APPENDIX D

Proposed New or Amended Local Regulations

- Local Consistency Review Law
- RC River Corridor Overlay District Zoning Text Amendment
- RC River Corridor Overlay District Zoning Map Amendment
Appendix D: Proposed New or Amended Local Regulations

Village of Patchogue, NY

Chapter 90: WATERFRONT CONSISTENCY REVIEW

GENERAL REFERENCES

Environmental quality review – See Ch. 43.
Waterways and watercraft – See Ch. 91.
Zoning – See Ch. 93.

§ 90-1. Authority and purpose.
A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
B. The purpose of this chapter is to provide a framework for agencies of the Village of Patchogue to consider the policies and purposes contained in the Village of Patchogue Local Waterfront Revitalization Program (LWRP) when reviewing direct agency actions or applications for actions within the coastal area, and to ensure that such actions are consistent with the LWRP policies and purposes. Agencies are defined as any federal, State, or local agency or representative thereof.
C. It is the intention of the Village of Patchogue that the preservation, enhancement, and utilization of the natural and manmade resources of the Village’s unique coastal area take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and accommodation of growth and economic development. Accordingly, this chapter is intended to achieve such a balance, improving use of coastal resources while preventing loss and degradation of living marine resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural, or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
D. The substantive provisions of this chapter shall only apply while there is in existence a Village of Patchogue LWRP which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§ 90-2. Definitions.
Unless otherwise expressly stated, the following terms, where used in this chapter, shall have the meanings indicated:

A. ACTIONS – Either Type 1 or Unlisted actions as defined in State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR 617.2) which are undertaken by an agency and which include:

1. Projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the coastal area or the environment by changing the use, appearance, or condition of any resource or structure that:

   a. Are directly undertaken by an agency;
   b. Involve funding by an agency; or
   c. Require one or more new or modified approvals, permits, or review from an agency or agencies;

2. Agency planning and policymaking activities that may affect coastal resources or the environment and commit the agency to a definite course of future conduct or decisions;

3. Adoption of agency rules, regulations, and procedures, including local laws, codes, ordinances, executive orders, and resolutions that may affect coastal resources or the environment; and

4. Any combination of the above.

B. AGENCY – Any board, agency, department, office, other body, official, or officer of the federal, State, or local government, including the Village of Patchogue.

C. COASTAL AREA – The New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law that are located within the boundaries of the Village of Patchogue shown on the coastal area map on file in the office of the Secretary of State and as delineated in the Village of Patchogue LWRP.

D. COASTAL ASSESSMENT FORM (CAF) – The form used by an agency to assist in determining the consistency of an action with the LWRP. The CAF is on file in the Village offices.

E. CONSISTENT – That the action will fully comply with and will not contradict any of the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

F. DIRECT ACTIONS – Actions planned and proposed for implementation by an agency, such as but not limited to a capital project, rulemaking, procedure-making, and policymaking.

G. ENVIRONMENT – All conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the coastal area.

H. LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) – The Local Waterfront Revitalization Program of the Village of Patchogue, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Patchogue.
I. MINOR ACTIONS – The following actions, which are not subject to review under this chapter:

(1) Maintenance or repair involving no substantial changes in an existing structure or facility;

(2) Replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by the Coastal Erosion Hazard Area (CEHA) law where structures may not be replaced, rehabilitated, or reconstructed without a permit;

(3) Repaving or widening of existing paved streets, roads, and highways not involving the addition of new travel lanes;

(4) Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(5) Maintenance of existing landscaping or natural growth, except where threatened or endangered plant or animal species are affected, or within Significant Coastal Fish and Wildlife Habitat areas;

(6) Removal of invasive and non-native species;

(7) Granting of individual setback and lot line variances, except in relation to a regulated natural feature, shoreline protection structure such as a bulkhead, or any activity within the CEHA;

(8) Minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;

(9) Installation of traffic control devices on existing streets, roads, and highways;

(10) Mapping of existing streets, roads, highways, natural resources, land uses, and ownership patterns;

(11) Information collection, including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations, and soils studies that do not commit an agency to undertake, fund, or approve any action;

