Code requirements.
- D. Non-owner-occupied STRs may be rented out a maximum of 180 days per calendar year with no more than 26 weekends or parts of weekends included in that total. Weekends include any time between Friday evening and Monday morning.
- E. Only the property owner is permitted to register an STR. An individual property owner can register or have an interest in one non-owner-occupied STR unit. Registration by a corporation whose owners have an interest in more than one STR is prohibited in residential districts. Registrations are transferable with a new application. Transfer must be applied for within 30 days of sale.
- F. The Town Board will set caps on the number of both owner-occupied STRs and non-owner-occupied STRs permitted within the Town and the fee schedule on an annual basis.
- G. The host will provide guests with copies of local laws, especially the noise, fire, safety ordinances and requirements. The host will also provide emergency contact information as well as the address of the property and will ensure the property address is clearly identifiable from the street. The host will provide guests with a property map that shows the property boundaries.
- H. Approved STRs will be assigned a registration number that must be included in all rental

listings, both in print and online and posted within the STR. On-site advertising is prohibited.

- I. Failure to comply with these standards will result in denial of STR applications.
- J. Three or more violations of local laws may lead to revocation of an approved STR operation permit.

**§ 260-57. Driveway standards for single-family and two-family dwellings.**

- A. For existing lots which were not approved by the Woodstock Planning Board, or for lots approved by the Planning Board on which substantial improvements, such as the construction of a structure requiring a building permit or the installation of a driveway and septic system, have not been undertaken within 60 months of Planning Board approval, the following standards shall be met in the construction of driveways:
  - (1) Curb cut approval shall be obtained from the Town of Woodstock Highway Department and, where appropriate, the County of Ulster Department of Highways and Bridges or the New York State Department of Transportation (DOT).
  - (2) Minimum sight distance.
    - (a) On private and Town roads, the following AASHTO standards for minimum sight distances from the center of the driveway in each direction shall be met:
      - [1] Thirty miles per hour: 200 feet to 250 feet.
      - [2] Forty miles per hour: 275 feet to 325 feet.
      - [3] Fifty miles per hour: 400 feet to 475 feet.
      - [4] Fifty-five miles per hour: 450 feet to 550 feet.
    - (b) If AASHTO standards cannot be met, then there shall be a minimum clearance of not less than 150 feet of sight distance from the center of the driveway in each direction.
  - (3) There shall be a minimum of one-percent negative grade from the edge of pavement into the first 10 feet of driveway unless modified by the applicable county or state agency.
  - (4) The average grade on the driveway shall be maintained at 10% or lower, with the exception that there shall be allowed, on a driveway serving a single- or two-family dwelling, a maximum grade of 14% for not more than 500 linear feet. The driveway grades shall not exceed 12.5% for the first 50 feet from the edge of the street pavement.
  - (5) The minimum radius on turns shall be 50 feet.
  - (6) All required drainage shall be included with the building permit application on the plot plan, as submitted, and subject to approval of the Town of Woodstock Zoning Enforcement Officer and the Town of Woodstock Superintendent of Highways unless modified by the applicable county or state agency.

- (7) If the driveway is 1,200 feet or longer, there shall be vehicle turnouts of 12 feet by 30 feet provided at eight-hundred-foot intervals or as site conditions may allow. On grades of 12% to 14%, turnouts may be required at more frequent intervals.
  - (8) Driveways shall consist of gravel, crushed stone, brick, asphalt, concrete or other acceptable stabilized ground surface.
  - (9) The driveway's angle with the street shall be as close to 90° as possible, but in no case shall a driveway's angle with the street be less than 60° unless modified by the applicable county or state agency.
  - (10) Driveways shall be 12 feet wide and have a depth of up to 12 inches of shale or run-of-bank gravel, as to be determined by the Town of Woodstock Zoning Enforcement Officer. On top of the 12 inches there shall be a coat of 400 fines, or the equivalent, three inches to four inches deep.
  - (11) Where permitted by county and state requirements, any waiver from these standards shall be at the discretion of the Town of Woodstock Building and Highway Departments.
- B. For driveways constructed within 60 months of Planning Board approval of a subdivision, the driveway standards listed in § 202-30 of Chapter 202, Subdivision of Land, as amended, shall apply unless modified by the Planning Board during subdivision review and approval.

