CHAPTER 280 (ZONING AND LAND USE LAW)

ARTICLE I (GENERAL PROVISIONS)

§280-1 Short title.

This chapter shall be referred to as the "Town of Guilderland Zoning and Land Use Law."

§280-2 Authority.

This chapter is enacted by the Town of Guilderland pursuant to NYS Town Law Article 16, and shall take effect upon filing with the Secretary of State. If any part of this chapter is declared to be invalid by a court of competent jurisdiction, such decision shall not affect or impair the validity of this chapter as a whole, or any other part of this chapter.

§280-3 Purposes.

A. This chapter encourages appropriate and sustainable development; promotes public health, safety, convenience and general welfare; designates and regulates the location and use of buildings, structures and land for residential, agricultural, commercial, and industrial uses in appropriate places and for those purposes to divide the Town into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. The objectives of this chapter are to: provide adequate open space for light and air; provide desired levels of population density; secure safety from fire, flood, panic and other dangers; provide effective utilization of land; provide adequate community and public utility facilities; provide workable relationships of land uses to the transportation system; prevent congestion, preserve the natural beauty and ecology of watercourses, bodies of water, wetlands and natural areas of value to the community; and conserve and stabilize the value of property.

B. The regulations contained in this chapter have been made in accordance with the Comprehensive Plan and neighborhood studies, and with reasonable consideration of the character of each district and its suitability for particular uses.

ARTICLE II (TERMINOLOGY)

§280-4 Word usage.

A. The masculine includes the feminine, the singular includes the plural, and the present tense includes the future tense.

B. The word "person" includes an individual, partnership, trust, limited liability company, or corporation.

C. The word "shall" is mandatory. The word "may" is permissive.

D. The word "lot" includes the word "plot" or "parcel."

E. A reference to a residence or residential district shall be interpreted to mean a district with the word "residential" in its title.

F. A “building” or “structure” includes a part thereof.

§280-5 Definitions.

ABANDONMENT- To end the use of a lot or structure that was a non-conforming structure or a non-conforming use, or a change from a non-conforming use to another non-conforming use or to a conforming use. See §280-32.

ACCESSORY STRUCTURE or ACCESSORY BUILDING- A structure or building detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY STRUCTURE, MAJOR- An accessory structure that is 15 feet or more in height or 200 or more square feet in area.

ACCESSORY STRUCTURE, MINOR- An accessory structure that is less than 15 feet in height and less than 200 square feet in area.

ACCESSORY USE- A use that is incidental and subordinate to the principal use and located on the same lot with such principal use.

ADULT ENTERTAINMENT ESTABLISHMENT- A use subject to Chapter 111 of the Town Code.

ADVERTISING STRUCTURE- An advertisement, pictorial or otherwise, and a structure used as, or for the support of, a notice or advertisement, for the purpose of making anything known about goods, services or activities not on the same lot as the advertising structure.

AGRICULTURAL DISTRICT (NYS)- A district established by Albany County and approved by the NYS Department of Agriculture & Markets.

AGRICULTURE or FARMING- The use of land for the primary purpose of obtaining a profit by raising, harvesting, and selling crops, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, or viticulture use, aquaculture, hydroponics, silviculture, by animal husbandry, or by combination thereof. It also includes the use of land for the primary purpose of obtaining a profit by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, and other on farm niche marketing promotions.

ALLEY- A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

ALTER- To vary or modify without changing the basic or essential character of something. See "Structurally Alter."

AMUSEMENT ARCADE- A place where more than three electronic and/or mechanical devices are located for use, for a charge, by the public for amusement purposes.

ANGLE OF REPOSE- The area comprised of land adjacent to a continuous or intermittent watercourse where there is a slope of 12º or greater. This area is established by a 12º angle beginning at the intersection of the slope with the horizontal plane of the watercourse, running perpendicular to the slope, and terminating at grade elevation. See §280-30.

ANIMAL HOSPITAL- A place where animals are given medical treatment and boarded for such

treatment. The use as a kennel shall be limited to short-time boarding and shall be incidental to such hospital use.

ANTENNA- A system of poles, rods, wires, disks or similar devices used in transmitting or receiving electromagnetic waves or wireless signals which are external to or attached to the exterior of a building, including, but not limited to a radio tower, mast, aerial, radio antenna, satellite or broadcast television antenna, whip antenna, inverted-V antenna, collinear antenna, yagi antenna, paraobolic antenna, and microwave antenna. See Supplemental Regulations §280-40.

APARTMENT BUILDING- A building with three or more dwelling units.

APPLICATION, COMPLETE- An application that includes the following:

(1) A completed application form together with all information concerning a proposed project in the format as specified by this chapter;

(2) The payment of application fees required by this chapter and the professional review fee escrow deposit, if any, required by the reviewing Board;

(3) An Environmental Assessment Form ("EAF") or Draft Environmental Impact Statement ("DEIS"), if required, assessing the potential environmental impacts of the proposed project;

(4) A determination by the reviewing agency, or by the lead agency in the event of coordinated review, that the proposed project is not likely to have a significant impact on the environment (negative declaration), or the filing of a notice of completion of a draft environmental impact statement in accordance with the provisions of State Environmental Quality Review Act ("SEQRA").

APPURTENANT ACTIVITIES- For the purpose of excavation and mining, on-site operations involved in the treatment, processing or further fabrication of soil, sand, gravel or natural deposits, including washing, sedimentation ponds, grading sorting, grinding operations, concrete batching plants, asphalt mixing plants and aggregate dryers. See Supplemental Regulations §280-40.

AUTOMOBILE LOT- A structure or lot where two or more motor vehicles in operating condition are offered for sale or are displayed. See Supplemental Regulations §280-40.

AUTOMOBILE SERVICE STATION- A place where gasoline or other motor vehicle engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are sold directly to the public on the premises and where the servicing or repair of automobiles, or installation of mufflers or other specialty items, may occur. An automobile service station shall not include sale or storage of automobiles or trailers, new or used, and shall be licensed by the NYS Department of Motor Vehicles. See Supplemental Regulations §280-40.

BAR or TAVERN- An establishment licensed under the laws of the State of New York where alcoholic beverages are sold to be consumed on the premises. Food may be served if secondary and incidental to the business.

BASEMENT- A story whose floor is more than 1/2 of its story height below the average level of the surrounding ground.

BED-AND-BREAKFAST- An owner-occupied dwelling which provides overnight accommodations for transient guests and may include serving breakfast only to such guests.

BOARDINGHOUSE- A dwelling in which more than four persons either individually or as families are housed or lodged for hire on a non-transient basis with or without meals. A rooming house or a furnished rooming house shall be deemed a boardinghouse.

BUFFER- A combination of physical space and vertical elements, such as plants, woodlands, hedges, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other environmental features.

BUILDABLE LAND- Land excluding state- or federally regulated wetlands, waterbodies, floodways, the area within the angle of repose, including the environmental setbacks and buffers of these features, and preexisting developed areas of the lot.

BUILDING- A structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattels. See "Accessory Structure or Building."

BUILDING, DETACHED- A building surrounded by open space on the same lot.

BUILDING GROUP- A group of two or more principal buildings and buildings accessory thereto, occupying a lot in common ownership and having a yard in common.

BUILDING HEIGHT- See "Height of a Building."

BUILDING LINE WIDTH- The baseline of a vertical plane, parallel to the street line or common driveway shared by two or more structures, and extending from one lot line to another, beyond which no portion of a building shall extend into the front yard. Side and rear lines shall be determined in the same manner.

BUILDING, PRINCIPAL- A building in which is conducted the principal use of the lot on which the building is situated.

BUILDING, SEMIDETACHED- A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING DEPARTMENT- The Town of Guilderland Building Department.

BULK- A term used to describe the size, volume, area and shape of a building, structure, or lot.

CHARGING STATION- A device that allows for charging a battery or electrical unit for a motor vehicle that operates in part or in whole on electrical energy.

CHICKEN PEN- An enclosure that allows chickens to leave a henhouse in an enclosed, predator-free environment.

CLINIC, DENTAL or MEDICAL- A building whose primary use is medical services for outpatient medical or ambulatory surgical care, including but not limited to medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture services and physical or occupational therapy, including

treatment and diagnostic centers as regulated by the NYS Public Health Law. A clinic does not include a hospital, medical office, or facility providing inpatient or overnight care for humans or animals.

CLUB- A building or use exclusively for members and their guests for social and/or recreational purposes and not operated for profit.

COMMON AREA- The space reserved for use by residents of a housing development, including but not limited to halls, stairways and landings.

COMPREHENSIVE PLAN- The Comprehensive Plan as adopted by the Town Board in accordance with NYS Town Law §272-a, including neighborhood and hamlet studies, reports, and descriptive materials prepared pursuant to the Comprehensive Plan, and authorized and accepted by the Town Board.

CONSTRUCTION COMPANY- A use involving construction equipment, heavy vehicles, and other materials for construction, excavation and other similar uses, which are stored in a contractor yard.

CONTIGUOUS SINGLE-FAMILY DWELLING- A one-family dwelling contiguous to one or more one-family dwellings separated by a party or common wall.

CONTRACTOR YARD- A lot or portion thereof used for construction equipment, heavy vehicles, and materials and facilities customarily required in the contractor's trade.

CONVENIENCE STORE, FOOD ONLY- A building or portion thereof, not exceeding 20,000 square feet in gross floor area, used for the retail sale of goods, including dairy products, fruits and vegetables, baked goods, meats, beverages, prepared foods, and coffee for on-site or off-site consumption, and may include the sale of canned foods, dry goods, and household, health and stationery supplies, and may include limited seating for on-site consumption without wait service. A convenience store does not include the retail sale of motor vehicle fuel.

CONVENIENCE STORE, GAS- A convenience food store including retail sale of motor vehicle fuel.

DAY-CARE CENTER- A facility that is licensed to operate a day-care center by the NYS Department of Social Services under Part 418 of the NYS Department of Social Services regulations.

DEPOSIT- To lay down, place, put or let fall.

DESIGN STANDARDS- The standards and recommendations governing the physical form and appearance of development within a particular district. Design standards are administered by the Zoning Board and Planning Board and applied to applications subject to their review. See §280-39(A).

DEVELOPMENT AREA, COUNTRY HAMLET- The part of the Country Hamlet District that may be used for home sites and development features, and does not include open space.

DEVELOPMENT PLAN- A report submitted to the Planning Board that describes existing conditions and proposed development patterns within the Country Hamlet District.

DIAMETER OF TREE- The width of the main stem of a tree or shrub measured at an elevation of four feet above ground level.

DILIGENTLY PURSUED- A building permit has been issued and construction of the principal structure is underway.

DISTRICT, MORE RESTRICTED OR LESS RESTRICTED- Each district shall be deemed to be more restricted than the districts which follow it: Open Space (OS), Agricultural (A), Rural Agricultural-3 (RA3), Rural Agricultural (RA5), Residential Overlay (RO), County Hamlet (CH), Single-Family Residential (R40, R30, R20, R15, R10), Multiple Residence (MR), Town House Dwelling (TH), Planned United Development (PUD), Manufactured Housing (MH), Business Non-Retail Professional (BNRP), Local Business (LB), General Business (GB), Industrial Park (IP), and Industrial (I).

DRAINAGE- The conveyance of stormwater, surface water or groundwater from the land by means of surface or subsurface drains.

DRIVE-IN MOVIE THEATER- An open lot or part thereof for the showing of moving pictures to patrons seated in motor vehicles or on outdoor seats. See Supplemental Regulations §280-40.

DUMP- A lot or land used for the disposal, abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material.

DUMPING- The unloading, depositing or letting something fall in a heap of unshaped mass.

DWELLING- A building or part thereof used as a residence by one or more persons.

DWELLING, MULTIPLE-FAMILY- A building or part thereof used as a residence by three or more families and containing three or more dwelling units.

DWELLING, SINGLE-FAMILY- A building used as a residence by not more than one family, containing one dwelling unit only.

DWELLING, TWO-FAMILY or DUPLEX- A building used as a residence by not more than two families, and containing two dwelling units which may be attached side by side that individually meet the floor area requirements established for single-family dwellings.

DWELLING, TOWNHOUSE- A single-family dwelling unit which is one of a series of non-communicating dwelling units having a common wall between each adjacent dwelling unit with each dwelling unit having a private outside entrance and individual yard area, and may have open space, accessory structures and/or parking areas shared in common.

DWELLING UNIT- One or more rooms constituting a separate, independent housekeeping unit for ownership or lease or rent designed for occupancy by one family and physically independent of any other group of rooms or dwelling units which may be in the same structure, containing independent cooking, sanitary and sleeping facilities.

EROSION- The wearing away of land surface by running water, wind, ice or other geological agents, including but not limited to such processes as gravitational creep.

EROSION AND SEDIMENT CONTROL- The control of erosion and sediment by practices outlined in the NYS Standards and Specification for Erosion and Sediment Control Manual.

EROSION AND SEDIMENT CONTROL PLAN- The plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

EXCAVATION- The removal of stone, sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means. See Supplemental Regulations §280-40.

FAMILY- One or more persons living together as a single, permanent, not transitory, housekeeping unit, and sharing common kitchen facilities and access to all parts of a dwelling unit. A "family" shall not consist of a club, fraternity, sorority, or a group occupying a boardinghouse.

FAMILY APARTMENT- An apartment that is secondary to the primary residential use of a home and complies with applicable regulations. See Supplemental Regulations §280-40.

FAMILY DAY-CARE HOME- A residence that has been issued a permit to operate a family day-care home by the NYS Department of Social Services under Part 417 of the NYS Department of Social Services regulations.

FARM- A minimum five acres of land used for agricultural purposes.

FARM STAND- A structure involving the sale of agricultural products that were locally grown, raised or produced. See Supplemental Regulations §280-40.

FENCE- A barrier of wood, masonry, stone, wire, metal or other manufactured material.

FENCE, PRIVACY- A fence where the ratio of transparent to opaque area is less than 3 to 1.

FENCE, DECORATIVE- A fence made of decorative or ornamental material such as split rail, redwood, pine and the like, and type of fence where the ratio of transparent to opaque area is 3 to 1 or greater. A decorative fence in a front yard shall have a maximum height of 4 feet.

FIELD OFFICE- An accessory building, not exceeding 750 square feet in area, for use as a construction office on a temporary basis, not exceeding one year or the completion of land development activity, whichever is earlier. This deadline may be extended by the Zoning Inspector upon the submission of satisfactory proof that the field office is necessary for on-going construction. No storage of material, supplies, and equipment shall be allowed.

FILLING- The depositing of natural or artificial material that raises the existing grade of land or modifies the surface of water bodies.

FLOOR AREA, GROSS- The sum of the horizontal areas of floors of a building, excluding common areas for retail or service uses, including hallways, elevators, escalators, stairs, closets, and similar spaces, unenclosed or unheated porches, basement areas and garages, measured from the interior face of exterior walls, except that basement space used for retail or service uses shall be included for purposes of calculating accessory off-street parking requirements.

FOOT CANDLE- The light produced by one candle at one foot from the source of the light.

GARAGE, PRIVATE- An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted therein.

GARAGE, PUBLIC- A garage, other than a private garage, for the storage, repair, greasing, washing, servicing, adjusting or equipping of motor vehicles, excepting the equipping or installing of parts that is incidental to the retail sale of such parts or equipment.

GARDEN FACILITY/NURSERY- A use primarily engaged in the sale of trees, shrubs, plants, landscaping or materials; and/or seeds, bulbs, mulch, soil conditioners, fertilizers, pesticides, garden tools or other garden supplies.

GRADE- The finished ground level adjoining the building at all exterior walls.

GRADE LEVEL- The final grade level of the ground at the front line of the building.

GRADE, FINISHED- The natural surface of the ground, or surface of the ground after completion of a change in contour.

GROUP FAMILY DAY-CARE HOME- A residence that has been issued a permit to operate a group family day-care home by the NYS Department of Social Services under Part 416 of the NYS Department of Social Services regulations.

HAULAGEWAY- A road constructed or improved by the operator which enters or exits from an excavation, mine, quarry site, or similar activity. See Supplemental Regulations §280-40.

HEDGE- A type of bush, plant or natural growth which can serve the purpose of a fence.

HEIGHT OF A BUILDING- The vertical distance from the finished grade level to a point midway between the highest and lowest points of the roof, excluding chimneys, spires, towers, elevators, penthouses, tanks and similar permitted projections. See Diagram at §280-24.

HENHOUSE- An accessory structure for sheltering chickens. See Supplemental Regulations §280-40.