(12) Official acts of a ministerial nature involving no exercise of discretion, including building where permit issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code;

(13) Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(14) Conducting environmental, engineering, economic, feasibility, and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in, or approve such action;

(15) Collective bargaining activities;

(16) Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
(17) Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(18) Purchase or sale of furnishings, equipment, or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road deicing substances, or other hazardous materials;

(19) Adoption of regulations, policies, and procedures, and local legislative decisions in connection with any action on this list;

(20) Review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this chapter have been fulfilled;

(21) Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(22) Adoption of a moratorium on land development or construction;

(23) Interpretation of an existing code, rule, or regulation;

(24) Designation of local landmarks or their inclusion within historic districts;

(25) Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property, or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance practicable under the circumstances to coastal resources or the environment. Any decision to fund, approve, or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this chapter; and

(26) Local legislative decisions such as rezoning applications when the Village Board of Trustees determines the action will not be approved.

J. WATERFRONT ADVISORY COMMITTEE (WAC) – The Waterfront Advisory Committee of the Village of Patchogue, as created pursuant to this chapter.

§ 90-3. Waterfront Advisory Committee.

A. A committee is created and shall hereafter be known as the Waterfront Advisory Committee of the Village of Patchogue (WAC). The WAC is charged with the functions, powers, and duties set forth in this chapter.

B. The Board of Trustees of the Village of Patchogue (Village Board) is hereby authorized to appoint five (5) persons to said WAC, all of whom shall be residents of the Village of Patchogue, and one of whom shall be a Village Trustee. Of the members of the WAC first appointed, one (1) shall hold office for a term of one (1) year, two (2) for terms of two (2) years, and two (2) for terms of three (3) years from and after this appointment. Their successors shall be appointed for the term of three (3) years from and after the expiration of the term of their predecessors in office. Vacancies shall be filled by the Village Board by appointment for the unexpired term. Members may be removed by the Village Board for cause and after a public hearing.
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C. Members shall be chosen for their demonstrated interest, knowledge, ability, and readiness to serve the WAC in the functions described in this chapter and with due regard for maintaining among the membership a range of special aptitudes and expertise in areas relevant to the work of the WAC.

D. The WAC shall annually elect one WAC member to serve as chairperson of the WAC.

E. The WAC shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Village Board.

F. The WAC may employ such persons as may be needed and as authorized by the Village Board and pursuant to law. The Village Board shall designate a staff person to be the LWRP Coordinator, who will be responsible for assisting the WAC in carrying out the functions, powers, and duties set forth in this chapter.

§ 90-4. Functions, powers, and duties of the WAC.

The WAC shall be a non-binding advisory committee that conducts reviews and makes recommendations. It will be responsible for overall management and coordination of the LWRP and will fully participate with and advise and assist other Village agencies in implementation of the LWRP policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. In performing these tasks, the WAC will:

A. Advise the Village Board and other Village agencies on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP;

B. Coordinate and oversee liaison between Village agencies, including but not limited to the Village Board, Planning Board, Zoning Board of Appeals, Architectural Review Board, Village departments, and concerned nongovernmental bodies, in order to further the implementation of the LWRP;

C. As described in § 90-5 of this chapter, review direct funding and permitting actions of the Village, including but not limited to applications for site plans, zone changes, subdivisions, and public works projects in the coastal area, as are referred to it, and make recommendations to the appropriate agency as to their consistency with the LWRP policy standards and conditions;

D. Evaluate in timely fashion proposed actions of State agencies within the coastal zone, provide its opinion concerning the consistency of the action, and participate in discussions to resolve any conflicts;

E. Evaluate in timely fashion proposed federal actions within the coastal zone referred to the Village by the NYSDOS, and provide its opinion concerning the consistency of the action;

F. Subject to the approval of the Village Board, make applications for funding from State, federal, or other sources to finance projects under the LWRP;

G. Prepare an annual report on progress achieved and problems encountered during the year in implementing the LWRP, and recommend such actions as the WAC considers necessary for further implementation of the LWRP to the appropriate body and the Village Board; and
H. Perform other functions regarding the coastal area and direct such actions or projects as are necessary to implement the LWRP.

