

**APPENDIX F**  
**LOCAL LAW NO.3, 1994**

**APPENDIX F: LOCAL LAW NO.3, 1994**

**AMENDMENT TO THE ZONING LAW (CHAPTER 39)  
TOWN OF STONY POINT, NEW YORK**

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Be it enacted by the Town Board of the Town of Stony Point as follows:

**SECTION 1.** §39-20, Establishment of Districts, is hereby amended by deleting the symbol and title for the WPD District.

**SECTION 2.** §39-20, Establishment of Districts, is hereby amended by adding a new symbol and title following the existing SR entry, as follows:

"PW Planned Waterfront District"

**SECTION 3.** §39-22 subparagraph D is hereby amended to read, as follows:

"D. The area of the Hudson River within the Town shall be in the same zoning district as that of land adjacent to the Hudson River; zoning district lines shall be drawn perpendicular from the shoreline to the Town's waterside boundary."

**SECTION 4.** Article V, Supplementary Yard and Setback Requirements, is hereby amended by adding a new §39-55 to read as follows:

"§39-55 Riverfront setback. No building or structure shall be erected within fifty (50) feet of the mean high-water line of the Hudson River. Said fifty (50) feet riverfront setback shall be derived by measuring the shortest perpendicular distance from any building to the mean high water line. Where any structure permitted under the zoning cannot be located on a shallow, irregularly shaped or substandard sized lot held in single or separate ownership, due to the riverfront setback restrictions, the Town Board may approve, by special permit pursuant to Article XVII of this chapter, a reduction in the riverfront setback provided that no such structure may be situated closer than twenty (20) feet to the mean high water line. The minimum setback shall not apply to a boat ramp, bulkhead, travel lift or similar structure which must be located adjacent to the mean high water line. The layout and design of any structure within fifty (50) feet of the mean high water line or adjacent to the mean high water line must also be approved by the Planning Board pursuant to Article IX of this chapter."

SECTION 5.

Article VI, Supplementary Building Requirements, is hereby amended by adding a new §39-64 to read as follows:

"§39-64 Building width at Hudson Riverfront. The total cumulative width of opaque buildings, structures, fences or walls more than thirty (30) inches in height erected on properties adjacent to the Hudson River shall not occupy more than sixty percent (60%) of the width of a parcel as measured along a line parallel to other adjacent streets measured at the front yard. Of the remaining open area, one (1) uninterrupted space shall be at least twenty-five (25%) percent of such parcel width; roadways, driveways and "see-through" fencing may occupy the uninterrupted space."

SECTION 6.

Article VI, Supplementary Building Requirements, is hereby amended by adding a new §39-65 to read as follows:

"§39-65 Development coverage for Hudson River parcels. The maximum development coverage for properties situated adjacent to the Hudson River may be increased on a seasonal basis for purposes of allowing winter outdoor storage of boats associated with the principal use of the parcel on the condition that adequate provision is made for ingress and egress for emergency vehicles and for fire lanes between stored boats, and provided that visual access to the Hudson River is maintained in the arrangement for seasonal storage. The arrangement on the site for seasonal boat storage shall be subject to review by the Town's Fire Inspector and Building Inspector, subject to the following standards:

All access roads providing ingress and egress for emergency vehicles shall be a minimum of twenty-five (25) feet in width. On land, storage areas for water craft shall be laid out in such a manner as to provide a minimum of six (6) fire lanes between each double row of boats. Double row shall be construed to mean "beam to beam" alignment with each double row terminating in a distance not exceeding three hundred (300) linear feet. Single row storage (bow to bow or stern to bow) may be utilized at the discretion of the boat yard, but must also employ six (6) fire lanes between each single row of boats with a distance not exceeding three hundred (300) feet.

Dry rack storage is not an authorized form of outdoor storage under this section."

SECTION 7.

Article IX, Site Development Plan Review, is hereby amended by adding the following subparagraph G to §39-91, Objectives, to read as follows:

"G. Hudson River development. In addition to all other considerations set forth above, the Planning Board shall consider the following factors in its review of site development plans for properties adjacent to the Hudson River:

- (1) The quality and extent of view from the adjacent public streets through the property to the Hudson River.
- (2) The design and relationship of development to the waterfront as viewed from the Hudson River.
- (3) The design and function of any easement or other access provided to the water's edge, including new bulkheading."