HOME OCCUPATION- An occupation, profession or business operated in a dwelling unit that is incidental and secondary to the use of a dwelling unit for residential purposes. See Supplemental Regulations §280-40.

HOSPITAL- An institution authorized by the NYS Department of Health which provides health services, primarily for inpatients, and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient facilities, training facilities, central service facilities and staff offices. A hospital does not include a clinic, medical office building, or facility providing inpatient or overnight care for animals.

HOTEL- A building for renting or using rooms by the general public for transient lodging where each room is accessible from an interior hallway and no exterior entrance to a room is provided, and may include kitchenettes, and other facilities for use by guests. A hotel may include restaurants, meeting rooms, personal services, recreational facilities, and other similar accessory uses. The term "hotel" excludes motel, bed-and-breakfast, inn, and boardinghouse.

HOTEL, LOCAL-A hotel with a height not exceeding three stories or 45 feet.

HOTEL, GENERAL- A hotel with a height exceeding either three stories and/or 45 feet. See Supplemental Regulations §280-40.

HYDRAULIC FRACTURING or HYDRO-FRACKING- The practice, process, or methodology of applying fluid, propping material, sand, chemicals or other materials under high pressure or other means to create fractures or fissures in rock bearing gas, oil or similar products.

IMPERVIOUS SURFACE- Buildings and areas on the ground or elevated above the ground which are comprised of materials through which water cannot readily flow, including, but not limited to, asphalt, concrete, masonry, wood, gravel and clay, and which consist of elements including, but not limited to, courtyards, sports courts, swimming pools, patios, sidewalks, ramps, terraces and driveways.

INN- A building or group of buildings, whether attached or detached, containing for rent individual sleeping accommodations used as an accessory use in support of a sit-down restaurant that provides meals for organized celebrations such as weddings, reunions and similar events. To the extent that lodging at the inn is not required in support of an organized event at the sit-down restaurant, it may be used for the same purpose as either a hotel or motel. See Supplemental Regulations §280-40.

JUNK- Rubbish, debris, ordinary household or store trash, barrels, cartons, boxes, crates, furniture, appliances, wood, cloth, rugs, clothing, rags, mattresses, blankets, tree trimmings, grass clippings, stumps and similar garden waste; dead animals, hay, fodder, feed, meal or other discarded animal or vegetable matter originally intended for animal consumption; factory mill waste, shavings, sawdust; goods that are so worn, deteriorated or obsolete as to make them unusable for their original purpose in their existing condition, but are subject to being dismantled, including but not limited to used paper, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and other scrap metals and their alloys and rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, inoperable motor vehicles, used tools, appliances, fixtures, utensils, lumber, used pipe or pipe fittings and used tires.

JUNKYARD- A lot, land or structure, or part thereof, except an authorized Recyclable Handling Facility, used for the collecting, storage or sale of junk, wastepaper, rags, scrap metal or discarded material; or the collecting, dismantling, storage, processing or salvaging of machinery or vehicles or for the sale of parts thereof, all when operated as a business on site where an employee is in attendance for the entire working day to receive deliveries and to be responsible for ensuring that materials brought to the site are stored in a manner that will not result in a nuisance to property or persons off the site.

KENNEL- The keeping, boarding, or caring of more than three dogs that are more than six months old. See Supplemental Regulations §280-40.

KEYHOLE ACCESS- The strip of land, generally uniform in width, that provides the keyhole lot with access to a public road or street. The width of the keyhole access shall not be less than 20 feet at any point. The area of the keyhole access shall not be included in determining the minimum lot area compliance.

LANDSCAPING/LAWN CONTRACTING FACILITY- A use engaged in maintaining and/or installing landscaping, lawns, and/or related improvements, including the storage of equipment, materials, and/or supplies. See Supplemental Regulations §280-40.

LAND DEVELOPMENT ACTIVITY- An activity including clearing, grading, excavating, soil disturbance, or placement of fill resulting in land disturbance of more than one acre of land. Also includes activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LINE, STREET- The dividing line between the street or highway and abutting real properties.

LOT- A parcel of land under separate ownership or parcel of land designated as a separate parcel on a plat map or deed filed or recorded in the Albany County Clerk's office.

LOT OF RECORD- A parcel of land designated as a separate parcel on a plat map or deed filed or recorded in the Albany County Clerk's office prior to the effective date of this chapter as shown in the records of the Town Clerk.

LOT AREA- The area contained within lot lines, exclusive of street or alley rights-of-way or future rights-of-way if such have been determined.

LOT COVERAGE- The lot area or percentage of lot area covered by buildings or structures, including accessory buildings, structures, and impervious surfaces.

LOT, CORNER- A lot or portion of a lot at the junction of and abutting two intersecting streets. See Diagram at §280-24.

LOT, FRONT- A lot located between a keyhole lot and the road or street.

LOT FRONTAGE- The distance between side lot lines, measured at the street line.

LOT, KEYHOLE- A lot that is located to the rear of another lot but is connected to a public right-of-way by a strip of land at least 20 feet wide.

LOT, THROUGH- A lot other than a corner lot which fronts on two streets, or upon a street and a right-of-way with a minimum width of 25 feet.

LOT WIDTH- The distance between side lot lines, measured at the building front line.

MAINTENANCE BUILDING- An accessory structure used for the storage of equipment, materials, and supplies for maintaining the buildings and grounds of a principal use.

MANUFACTURED HOUSING COMMUNITY- A parcel of land planned and improved for the placement of manufactured housing for non-transient use.

MANUFACTURED HOUSING UNIT- A factory-built transportable dwelling unit used for living and sleeping and constructed on an I-beam chassis which remains an integral part of the unit.

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

MANUFACTURING, LIGHT- A use engaged in the manufacture of finished products or parts, predominately from previously prepared or assembled materials, including, but not limited to, fabrication, assembly, treatment, packaging, and incidental storage, and distribution of such products.

MINING The use of land for the purpose of extracting stone, sand, gravel, or other minerals, as defined in NYS Environmental Conservation Law §23-2705. See Supplemental Regulations §280-40.

MIXED-USE BUILDING- A building in which permitted residential uses are allowed with permitted non-residential uses. See Supplemental Regulations §280-40.

MIXED-USE BUILDING, NEIGHBORHOOD- A mixed-use building with a maximum gross floor area of 15,000 square feet. The residential use shall not exceed two dwelling units per building. Permitted non-residential uses are limited to a use permitted in the BNRP District.

MIXED-USE BUILDING, LOCAL- A mixed-used building with a maximum gross floor area of 25,000 square feet. The residential use shall not exceed twelve dwelling units per building. Permitted non-residential uses are limited to a use permitted in the LB District

MOTEL- A building for renting or using rooms by the general public for transient lodging where each room has an exterior entrance, and may include kitchenettes and other facilities for use by guests. The term "motel" includes tourist court, motor lodge, auto court, and similar uses and excludes hotel, bed-and-breakfast, inn, and boardinghouse.

MULTIPLE DWELLING- See "Dwelling, Multiple-Family."

MUNICIPALITY- A city, town, or village and the County of Albany

NON-CONFORMING LOT- A lot that complied with a prior zoning chapter and lawfully existed at the time of the adoption of this chapter, or amendment thereto, but which lot does not conform to the regulations imposed by this chapter or such amendments thereto, and has not been abandoned.

NON-CONFORMING STRUCTURE- A structure that does not conform to the dimensional, bulk, and off-street parking requirements for the district in which it is situated and the structure was lawful at the time it was constructed, and has not been abandoned. A nonconforming building shall be deemed a nonconforming structure.

NON-CONFORMING USE- A use of land, building or structure that complied with a prior zoning chapter and which use lawfully existed at the time of the adoption of this chapter, or amendment thereto, but which use does not conform to the use regulations imposed by this chapter or such amendments thereto, and has not been abandoned.

NON-RESIDENTIAL DISTRICT- The following districts shall be considered nonresidential districts: BNRP, LB, GB, IP, and I.

OFFICE, GENERAL- A building whose principal use is offices for administrative, governmental, public utility, sales or professionals, excluding medical offices.

OFFICE, MEDICAL- A building whose principal use is offices for medical, dental, psychiatric, psychological, chiropractic, acupuncture and other professions regulated by the NYS Education Department's Office of the Professions. A medical office does not include hospitals, clinics or overnight occupancy.

OIL AND GAS DRILLING or EXPLORATION- The use of machinery, equipment, processes, and/or materials to explore for, drill for, or extract oil, gas or similar products, including, but not limited to, digging a well to a depth above the target rock formation bearing the oil, gas, or similar product, or on a curve so that the hole is drilled horizontally, or at an angle within the rock formation bearing the gas, oil or similar product.

OPEN SPACE- Area unoccupied by a building, structure or parking area, whether paved or unpaved, and shall be exclusive of required yard areas.

OPEN SPACE, COUNTRY HAMLET- The portion of the Country Hamlet district that has been set aside for permanent protection from development. These lands are those that have important ecological functions, natural resources, or cultural resources and may contain, but are not limited to, forests,

farmland, fields, floodplains, wetlands, and stream banks. Open space may encompass scenic vistas, recreational areas, and historic sites.

OUTDOOR WOOD FURNACE- Equipment, device, or part thereof, which is situated outdoors for the combustion of fuel to produce heat or energy used as a component of a heating system providing heat for a space or water source. See Supplemental Regulations §280-40.

OUTSIDE STORAGE- The unenclosed placement of objects or materials.

PARKING FACILITY- A principal or accessory structure, other than a private garage, used for parking or temporary storage of motor vehicles, boats and trailers.

PARKING FACILITY, MULTI-LEVEL- A parking facility with more than one floor.

PARKING SPACE- A permanently surfaced and marked area for parking a motor vehicle.

PERMITTED USE- A use designated as such in this chapter and shall not include a non-conforming use or a use requiring a Site Plan approval or Special Use Permit.

PLANNING BOARD- The Planning Board of the Town of Guilderland.

PORCH, UNENCLOSED- A structural feature with a floor that is attached to the entrance of a building, is external to the walls of the building, and is open on three sides.

PREMISES- A lot, together with all structures and uses thereon.

PUBLIC BUILDING- The following structures or uses:

(1) Public library or museum.

(2) State, Town, Village or municipal building.

(3) Firehouse, paramedic or emergency services building.

(4) Public school.

(5) State, Town, Village or municipal park or recreational facility.

PUBLIC UTILITY - A building and related equipment used to provide water, electric, energy transmission, gas, sanitary, drainage, telephone, telecommunications, or other public service.

RECLAMATION- The conditioning of areas affected by mining or excavation to make them suitable for a use or purpose consistent with the Comprehensive Plan.

RECLAMATION PLAN- The written proposal prepared by a qualified professional for the reclamation of land used for mining or excavation, and, where relevant, grading specifications and manner and type of re-vegetation. See Supplemental Regulations §280-40.

RECREATION, COMMERCIAL- A recreational activity provided on a fee-for-service basis, such as private outdoor and/or indoor recreational facility, golf course, playground, swimming pool, ice rink, tennis court, and fishing and hunting preserve, water park, tennis court, driving range, basketball court,

handball and racquets courts, baseball and softball field, football field, soccer and lacrosse field, polo field, track, and riding rink.

RECREATION, PASSIVE- A recreational activity that generally does not require a developed site, such as hiking, horseback riding, cross-country skiing, and picnicking.

RECYCLABLE HANDLING FACILITY- A materials processing facility at which previously separated non-putrescible recyclables are processed, including, but not limited to, glass, paper, metals, plastic, textiles, and electronics. The composting or other reuse of biodegradable waste, such as food or garden waste is not considered recycling.

RELIGIOUS INSTITUTION- The use of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose and is subject to the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), as may be amended. The term "religious exercise", as defined in RLUIPA, shall include the exercise of religion, whether or not compelled by, or central to, a system of religious belief.

RESEARCH AND DEVELOPMENT- A use engaged in medical or scientific research, testing or experimentation, but not the manufacture or sale of products except as incidental to the primary use.

RESIDENCE, RESIDENTIAL- A building or part thereof which contains living and sleeping accommodations for permanent occupancy, including one-family, and multifamily residences, but shall not include the following:

(1) Transient accommodations, such as a hotel, motel, or hospital;

(2) Boardinghouse, fraternity, and sorority house; or

(3) That part of a building containing both residences and other uses which is used for a nonresidential use, except accessory uses for residences.

RESIDENTIAL DISTRICT- The following districts shall be considered residential districts: A, RA3, RA5, R40, R30, R20, R15, R10, MR, TH, PUD, and MH.

RESIDENTIAL FACILITY, INDEPENDENT LIVING- A facility approved by the State of New York which is designed for residents over the age of 55 years and/or disabled residents to live without assistance. The facility shall provide dwelling units with individual kitchens and bathrooms and laundry, security and housekeeping services, and shall not provide or arrange for personal care services or home care services, or provide case management services for residents. A resident of the facility may obtain private personal care or home care services from a licensed or certified home care agency.

RESIDENTIAL CARE FACILITY, ASSISTED LIVING- A facility approved by the State of New York which is designed for residents with physical, cognitive, or memory needs. The facility shall provide housing, on-site monitoring, case management services, and personal care services and/or home care services. The facility does not typically provide in-room cooking facilities and generally provides for congregate meals, and does not provide intensive medical or nursing services.

RESIDENTIAL HEALTH CARE FACILITY (NURSING HOME)- A facility approved by the State of New York which is designed for frail elderly and chronically-disabled residents. The facility shall provide 24-hour medical care, activities, supervision, and social services and may offer a wide-range of medical-based services, including rehabilitation, occupational and physical therapy, and services to

residents with special needs, chronic or life-threatening conditions.

RESTAURANT, DRIVE-THRU- A building where patrons may order and/or pick-up food or beverages from a vehicle.

RESTAURANT, FAST-FOOD- A building where patrons are not customarily served at tables or sit-down counters and where all or a portion of the food is prepared, and wrapped, bagged or prepackaged, or is prepared in a manner in anticipation of customers, and where the customer places an order at a common counter or drive-in facility by waiting in line and either consumes the food at tables provided in or adjacent to the building, in vehicles on site, or elsewhere.

RESTAURANT, SIT-DOWN- A building where patrons are seated principally at a table and are waited on when seated, where a full line of meals is offered, where the main proportions of the meals are not precooked or prepackaged, in anticipation of customers. Alcoholic beverages may also be served, but is secondary and incidental to the serving of meals.

RETAIL- A use involving the sale of goods, merchandise and services to the public.

RETAIL, LOCAL- A retail use in a structure with a maximum gross floor area of 20,000 square feet.

RETAIL, GENERAL- A retail use in a structure with a maximum gross floor area of 250,000 square feet.

SEDIMENTATION- The depositing of material by wind or water and settling of the material in a body of water.

SEQRA- The State Environmental Quality Review Act and regulations promulgated thereunder.

SETBACK- The minimum allowable horizontal distance from a given point or line of reference, such as a property line, street, right-of-way or future right-of-way, if such has been determined, to the nearest vertical wall of a building or structure as defined herein.

SHOPPING CENTER- Two or more retail or service uses in a single structure or as a group of buildings with common access and parking facilities.

SHOPPING CENTER, LOCAL- A shopping center where the combined total of all retail and service uses has a maximum gross floor area of 45,000 square feet.

SHOPPING CENTER, GENERAL- A shopping center where the combined total of all retail and service uses has a gross floor area exceeding 45,000 square feet but not more than 250,000 square feet.

SHOPPING CENTER, REGIONAL- A shopping center where the combined total of all retail and service uses has a gross floor area exceeding 250,000 square feet.

SIGN- A structure, device or display consisting of, but not limited to, a letter, symbol, trademark, model, banner, flag, pennant, insignia, light decoration, illustration, representation or combination thereof used for the purpose of advertisement, announcement, identification or other attention-directing intent for a business, article, substance or service. A sign does not include the flag, pennant or insignia of a governmental or religious institution and does not include a display of a court or official public notices.

SIGNABLE AREA, WALL- The continuous portion of a building face unbroken by doors or windows.

It is the area in which structure-mounted signs are permitted.

SIGN, ADVERTISING- A sign which directs attention to a business, principal commodity, service or entertainment, conducted, sold or offered, elsewhere than upon the premises where the sign is located or to which it is affixed.

SIGN AREA- The area of a sign shall be determined as the largest rectangle that is required to enclose the sign, including a frame or panel signs of individual letters, excluding supports, braces or guys. No more than two such rectangles may be used to enclose and measure the area of a sign.