§ 90-5. Review of actions.

A. Whenever a proposed action is located in the Village's coastal area, an agency shall, prior to approving, funding, or undertaking the action, make a written determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G of this section. No action in the coastal area shall be approved, funded, or undertaken by an agency without such a determination.

B. The WAC will be responsible for coordinating review of actions in the Village’s coastal area for consistency with the LWRP, and will advise, assist, and make consistency recommendations for Village agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.

C. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency’s formulation of a direct action to be located in the Village's coastal area, the applicant or, in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review. The agency shall refer a copy of the completed CAF to the WAC within ten (10) days of its submission.

D. After referral from an agency, the WAC shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection G of this section. The applicant or, in the case of a direct action, the agency, shall be required to submit all completed applications and any other information necessary to the WAC’s consistency recommendation to the WAC.

E. WAC recommendation.

(1) The WAC shall render its written recommendation to the agency within thirty (30) days following submission of the CAF and other required information, unless extended by mutual agreement of the WAC and the applicant, or in the case of a direct action, the agency. In the event that the WAC recommendation is not forthcoming within the specified time, the referring agency may make its decision without the benefit of the WAC recommendation.

(2) The recommendation shall indicate whether, in the opinion of the WAC, the proposed action is consistent or inconsistent with one or more of the LWRP policy standards and conditions. The recommendation shall state the manner and extent to which any inconsistency affects the LWRP policy standards and conditions. The WAC shall, along with a consistency recommendation, make any suggestions to the referring agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and conditions or to greater advance them. The WAC shall elaborate in writing the basis for its opinion.

F. Agency determination.

(1) Upon recommendation of the WAC, the agency shall render a written determination of
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consistency based on the CAF, the recommendation of the WAC, and such other information as is necessary in its determination. The agency shall consider whether the proposed action is consistent with the LWRP policy standards and conditions summarized in Subsection G of this section. No approval or decision shall be rendered for an action in the coastal area without a determination of consistency. The agency will make the final determination of consistency. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.

(2) If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

(a) No reasonable alternatives exist that would permit the action to be undertaken in a manner that would not substantially hinder the achievement of such LWRP policy standards and conditions;

(b) The action would be undertaken in a manner that will minimize all adverse effects on such LWRP policy standards and conditions;

(c) The action will advance one or more of the other LWRP policy standards and conditions; and

(d) The action will result in an overriding Village, regional, or State-wide public benefit.

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

(3) If the agency makes a determination of consistency that is contrary to the recommendation of the WAC, the agency must elaborate in writing the basis for its difference of opinion.

(4) The agency will prepare its written findings and certification according to the same schedule required for approval of the proposed action.

(5) If an action requires approval of more than one agency, decision-making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as the designated consistency review agency. If the agencies cannot agree, the WAC shall designate the consistency review agency. Only one decision will be required per action.

(7) The agency shall maintain a file for each action subject to a consistency determination, including any recommendations received from the WAC. Such files shall be made available for public inspection upon request. The agency’s written findings shall be filed with the WAC.

G. Consistency with LWRP policy standards and conditions. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described
in Section III of the Village of Patchogue LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies that undertake direct actions shall also consult Section IV of the LWRP in making their consistency determination. Actions shall be consistent with the policies to:

1. Foster a pattern of development in the Village of Patchogue that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of the Village's coastal location, and minimizes adverse effects of development (Policy 1);
2. Preserve and enhance historic resources of the Village of Patchogue (Policy 2);
3. Improve visual quality and protect scenic resources throughout the Village of Patchogue (Policy 3);
4. Minimize loss of life, structures, and natural resources from flooding and erosion (Policy 4);
5. Protect and improve surface and groundwater quality and supply in the Village of Patchogue (Policy 5);
6. Protect and restore ecosystem quality and function in the Village of Patchogue (Policy 6);
7. Protect and improve air quality in the Village of Patchogue (Policy 7);
8. Minimize environmental degradation from solid waste and hazardous substances and wastes in the Village of Patchogue (Policy 8);
9. Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Village of Patchogue (Policy 9);
10. Protect the Village of Patchogue's water-dependent uses and promote siting of new water-dependent uses in suitable locations (Policy 10);
11. Promote sustainable use of living marine resources in the Village of Patchogue (Policy 11);
12. Protect agricultural lands in the Village of Patchogue (Policy 12); and
13. Promote appropriate use and development of energy and mineral resources (Policy 13).

