

Local Law 11 -2023

A Local Law amending Chapter 270 (Zoning) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 270, section 270-4 (Zoning-Definitions; use group classifications) is amended with new matter underlined and deleted matter in **[brackets]**.

Section 270-4B Use group classifications

- (5) Industrial use group. The industrial use group includes uses that produce or create goods from extracted, cultivated, harvested, shorn or similarly obtained materials, or from recyclable or previously prepared materials, including the design, storage, handling and dissemination of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The Industrial use group includes the following use categories: **[Amended 1-20-2016 by L.L. No. 1-2016]**
- (a) Artisan workspace, general. A workplace used for the production of art, sculpture, crafted products or similar items on a small-scale basis that requires hand tools. A gallery or showroom used for the display and sale of the artisan-crafted products may be included but shall be treated as a second principal use.
- (b) Artisan workspace, intensive. A workplace used for the production and sale of crafted products that requires machines or more intensive equipment or materials to craft the end product. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples include woodworking, metalworking, glassmaking, textile, fiber-based or other knitted, loomed or woven crafts, farm or craft brewery or craft distillery, small-batch confectionery-making or frozen dessert-making (gelato, ice cream) or similar types of artisanal products. A gallery, showroom or parlor used for the display, sampling and sale of the crafted products may be included but shall be treated as a second principal use.
- (c) Cultivation Grow Facilities- Indoor facilities such as greenhouses or hot houses, where the primary function and activities are the production, preparation, and sale of crops, as a commercial enterprise. The production of compost, soil or other biomass products which are not crops is not an agricultural use but is allowed solely where it is accessory to and a product of the operation of the indoor cultivation use. Processing, warehousing, distribution and marketing, if conducted at the same site or campus, shall be treated as additional principal uses.**
- [(c)] (d)**Light manufacturing. Facilities for the transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples may include, but are not limited to: production and repair of small machines or electronic parts and equipment; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations and any similar item.

[(d)] **(e)** Self-storage uses. Facilities that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

[(e)] **(f)** Warehouse and freight movement uses. Facilities where the primary function involves the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little or no on-site sales activity with the customer present or business or office uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling of sand, gravel and other aggregate materials. Warehousing or indoor storage of material associated with another principal use such as retail, businesses or office use shall be considered an accessory to the primary use.

Section 2. Chapter 270, section 270-26E (Zoning- Additional standards for use groups; industrial use group is amended with ne2w matter underlined and deleted matter in **[brackets]**).

Section 270-26 Additional standards for use groups

E. Industrial use group.

- (1) All industrial uses shall have a screened buffer of a minimum of 15 feet.
- (2) The minimum setback shall be 35 feet, and no parking or loading shall be located within the thirty-five-foot setback.
- (3) All industrial uses shall be subject to the performance standards below:
 - (a) An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements. The applicant shall also file with such plans an affidavit acknowledging his/her understanding of the applicable performance standards and stating his/her agreement to conform with same at all times. During the course of site development plan review, the Planning Board will determine if the applicant's proposal falls within the performance standards.
 - (b) The Planning Board may require a report by one or more expert consultants retained by the Board, or retained by the applicant and approved by the Board, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within one month, and a copy of his/her report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.
 - (c) **If the Planning Board deems that the nature of the business may require heightened security, the Planning Board may require the following documentation as part of site plan approval:**

[1] The submission of a safety, security and emergency access plan.

[2] The submission of a plan identifying a representative of the business which representative shall be available 24 hours daily to serve as the primary person of contact and who shall have full authority to make decisions on behalf of the business in the event of an emergency. The submission shall include up-to-date direct telephone and email contact information for the business representative which contact information shall be provided to the Police Department and the Building Department. It is the responsibility of the business that the representative's contact information remains current. At a minimum, the business representative shall be responsible to respond to the village in the event of reported criminal activity, an adverse odor event, or any suspected violation of applicable state and/or local laws.

[(c)] **(d)** Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials **including any heating systems, or heat inducing or grow lighting, shall include** [shall be provided at any point with] adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of federal, state and local laws and regulations shall also apply.

[(d)] **(e)** Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibration produced exceed 0.002g peak at up to 50 CPS frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 CPS frequency or a periodic vibration shall not induce accelerations exceeding 0.001g at the lot line. Single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g at the lot line. In addition, please see Chapter **123**, Explosives and Blasting.

[(e)] **(f)** Noise. The maximum sound level radiated by any use or facility at any lot line shall not exceed the values designated in Chapter **178**, Noise.

[(f)] **(g)** Smoke, dust and other atmospheric pollutants.

[1] The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public health, safety, welfare or comfort or a source of damage to the property. Emissions must also conform to all requirements of local, state and federal air quality regulations.

[2] Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or less than an hour, until the total smoke units emitted exceeds the number allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.

[3] Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

[4] Maximum permitted emission of dust. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to 50% excess air for combustion. There shall be no measurable emission of dust or

particulate matter not related to combustion for indirect heating. All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

- [5] Odorous matter. No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.
- [6] Toxic or noxious matter. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

[(g)] **(h)** Radiation and electromagnetic interference.

- [1] Radiation. The handling, storage or disposal of radioactive materials or waste byproducts, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.
- [2] Electromagnetic interference. No operation shall be permitted which produces any detrimental electromagnetic interference with normal radio or television reception or computer operations in any area within or without the Village.

[(h)] **(i)** Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in accordance with all standards, laws and regulations of the Westchester County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

[(i)] **(j)** Direct glare. "Direct glare" is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high temperature processes as welding, or petroleum or metallurgical refining. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60°, drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet aboveground. Such luminaries shall be placed not more than 16 feet above ground level, and the maximum illumination at ground level shall not be in excess of three footcandles.

[(j)] **(k)** Indirect glare. "Indirect glare" is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination at the property line of one footcandle at ground level. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

(l) Any lighting shall be shielded to direct light onto the established uses and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft. However, lighting shall not be in excess of 0.1 foot candles at the property line.

(m) If the Planning Board finds that the nature of the business requires odor control, the Planning Board may require the following conditions as part of the site plan approval:

[1] The business shall provide an air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any odors generated inside and outside the facility shall not be detectable by a person of reasonable sensitivity at the property line of the property where the business is located.

[2] Any and all odor control devices, needs and systems shall be paid for by the property owner and/or business tenant. The cost for the odor control devices, needs and systems and for such installation shall not be the village's responsibility.

[3] Odor from the facility shall be monitored on an annual basis, at the discretion of the village by a licensed, qualified contractor chosen by the village and paid for by the property owner and/or business tenant, and shall not be the village's financial responsibility.

Section 3. Effective date.

This local law shall become effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.