SIGN, BILLBOARD or COMMERCIAL ADVERTISING- An advertising sign, structure or symbol, erected and maintained by an individual or corporation engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service, or commercial enterprises, upon which space there is displayed, by means of painting, posting or other method, advertising copy describing products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

SIGN, BUSINESS- A sign which directs attention exclusively to a business, profession or industry conducted upon the premises on which the sign is located, or to a primary product, commodity or service sold by such business or industry, and shall be deemed an integral part of such business or industry.

SIGN, CARICATURE OR BIZARRE- A sign on which representation, especially pictorial, of the distinctive features or peculiarities of the subject are exaggerated or distorted to produce a comic, misleading or grotesque effect.

SIGN, FLASHING- An illuminated sign on or in which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, FREESTANDING OR POLE- A sign which is supported by a pole, pylon, upright, brace or similar manner placed in the ground and which stands free of a building or solid base structure.

SIGN, ILLUMINATED- A sign which has characters, letters, figures, designs or outline, illuminated by electric lights, neon or luminescent tubing.

SIGN, MONUMENT- A sign which is permanently affixed to the ground at its base and supported entirely by a solid base structure only.

SIGN, OFFICIAL- A sign, symbol or device erected and maintained by a governmental unit.

SIGN, PAINTED WALL- A sign which is painted directly on the surface of a wall or other structure.

SIGN, PICTORIAL- A sign which physically represents an object of which contains an abstract, graphic logo, geometric design or other pictorial matter.

SIGN, PROJECTING- A sign which is attached to a building or structure, or beyond the surface of that portion of the building or structure to which the sign is attached, and not parallel to the face of the building.

SIGN, REPRESENTATIONAL- A three-dimensional sign which is built so as to physically represent the object advertised.

SIGN, ROOF- A sign which is erected, constructed and maintained wholly upon or above the roofline of a building with the principal support on the roof or eave structure.

SIGN, TEMPORARY- A sign, banner or other advertising device with or without a structural frame intended for a limited period of display, including decorative displays for holidays, public demonstrations or specific events.

SIGN, WALL- A sign or poster on a surface or panel that may be affixed to the wall of a building or structure, with the exposed face of such sign in a plane approximately parallel to the plane of the wall, and projecting not more than 12 inches beyond the building line or face of a wall.

SITE PLAN- A plan, prepared to scale, showing accurately and with complete dimensioning all of the uses proposed for a specific parcel of land.

SOLAR ENERGY SYSTEM – A solar photovoltaic collection device and equipment that uses solar radiation to generate energy. See Supplemental Regulations 280-40.

SOLAR ENERGY SYSTEM, ACCESSORY – A roof- or ground-mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel.

SOLAR ENERGY SYSTEM, MAJOR – A ground- or roof-mounted solar energy system that produces power to off-site customers. See Supplemental Regulations 280-40.

SPECIAL OCCASION FACILITY- A building or lot used for social functions. See Supplemental Regulations §280-40.

SPECIAL USE PERMIT- An authorization by the Zoning Board of Appeals to use land which is deemed permissible within a zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district, and is subject to conditions set forth for such use, as well as other applicable provisions of this chapter.

STORY- The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above**.**

STORYABOVE GRADE- A story with a finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is, at any point, more than six feet above the finished grade or grade level.

STORY, HALF- The portion of a building situated above a full story and having at least two opposite, exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

STREET- A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare.

STREET LINE- See "Right-of-Way" and "Highway Line."

STREET WIDTH- The width of the right-of-way or the distance between property lines on opposite sides of a street.

STRUCTURALLY ALTER- An alteration whereby a building or other structure is adapted to another, different or expanded use.

STRUCTURE- Anything constructed or built, a building, or piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming and wading pools, covered patios, towers, smokestacks, and poles, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas, retaining walls, and fences.

SWIMMING POOL- A structure for swimming or recreational bathing capable of containing water over 24 inches (610 mm) deep, including, but not limited to, in-ground, above-ground and on-ground swimming pools, hot tubs, and spas. See Supplemental Regulations §280-40.

TELECOMMUNICATIONS TOWER- A structure which supports telecommunications facilities, whether self-supporting lattice or monopole structure constructed from grade as a freestanding structure or a guyed tower or structure erected or intended for the use of one or more antennas for transmitting and/or receiving radio, television, digital, telephone, cellular, microwave or other similar electronic communications. The term telecommunications tower shall not include amateur radio operators' equipment, as licensed by the FCC. See Supplemental Regulations §280-40.

TEMPORARY STRUCTURE- A structure used on a temporary basis and used only for the storage of items customarily incidental to the principal use and located on the same plot with such principal use.

TEMPORARY BULK WASTE CONTAINER- A container designed to receive, transport or dump trash, rubbish, waste, debris, and/or garbage or other materials associated with construction or demolition, including, but is not limited to, roll off dumpsters.

TEMPORARY CONSTRUCTION TRAILER- A structure or mobile trailer used at a construction site as a field office or for incidental storage purposes.

TEMPORARY STORAGE CONTAINER- A container, other than an accessory building, used for temporary storage of personal property, building materials and equipment for use on a limited basis on a lot, including, but not limited to a POD or self-storage container.

TOPOGRAPHICAL ALTERATION- The incidental excavation or deposit of soil product where the intent is to develop a building lot or building lots pursuant to Subdivision approval or for agricultural purposes; or where the time of the project is less than one year and the volume of material removed is less than 200 cubic yards.

TOWN- The Town of Guilderland, New York.

TOWN BOARD- The Town Board of the Town of Guilderland, New York.

TOWNHOUSE- See "Dwelling, Town House."

TRADITIONAL NEIGHBORHOOD- A mixed-use neighborhood where site design and layout allows for and encourages nonmotorized and less-intrusive methods of transportation.

TRUCK STOP- A location for servicing trucks, including the sale of fuel and the provision of support facilities for truck drivers.

USE- This term includes:

(1) The purpose for which a building, structure or land may be arranged, designed, intended, maintained or occupied.

(2) An occupation, business activity or operation conducted (or intended to be conducted) in a building or other structure or on land.

VARIANCE, AREA- An authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or other requirements of this chapter.

VARIANCE, USE- An authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this chapter.

VEHICLE, COMMERCIAL- A vehicle with commercial license plates and either: (1) gross vehicle weight in excess of 10,000 pounds; or (2) height in excess of eight feet, six inches.

VEHICLE, HEAVY- A wrecker, commercial trailer, semi-trailer, tractor-trailer, tractor, backhoe, front loader, loader, bulldozer, dozer, and similar vehicle or equipment with a gross vehicle weight in excess of 10,000 pounds.

VEHICLE, RECREATIONAL- A vehicle, self-propelled or towed on its own chassis or attached to the chassis of another vehicle or a portable dwelling, used for temporary living, recreation or sporting purposes. The term shall include but is not limited to travel trailer, pickup camper, camping trailer, converted trucks, tent trailers, motor homes, coach motorized vehicles, buses, boats, boat trailers, skimobile trailers, snow mobile trailers, cycle trailers, racing vehicles, utility trailers, 5th wheel trailers, and similar vehicles or equipment.

VILLAGE- The Village of Altamont, New York.

WATERCOURSE or WATERWAY- A natural course or constructed channel for the flow of water. The flow of water may be continuous or intermittent.

WATER QUALITY- The minimum requirements of purity of water for various uses.

WETLANDS- Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include those areas determined to be wetlands by the U.S. Army Corps of Engineers and the NYS Department of Environmental Conservation.

WIND TURBINE- A structure consisting of turbines and associated equipment for the conversion of wind energy into electrical power.

YARD- The area on the same lot with a building or a dwelling group, which area is unoccupied and unobstructed by a structure except as permitted elsewhere in this chapter.

YARD, FRONT- The area extending the width of the lot between a building and front lot line, unoccupied and unobstructed from the ground upward except as permitted in this chapter. See Diagram at §280-24.

YARD, REAR- The area extending the width of the lot between a building and rear lot line. See

Diagram at §280-24.

YARD, REQUIRED- The portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth of width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, SIDE- The area extending from the front yard line to the rear yard line between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except as permitted in this chapter. See Diagram at §280-24.

ZERO LOT LINE- See "Lot Line, Zero."

ZONING BOARD- The Zoning Board of Appeals of the Town of Guilderland.

ZONING INSPECTOR- The Zoning Inspector of the Town of Guilderland. See §280-41.

ZONING LAW- The Zoning and Land Use Law of the Town of Guilderland.

ARTICLE III (DISTRICT USES)

§280-6 Application.

No structure shall be erected, moved, altered or enlarged, no use shall take place, be moved, altered or enlarged, and no land development activity shall take place, except in conformity with the regulations for the district in which the lot, structure or use is located and other requirements of this chapter. Where this chapter imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this chapter shall control.

§280-7 Classification of districts.

The districts shall be as follows:

Open Space District (OS)
Agricultural District (A)
Rural Agricultural-3 District (RA3)
Rural Agricultural-5 District (RA5)
Single-Family Residential Districts (R40, R30, R20, R15, and R10)
Residential Overlay District (RO)
Country Hamlet District (CH)
Multiple Residence District (MR)
Townhouse Dwelling District (TH)
Planned Unit Development District (PUD)
Manufactured Housing District (MH)
Business Non-Retail Professional District (BNRP)
Local Business District (LB)
General Business District (GB)
Industrial District (I)
Industrial Park District (IP)

§280-8 District locations and Official Zoning Map.

The boundaries for each district are indicated on the "Official Zoning Map of the Town of Guilderland" which is adopted by reference. The Zoning Map shall be kept in the office of the Town Clerk and shall bear the seal of the Town of Guilderland, a certification that it is the "Official Zoning Map of the Town of Guilderland" and its date of adoption. Changes made in district boundaries or matters portrayed on the Zoning Map shall be affixed to the Zoning Map after approval of the amendment by the Town Board. The Zoning Map, the records of its adoption, and amendments shall be preserved by the Town Clerk.

§280-9 Interpretation of district boundaries.

An interpretation as to district boundaries on the Zoning Map shall apply the following rules:

A. Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys, highways, railroads or streams, such lines shall be construed to be such district boundaries.

B. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.

C. Whenever a district boundary divides a lot into two or more districts, the zoning regulations applicable to each portion of the lot shall apply.

D. Whenever a street, alley or public way is abandoned as authorized by law, the zoning adjoining each side of such street, alley or public way shall be extended to the center of the former right-of-way, and the area included in the abandonment shall be subject to all regulations of the extended district. In the event that none of the above rules is applicable, the location of such boundary, unless indicated by dimensions on the map, shall be determined by the Town Board upon recommendation of the Planning Board.

§280-10 Open Space (OS) District.

A. Purpose. The purpose of the OS district is to delineate open, natural and forested areas as permanently protected open space, and to identify and preserve those areas conveyed to the Town or reserved as a condition of Subdivision approval, Site Plan approval, or Special Use Permit for recreational, aesthetic, environmental protection or buffering purposes.

B. Permitted uses. The following uses and their accessory uses are permitted unless prohibited as a condition of an approved Subdivision, Site Plan, or Special Use Permit:

(1) Agriculture and Farming.

(2) Public park.

(3) Recreation, Passive.

(4) Wildlife preserve and preserve of historic, scenic or scientific area.

§280-11 Agricultural (A) District; Rural Agricultural (RA3, RA5) Districts.

A. Purposes. The purposes of these districts are to ensure an economic and physical environment for

agricultural use of land. These districts are intended to support creative, low-impact development patterns, and land uses that are complimentary to agricultural uses and protect natural resources, including the Watervliet reservoir and watershed as a source of drinking water. These districts promote the maintenance of the natural landscape and limit the adverse impacts of development through incorporation of the cluster or conservation development approach and related design flexibility. Nothing in this chapter shall supersede the applicable provisions of the Right-to-Farm Law, Local Law No. "E" of 2007 for Albany County, as may be amended.

B. Permitted Uses. The following uses and their accessory uses are permitted:

(1) Agriculture or Farming.

(2) Family Apartment, see Supplemental Regulations §280-40.

(3) Family Day-Care Home.

(4) Group Family Day-Care Home

(5) Farm Stand, see Supplemental Regulations §280-40.

(6) Minor Home Occupation, see Supplemental Regulations §280-40.

(7) Public Building.

(8) Recreation, Passive.

(9) Single-Family Dwelling.

(10) Two-Family Dwelling, provided that it is located on a minimum of three acres.

(11) Wildlife preserve and preserve of historic, scenic or scientific area.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) Animal Hospital.

(2) Bed-and-Breakfast with a maximum of four guest rooms.

(3) Cemetery, provided that a burial, memorial plot or building shall be located a minimum of 100 feet from a residential lot line. A crematory shall be located only in a cemetery.

(4) Day-Care Center, provided that it fronts on a state or county highway.

(5) Nonprofit private school.

(6) Public Utility.

(7) Religious Institution.

D. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit

under §280-52:

(1) Contractor Yard or Construction Company.

(2) Farm implement store, farm machinery sale and service, and other agricultural related business.

(3) Garden Facility/Nursery.

(4) Home Occupation, see Supplemental Regulations §280-40.

(5) Inn, see Supplemental Regulations §280-40.

(6) Kennel, see Supplemental Regulations §280-40.

(7) Landscaping/Lawn Contracting Facility, see Supplemental Regulations §280-40.

(8) Mining and Excavation, see Supplemental Regulations §280-40.

(9) Recreation, Commercial, but not including such intensive commercial uses as a race track or amusement park.

(10) Residential Care Facility, Independent Living.

(11) Residential Care Facility, Assisted Living.

(12) Solar Energy System, Major, see Supplemental Regulations §280-40.

(13) Special Occasion Facility, see Supplemental Regulations §280-40.

E. Conservation Subdivision. The Planning Board is authorized to require adherence to the Residential Cluster/Conservation Development regulations, §280-35, for a subdivision application where, in the opinion of the Planning Board, the purpose of this section and applicable Town design guidelines cannot be met under conventional subdivision methods. A lot created under the Residential Cluster/Conservation Development regulations that is smaller than the minimum required dimensions shall be limited to residential uses only.

F. Single lot exemption. The owner of a parcel of at least five acres in area in the RA3 District and at least seven acres in the RA5 District as depicted on the real property tax map on file with the Town Assessor as of June 1, 2005, may apply to the Planning Board for an exemption to subdivide provided the applicant complies with the following:

(1) Only one single lot exemption shall be permitted from any parcel.

(2) Each lot created or remaining shall comply with the following:

(a) a minimum of two acres in area in RA3 District and a minimum of three acres in area in the RA5 District;

(b) applicable dimensional and environmental requirements; and

(e) public health regulations of water supply and wastewater disposal and for safe access directly to a public road.

(3) The Planning Board shall render a determination that such application meets the requirements of this section. The plat shall be submitted for final approval to the Planning Board with the following notation: "The two new parcels created by this Subdivision have been granted a one-time single lot exemption. Any further subdivision of the parent parcel shall meet the complete lot area and dimensional requirements of the current Town of Guilderland Zoning Code." The Town Assessor shall maintain a map and record of all parcels that have received the benefits of this one-time, single lot exemption provision.

G. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in these districts are set forth in Article IV.

§280-12 Single-Family Residential (R40, R30, R20, R15, R10) Districts.

A. Purpose. The purpose of these districts is to maintain and promote suitable residential living environments and protect their residential character. The districts provide for single-family homes, and other compatible uses.

B. Permitted uses. The following uses and their accessory uses are permitted:

(1) Single-family Dwelling.

(2) Two-family Dwelling may be constructed on a lot fronting on a State highway provided that:

(a) The lot size and width shall be 1 1/2 times the minimum required in this district;

(b) The two-family dwelling unit shall have a maximum setback of 250 feet;

(c) The lot has a T- , U- or other driveway as approved by the Zoning Inspector to ensure that motor vehicles do not have to back out onto the highway; and

(d) A sidewalk is constructed along the right-of-way.

(3) Family Apartment, see Supplemental Regulations §280-40.

(4) Family Day-Care Home.

(5) Group Family Day-Care Home.

(6) Minor Home Occupation, see Supplemental Regulation §280-40.

(7) Public Building and Park.

(8) Recreation, Passive.

(9) Wildlife preserve and a preserve of scenic, historic and scientific areas.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) Bed-and-Breakfast with a maximum of four guest rooms, provided that the property is eligible for or listed on the National Register of Historic Places and has a minimum area of one acre.

(2) Cemetery, provided that any burial, memorial plot or building shall be located a minimum of 100 feet from any residential lot line. Crematories shall be located only in cemeteries.