**SECTION 8.**

Article XII, Conditional Use and Special Permit Standards, is hereby amended by adding a new §39-121, to read as follows:

"§39-129.1 New or expanded marinas, docks, related uses and facilities. The creation of new or expansion of existing marinas, docks related uses and facilities may be permitted where authorized, subject to the following requirements:

- A. There shall be an adequate water supply system to serve a marina.
- B. Marinas shall provide adequate capacity to handle vessel sewage, either by means of on-site pump-out facilities, or connection to a treatment plant. All marinas with fueling facilities shall provide pump-out facilities at each fuel dock. The determination of adequate capacity shall take into account anticipated boat use on a transient and seasonal basis.
- C. Adequate and convenient restroom facilities for the use of marina patrons shall be provided.
- D. Adequate parking shall be provided. In no case shall parking be located within twenty (20) feet of the mean high water line. Parking areas shall utilize porous pavements and other approved measures, including vegetative buffers, catch basins, retention areas and berms, to control stormwater runoff and non-point pollution.

- E. Docks and slips shall be designed and configured so that they: do not interfere with navigation or the rights of adjoining owners and the public to use the river; do not harmfully affect the environment or estuarine areas; and are appropriately lighted to provide adequate warning to boaters, but not to produce glare. The underwater portions of docks, including piles, shall only be composed of materials which are chemically inert and will have no adverse affect on the environment or water quality. The number and configuration of docks and slips shall be determined on a case-by-case basis considering the location, limiting natural features of the sites, demonstrated need, and compliance with other State and federal laws.
- F. Boat maintenance areas and activities. All boat maintenance activities which involve potential sources of pollution shall be performed over dry land and under cover. Control of by-products, debris, residues, spills and stormwater runoff shall comply with applicable regulations. All drains shall lead to a sump, holding tank or pump-out facility for treatment and disposal by approved methods. Drainage of maintenance areas directly into surface or ground water shall be prohibited.
- G. Adequate and convenient access and circulation shall be provided on site for fire fighting and public safety vehicles.
- H. Each marina shall provide for the collection and proper disposal of solid waste, grease, oil and gasoline.
- I. Any marina or related uses and facilities which dispenses gasoline, diesel fuel, mixed fuels, engine oils and similar supplies shall maintain sufficient material for the collection and absorption of spilled petroleum products in the event of spills.
- J. Adequate screening, as defined in the Zoning Law, from adjacent residential uses shall be provided.
- K. Adequate fire protection to serve the marina or related uses or facilities shall be demonstrated or otherwise provided by the applicant.
- L. Outdoor boat storage areas shall be situated so as to have minimal visual impact on adjacent and surrounding residential properties and views of the water from public roads.

- M. All other pertinent matters which are related to the public health, safety and general welfare.
- N. The location of facilities shall not interfere with developed and natural beach areas.
- O. For permanent structures, the applicant shall demonstrate that the facility shall have no undue adverse affect on fish and wildlife habitats.
- P. The applicant shall demonstrate that the facility shall not unreasonably alter the natural flow of any water body, or affect the storage capacity of any areas in or tributary to that water body."

**SECTION 9.**

§39-191, Definitions, is hereby amended by changing the definition of "Coverage, Development" to read as follows:

"COVERAGE, DEVELOPMENT - The percentage of the upland area of a lot covered by buildings, parking and loading areas, accessory structures, outdoor storage areas, including boat storage areas, and other areas devoted for use in conjunction with the principal or accessory uses of a lot."

**SECTION 10.**

§39-31, Tables of General Use Requirements, Column B and B-1, R-W District, No. 3, to be amended to read as follows:

"3. Churches and similar places of worship and buildings for religious instruction, but not including schools of general instruction." D

**SECTION 11.**

§39-31, Tables of General Use Requirements, Column B, R-W District, No. 4, to be amended to read as follows:

"4. Waterfront trails, parks, scenic overlooks, and playgrounds."

**SECTION 12.**

§39-31, Tables of General Use Requirements, Column C and C-1, R-W District, No. 2, to be amended to read as follows:

"2. Nursery schools." f

**SECTION 13.**

§39-31, Tables of General Use Requirements, Column D and D-1, R-W District, to be amended to read to delete No. 1.

**SECTION 14.**

§39-31, Tables of General Use Requirements, Column E, R-W District, to be amended to read as follows:

- "1. Accessory to any 1-family residence or agricultural use, the following private structures: greenhouses, barns, silos, tool sheds, garages, tennis courts, swimming pools and other similar structures.
2. Accessory to a 1-family residence: storage of not more than 1 unoccupied trailer or boat not exceeding 35 feet in length.
3. Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1 year old, not more than 2 horses over 6 months old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
4. Keeping of not more than 2 non-transient roomers or boarders.
5. Accessory parking subject to Column F.
6. For any residence and home occupation, if any on the premises, 1 announcement sign not over 10 feet from the designated street line. Where illuminated, such signs shall be kept indirectly illuminated by a constant light integral to the sign.
7. For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 15 feet from the designated street line.
8. Accessory home occupations."