**§ 260-58. Development on steep slopes.**

- A. Land disturbance activities on slopes 1:2 (50%) or greater shall be prohibited.
- B. Land disturbance activities on slopes 1:3 (33%) or greater with building site development soil limitations defined as "severe" or soils having "slow" or "very slow" infiltration rates/high runoff potential as defined and determined by the Soil Survey of Ulster County, United States Department of Agriculture Soil Conservation Service, in its most recent publication, shall be prohibited.
- C. Exemptions from Subsections A and B above:
  - (1) Land disturbance activities on lots less than 50 acres in size, provided that it can be shown there is no reasonable alternative to land disturbance activities that would violate Subsections A and B. Development on said lots shall in no way create a nuisance for contiguous parcels, shall be sited on portions of the lot with the least gradient, and shall require the preparation of an erosion and sediment control plan.
  - (2) Commercial logging activities as defined in § 260-123 of this chapter.
  - (3) Emergency activities and measures necessary to protect human life and preserve property or as provided in § 260-99G of this chapter.
  - (4) Agricultural activities as defined in § 260-123 of this chapter.
  - (5) Regulated activities on lands which are open to the public for a park, nature preserve or wildlife refuge, or for recreation or tourism.

- (6) Routine maintenance and repair, and/or expansion by up to 25% of the original size, of any existing structure, accessory structure or site improvement, such as roads and drainage facilities, located on steep or very steep slopes.
- (7) Landscaping not involving clearing or regrading.

**§ 260-59. Accessory apartment within single-family dwelling. [Amended 11-18-2008 by L.L. No. 2-2008; 7-3-2013 by L.L. No. 1-2013]**

An accessory apartment may be created within a single-family dwelling under the following conditions:

- A. The single-family dwelling of which the accessory apartment is to be a part shall be on a single lot with setbacks of not less than the minimum specified in § 260-16, the Schedule of Area and Bulk Regulations,<sup>8</sup> of this chapter, except in the Hamlet Commercial (HC), Hamlet Residential (HR) and R1.5 Districts, where a preexisting, noncomplying building may be modified to hold an accessory apartment.
- B. Establishment of an accessory apartment, as described herein and as defined in § 260-123 of this chapter, shall be limited to one accessory apartment of whatsoever type per lot.
- C. The floor area of the proposed accessory apartment shall be a minimum of 250 square feet for a studio apartment, 320 square feet for a one-bedroom apartment, and a maximum of 800 square feet for any accessory apartment. There shall be not more than a 10% increase in the gross floor area of each floor of the existing structure to accommodate an accessory apartment.
- D. The accessory apartment shall be subordinate to the principal residence and shall contain not more than 40% or 250 square feet, whichever is greater, of the total habitable space of the existing structure prior to the establishment of such accessory apartment. "Habitable space" shall be that as defined in Chapter 2, Section R202 of the New York State Residential Code or its successor.
- E. The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
- F. The architectural treatment of the structure shall be such as to maintain the character of the single-family dwelling unit. Only one main entrance shall be permitted on the front of the building and all other entrances shall be at the side or in the rear, except that, for a corner lot, there may be a single main entrance on that side of the building which has been established as the front, and all other entrances are to be at the rear of the building, if possible.
- G. Parking required for an accessory apartment/principal residence shall be a minimum of 1 1/2 spaces per dwelling unit on site and shall be designed and located to be convenient without encroaching on any required yard/setback area.
- H. An operating permit shall be obtained from the Zoning Enforcement Officer. Where it is proposed to use an existing dwelling to accommodate an accessory apartment, an operating

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8. Editor's Note: The Schedule of Area and Bulk Regulations is included as an attachment to this chapter.

permit shall not be issued without a prior written determination by the Zoning Enforcement Officer that the existing structure is sound.

- I. A certificate of approval shall be obtained from the Ulster County Health Department and/or the Town of Woodstock, as may be applicable, for on-site sanitary and/or water supply systems when the creation of the accessory apartment increases the number of bedrooms.
- J. One of the two apartments shall be owner-occupied (for these purposes only, the definition of "owner" shall include immediate family members) and the application shall indicate in which apartment the owner will reside.
- K. Inspection and owner occupancy.
  - (1) The Zoning Enforcement Officer may inspect the dwelling unit that is not owner-occupied annually to ensure that it has been maintained in habitable condition and that there are no violations of this chapter or any other applicable rules and regulations related to one- and two-family dwellings.
  - (2) At the time of the inspection of the dwelling unit by the Zoning Enforcement Officer, he or she shall also verify that the septic system/drain field has no existing failure unless the dwelling is connected to the Woodstock Hamlet Wastewater Treatment System. If the dwelling is connected to a Town-constructed on-site system, the inspection and verification shall be the responsibility of the Water/Sewer Superintendent.
  - (3) The owner shall submit an affidavit to the Building Department stating that he or she still dwells and intends to continue to dwell in one of the units.
- L. The owner shall be required to file an affidavit with the Town of Woodstock and the Zoning Enforcement Officer stating that the property shall be maintained as required by this section of this chapter and as required by the State Residential Code, or the operating permit may be revoked.<sup>9</sup>
  - (1) Conditions for revocation may include, but are not limited to:
    - (a) The rental apartment is not maintained in a habitable condition;
    - (b) There are any violations of this chapter or of any other applicable rules and regulations on the property; or
    - (c) The owner does not dwell in one of the apartments.
  - (2) These restrictions and conditions shall be binding on the owners, the distributees, executors, administrators, successors, and assigns.