(3) Home Occupation, see Supplemental Regulations §280-40.

(4) Public Utility.

D. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit under §280-52:

(1) Community Center.

(2) Day-Care Center, provided that such center fronts on a state or county highway.

(3) Driving range on a minimum of 12 acres, provided no food or alcohol is offered for public consumption.

(4) Golf Course.

(5) Non-profit private school.

(6) Religious Institution.

(7) Residential Facility, Independent Living;

(8) Residential Care Facility, Assisted Living;

(9) Residential Health Care Facility (Nursing Home).

(10) Special Occasion Facility, see Supplemental Regulations §280-40.

E. Dimensional and Site Requirements. Dimensional and site requirements applicable to uses that are permitted or authorized in these districts are set forth in Article IV.

§280-13 Residential Overlay (RO) District.

A. Purpose. The purpose of the RO district is to encourage new development to gain ingress and egress directly with connector streets, thereby reducing traffic within subdivisions.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

(1) Collector Street. NYS Route 20 and NYS Route 146 shall be considered collector streets. The Town Board may add to or modify the list of collector streets upon the

recommendation of the Planning Board and Superintendent of Highways. The Town Board shall consider the following criteria in adding to the list of collector streets:

(a) Whether the road has a limited number of curb cuts, proper signalization at intersections, and access to intersections by means of left turn lanes so as to permit the free flow of traffic and allow for the safety of pedestrians and motorists.

(b) Whether the road has a dedicated pedestrian sidewalk.

(c) Whether the road has a dedicated bicycle path.

(d) Whether, in the opinion of the Superintendent of Highways, the road has been constructed to withstand current and anticipated levels of traffic. The Superintendent shall consider width of pavement, width of shoulders, depth of road base and the depth and condition of pavement top course.

C. Access to collector street. The density of a subdivision may be increased by the Planning Board by up to 100 percent of the required density in a designated RO District, provided that such subdivision has a right of ingress or egress to a collector street from the subdivision without passing on or over a noncollector street.

§280-14 Country Hamlet (CH) District.

A. Purpose. The CH district provides for the development of land consistent with the design principles of traditional neighborhoods, including: compact, pedestrian-scale design; a mix of uses (limited-scale commercial, residential, civic, open space, etc.); a mix of housing styles and types; interconnected streets with sidewalks, multipurpose pathways and other amenities to encourage pedestrian and bicycle use; and links to existing and future developments, community centers, parks and recreation resources. These hamlets conserve rural landscapes as natural areas, working farms and forest lands providing substantial benefits and open space amenities to the residents of the hamlet and the greater community.

B. Applicability. A CH District is limited to property located in RA3 or RA5 Districts. An application to rezone property to a CH District is a voluntary action by the applicant, with approval at the discretion of the Town Board. A CH District shall include a variety of allowed residential and commercial uses and shall reflect the principles and guidelines set forth in Town design guidelines and this section.

C. Permitted Uses. The following uses and their accessory uses are permitted:

(1) Residential uses. All residential types shall be allowed. A variety of housing types that are appropriate and compatible with the surrounding areas should be considered.

(2) Non-Residential uses. All uses allowed in the BNRP District and LB District shall be allowed.

D. Requirements. A property included in a CH District application shall be compatible with the surrounding area and shall comply with the following requirements:

(1) The minimum size is 160 acres. An application for property less than 160 acres may be

considered when the property is located adjacent to an existing CH District, Village, or hamlet area as determined by the Town Board.

(2) Access to wastewater and water infrastructure.

(3) Frontage on and access to a county or state highway.

(4) Base Density. The Base Density for residential and non-residential uses is allowed as follows:

(a) Residential uses. The maximum allowed residential density use is 0.8 dwelling unit per acre of buildable land. Multiple-family dwelling units may not exceed more than 20 percent of all allowed dwelling units.

(b) Non-Residential uses. Non-Residential uses can be substituted for residential units subject to the following limitations:

(i) The maximum allowed commercial use is 1,000 square feet per allowed dwelling unit.

(ii) No single commercial structure shall exceed 25,000 gross square feet.

(iii) No more than 40 percent of the total allowed density may be dedicated to commercial uses.

Example: Buildable Land: 80 acres
Maximum Residential Units: 0.8 (80 acres)= 64 units
Maximum Commercial Space: 0.4(64)x1,000SF=25,600SF

(5) Density bonus. The Town Board may award a density bonus based on providing open space exceeding minimum requirements of this section or providing community amenities. Such open space and amenities may be located within or outside of the CH District or take the form of a monetary contribution to the parkland fund. The determination of bonuses shall be made by the Town Board as follows:

(a) High percentage of conservation. Where a minimum of 75 percent of total acreage of the CH District is protected as conservation areas in perpetuity, the allowed Base Density may be increased by 25 percent.

(b) Historic Resources. Where a development protects historically significant buildings, resources, or landscapes, the allowed Base Density may be increased by 5 percent. Historical significance shall be established pursuant to the findings of the Town Historian and/or the NYS Office of Parks, Recreation & Historic Preservation.

(c) Off-site linkages. Where a development includes linkages such as sidewalks to off-site resources and community amenities, the allowed Base Density may be increased by 10 percent.

(d) Extension of public water. Where an applicant provides extensions of public water facilities along corridors and to areas where it is not provided, the allowed

Base Density may be increased by 20 percent. Such public water extension shall be available for use by properties off of the applicant's development site.

(e) Senior Housing. Where a minimum of 25 percent of dwelling units or a minimum of 36 dwelling units are designed for and restricted to senior housing, the allowed Base Density may be increased by 25 percent.

(f) Other. The Town Board may increase the allowed Base Density by up to 25 percent over the allowed Base Density based on the applicant providing additional amenities that meet the goals and objectives of this section and Town design guidelines.

(6) Limits on density bonus. A density bonus shall not exceed 25 percent of the allowed Base Density, except where an applicant provides incentives regarding public water or senior housing. In these situations, the density may be increased up to 40 percent of the allowed Base Density.

(7) Open space. The following open space requirements shall be provided:

(a) A minimum of 60 percent of the property shall be open space and contain a minimum of 50 percent of the gross buildable area.

Example: Site: 100 acres
Buildable Land: 80 acres
Minimum Required Open Space: 60 acres
containing 40 acres of buildable land

(b) Unless otherwise established by the Town Board, the Planning Board shall determine the amount of open space that shall be publicly accessible.

(c) Allowed uses in open space shall be limited to the following:

(i) Agriculture or Farming.

(ii) Forestry operations with a forest management plan developed by a forester participating in the NYS DEC cooperating forestry program.

(iii) Nature preserves.

(iv) Recreation, Passive.

(v) Stormwater management systems.

(vi) Water supplies and distribution systems.

(d) Off-site open space. At the discretion of the Town Board, permanently protected open space located off of the development site may be included as part of the CH open space. Where off-site open space of permanently protected land is being offered for transfer of development intensity to the development area of the CH, the Town Board shall make a finding that the amount and quality of off-site acreage protected as open space is commensurate with the level of density

transfer being awarded. The applicant shall show how these lands will have a demonstrable benefit to the CH District and the relationship between increased development in the hamlet area and the benefit of the open space area.

(e) Contribution to Town open space fund. Where a contribution to the Town's open space fund is included and/or substituted for permanently protected land, the Town Board shall make a finding that such funds are commensurate with the level of density bonus allowed. Such funds should be sufficient for the purchase of an equivalent amount of open space related to the increase in density.

(f) Enforcement of provisions. The Planning Board, as a condition of Site Plan approval, may require the applicant to file such documents as the Planning Board shall determine are necessary to protect and preserve the use of such open area in accordance with the intent of this section.

(g) Conveyance of land. Nothing in this section shall prohibit open area created pursuant to this section to be conveyed to the Town for recreational use upon acceptance of the Town Board, or conveyed to a recognized conservation organization or other entity (e.g., school district, Pine Bush Commission) upon approval of the Town Board.

(8) Dimensional requirements.

(a) There are no dimensional requirements for the CH District. All dimensional standards shall be proposed by the applicant in the development plan in accordance with Town design guidelines and as approved by the Planning Board and/or Town Board.

(b) The Planning Board is authorized to waive all dimensional requirements of this chapter, subdivision, and other regulations to allow for site layout and design that meets the purpose and goals of this section.

(c) A table establishing setbacks for the CH District shall be included within the applicant's development plan.

(9) Off-street parking. The requirements set forth in §280-25, are used as a base to determine parking standards. For all uses, the total minimum amount of off-street parking required shall be reduced by 50 percent with the exception of the following:

(a) Single-family, two-family, and multifamily dwellings: A minimum of one off-street parking space is required for each dwelling unit.

(b) The Planning Board is authorized to establish maximum off-street parking amounts to limit excessive pavement and oversized parking lots.

(10) Trails and Sidewalks. A CH District shall include a publicly accessible trail network and/or sidewalks connecting the development to surrounding areas.

E. Review process. An application to rezone property to a CH District shall be reviewed in the same manner as a PUD under §280-17(E).

F. Amendments to the development plan. All deviations from an approved development plan shall be reviewed pursuant to the following:

(1) Requests for minor changes to the development plan adopted by the Town Board may be approved by the Planning Board, provided that the changes do not:

(a) Adversely affect land owners within 200 feet of the project boundary.

(b) Increase the total number of units.

(c) Modify the gross amount of commercial space within the project.

(d) Increase traffic impacts.

(e) Reduce the amount of open space to be provided.

(2) Requests for changes other than minor changes addressed above shall be submitted to the Town Board in the form of an updated development plan. The Town Board and Planning Board shall review the updated development plan in accordance with the procedures outlined in Subsection E, Review Process.

§280-15 Multiple Residence (MR) District.

A. Purpose. The MR district allows for development of multiple-family residences to provide an appropriate mix of housing options to meet the diverse needs of residents. This District is located in areas with convenient access to commercial uses, highways and transit corridors and where public infrastructure and services are readily available.

B. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) Apartment Building.

(2) Day-Care Center, provided that such center fronts on a state or county highway.

(3) Family Day-Care Home.

(4) Group Family Day-Care Home

(5) Non-profit private school.

(6) Public Utility.

(7) Recreation, Passive.

C. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit under §280-52:

(1) Home Occupation, see Supplemental Regulations §280-40.

(2) Religious Institution.

(3) Residential Facility, Independent Living.

(4) Residential Care Facility, Assisted Living.

(5) Residential Health Care Facility (Nursing Home).

D. Requirements.

(1) Maximum /density. The maximum density shall be 12 dwelling units per acre of buildable land.

(2) Lot area. The minimum lot area shall be as follows:

(a) One-family: 10,000 square feet.

(b) Two-family: 11,250 square feet.

(c) Three-family: 15,000 square feet.

(d) Four-family: 18,750 square feet.

(3) Floor area. The minimum floor area shall be as follows:

(a) Studio apartment (no bedroom): 500 square feet.

(b) One-bedroom apartment: 600 square feet.

(c) Two-bedroom apartment: 800 square feet.

(d) Three-bedroom apartment: 950 square feet.

E. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

F. Common Open Spaces and Recreational Activities. Adequate accommodations shall be made for parks and recreational activities for residents pursuant to §280-36.

§280-16 Town House Dwelling (TH) District.

A. Purpose. The TH district allows for the development of townhouse units to provide a housing alternative that meets the diverse needs of residents.

B. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) Dwelling, Town House.

(2) Family Day-Care Home.

(3) Group Family Day-Care Home.

(4) Home Occupation I, see Supplemental Regulations §280-40.

(5) Public Utility.

(6) Recreation, Passive.

C. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit under §280-52:

(1) Day-Care Center provided that such center fronts on a state or county highway.

(2) Religious Institution.

D. Requirements.

(1) Maximum density. The maximum density shall be six units per acre of buildable land.

(2) Floor area. Townhouse dwelling units shall have a minimum of 1,000 square feet of habitable area and not less than 20 feet in width.

(3) There shall be no more than four townhouse units attached by common or party walls.

E. Dimensional and Site Requirements. Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

F. Common Open Spaces and Recreational Activities. Adequate accommodations shall be made for parks and recreational activities for residents pursuant to §280-36.

§280-17 Planned Unit Development (PUD) District.

A. Purpose. The PUD district provides for flexible land use and design so that small- to large-scale neighborhoods can be developed that incorporate a variety of residential types and nonresidential uses, and which may contain both individual building sites and common property which are planned and developed as a unit. The PUD district shall include preservation of trees, natural topography and geologic features; efficient use of land resulting in smaller networks of utilities; interconnected streets; and, a plan supportive of transit service and consistent with smart growth principles.

B. Applicability. An application to rezone property to a PUD district is a voluntary action by the applicant, with approval at the discretion of the Town Board.

C. Permitted uses. The following uses are permitted:

(1) Residential uses. All residential uses shall be allowed. Housing types should be appropriate and compatible with the surrounding area.

(2) Non-Residential uses. All uses allowed in the Business Non-Retail Professional District (BNRP) and the Local Business District (LB) shall be allowed. Business uses should be appropriate and compatible with the surrounding area.

D. Requirements. A PUD application shall comply with the following requirements:

(1) Access to municipal wastewater and water infrastructure.

(2) Direct vehicular access to a county or state highway.

(3) Setbacks.

(a) Front setbacks shall meet the minimum requirements listed in Special Highway Access Control and Setback Requirements in §280-31.

(b) Side and rear setbacks shall be established by the Planning Board through Site Plan approval, or may be specifically required by the Town Board, and identified on the Site Plan/Subdivision plat.

(c) Steep slope and watercourse setbacks shall meet the minimum requirements listed in §280-30.

(4) Open space. Adequate accommodations for parks and open space as set forth in §280-36 shall be provided.

(5) Off-street parking and loading requirements. Off-street parking and loading areas shall be provided as listed in §280-25. The off-street parking requirements of two or more uses, structures or parcels may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in use. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space shall be evidenced by a deed, lease, contract or appropriate written document.

E. Review process. An application to rezone property to a PUD shall be reviewed as follows:

(1) Planning conference with the Town Planner. Prior to submission of an application, the applicant shall provide a description of the project to the Town Planner at a pre-application conference. The submittal shall include sketch plans prepared under §280-53, a description of how the project meets the requirements of this section, and a narrative describing the project. The purpose of this conference is to discuss the purpose and goals of the district, review the approval process, ensure that the applicant has considered site plan design guidelines under §280-39, and review the general project description. The Town Planner shall issue a report on the proposal to the Town Board.

(2) Initial Town Board Review. The Town Board shall make an initial decision whether to consider the proposal based on the report from the Town Planner and whether the proposal meets the intent of this section. If the Town Board decides to set a public hearing to consider the proposal, the applicant shall submit a formal rezoning application and sketch plan. The Town Board shall refer all such applications to the Planning Board for its review.

(3) Planning Board sketch plan review. Before a public hearing is conducted by the Town Board, the applicant shall submit a sketch plan to the Planning Board under §280-53. The Planning Board shall issue a report on the sketch plan to the Town Board.

(4) Application to Town Board. Upon receipt of the sketch plan report from the Planning Board, the Town Board shall conduct a public hearing on the application.

(a) The application shall follow the requirements set forth in Amendments, §280-58, and shall include the sketch plan and the Planning Board sketch plan report.

(b) The Town Board shall determine the appropriate land use intensity and dwelling unit density.. When determining land use and dwelling unit density, the Town Board shall be guided by the allowed densities established in this chapter and any recommendation by the Planning Board.

(c) The Town Board shall determine whether any additional information is necessary for the Town Board to make a determination of significance under SEQRA.

(5) Preliminary Site Plan review. Upon the Town Board's determination of land use intensity and dwelling unit density, and SEQRA determination, the applicant shall submit a site plan showing existing conditions and future development pattern for preliminary review by the Planning Board. The plan shall be prepared in accordance with the regulations of this chapter and applicable Town design guidelines. The site plan shall be prepared as set forth in §280-53(e) and also include the following:

(a) Delineation of proposed open space, recreational, and civic areas by type (preserve, parkland, agriculture, common area, neighborhood green, or plaza).

(b) Drawings indicating the architectural character and appearance of building types including construction materials.

(c) Streetscape drawings showing streets with travel lane dimensions and right of way widths, sidewalks, parking, street lights, tree planting areas and other landscaping.

(d) Use, size, location and height of all proposed buildings and structures including building envelopes and dimensional standards.

(e) A development schedule if phasing is proposed.