**SECTION 15.**

§39-31, Tables of General Use Requirements, Column F, R-W District, to be amended to read as follows:

"At least one parking space for each unit of measurement listed or as otherwise noted below:

- |   |   |
|---|---|
| 1. Buildings or open stands for display and sale of agricultural products | 5 feet of frontage or 100 square feet of floor/ |
|---|---|

		sale area, whichever requirement is less.
2.	Churches and similar places of worship	200 square feet of floor area or 5 seats capacity, whichever is greater (schools same as No. 1).
3.	1-family residences	1/2 dwelling, plus 2 for any home occupation, plus 1 for each non-transient roomer or boarder up to a maximum of 6, not more than 3 of which shall be visible to the public way.
4.	2-family detached residences	
5.	Libraries, museums and art galleries	150 square feet in such use, plus 1 for each employee."

SECTION 16.

§39-31, Tables of General Use Requirements, Column G, R-W District, to be amended to add new No. 2, to read as follows:

- "2. A buffer of not less than 100 feet shall be provided between any use and any designated wetland area."



**SECTION 17.**

§39-31, Tables of General Use Requirements, Column B and B-1, SR District, to be amended to read as follows:

- "1. Public parks, waterfront trails, and scenic overlooks.
2. Wetland conservation areas" -

**SECTION 18.**

§39-31, Tables of General Use Requirements, Column D, SR District, No. 1, to be amended to read as follows:

- "1. 1-family detached residence" M

**SECTION 19.**

§39-31, Tables of General Use Requirements, Column E, SR District, to be amended to read as follows:

- "1. Accessory to any 1-family residence or agricultural use, the following private structures: greenhouses, barns, silos, tool sheds, garages, tennis courts, swimming pools and other similar structures.
2. Accessory to a 1-family residence: storage of not more than 1 unoccupied trailer or boat not exceeding 35 feet in length.
3. Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1 year old, not more than 2 horses over 6 months old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
4. Keeping of not more than 2 non-transient roomers or boarders.
5. Accessory parking subject to Column F.
6. For any residence and home occupation, if any on the premises, 1 announcement sign not over 10 feet from the designated street line. Where illuminated, such signs shall be kept indirectly illuminated by a constant light integral to the sign.
7. For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 15 feet from the designated street line.

8. Accessory home occupations."

SECTION 20.

§39-31, Tables of General Use Requirements, Column F, SR District, to be amended to read as follows:

"At least one parking space for each unit of measurement listed or as otherwise noted below:

1. 1-family residences 1/2 dwelling,  
plus 2 for any  
h o m e  
o c c u p a t i o n,  
plus 1 for each  
n o n - t r a n s i e n t  
r o o m e r o r  
b o a r d e r u p t o  
a m a x i m u m o f  
6, n o t m o r e  
t h a n 3 o f  
w h i c h s h a l l b e  
v i s i b l e t o t h e  
p u b l i c w a y."

SECTION 21.

§39-31, Tables of General Use Requirements, Column G, SR District, to be amended to read as follows:

- "1. A natural vegetative buffer with a minimum dimension of the respective setback may be required as a condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed.
2. A natural vegetative buffer of not less than 100 feet shall be provided between any use and any designated wetland area.
3. An application for a 1-family residence shall not be deemed complete until all required Town and State wetland permits have been obtained and submitted."

**SECTION 22.**

§39-31, Tables of General Use Requirements, is amended by adding a new PW section, to read as follows:

Column A, District:

"PW"

Column B, Uses Permitted by Right, and Column B-1, Use Group:

- "1. Public recreational facilities requiring waterfront access such as boat launches and fishing piers.
2. Waterfront parks, trails and scenic overlooks.
3. Maritime centers and similar facilities which utilize the waterfront for educational, recreational, or scientific purposes. K
4. Municipal community centers. K
5. Existing marinas and related uses. K
6. Existing oil and fuel storage and distribution facilities." K

Column C, Conditional Uses by Planning Board (Subject to Articles XI and XII), and C-1, Use Group:

- "1. Fish bait and tackle shops. L
2. Small boat (less than 20 feet), sailboard and accessory equipment rental and sales shops." L

Column D, Uses by Special Permit of the Town Board (Subject to Articles XII and XVII), and D-1, Use Group:

- "1. Expansion of existing marinas or new marinas and related uses such as:
  - a. Facilities for hauling, launching and dry storage of boats. K
  - b. Facilities for building, repairing, and maintaining, boats, marine engines, and

- other marine equipment up to 100 tons.
- c. Sales of items specifically related to marina use. K
- d. Facilities for docking and mooring of boats. K
- e. Facilities for pumping out marine holding tanks. K
- f. Facilities for dispensing of fuel or lubricants, provided no more than 15,000 gallons of fuel are stored. K
- 2. Public utility structures and rights-of-way. a
- 3. Membership clubs such as beach, country and yacht clubs dependent on a waterfront location. K
- 4. Expansion of existing oil and fuel storage and distribution facilities." K

**Column E, Accessory Uses Permitted by Right:**

- "1. Use accessory to membership clubs, as follows:
  - a. Boathouses, boat launches.
  - b. Health and fitness clubs.
  - c. Dining, entertainment and bar facilities located within the principal building.
  - d. Club *administrative offices*.
  - e. Other uses accessory to membership clubs.
- 2. Off-street parking and loading areas or structures, in accordance with Article VII.
- 3. For any structure for sale or rent, one temporary non-illuminated "for sale" sign or "for rent" sign not over 15 square feet in area, located at least 15 feet from the designated street line.