#### **§ 260-60. Accessory apartment in detached structure.**

An accessory apartment may be created within a detached accessory structure under the following conditions:

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

- A. The accessory structure must be on a lot which contains an existing single-family dwelling.
- B. Creation of a new detached accessory structure to accommodate an accessory apartment is limited to lots which comply with all the applicable area and bulk regulations of § 260-16 of this chapter.
- C. Conversion of an existing noncomplying accessory structure to accommodate an accessory apartment shall be permitted, provided that such noncomplying accessory structure was constructed prior to May 19, 1989.
- D. Conversion of an existing structure or creation of a new detached structure to accommodate an accessory apartment as defined herein and in § 260-123 of this chapter is limited to one accessory apartment of whatsoever type per lot.
- E. The floor area of the proposed accessory apartment shall be a minimum of 250 square feet for a studio apartment, 320 square feet for a one-bedroom apartment, and a maximum of 800 square feet for any apartment. There shall be not more than a ten-percent increase in the gross floor area of each floor of the existing structure to accommodate an accessory apartment.
- F. The accessory apartment shall be subordinate to the principal residence and shall contain not greater than 35% of the total habitable space of the principal residence prior to the establishment of such accessory apartment. "Habitable space" shall be that as defined in Chapter 2, Section R202 of the New York Residential Code or its successor.<sup>10</sup>
- G. The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
- H. The architectural treatment of the structure shall be complementary to the character of the primary family dwelling unit and, in instances where the detached structure in which the accessory apartment is to be constructed is a barn or an agricultural building, the design characteristics and outer appearance of said barn or building shall be maintained.
- I. If the structure in which an accessory apartment is to be constructed does not have the required front yard setback, then the entrance shall be to the side or the rear.
- J. Parking required for an accessory apartment/principal residence shall be a minimum of 1 1/2 spaces per dwelling unit on site and shall be designed and located to be convenient without encroaching on any required yard/setback area.
- K. An operating permit shall be obtained from the Zoning Enforcement Officer. Where it is proposed to use an existing accessory structure to accommodate an accessory apartment, an operating permit shall not be issued without a prior written determination by the Zoning Enforcement Officer that the existing structure is sound.
- L. A certificate of approval shall be obtained from the Ulster County Health Department and/or the Town of Woodstock, as may be applicable, for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional

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



demands of the accessory apartment on any premises where such accessory apartment is proposed.

- M. One of the two apartments shall be owner-occupied (for these purposes only, the definition of "owner" shall include immediate family members) and the application shall indicate in which apartment the owner will reside.
- N. Inspection and owner occupancy.
  - (1) The Zoning Enforcement Officer may inspect the dwelling unit that is not owner-occupied annually to ensure that it has been maintained in habitable condition and that there are no violations of this chapter or any other applicable rules and regulations related to one- and two-family dwellings.
  - (2) At the time of the inspection of the dwelling unit by the Zoning Enforcement Officer, he or she shall also verify that the septic system/drain field has no existing failure unless the dwelling is connected to the Woodstock Hamlet Wastewater Treatment System. If the dwelling is connected to a Town-constructed on-site system, the inspection and verification shall be the responsibility of the Water/Sewer Superintendent.
  - (3) The owner shall submit an affidavit to the Building Department stating that he or she still dwells and intends to continue to dwell in one of the units.
  - (4) If a permit has been granted under this section containing an expiration date, that expiration date shall be null and void.
- O. The owner shall be required to file an affidavit with the Town of Woodstock and the Zoning Enforcement Officer stating that the property shall be maintained as required by this section of this chapter and as required by the New York Residential Code, or the operating permit may be revoked.<sup>11</sup>
  - (1) Conditions for revocation may include, but are not limited to:
    - (a) The rental apartment is not maintained in a habitable condition;
    - (b) There are any violations of this chapter or of any other applicable rules and regulations on the property; or
    - (c) The owner does not dwell in one of the apartments.
  - (2) These restrictions, covenants and conditions shall be binding on the owners, the distributees, executors, administrators, successors, and assigns.

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