(6) Preliminary Approval. The Planning Board's decision shall state whether the development plan is approved, conditionally approved, or denied. The Planning Board's decision may include proposed revisions to be incorporated in the final site plan. If the preliminary site plan is disapproved, the Planning Board shall provide reasons for such findings or may recommend further study of the application and resubmission of the site plan to the Planning Board after it has been revised.

(7) Town Board approval. Upon receipt of the Planning Board's preliminary site plan review, the Town Board shall hold a public hearing on the proposed rezoning. The Town Board shall deny, approve, or approve with amendments the rezoning application subject to final site plan review by the Planning Board in accordance with the procedures established in §280-53. The Town Board may also refer any proposed amendment to the Planning Board for report and recommendation before adoption. If approved, the Town Board shall adopt a local law amending the official zoning map creating the PUD district. The map shall contain a reference to the local law's date of adoption and number. The

local law shall reference the final site plan and any conditions of approval.

(8) Subdivision approval. If the application requires subdivision approval, the Planning Board's preliminary approval and the Town Board's approval constitute subdivision approval under Chapter 247, Subdivision of Land, subject to the following conditions:

(a) The applicant shall prepare sets of subdivision plats suitable for filing with the Albany County Clerk.

(b) The applicant shall plat the entire development as a subdivision; however, projects being developed in phases may be platted and filed in the same stages.

(c) Final Site Plan approval under §280-53 shall constitute final plat approval under Chapter 247, Subdivision of Land, and provisions of NYS Town Law §276 regarding the filing of a plat with the Albany County Clerk shall apply.

F. Change in Tenancy or Use. A change in tenancy or use for which the Zoning Inspector makes a written determination that the change in tenancy is similar to a use allowed and/or consistent with conditions imposed in an approved PUD shall be allowed. A change in tenancy or use that is inconsistent with the approved PUD shall require an application for a PUD amendment to the Town Board.

G. Financial responsibility. No building permit shall be issued until all public improvements are installed or a letter of credit posted under NYS Town Law §277 or escrow account established to cover costs of the improvements.

H. Lapse. The Town Board shall consider a provision whereby approval of PUD may lapse or become void upon failure of the applicant to proceed with construction of the development in a timely manner or otherwise fail to meet conditions of approval. The Town Board may consider rezoning the parcel(s) back to the zoning designation prior to approval of the PUD.

I. Continuing jurisdiction. The jurisdiction of the Planning Board shall continue until all of the structures, streets, green/parkland areas and improvements shown on the final approved site plan have been either fully completed or dedicated. The Planning Board shall have the authority to direct the Chief Building Officer to issue a stop-work order if at any time it is determined that said structures, streets, green/parkland areas and improvements are not in conformity with the final approved site plan.

§280-18 Manufactured Housing (MH) District.

A. Purpose. The MH district provides for operating and maintaining Manufactured Housing Units.

B. Site Plan Use. The following use and its accessory uses are authorized by Site Plan approval under §280-53:

(1) Manufactured Housing Community.

C. Requirements.

(1) Water supply and sewerage. No Manufactured Housing Community shall be established except in an area serviced by municipal water supply and distribution system and

municipal sanitary sewer system to which each manufactured housing unit shall be connected. Each manufactured housing unit shall grant to the Town such easements, for water and sewer use, as deemed necessary by the Superintendent of Water and Wastewater Management.

(2) Land area. A Manufactured Housing Community shall contain not less than 25 acres and shall be laid out in consecutively numbered unit lots with a minimum area of 7,500 square feet, each of which shall be a minimum of 50 feet in width at the front installation point.

(3) Use and accessory uses. The use within a Manufactured Housing Community shall be residential and may include accessory uses including a garage for vehicles, storage, laundry, and recreational facilities for the sole use of residents of the court.

(4) Streets.

(a) Entrance roads. Entrance roads leading into or out of a Manufactured Housing Community shall be a minimum width of 50 feet and shall be constructed on compacted gravel. The width and depth of the gravel shall be determined based upon soil conditions existing at the site. The entrance road shall be surfaced to a minimum width of 30 feet in asphalt concrete material three inches in depth and shall be provided with a water drainage system designed to convey surface water into a natural watercourse.

(b) Interior streets. Interior streets shall be not less than 35 feet in width and shall be constructed on compacted gravel. The width and depth of the gravel shall be determined as provided in subsection C(4)(a). Such streets shall be surfaced to a minimum width of 30 feet with an asphalt concrete material three inches in depth and shall be provided with a water drainage system to convey surface water into a natural watercourse.

(c) Underdrains. The Planning Board is authorized to require underdrains whenever it finds such facilities to be reasonably necessary to the preservation and maintenance of roads and streets.

(5) Number of Manufactured Housing Units. No Manufactured Housing Community shall contain more Manufactured Housing Units than the number of lots approved by the Planning Board. No more than one Manufactured Housing Unit shall occupy a single-unit lot, and no Manufactured Housing Unit shall occupy land area not designated as a unit lot.

(6) Size of Manufactured Housing Unit. A Manufactured Housing Unit shall have a minimum of 850 square feet of floor area.

(7) Buffer zone. A Manufactured Housing Community shall be buffered from surrounding properties and highways by a minimum 25-foot wide strip of land which shall be maintained as an undeveloped area abutting all adjoining property lines. No part of a lot, dwelling, or structure shall be placed within such buffer zone.

(8) Setbacks. No Manufactured Housing Unit or service building shall be closer to a public street or highway or public street or highway right-of-way than 50 feet or closer to a court

property line than 30 feet. No Manufactured Housing Unit or structural extension thereof, or accessory building shall be placed on a unit lot within 12 feet of a lot side line or 20 feet of a lot front or rear line.

(9) Off-street parking. Each lot shall be provided with a driveway surfaced with asphalt concrete material, designed and laid out to provide for no less than two off-street parking spaces each having a minimum width of nine feet and minimum length of 20 feet.

(10) Open area. A Manufactured Housing Community shall provide and maintain a minimum open space area of 10 percent of the total area. The use of such open areas shall be limited to recreational and agricultural purposes, and no structure shall be erected upon the lands of such open areas except such as shall be determined by the Planning Board to be incidental to such recreational or agricultural use.

(11) Skirting. Except where the area between a Manufactured Housing Unit and the ground level is fully enclosed by a perimeter foundation, a Manufactured Housing Unit shall have perimeter skirting to conceal its wheels, chassis, and appurtenances under the dwelling.

(12) Foundation. Each Manufactured Housing Unit shall be securely anchored to a masonry foundation with a minimum width of eight inches in width and extending 18 inches below ground level. Such foundation may be constructed in the form of a perimeter foundation, lateral runners, longitudinal runners or pillars. The Manufactured Housing Unit shall be attached to such foundation in not less than four adequately spaced locations by attaching devices capable of withstanding a tension force of a minimum 2,800 pounds at the point of attachment.

(13) Fuel tank. A fuel tank shall be screened so as to be hidden from view.

(14) Signs. No commercial sign shall be displayed except that a Manufactured Housing Community may display at each public entrance a sign not exceeding six square feet in area on each side indicating the name of the Manufactured Housing Community. .

(15) Streetlights. A Manufactured Housing Community shall provide and maintain streetlights within such court in order to adequately illuminate the streets of the court. The placement and number of these lights shall be included in a plan presented to the Planning Board for its review and approval.

(16) Landscaping. The Manufactured Housing Community shall provide a landscaping plan for review by the Planning Board. The plan shall show plantings, placement of green space and buffer zones, and the types of vegetation on these and shall include the placement of at least two trees on each lot with a minimum diameter of two inches.

(17) Accessibility. Entrances and exits connecting with public streets shall intersect with such streets at ninety-degree angles. Streets within a Manufactured Housing Community shall be laid out and designed so as to provide an unimpeded flow of vehicular traffic to all Manufactured Housing Units. A street terminating within the court shall be provided with a turnaround or a cul-de-sac with a minimum radius of 70 feet.

(18) Building Code. The provisions of the NYS Uniform Fire Prevention and Building Code to the extent applicable to Manufactured Housing Units shall apply to the installation,

construction, reconstruction, renovation, modification, remodeling, rehabilitation, and occupancy of a Manufactured Housing Unit.

D. Prohibitions. No Manufactured Housing Unit shall be used, occupied or inhabited for a purpose within the Town except within a Manufactured Housing Community. No area within the Town shall be used as a Manufactured Housing Community except within an MH District. Nothing contained in this subsection shall be construed as preventing the parking or storing of uninhabited Manufactured Housing Units for the purpose of wholesale or retail sales or leasing by a vendor duly authorized to engage in such sale or leasing by Site Plan approval in an area zoned for Non-Residential use. Nothing contained in this chapter shall be construed as prohibiting the replacement of a Manufactured Housing Unit in a Manufactured Housing Community in existence on the effective date of the enactment of this section. Nothing contained in this chapter shall be construed as prohibiting the replacement of a Manufactured Housing on a site outside of a Manufactured Housing Community where such site has been continuously occupied by a Manufactured Housing Unit since July 7, 1958, and where such Manufactured Housing Unit has been continuously inhabited since that date, such replacement being subject to the provisions of §280-32.

E. Dimensional and Site Requirements. Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

§280-19 Business Non-Retail Professional (BNRP) District.

A. Purpose. The BNRP district provides for nonretail, professional, mixed uses, and employment opportunities that are accessible to residential neighborhoods. This district is intended to act as a transition area between residential and commercial districts. Shared access and rear yard parking among uses is encouraged and new development shall be compatible with the general character and residential scale of adjacent buildings and should result in an overall design that complements the existing character of the streetscape. The uses in this district require review of the impacts of lighting, noise, odors, and hours of operation on nearby properties.

B. Permitted Uses. The following uses and their accessory uses are permitted:

(1) Single-family dwelling.

(2) Family Apartment, see Supplemental Regulations §280-40.

(3) Family Day-Care home.

(4) Group Family Day-Care home.

(5) Home Occupation, Minor, see Supplemental Regulations §280-40.

(6) Two-family dwelling.

(7) A change in tenancy for which the Zoning Inspector makes a written determination that: (a) the change in tenancy is similar to a prior allowed use; (b) the building or lot complies with any conditions imposed in an approved Site Plan or Special Use Permit; and (c) the building or lot complies with the requirements of Article IV.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval

under §280-53:

(1) Barber and beauty shop.

(2) Office, General not exceeding 2,500 square feet of gross floor area.

(3) Office, Medical not exceeding 2,500 square feet of gross floor area.

(4) Public building and grounds, excluding maintenance, storage or repair facilities.

D. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit under §280-52:

(1) Animal Hospital.

(2) Day-Care Center provided that it fronts on a state or county highway.

(3) Home Occupation, see Supplemental Regulations §280-40.

(4) Mixed-Use Building, Neighborhood, see Supplemental Regulations §280-40.

(5) Mortuary or funeral home.

(6) Newspaper office, printing shop not exceeding 7,500 square feet of gross floor area.

(7) Nonprofit institution for charitable, religious, cultural or community social purposes, but not including retail activities.

(8) Office, General exceeding 2,500 square feet of gross floor area.

(9) Office, Medical exceeding 2,500 square feet of gross floor area.

(10) Private school, but not including business, dancing, trade or other commercially oriented school.

(11) Public utility substation and uses, excluding power plant or repair yard, maintenance or storage facility or uses of a similar nature.

(12) Religious Institution.

(13) Residential Care Facility, Independent Living.

(14) Other uses not specifically listed here, but determined by the Zoning Board to be of a similar nature. Under no circumstances shall a use specifically listed in the LB, GB, IP or I Districts be permitted in the BNRP District.

E. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

§280-20 Local Business (LB) District.

A. Purpose. The LB district provides for shopping, dining, professional services, and employment opportunities that are accessible from residential neighborhoods. This district provides additional alternative housing opportunities within mixed-use buildings. This district is located along highways and transit corridors and allows uses that are more intensive than those allowed in the BNRP District. The uses in this district require review of the impacts of lighting, noise, odors, and hours of operation on nearby properties.

B. Permitted Uses. The following uses and their accessory uses are permitted:

(1) A use listed as a Permitted Use in the BNRP District.

(2) A change in tenancy for which the Zoning Inspector makes a written determination that: (a) the change in tenancy is similar to a prior allowed use; (b) the building or lot complies with any conditions imposed in an approved Site Plan or Special Use Permit; and (c) the building or lot complies with the requirements of Article IV.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) A use listed as a Site Plan Use or Special Use Permit in the BNRP District.

(2) Bed and Breakfast consisting of four guest rooms or fewer.

(3) Office, General not exceeding 20,000 square feet of gross floor area.

(4) Office, Medical not exceeding 20,000 square feet of gross floor area.

(5) Recreation, Passive.

D. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit pursuant to §280-52:

(1) Auto accessories and parts (excluding repairs) provided that such use does not occupy or exceed 7,500 square feet of gross floor area.

(2) Bakery.

(3) Bank, credit union, and financial institution, including automobile drive-thru.

(4) Billiard hall provided that no alcoholic beverages are sold or served on the lot.

(5) Bowling alley.

(6) Convenience Store, Food Only.

(7) Garden Facility/Nursery.

(8) Home Occupation, <u>see</u> Supplemental Regulations §280-40.

(9) Hotel, Local

(10) Inn, see Supplemental Regulations §280-40.

(11) Laundromat or dry cleaning establishment.

(12) Mixed-Use Building, Local, see Supplemental Regulations §280-40.

(13) Office, General exceeding 20,000 square feet of gross floor area.

(14) Office, Medical exceeding 20,000 square feet of gross floor area.

(15) Residential Care Facility, Assisted Living.

(16) Restaurant, Sit-Down.

(17) Retail, Local.

(18) Shopping Center, Local.

(19) Other uses not specifically listed here, but determined by the Zoning Board to be of similar nature. Under no circumstances shall a use specifically listed in the GB, IP, or I Districts be permitted in the LB District.

E. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

§280-21 General Business (GB) District.

A. Purpose. The GB district provides a broader range of commercial uses that are more intensive than those allowed in the LB District. This district is located in areas with direct access to state and county highways and transit service and provides a wide variety of goods and services that serve town and regional needs.

B. Permitted Uses. The following uses and their accessory uses are permitted:

(1) A use listed as a Permitted Use in the BNRP District.

(2) A change in tenancy for which the Zoning Inspector makes a written determination that: (a) the change in tenancy is similar to a prior allowed use; (b) the building or lot complies with any conditions imposed in an approved Site Plan or Special Use Permit; and (c) the building or lot complies with the requirements of Article IV.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) A use listed as a Site Plan Use or Special Use Permit in the BNRP District.

(2) A use listed as a Site Plan Use in the LB District.

D. Special Use Permits. The following uses and their accessory uses are authorized by Special Use

Permit under §280-52:

(1) A use listed as a Special Use Permit in the LB District.

(2) Amusement Arcade in Shopping Center, Regional.

(3) Animal Hospital.

(4) Automobile Lot, see Supplemental Regulations §280-40.

(5) Automobile accessories and parts (excluding repairs).

(6) Automobile Service Station, see Supplemental Regulations §280-40.

(7) Bar or Tavern.

(8) Bus passenger terminal.

(9) Car wash.

(10) Clinic, Dental or Medical

(11) Club.

(12) Commercial school such as barber, beauty, art and dancing studio and similar use.

(13) Convenience Store, Gas.

(14) Dance hall, discotheque, skating rink, billiard hall.

(15) Drive-in Movie Theater, see Supplemental Regulations §280-40.

(16) Hospital.

(17) Hotel, General, see Supplemental Regulations §280-40.

(18) Motel.

(19) Office, General exceeding 20,000 square feet of gross floor area.

(20) Office, Medical exceeding 20,000 square feet of gross floor area.

(21) Places of public assemblage.

(22) Printing and copy shop.

(23) Public utility substation and uses.

(24) Recreation, Commercial.

(25) Rental of trucks, trailers, etc., associated with automobile service stations or other uses.

(26) Restaurant, Sit Down, Drive Thru, and Fast-Food.

(27) Retail, General.

(28) Shopping Center, General.

(29) Shopping Center, Regional.

(30) Telecommunications Tower, see Supplemental Regulations §280-40.

(31) Theater (not including Drive-In Theater).

(32) Other uses not specifically listed here, but determined by the Zoning Board to be of a similar nature. Under no circumstances shall a use specifically listed in the IP or I Districts be permitted in the GB District.

E. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

§280-22 Industrial (I) District.