§ 90-6. Enforcement.

No action within the Patchogue coastal area that is subject to review under this Chapter shall be commenced or undertaken until a written determination has been issued from the consistency review agency that the action is consistent with the Village's LWRP policy standards and conditions. In the event that an activity is being performed in violation of this Chapter or any conditions imposed thereunder, the Building Inspector or any other authorized official of the Village shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

§ 90-7. Penalties for offenses.

A person who violates any of the provisions of or who fails to comply with any condition
imposed by this chapter shall have committed a violation, punishable by a fine not exceeding $500 for a conviction of a first offense and punishable by a fine of $1,000 for a conviction of a second or subsequent offense. The continuation of such violation for each successive week shall constitute a separate additional violation.
ARTICLE III District Regulations

§ 93-16.5. RC River Corridor Overlay District.

A. Intent.

The RC River Corridor Overlay District is intended to achieve the objectives of waterfront plans for the Village of Patchogue. The District’s purposes include increasing recreational use and aesthetic appreciation of the Patchogue River; enhancing public access to the river; preserving and enhancing natural, historic, and scenic values of the waterfront; respecting the Village’s maritime heritage; preserving the economic values of properties in the waterfront area; and increasing the economic viability of the Village of Patchogue. The RC River Corridor Overlay District is further intended to allow for a mix of water-dependent and water-enhanced uses, and to ensure that limited waterfront and near-water areas are reserved for such uses.

B. Applicability.

(1) The boundaries of the RC River Corridor Overlay District are hereby established as shown upon the Building Zone Map of the Village of Patchogue, as amended [See Figure D-1].

(2) The RC River Corridor Overlay District is superimposed on current zoning districts as shown on the Building Zone Map. The use regulations of the RC District, provided in Subsection D of this section, shall supersede the use regulations of the underlying zoning districts. Uses in existence as of the effective date of this section that are not listed in Subsection D may hereafter be maintained, repaired, altered, extended, or enlarged. However, if such use is destroyed by fire, explosion, wind, or flood, or is discontinued for twenty-four (24) consecutive months or longer, the use shall not thereafter be resumed or reestablished for any use that does not conform to the use regulations of the RC district.

(3) Uses that fall within the RC River Corridor Overlay District shall comply with the requirements of the RC District, in addition to the lot area, building area, yard, and other applicable requirements of the underlying district. In the instance of conflicting requirements between districts, the more restrictive of the requirements shall apply.

C. Definitions.

Unless otherwise expressly stated, the following terms, where used in this chapter, shall have the meanings indicated:

(1) BULKHEAD – A structure or wall that is positioned parallel to and continuous with the shore, the purpose of which is to retain and protect the upland area from erosion or soil loss, and to protect the waterway from sedimentation.

(2) SHORELINE – The area adjacent to the mean high water mark or line.
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(3) WATER-DEPENDENT USE – An activity that can only be conducted on, in, over, or adjacent to a water body and that involves, as an integral part of such activity, direct access to and use of coastal waters.

(4) WATER-ENHANCED USE – An activity that does not require a waterfront location in order to function, but often is essential to the functioning and economic viability of water-dependent uses. Water-enhanced uses often increase the public’s enjoyment of the waterfront.