4. One detached identification sign indirectly illuminated along a public street shall not exceed a total sign area of 25 square feet, shall not have a height over 4 feet, and shall have a setback of 15 feet.
5. Identification sign, indirectly illuminated for each building, provided that it is located not closer than 10 feet from any street or driveway and shall not exceed a total sign area of 10 square feet, nor a height of 3 feet."

**Column F, Minimum Off-street Parking Spaces:**

"At least one parking space for each unit of measurement listed or as otherwise noted below:

- |    |  |   |
|----|--|---|
| 1. | Maritime centers                                 | 300 square feet of floor area.  |
| 2. | Membership clubs                                 | 2 members, plus 1 space per 2 seats in any dining room or bar.  |
| 3. | Fish bait and tackle shops                       | 150 square feet of floor area.  |
| 4. | Small boat and sailboard rental and sales shops  | 150 square feet of floor area.  |
| 5. | Marinas and related uses                         | 2 boat slips, and 25 % of such spaces shall be double length to accommodate cars with trailers; plus 1 per 150 square feet of office space; plus 1 space for each 2 employees; plus 1 space per 125 square feet of floor area devoted to marina sales facilities. |
| 6. | Oil and fuel storage and distribution facilities | Two employees."   |

**Column G, Additional Use Requirements:**

- "1. A buffer of not less than 30 feet shall be provided between any use first permitted in this district, and any lot in a residence district.

A buffer of not less than 50 feet will be provided between any conditional use or special permit use and any lot in a residence district.

2. Outdoor storage areas shall be screened from any adjoining property by fences or other permanent materials or walls acceptable to the Planning Board.
3. A buffer of not less than 100 feet shall be provided between any use and any designated wetland area."

SECTION 23.

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "K" as follows, after use group "J":

"Use Group  K	Minimum Lot Area (sq.ft. unless otherwise noted)  1 acre	Minimum Lot Width (feet)  150
	Required Front Yard Depth/ Front Setback (feet)  50/50	Required Side Setback/ Total Setback (feet)  50/100
	Required Rear Setback (feet)  50	Required Side and Rear Yard Depth (feet)  25/30
	Required Street Frontage (feet)  100	Maximum Building Height (feet)  45
	Development Coverage (percent)  50	Floor Area Ratio  0.40"

**SECTION 24.**

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "L" as follows, after use group "K":

<b>"Use Group L</b>	<b>Minimum Lot Area (sq. ft. unless otherwise noted)</b>  20,000	<b>Minimum Lot Width (feet)</b>  50
	<b>Required Front Yard Depth/ Front Setback (feet)</b>  25/25	<b>Required Side Setback/ Total Setback (feet)</b>  25/50
	<b>Required Rear Setback (feet)</b>  35	<b>Required Side and Rear Yard Depth (feet)</b>  25/30
	<b>Required Street Frontage (feet)</b>  50	<b>Maximum Building Height (feet)</b>  45
	<b>Development Coverage (percent)</b>  50	<b>Floor Area Ratio</b>  0.40"



**SECTION 25.**

Amend §39-41, Table of Bulk Requirements, Part II, by adding a new use group "M" as follows, after use group "L":

<b>"Use Group M</b>	<b>Minimum Lot Area (sq. ft. unless otherwise noted)</b>  4 acres	<b>Minimum Lot Width (feet)</b>  300
	<b>Required Front Yard Depth/ Front Setback (feet)</b>  75/75	<b>Required Side Setback/ Total Setback (feet)</b>  75/150
	<b>Required Rear Setback (feet)</b>  100	<b>Required Side and Rear Yard Depth (feet)</b>  75/100
	<b>Required Street Frontage (feet)</b>  150	<b>Maximum Building Height (feet)</b>  35
	<b>Development Coverage (percent)</b>  20	<b>Floor Area Ratio</b>  0.20

SECTION 26.        Amendments to Zoning Map

Amend the Zoning Map (§39-21) by incorporating the modifications reflected in the attached Map V-A entitled Proposed Waterfront Zoning Map, dated July 1993, revised April 26, 1994.\*

SECTION 27.        Severability

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 28.        Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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\* Post Note:    Town Zoning Map has been revised to reflect Map V-A, and amendments now appear on the Zoning Map, revised July 1994. (See Map 5 of this LWRP).