A. Purpose. The I District provides for research and development oriented industries and other manufacturing uses which utilize advanced technology without adverse effects from smoke, noise, odors, dust and dirt. This District is also intended to attract and encourage light industrial use and light manufacturing uses with minimal environmental impacts, and where heavier industry is inappropriate due to environmental concerns or close proximity to residences.

B. Permitted Use. The following use is permitted:

(1) A change in tenancy for which the Zoning Inspector makes a written determination that: (a) the change in tenancy is similar to a prior allowed use; (b) the building or lot complies with any conditions imposed in an approved Site Plan or Special Use Permit; and (c) the building or lot complies with the requirements of Article IV.

C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53:

(1) Electronic data processing and storage.

(2) Office, General.

(3) Public Building.

(4) Research and Development.

D. Special Use Permit. The following uses and their accessory uses are authorized by Special Use Permit under §280-52:

(1) Adult entertainment establishment, see Chapter 111.

(2) Manufacturing, Light.

(3) Recreation, Commercial.

(4) Religious Institution.

(5) Solar Energy System, Major, see Supplemental Regulations §280-40.

(6) Wholesale trade and distribution, warehousing and other handing of materials except for bulk fuel and activities prohibited under §280-22(E).

E. Prohibited Uses. The following uses are expressly prohibited in the I District and any other district:

(1) Asphalt manufacture or refining.

(2) Disinfectant and insecticide manufacture.

(3) Explosives, fireworks or match manufacture, assembling or storage.

(4) Fuel, gasoline, oil storage other than fueling service at an approved truck stop.

(5) Hydraulic Fracturing or Hydro-fracking.

(6) Junkyard.

(7) Manufacturing, Heavy.

(8) Oil or Gas Drilling or Exploration.

(9) Petroleum refining.

(10) Poisons manufacture.

(11) Storage or disposal of industrial hazardous wastes as listed under Title 9 of Article 27 of the NYS Environmental Conservation Law.

(12) Sulfurous, sulfuric, nitric, picric or hydrochloric acid or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry.

(13) A use which in the opinion of the Zoning Board or Planning Board, is or is likely to be noxious or offensive due to the emission of odor, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light, or combination thereof, or is likely to be harmful or injurious to public health, safety or the general welfare.

F. Special requirements for I District. In addition to standards and regulations herein prescribed, all uses in the I District shall be subject to the following specific regulations:

(1) No use shall:

(a) Cause the emission of excessive smoke, fumes, gas, odors or other atmospheric pollutant beyond the boundaries of the district and, for the purpose of this subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's Scale for Grading Density of Smoke.

(b) Cause noise audible beyond the boundaries of the I District.

(c) Discharge waste material into a sanitary disposal system or sewerage system, except as permitted by the public health authorities of the municipality controlling such sewerage system and as permitted by the Town with respect to Town owned or operated sewerage system.

(d) Store or stock any putrid waste material.

(e) Discharge waste materials, radioactive materials, hazardous chemicals or other contaminants onto or into the ground or air.

(2) Requirements. An allowed use shall comply with the following requirements:

(a) Store all materials, supplies, finished or partially finished products on the rear half of the premises screened from any existing or proposed street.

(b) Loading docks and other facilities for the handling of freight and materials only on those sides of a building not facing a street or proposed street.

(c) Landscape the unoccupied or unused portion of the premises with lawn, trees, shrubs or other plant material with due consideration to the natural growth and the nature and condition of the terrain.

(d) Where the premises adjoin a Residential District, in addition to fencing requirements, provide a landscaped buffer strip along the district boundary with a minimum width of 100 feet.

(e) Additional conditions and requirements as may be imposed by the Zoning Board of Appeals or Planning Board where applicable upon review of a proposed development.

(3) Waiver. The Zoning Board and Planning Board may waive any of the requirements of subsection F(2) where it finds that such requirement will impose an undue or unreasonable hardship and where such waiver will not adversely affect the surrounding area.

G. General site design.

(1) There shall be an adequate, safe and convenient arrangement of roadways, driveways, off-street parking and loading space.

(2) Buildings, vehicular circulation and open spaces shall be arranged so that pedestrians are not unnecessarily exposed to vehicular traffic.

(3) Coordinated site design including, but not limited to, shared parking and circulation systems, stormwater management, signs, landscaped areas and garbage collection are encouraged for adjacent similar uses.

H. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

§280-23 Industrial Park (IP) District.

A. Purpose. The IP district provides for development of industrial parks that will accommodate light industrial, warehousing, distribution facilities, technological, research, computer, telecommunication uses, offices and similar activities in a well-designed and landscaped setting without adverse effects from smoke, noise, odors, dust and dirt. These areas should be developed to maximize investment in infrastructure, minimize impact on nearby development and offer state-of-the-art facilities. It is the intent of this District to:

(1) Provide a planned business and industrial park environment;

(2) Assure adequate town control over the physical and visual design of the developed areas;

(3) Provide flexibility to respond to the needs of business without adversely impacting adjacent development or neighborhoods; and

(4) Provide for major economic development opportunities.

B. Permitted Uses. The following accessory uses that are customary and incidental to a Site Plan Use under §280-23(C) or a Special Use Permit under §280-23(D) are permitted:

(1) Accessory Structure not exceeding 20 feet in height or 400 square feet in gross floor area, except as provided in §280-24.

(2) Day-Care Center for exclusive use of employees and guests of a principal use.

(3) Medical offices for employees and guests of a principal use.

(4) Recreational, Commercial for the exclusive use of employees and guests of a principal use.

(5) Restaurant for the exclusive use of employees and guests of a principal use

(6) Storage of equipment, goods or materials.

(7) Training center for employees of the principal use.

(8) A change in tenancy for which the Zoning Inspector makes a written determination that: (a) the change in tenancy is similar to a prior allowed use; (b) the building or lot complies with any conditions imposed in an approved Site Plan or Special Use Permit; and (c) the building or lot complies with the requirements of Article IV.

C. Site Plan Uses. The following uses are authorized by Site Plan approval under §280-53:

(1) Commercial bakery, food processing.

(2) Contractor Yard.

(3) Electronic data processing and storage.

(4) Landscaping/Lawn Contracting Facility, see Supplemental Regulations §280-40.

(5) Manufacturing, Light.

(6) Office, General.

(7) Print shop.

(8) Research and Development.

(9) Solar Energy System, Major, see Supplemental Regulations §280-40.

(10) Wholesale trade and distribution, warehousing and other handling of materials except for bulk fuel and those activities prohibited under §280-22(E).

D. Special Uses. The following uses are authorized by Special Use Permit under §280-52:

(1) Adult Entertainment Establishment, see Chapter 111.

(2) Recreation, Commercial.

(3) Recyclables handling and recovery facility. Solid waste which the facility does not intend to recover and does not contain putrescible material may be stored for a maximum of two weeks. Solid waste or recyclables shall not be stored in such a manner that they become a nuisance or a sanitary or environmental problem. All indoor and outdoor storage and handling areas shall include appropriate fire detection and protection equipment and be accessible by firefighting equipment. All outdoor storage areas shall be properly screened by landscaping and/or fencing from adjacent or nearby properties.

(4) Truck Stop provided that access to the Industrial Park is secure and not provided to the general public.

E. Prohibited Uses. The uses prohibited under §280-22(E) are prohibited in the IP district.

F. Special Requirements for the Northeastern Industrial Park. All uses in the Northeastern Industrial Park shall also be subject to the following special requirements:

(1) Future access point, surrounding roadway improvements and other mitigation measures shall be provided for as stated in the Generic Environmental Impact Statement (June 2005) and Town Board Findings Statement.

(2) For buildings along County Route 201, exterior building colors shall be light, non-gloss neutral tones, with brighter or contrasting colors used for accents.

(3) Site lighting shall consist of 400 watt (max) or lesser equivalent measurement in lumens mounted on 30 foot high maximum poles. Building mounted lighting shall have full cut-offs to direct the lighting downward.

G. General site design. Site design shall be subject to general design requirements in §280-22(G).

H. Dimensional and Site Requirements**.** Dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Article IV.

ARTICLE IV (DISTRICT REGULATIONS)

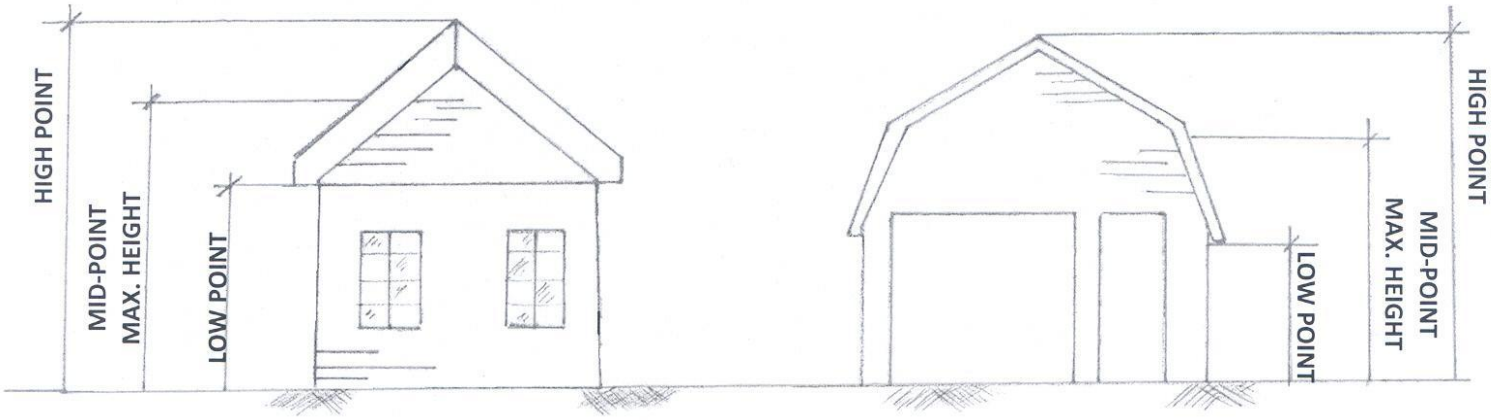
§280-24 Dimensional requirements.

A. Height Requirements.

(1) Principal Structure. Except as provided in subsection A(4), the maximum height of a principal structure shall not exceed either 2 ½ stories or 35 feet, except that in I and IP Districts, the maximum height of a principal structure shall not exceed either 3 stories or 45 feet.

(2) Accessory Structure. Except as provided in subsection A(4), the maximum height of an accessory structure shall be 15 feet, except that in Non-Residential Districts, the maximum height of an accessory structure shall be 20 feet.

(3) Measurement. The measurement of the height of a structure shall be the vertical distance from the finished grade level to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevators, tanks and similar permitted exceptions, as set forth below, shall not be included in determining the height. See Diagram.



(4) Height Exceptions**.** The following are excluded from the height limitations in subsection A (1) & (2).

(a) In the A, RA3, and RA5 Districts, barns, silos, water towers or tanks or other

farm buildings or structures on farms, provided that they are not less than 100 feet from any property line if they exceed the height limitation.

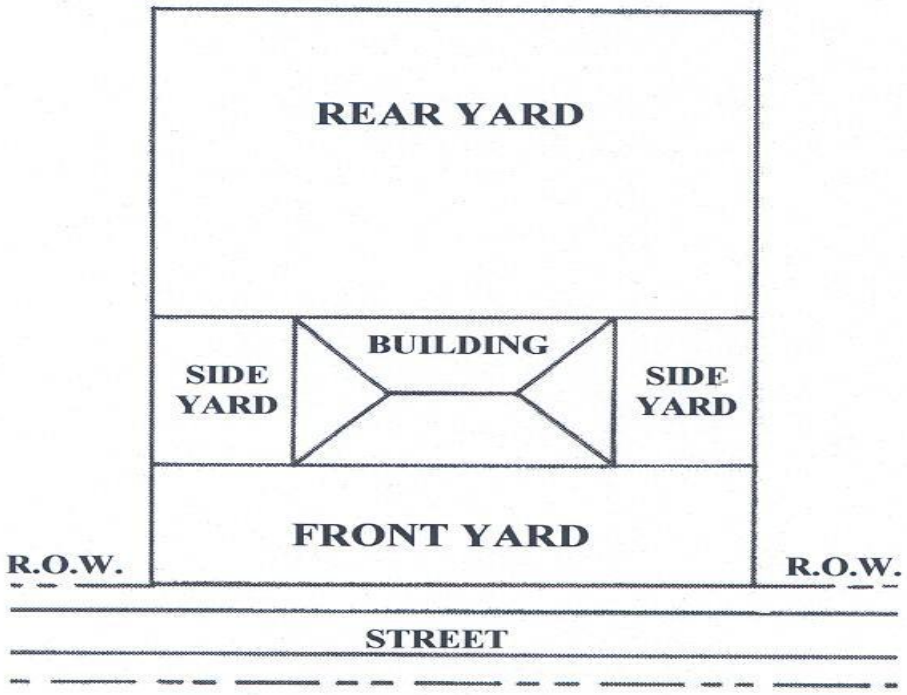
(b) Water towers, church spires, belfries, cupolas and domes, not for human occupancy, monuments, observation towers, transmission towers, chimneys, smokestacks, derricks, flagpoles, radio towers, masts and aerials, ventilators, skylights, water tanks and necessary appurtenances usually carried above roof level. Such features shall be erected only to such heights as is necessary to accomplish the purpose they are to serve.

(c) Hotel, see Supplemental Regulations §280-40.

B. Yard Requirements.

(1) Principal Structure. Except as provided in subsection B(4), a principal structure shall have the following minimum lot area, maximum lot coverage, minimum building line width, front yard setback, side yard setback, and rear year setback (see Diagram below):

District	**Lot Area (Min)**	**Bldg Line (Min. Width)**	**Front Yard**	**Side Yard**	**Rear Yard**	**Lot Coverage (Max Percentage)**
A	2 acres	200ft	50ft	50ft	100ft	30%
RA3	3 acres	200ft	50ft	50ft	100ft	30%
RA5`	5 acres	200ft	50ft	50ft	100ft	30%
R40	40,000sqft	200ft	35ft	35ft	50ft	30%
R30	30,000sqft	150ft	35ft	30ft	50ft	30%
R20	20,000sqft	125ft	35ft	20ft	50ft	30%
R15	15,000sqft	100ft	35ft	15ft	35ft	30%
R10	10,000sqft	80ft	35ft	12.5ft	30ft	30%
MR	see 280-15(D)	100ft	35ft	15ft	30ft	30%
TH	N/A	20ft	35ft	10ft	35ft	30%
BNRP	7,500sqft	50ft	25ft	10ft	35ft	70%
LB	20,000sqft	100ft	25ft	15ft	15ft	70%
GB	20,000sqft	100ft	25ft	15ft	15ft	75%
I	30,000sqft	100ft	45ft	25ft	25ft	70%
IP						



(2) Accessory structure.

(a) Except in the IP District, an accessory structure shall be located in the rear yard.

(b) A Minor Accessory Structure shall be a minimum of five feet from a rear or side lot line.

(c) A Major Accessory Structure shall comply with the setback requirements for a principal structure in the applicable district, except that in a Residential District, a Major Accessory Structure shall be a minimum of ten feet from any rear or side lot line.

(d) A Major Accessory Structure in excess of 400 square feet shall be subject to Site Plan review under §280-53.

(e) A swimming pool shall be a minimum of ten feet from any property line. See Supplemental Regulations §280-40.

(3) Measurements. The measurements of minimum yard dimensions shall be taken from the foundation.

(4) Yard Exceptions. No portion of a building shall extend into a required front, side or rear yard except as follows:

(a) Open fire escape: four feet into side or rear yards.