D. Uses.

In the RC River Corridor Overlay District, no building or premises shall be used, and no building shall hereafter be erected or altered, except for one or more of the following uses:

(1) Boatyards for building, storing, repairing, renting, selling, or servicing boats.
(2) Public or private marinas for docking, mooring, and accommodation of recreational or commercial boats, including the sale of fuel and oil primarily for the use of boats accommodated in such marinas, and including pumpout stations.
(3) Commercial fishing operations, including docking, loading, unloading, and refrigerated storage of finfish, shellfish, crabs, or lobsters.
(4) Retail sale or rental of equipment, goods, supplies, materials, tools, and parts used in connection with boating, fishing, bathing, and diving.
(5) Charter or party boat enterprises for fishing, sightseeing, tours, and excursions.
(6) Fish markets, which may include wholesale or retail sale of fish, seafood, and marine products.
(7) Ferry operations and terminals.
(8) Business offices that handle matters principally related to the design, manufacture, service, storage, sale, lease, and insurance of boats and marine equipment.
(9) Marine cargo handling.
(10) Assembly and testing of marine-related equipment, and light manufacturing related to such activities.
(11) Aquaculture operations or research and development.
(12) Oceanographic or marine-related scientific research facilities.
(13) Marine-related educational facilities and boating instruction schools.
(14) Beach clubs, yacht clubs, and boat clubs.
(15) Retail shops limited to bakeries, fruit and vegetable stores, delicatessens, food shops, bicycle shops, bookstores, hardware stores, confectioneries, florists, specialty shops, or stores selling antiques, art, shoes, clothing, cards and stationery, crafts, gifts, souvenirs, or similar goods, provided that no such retail store shall exceed three thousand (3,000) square feet of gross floor area and provided that such uses are appropriate or complementary to the marine commerce character of the area.
(16) Restaurants, coffee shops, ice cream stores, and other eating and drinking establishments involving on-site consumption of food and beverages, except drive-in or drive-through facilities. Outdoor public address or music systems shall not create a sound level in excess of sixty-seven (67) A-weighted decibels (dB(A)) when the site abuts or is directly across a street from a residential district or use. Eating and drinking
establishments shall be located at least two hundred (200) feet from the nearest residential district or use.

(17) Museums, art galleries, visitors centers, interpretive centers, and aquariums.

(18) Hotels and motels, subject to a maximum lot coverage of thirty (30) percent for all buildings.

(19) Bed and breakfasts.

(20) Parks, playgrounds, and outdoor recreational areas.

(21) Facilities owned or operated by the Village of Patchogue.

(22) Condominiums, apartments, and townhouses, when part of a mixed-use project. Residential uses shall not comprise more than fifty (50) percent of a mixed-use development. Allowable residential density shall be determined by the Board of Trustees of the Village of Patchogue (Board of Trustees) after consultation with the Waterfront Advisory Committee of the Village of Patchogue.

(23) Any combination of the aforementioned uses.

(24) Other uses that are of the same general character or are similar to those listed as permitted uses in this district.

(25) Customary accessory uses and buildings, provided that such uses are incidental to the principal use.

E. Height.

In the RC River Corridor Overlay District, no building or structure located within two hundred (200) feet of the shoreline or bulkhead of the Patchogue River shall exceed thirty-five (35) feet or three (3) stories in height. Buildings or structures located more than two hundred (200) feet from the shoreline or bulkhead of the river shall comply with the height regulations of the underlying zoning district.

F. Residential buffer.

For all nonresidential uses of properties that abut or are directly across a street from a residential district or use, a buffer of at least twenty (20) feet in depth shall be provided. The buffer shall not be used for buildings, parking, loading, storage, or other accessory uses. The buffer shall be landscaped.

G. Landscaped area.

Landscaped areas shall be not less than ten (10) percent of the total lot area, excluding public access easement areas and landscaping within parking lots, as described in Subsections I and J of this section. Existing vegetation shall be incorporated into site design to the maximum extent possible.

H. View corridors and design review.

(1) Site and architectural design in the RC River Corridor Overlay District shall adhere to the design guidelines set forth below.

(a) Development shall be designed to preserve and enhance views of the Patchogue River from upland areas, parks, and public facilities. Public views to and along the water shall be maintained and enhanced wherever possible through careful design and siting of buildings and landscaping.
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(b) Buildings and landscaping shall be designed and sited to maximize views of the waterfront from public streets. Unobstructed views of the Patchogue River shall be provided at street ends. Where view corridors are extensions of streets, they shall be as wide as the street.

(c) Buildings and landscaping shall be designed and sited to enhance views of the subject property from the Patchogue River.