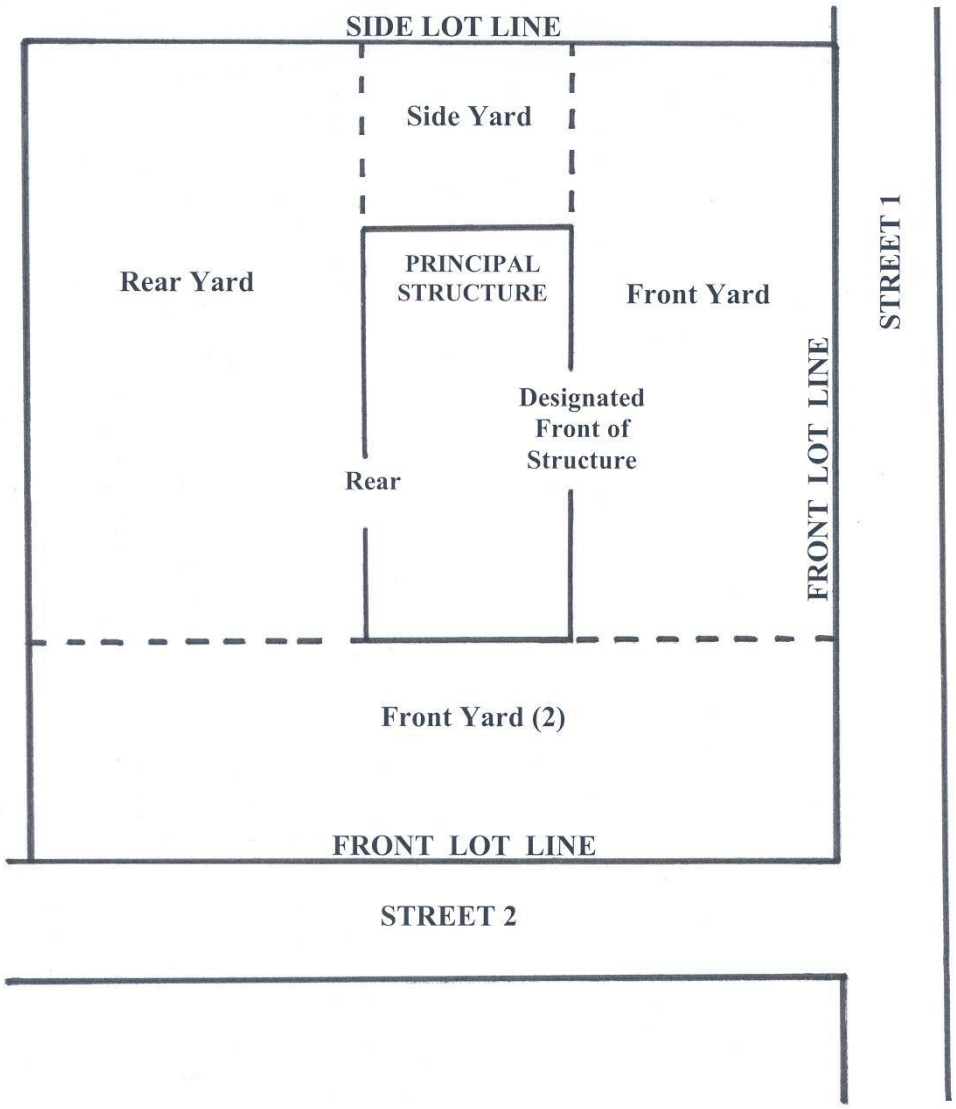
(b) Awning or movable canopy: six feet into any yard.

(c) Cornice or eave or other similar architectural feature: three feet into any yard.

(d) Uncovered porch or terrace: 10 feet into any yard, with a minimum 5 foot setback.

(5) Depth of required front yards shall be the distance between the front lot line or future right-of-way line, if determined, and the closest point of the front of the proposed foundation of the principal structure, excluding all projections not exceeding three feet in length or width from the foundation.

(6) Corner lots. A required front yard shall be provided along each road frontage. See Diagram.



(7) District Boundaries. The following minimum setback requirements shall apply for lots which adjoin other districts:

(a) Where a lot in the MR District adjoins a Single-Family Residential District, then the side and rear yard setbacks shall be a minimum of 100 feet.

(b) Where a lot in the BNRP District adjoins a Residential District, then the side and rear yard setbacks shall be a minimum of 40 feet.

(c) Where a lot in the LB District adjoins a Residential District, then the side and rear yard setbacks shall be a minimum of 40 feet.

(d) Where a lot in the GB District adjoins the LB or BNRP District, then the side yard setbacks shall be a minimum of 25 feet and the rear yard setback shall be at minimum of 50 feet.

(e) Where a lot in the GB District adjoins a Residential District, then the side and rear yard setbacks shall be a minimum of 75 feet.

(f) Where a lot in the I District and IP District adjoins a Residential District, then the side and rear yard setback shall be a minimum of 100 feet.

§280-25 Off-street parking and loading requirements.

A. Purpose. Off-street parking and loading requirements are intended to provide for adequate on-site parking and loading, provide for pedestrian and vehicular safety, preserve green space, reduce storm water runoff, and ensure that the property on which the use is located is not overdeveloped.

B. Applicability. Except as otherwise provided, off-street parking and off-street loading requirements of this section shall be applicable when:

(1) A building is erected, enlarged or structurally altered;

(2) A permitted or allowed use is proposed; or

(3) A use is changed to another use with greater parking requirements.

C. Off-Street Parking Requirements. Off-street parking shall be provided as follows:

(1) Minimum Number of Parking Spaces: The minimum number of off-street parking spaces shall be provided as listed below. For uses not listed below, the Planning Board or Zoning Board shall use the list as a guide for determining requirements for similar unlisted uses.

(a) Residential Uses	**Minimum Number of Spaces**
Multifamily dwelling	1.5 spaces per dwelling unit
Manufactured Housing Unit	2 spaces per unit
Bed and Breakfast	1 space per guest room and 1 space per owner
Hotel, Motel, and Inn	1 space per room
Residential Facility Independent Living	1 space per room
Assisted Living	1 space per bed
Residential Care Facility	1.5 spaces per bed

(b) Public Assembly	**Minimum Number of Spaces**

Religious Institution	5 spaces per 1000 square feet of gross floor area or 1 space per 3 seats, whichever is greater
Library and meeting room	5 spaces per 1000 square feet of gross floor area
(c) Non-Retail Uses	**Minimum Number of Spaces**
Day-Care Center	1 space per 6 enrolled children
Mixed-Use, Local & Neighborhood	3 spaces per 1,000 square feet of gross floor area for non-residential use and 1.5 spaces per dwelling unit
Mortuary or funeral home	10 spaces per 1000 square feet of gross floor area
Office, General	4 spaces per 1000 square feet of gross floor area
Office, Medical	7 spaces per 1000 square feet of gross floor area
Public utility substation	1 space
Preschool and Nursery	1 space per 3 children
Private school and Commercial school	2 spaces per 3 seats in classrooms
(d) Retail Uses	**Minimum Number of Spaces**
Automobile Service Station	3 spaces per service bay
Bowling alley	4 spaces per lane
Commercial Indoor Recreational Facility	10 spaces per 1000 square feet of gross floor area
Dance hall, night club and skating rink	10 spaces per 1000 square feet of gross floor area
Financial Institution	4 spaces per 1000 square feet of gross floor area
Grocery, pharmacy, and convenient food store	4 spaces per 1000 square feet of gross floor area
Retail Store	4 spaces per 1000 square feet of gross floor area
Retail Store selling furniture automobiles, and bulky merchandise occupying major area of building	3 spaces per 1000 square feet of gross floor area
Restaurant	

Drive-Thru	1 space per 2 seats or 20 spaces per 1000 square feet of gross floor area, whichever is greater
Sit-down	1 space per 3 seats or 10 spaces per 1000 square feet of gross floor area, whichever is greater
Bar and Tavern	1 space per 2 seats and 5 spaces per 1000 square feet of restaurant with bar standing room
Shopping Center	
Neighborhood	4 spaces per 1000 square feet of gross floor area
Local	4 spaces per 1000 square feet of gross floor area
Regional	4.25 spaces per 1000 square feet of gross floor area
Tennis or racquetball club	4 spaces per court
Theater	1 space per 2 seats

(e) Industrial

Manufacturing	1 space per employee
Research and Development	3 spaces per 1000 square feet of gross floor area
Wholesale	1 space per 700 square feet of gross floor area

(2) Maximum Number of Parking Spaces. Except for residential dwelling units, the maximum number of off-street parking spaces shall not exceed one hundred and twenty-five (125) percent of the minimum number of required off-street parking spaces calculated under §280-25(C)(1).

(3) Shared Parking or Loading Space. Off-street parking requirements for two or more uses, structures, or lots may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or lots that their operations and parking needs do not overlap in point of time. If the uses, structures, or lots are under separate ownership, the right to joint use of the parking space shall be evidenced by a deed, lease, easement, contract, or other appropriate written document to establish the joint use.

(4) Off-Premises Parking. Off-street parking for dwellings shall be located on the same lot as the dwelling. Other required parking spaces may be located on another lot, provided that the off-premises parking space is not farther than 200 feet from the proposed residential use or 300 feet from the proposed non-residential when measured in a straight line from the principal structure. The applicant has the burden of proving the existence of off-premises parking arrangements.

(5) Land Banked Parking. A part of a lot that could otherwise be used for required parking may be preserved as landscaped area or undeveloped green space. The reviewing board

may allow or require land banked parking in an amount not to exceed 25 percent of the minimum required parking spaces subject to the following requirement:

(a) The proposed land banked parking shall be suitable for future parking.

(b) The proposed land banked parking shall not be used for any other purpose and shall be part of the lot or site proposed for the use.

(c) The approved site plan shall show how that land banked area could be converted to parking and shall be marked on the plan as "Land Banked for Possible Future Parking."

(d) Land banked parking shall be converted to parking use upon a determination of the Zoning Inspector that additional parking is needed.

(e) Land banked parking may be converted to parking at the request of the lot owner upon the approval of an amended site plan.

D. Multilevel Parking Facilities. The use of multilevel parking to satisfy off-street parking requirements may result in the overdevelopment and over-use of property and violate the purpose of this section. The construction of multilevel parking facilities shall only be allowed upon a showing by the applicant that:

(1) The multilevel parking facility provides additional on-site green space at least equal to the gross floor area of all floors in the multilevel parking facility excluding the ground level floor.

(2) The green space provided by the applicant is located on the same lot or site as the multilevel parking facility and is contiguous to the multilevel parking facility.

(3) No parking or activities may be permitted on the roof of a multilevel parking facility unless fully screened from view.

E. Design standards for off-street parking areas.

(1) Unless otherwise provided, parking shall not be located in a required setback and, except for shared parking, shall be located a minimum of five feet from a property line, except for a single- or two-family dwelling where parking may be permitted on a driveway which is located a minimum of three feet from a property line.

(2) No entrance or exits for any off-street parking shall be located within 50 feet of a street intersection.

(3) In all districts, except the I and IP Districts, off-street parking on corner lots shall be set back from one side street line a distance of not less than 20 feet.

(4) In all districts, except as provide herein, off-street parking shall meet the following requirements:

(a) Except for single-family dwellings, a parking space shall have a minimum rectangular dimension of 9 feet in width and 18 feet in length for angle and

ninety degree parking, and 9 feet in width and 22 feet in length for parallel parking. A driving aisle shall be 24 feet wide for two-way directional flows, 14 feet wide for forty-five degree parking, and 18 feet wide for sixty degree parking for one-way directional flows.

(b) Except for single-family dwellings, the parking area shall be designed in such a manner that a vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward direction. Access to driveways for parking areas or loading spaces shall be located in such a way that a vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

(c) The parking area shall be improved with acceptable material to provide a durable and dust free surface.

(d) The parking area shall have proper drainage of surface water to prevent the drainage of storm water onto adjacent properties or walkways. Permeable pavement shall be used where practicable to reduce runoff and improve water quality.

(e) A driveway for a residence shall be located a minimum of three feet from the property line to allow for adequate snow storage and prevent the drainage of storm water and negative impacts of a driveway use.

(f) Fire lanes shall be maintained in the parking area at the front, side and rear of all buildings and structures on the site and properly painted and marked as such. Vehicular parking and standing is prohibited in a fire lane.

(g) Traffic lanes for vehicles and pedestrian flow in the parking area shall be maintained and properly delineated through the use of pavement markings, signs or median strips.

(h) Provisions shall be made for the parking of bicycles that is convenient to building entrances and street access, and, where appropriate, covered.

(i) Charging Stations are encouraged and shall have signage stating that the space is reserved for vehicle charging and appropriate instructions for its use, and comply with industry standards requirements

(j) Provision shall be made for the safe movement of pedestrians while in the parking area by the use of walkways, medians and crosswalks.

(k) Curbing and end islands shall be built and maintained for safe and effective traffic flow within the parking area. End islands shall be designed, where practicable, to function as a storm water management practice.

(l) Appropriate interior and peripheral landscaping shall be provided and traffic islands shall contain vegetation and landscaping conducive to growth in a parking area environment. Where practicable, landscaping shall be designed to

accept stormwater for treatment and infiltration in accordance with the New York State Stormwater Management Design Manual.

(m) Appropriate lighting shall be provided and maintained. Lighting shall be designed and installed so as not to create illumination beyond the boundaries of the site. Excessively bright sources of illumination are prohibited.

(n) Signage for appropriate traffic control and parking shall be erected.

(o) Snow storage areas shall be identified and located over a vegetated or green stormwater infrastructure area where practicable.

(p) Rooftop runoff shall be conveyed away from sidewalks, parking areas, driveway, and road surface to a rainwater harvesting container or vegetated or green infrastructure area.

F. Use of parking area.

(1) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for storage of vehicles, equipment or materials.

(2) No automotive vehicle of any kind or type without current license plates shall be parked or stored on any property other than in completely enclosed buildings.

(3) No boat, trailer of any kind, or recreational vehicle shall be parked or stored in a front yard.

(4) One boat or trailer and one recreational vehicle may be parked or stored in the rear yard or side yard if it has a current license and parked or stored a minimum of five feet from any property line.

(5) The following vehicle and traffic control regulations shall be applicable to a parking area:

(a) No vehicle shall be operated in excess of 15 miles per hour.

(b) No person shall park or stand a motorized vehicle within a fire lane, except as otherwise permitted within a traffic lane, on a sidewalk or in an area or space posted or marked as a no parking zone.

(c) All persons using a parking area shall obey all traffic control devices, including stop signs, flashing signals, yield signs, directional signs and entrance and exit signs contained in such parking area.

(6) In all residential districts, except the A, RA3, and RA5 Districts, the external storage of commercial vehicles, heavy vehicles, industrial equipment and materials is prohibited. In such districts, external parking of commercial vehicles between the hours of 10:00 p.m. and 6:00 a.m. is prohibited except when such parking is incidental and reasonably necessary to the performance of service at the time of such parking.

(7) The storage of heavy vehicles is only permitted as part of a Site Plan approval or Special Use Permit.

G. Off-street loading requirements.

(1) For all uses, the Planning Board or Zoning Board may require off-street loading spaces to provide for the safe vehicular and pedestrian use of the property.

(2) Design Standards.

(a) Each loading space for office and retail space shall be at least 12 feet wide, 35 feet long and 14 feet high, and shall be on the same lot as the use to which they are accessory, except as permitted below. Alternative design standards may be accepted by the Planning Board or the Zoning Board if the applicant demonstrates that such standards are appropriate.

(b) 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.

(c) No entrance or exits for loading area shall be located within 50 feet of a street intersection, nor shall an off-street loading berth encroach on a required front yard or required side yard, access way or off-street parking area, except that in a non-residential district, off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for more than three hours during the daily period that the establishment is open for business.

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

(e) Off-street loading shall be screened from view.

(3) Maintenance of Off-Street Loading. Off-street loading shall be maintained in the same manner as off-street parking under §280-25(H).

H. Maintenance standards for off-street parking and off-street loading areas.

(1) Off-street parking and off-street loading area shall comply with the following:

(a) All roads, sidewalks, driveways and parking areas used shall be kept in proper repair, free of potholes and free from refuse, snow and ice, except that snow may be piled on the premises so long as it does not interfere with the internal circulation, parking in the parking area, use and access to off-street loading, and does not hinder driver vision where entering or leaving the premises. Snow storage area shall be located as set forth in §280-25(E).

(b) The premises shall be kept free and clear of ashes, dirt, debris, rubbish, garbage, refuse and other obstructions and properly repaired and maintained.

(c) Fire lanes, traffic lanes and parking lines shall be maintained and properly painted and marked so that such lanes and lines are visible to vehicle operators and pedestrians.

(d) Stations for shopping carts shall not create a traffic hazard, shall be kept free of snow and ice and maintained so that the capacity of the stations is not exceeded.

(e) Lights shall be kept in proper working order and lighted during the hours of darkness when the premises is open for business. The Zoning Inspector may require the reduction of lighting after business hours.

(f) Fences, signs, screening, curbing, traffic barriers and islands, trees, grass, shrubbery, landscaping, retaining walls, slopes and other space used in connection with the premises shall be maintained and repaired.

(g) Water drains and water drainage systems shall be kept clean and in proper working order.

(h) Storm water management facilities shall be maintained in working condition.

(i) Exterior areas shall be kept free and clear of the storage of goods, wares and merchandise unless otherwise permitted by the Zoning Board or Planning Board. Loading and unloading are to be done in designated zones only.