(d) Tall buildings on riverfront sites should be oriented in an east-west direction in order to avoid the creation of high, continuous visual barriers. Buildings parallel to the shoreline shall not exceed seventy-five (75) feet in length. There shall not be less than seventy-five (75) feet between buildings parallel to the shoreline.

(e) Design details and articulation shall be used to reduce the perceived mass of buildings. Architectural elements that provide visual interest and create a pedestrian scale, such as pitched roofs, gables, variation in wall plane, bay divisions, cornices, and ornamentation to mark floor height, are encouraged. Unadorned blank walls shall be avoided.

(f) Use of unfinished concrete blocks, cinder blocks, or corrugated panels as facing materials shall be prohibited. Buildings shall be faced with high quality materials such as wood, brick, stone, or architectural concrete.

(g) Historical elements of existing buildings shall be preserved to the maximum extent practicable.

(h) Buffering and screening of boat storage in boat racks on upland portions of properties shall be encouraged.

(i) Distinctive gateway features shall be provided at entry points to the river corridor.

(2) The Board of Trustees may designate a licensed architect to advise regarding consistency with the design guidelines. The consulting architect shall be retained at the expense of the applicant. A pre-development meeting with the applicant, consulting architect, and representatives of the Village shall be required to establish the design considerations specific to the applicant’s site.

(3) Review by the Patchogue Architectural Review Board shall only be required for applications for which the Board of Trustees chooses not to engage a licensed architect.

I. Public access.

(1) A twenty-five (25) foot wide public access easement shall be provided along the shoreline or bulkhead of waterfront properties in the RC River Corridor Overlay District.

(2) A continuous walkway with a minimum width of ten (10) feet shall be provided along the shoreline within the public access easement area. The walkway shall be connected to existing walkways located along the shoreline of adjacent properties. To ensure that the walkway is continuous, it may be routed inland in locations with natural or manmade barriers, sensitive wildlife habitats, major industrial uses, or similar impediments along the shore.
(3) Shade trees, landscaping, benches, pedestrian-scaled lighting, and similar amenities shall be provided within shoreline public access areas.

(4) Public access areas shall be maintained by the property owner under a maintenance and operation agreement with the Village of Patchogue.

(5) Pedestrian pathways shall be provided between the shore public walkway and upland streets and sidewalks.

(6) Signage shall be provided directing pedestrians to waterfront public access areas. Provision of interpretive signage in public access areas is encouraged.

J. Off-street parking.

(1) Parking lots shall not be located within view corridors to the Patchogue River.

(2) Parking lots shall be screened with low masonry walls or hedges. Trees shall also be installed at the perimeter of parking lots.

(3) Parking lot rows shall be divided by landscaped islands with trees.

(4) Parking shall not be permitted within twenty-five (25) feet of the Patchogue River shoreline or bulkhead.

(5) Shared off-street parking is encouraged for mixed-use developments and developments or uses with different operating hours or peak business periods. Shared parking spaces shall be located within six hundred (600) feet of the primary entrance of all uses served, unless a remote parking shuttle bus service is provided. The applicant shall submit a shared parking analysis demonstrating the feasibility of shared parking. Shared parking plans shall be enforced through written agreement among involved parties, and a copy of the agreement shall be filed with the Village.

(6) Parking lots shall be surfaced with a pervious material such as gravel or permeable pavers.

K. Infrastructure.

Buildings in the RC River Corridor Overlay District shall be connected to the public sanitary sewer, if a connection is available.

L. Review and approval.

Uses and development in the RC River Corridor Overlay District shall only be permitted as a special exception by the Board of Trustees. The Board of Trustees may not grant any such special exception without first having secured recommendations of the Planning Board and Waterfront Advisory Committee in connection with the proposed use or development, as part of the Planning Board’s site plan review and Waterfront Advisory Committee’s consistency review. Special permit uses shall be subject to the criteria set forth in § 93-49.C of this chapter. The Board of Trustees shall, in authorizing such uses, impose such conditions or safeguards as are required by this chapter or deemed appropriate, necessary, or desirable to preserve and protect the spirit and objectives of this chapter.
Village of Patchogue LWRP/HMP

Proposed Rezoning
RC River Corridor Overlay District
Figure D-1