(j) Refuse and rubbish shall be stored in designated places in proper garbage receptacles screened from view by fencing or other appropriate screening.

(k) Trash receptacles shall be serviced to prevent overflow.

(l) Facilities for the parking of bicycles and parking spaces and related ramp facilities for handicapped persons shall be maintained and designated.

(m) Any conditions for off-street parking and loading imposed by the Planning Board or the Zoning Board shall be adhered.

§280-26 Signs.

A. Purpose. This section provides standards to safeguard life, health, property and public welfare by controlling the number, location, construction, installation, illumination and maintenance of signs and sign structures. The purpose of this section is to control the quality and quantity of signs so as to enhance the identification of business and professional enterprises and improve the visual quality of the community. The lettering, shape, and color of a sign shall be compatible with the form, color, and materials of the building housing the establishment that the sign is identifying. Signs for different businesses within the same building, or for a collection of buildings including but not limited to those which form a shopping center shall be of harmonious style and design. Buildings or their architectural treatments should not be so garish in line, color, or effect, so as to constitute a sign themselves.

B. Procedure.

(1) Except as otherwise provided herein, no sign shall be erected, enlarged, changed, or structurally altered without a permit.

(2) An application for a sign permit shall be made upon a form provided by the Zoning Inspector, completed by the owner, lessee or contract vendee and accompanied by a scale drawing showing dimensions, proposed design, color, materials, structural details of the proposed sign and a location map delineating the location of highway right-of-way lines, buildings, parking areas, other signs on the same property, frontage of each unit and/or a fence or other obstructions in relation to the designated location of the proposed sign. The applicant shall evidence approval of the owner for such application. The application shall be accompanied by payment of a required fee.

(3) An application for a sign permit shall be reviewed for approval by the Zoning Board except that the Planning Board shall review sign permit applications for uses subject to Site Plan approval.

(4) In reviewing a sign permit application, the reviewing board shall determine that the applicant has demonstrated the following:

(a) The proposed sign is in harmony with the standards for permitted signs and within the spirit of this chapter.

(b) The proposed sign shall be comparable with the neighborhood environment and character and shall not be detrimental to adjacent property.

(c) The proposed sign does not, by reason of its location, create a hazard to the public in general or to adjacent owner or occupant.

(d) The proposed sign does not interfere with the lawful and aesthetic enjoyment of the public highway or adjacent property.

(5) A sign permit shall become null and void if the work for which the permit was issued has not been started within six months after the date of issuance of the permit.

(6) The Zoning Inspector is authorized to issue a sign permit for a sign which replaces an existing sign and which is not different with respect to size, color and/or design and complies with existing zoning regulations.

C. General provisions.

(1) Illuminated signs or lighting devices may be permitted, provided that such signs employ only lights emitting a constant intensity, and no sign shall be illuminated by, or contain, a flashing or moving light, lights, or letters.

(2) In no event shall an illuminated sign or lighting device be so placed or directed as to allow illumination to be directed or beamed upon a public street, sidewalk or adjacent premises or cause glare or reflection that may constitute a traffic hazard or nuisance to adjoining properties.

(3) Except as may be permitted by this chapter, the use of pennants, banners, spinners, streamers, moving signs or flashing, glittering or reflective, animated or rotating signs or similar eye-catching devices are prohibited.

(4) No bizarre, caricature, offensive or vulgar signs shall be permitted.

(5) No roof signs shall be permitted.

(6) No billboards shall be permitted.

(7) No representational signs shall be permitted.

(8) No freestanding or pole signs shall be permitted.

(9) No flashing signs shall be permitted.

(10) No sign shall be erected or maintained so as to prevent ingress or egress from a door, window or fire escape, or so as to prevent free access from one part of a roof to another part.

(11) No sign other than safety-related signs shall be attached to a fire escape.

(12) No painted wall signs shall be permitted.

(13) No sign shall be erected as to confuse or obstruct the view of a traffic sign, signal or device.

(14) No sign, except traffic signs placed by public agencies, may be erected, placed or maintained or overhung within the highway limits of a public way or within 35 feet of the center line of a public highway.

(15) No sign shall project beyond a property line. Ground-mounted signs shall not obstruct the view of vehicles. Building-mounted signs shall be mounted flush and not located on the roof of a building or project above the roofline.

(16) Suitable landscape plantings shall be placed and maintained at the base of all monument signs. Such signs and adjacent grounds shall be kept neat, clean, and in good repair.

(17) Signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Zoning Inspector may order the removal of a sign that is not maintained in accordance with the provisions of this chapter. Painting, repainting, cleaning or repair maintenance shall not be considered an alteration which requires a permit unless a structural change is made.

D. Signs in single family residential districts. The following signs shall not require a sign permit, provided that the following requirements are met:

(1) One nameplate sign not exceeding two square feet in area indicating the name and address of the occupant.

(2) For Home Occupation I and II, nameplate signs may be used to identify the home occupation. Such signs shall not exceed two square feet in area and shall be building-mounted. The sign shall only indicate the nature of the home occupation. No pictorial, graphic or representational media shall be permitted.

(3) Signs indicating private driveways or no trespassing signs shall be permitted, provided that the size of any such sign shall not exceed two square feet. Such signs shall be a minimum of five feet from a street or property line.

E. Signs in BNRP, LB, GB, I, and IP Districts. The following signs may be permitted, provided that the following requirements are met:

(1) A maximum of two signs per business shall be allowed.

(2) The maximum total area for allowed signage shall be the lesser of 50 percent of the lot width or 50 square feet in the LB, GB, I and IP Districts, or 30 square feet in the BNRP District.

(3) A sign shall be located on the same premises as the use to which it refers.

(4) A sign shall be securely attached to the building or to structurally sound standards and shall not project above the roofline or extend more than 20 feet above ground level, whichever is more restrictive.

(5) A sign shall not project more than five feet beyond the principal building on the lot, and there shall be not more than one building mounted sign per business unit.

(6) Monument signs shall only be permitted on frontages of 50 feet or more and shall not be closer than 50 feet to any other such sign.

(7) Monument signs shall be a minimum of 20 feet from the street right-of-way line, 25 feet from an adjacent commercial or industrial property and 50 feet from an adjacent residential property.

(8) Signs used in connection with the sale, rental or improvement of real property may only be located on the premises to be sold, rented or improved. The signs shall not exceed one sign of 12 square feet or two signs of six square feet in area for each development.

(9) Directional signs designating entrances and exits to and from a parking area are limited to one sign for each such exit and entrance and shall not exceed two square feet each.

(10) Signs designating the conditions of use or identity of parking areas are limited to one sign per parking area and a maximum size of nine square feet. On a corner lot two such signs shall be permitted, one facing each street. Parking area signs shall be a minimum of 10 feet from a street or property line.

F. Signs in MR and TH Districts. The following signs may be permitted, provided that the following requirements are met:

(1) Signs permitted under §280-26(E)(7)(8) and (9).

(2) One sign, building or ground-mounted, indicating the name of the project. Such sign shall not exceed 25 square feet in area or per side if double-faced.

G. Signs in Agricultural and RA Districts. The following signs are permitted, provided that the following requirements are met:

(1) Signs permitted under §280-26(D) for residential uses.

(2) Signs permitted under §280-26(E) for business uses.

(3) Two sign advertising agricultural products grown or raised on the property. Each sign shall not exceed 12 square feet in area on either side.

H. Temporary signs.

(1) General Provisions. A temporary sign permitted under this subsection shall comply with the followings:

(a) Except as expressly provided in this subsection, a temporary sign shall comply with the requirements set forth in §280-26(C).

(b) No temporary sign shall be attached to fences, trees, utility poles, bridges or traffic signs.

(c) No temporary sign shall obstruct or impair pedestrians or traffic.

(d) No temporary sign shall be lighted.

(e) No sign shall be erected which, in the opinion of the Zoning Inspector may cause hazardous or unsafe conditions.

(f) If a requirement is not satisfied, the Zoning Inspector may order the removal of the temporary sign.

(2) Temporary signs shall be permitted upon the issuance of a permit by the Zoning Inspector as follows:

(a) Signs up to 32 square feet in area advertising an educational, charitable, civic, professional, religious, or like campaign or event for a period not to exceed 14 consecutive days prior to the event, provided that such signs do not exceed 32 square feet. No more than three such temporary permits shall be issued to an organization during any 12 consecutive months. Signs authorized under this subsection only shall be permitted to have banners, subject to approval of the Zoning Inspector, and all such temporary signs shall be removed within 48 hours after the event.

(b) A sign announcing the opening of a new business that meets the following requirements:

(i) One sign measuring not more than 32 square feet in total area; and

(ii) Allowed for not more than one 14 day period during the first year of operation of the new business.

(c) One sign during construction of or in connection with a real estate development for a period of not more than six months, provided that such sign does not exceed 32 square feet. Such sign may be renewed for an additional period of like duration under the same procedures and conditions as required for the original permit.

(3) Temporary signs shall be allowed without requiring a permit as follows:

(a) A sandwich board or inverted V-sign shall be allowed for a business that meets the following requirements:

(i) One sign not exceeding two feet in width, and three and one-half feet in height;

(ii) Allowed only during operating hours of the business;

(iii) Located within 10 feet of the front door of the business;

(iv) Placed to allow a minimum of thirty-six (36) inches of unobstructed sidewalk clearance between it and a building or other obstruction;

(v) Free-standing and not affixed, chained, anchored, or otherwise secured to the ground or to a pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure;

(vi) Internally weighted so that it is stable and windproof; and

(vii) The design, which includes the color, lettering style, symbols and material, shall complement the design of the establishment's primary sign, abutting properties, and the general streetscape in the immediate vicinity of the establishment.

(b) Signs announcing candidates seeking public elected office and other data pertinent that meet the following requirements:

(i) Not exceed 12 square feet in area or per side if double-faced.

(ii) Placed not more than 21 days before the election and removed within four days after the election.

(c) Signs advertising the prospective sale, renting or leasing of a residence or business or real estate improvements may be placed on the affected property with the name of the persons affecting the sale, rental or lease, or improvement provided that:

(i) The size shall not exceed an area of six square feet per side of a two-faced sign.

(ii) No more than one such sign shall be placed upon a property.

(iii) Signs shall be a minimum of 10 feet from a lot line.

(iv) Signs shall be removed within 24 hours of such sale, renting, leasing, or completion of the improvement.

I. Exemptions. The following types of signs are exempted from the provisions of this chapter except for construction and safety regulations and the following requirements:

(1) Public signs. Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like shall be permitted.

(2) Integral. Names of buildings, dates of construction, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure shall be permitted.

J. Nonconforming and Abandoned Signs.

(1) A nonconforming sign shall not be enlarged or altered, or replaced by another nonconforming sign.

(2) Where the Zoning Inspector finds that a sign no longer advertises an existing business conducted upon the premises on which such sign is located, he may direct the owner or occupant of the premises to remove such sign.

§280-27 Fences, walls, buffers, berms and screen plantings.

A. Fences and walls shall be permitted or required as set forth in this section.

(1) A fence or wall shall be a maximum of six feet in height.

(2) Unless otherwise provided in this chapter, no minimum setback is required for a fence or wall.

(3) A fence in a Residential District shall have its most pleasant or decorative side facing the adjacent lot, with all posts being in the applicant's yard unless such posts or supports are an integral part of the decorative design of the fence.

(4) A fence and wall shall be continually maintained. No fence or wall shall be permitted to become unsightly or in a state of disrepair.

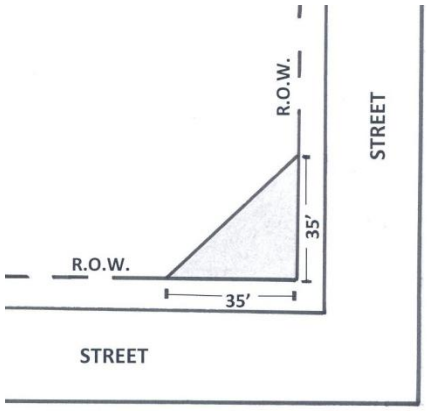
(5) A fence or wall in a Residential District shall not be located in front yard except for a decorative fence not exceeding four feet in height.

(6) No barbed wire or electrical fence shall be permitted except in an A, RA3, and RA5 Districts where such fences shall be permitted.

(7) No fence or wall with spikes, chipped glass or similar materials or devices shall be permitted in conjunction with or as part of a fence or wall in any district.

(8) A fence erected as an enclosure for a swimming pool shall comply with the additional provisions of §280-40.

(9) No fence, wall, structure, sign, tree overhang, yard accessory, timber scape, rock scape, and no plantings or landscape including trees with a mature height of over 18 inches maximum shall be erected, placed or maintained on a corner lot within the triangular area formed by the intersection street right-of-way lines and a straight line joining the street row line at points which are 35 feet distant from the point of intersection measured along the street right-of-way lines. See Diagram.



(10) Where a more-restrictive district abuts a less-restrictive district, the more pleasant or decorative side of the fence shall face the less-restrictive district, with all posts and supports on the side of the fence opposite the more-restrictive district unless such posts or supports are an integral part of the decorative design of the fence.

B. Buffers, berms and screen plantings. Buffers, berms and screen plantings shall be required as set forth in this section.

(1) Where a lot in an LB, GB, I or IP District abuts a lot in a Residential District or a BNRP District, a visual screen minimum six feet in height, which may be composed of a wall, fence, compact evergreen hedge or other organic substance or material or any combination thereof as may be approved by the Planning Board or Zoning Board, shall be erected along such abutting lot line. Where a lot line in a BNRP District on which is provided on-site customer parking abuts a lot in a Residential District, this screening requirement shall be provided.

(2) A minimum buffer area width consisting of trees, hedges, shrubs and/or other landscaping to provide a visual and sound buffer shall be provided along the boundary lines between districts as follows:

(a) 20 feet between a Residential District and a BNRP District;

(b) 40 feet between a Residential District and LB District;

(c) 75 feet between a Residential District and GB District; and

(d) 100 feet between I District or IP District and any other district.

(3) A buffer, berm, and screen planting shall be designed consistent with low impact development principles and, where practicable, function as a storm water management practice designed in accordance with the New York State Stormwater Management Design Manual.

(4) A buffer, berm, and screen planting shall be continually maintained and shall not become unsightly or in a state of disrepair.

§280-28 Lighting.

A. Purpose. Lighting requirements provide for adequate illumination for the use of a property and ensure that lighting does not negatively impact neighboring properties or streets.

B. An application for Site Plan approval or Special Use Permit shall include a lighting plan.

C. Requirements. Lighting for a use or building shall comply with the following requirements:

(1) Adequate illumination of common areas, parking, sidewalks, and entryways shall be provided.

(2) Unless otherwise provided, or by Special Use Permit or Site Plan approval, a light fixture shall not exceed 10 feet in height from the finished grade for pedestrian scale lighting or lighting in residential districts, and shall not exceed 16 feet in height from the finished grade for common area, parking and other lighting in non-residential districts, and shall have ninety degree cutoff type luminaire to prevent light above the fixture.

(3) Average levels of illumination for all building, landscaping and parking shall not exceed minimum levels necessary for safety and security lighting, shall not encroach on adjacent properties, and shall be arranged to prevent glare onto adjacent property or highway. The maximum illumination level at the property line shall not exceed 0.2 foot candle.

(4) Lighting shall be designed and installed to prevent illumination beyond the boundary of the property. Flashing lights are prohibited.

(5) Light fixtures shall incorporate cutoffs to screen the view of luminaires from residential properties.

(6) No light shall be installed, altered, maintained or used so as to cast direct illumination in the direction of a dwelling unit on any lot other than the lot on which such light is located, or in such manner as to constitute a nuisance.

D. Automatic Teller Machine Lighting. Lighting for an automatic teller machine shall not exceed the minimum lighting required under NYS Banking Law Article II-AA or applicable regulation.

§280-29 Lot Grading.

A. Land disturbance activity shall comply with standards for stormwater management and erosion and sediment control in Article 241 of the Town Code, unless exempted under §241-23.

B Land disturbance activity shall provide a sloping grade and other approved measures to cause surface drainage to flow away from adjacent properties and foundation of a structure. All land disturbance activity shall provide for adequate on-site drainage systems and shall not jeopardize adjacent properties or existing drainage systems. The Zoning Inspector or engineer retained by the Planning Board or Zoning Board shall review and approve a proposed drainage system.

§280-30 Special Watercourse, Watervliet Reservoir, and Angle of Repose Setbacks.

A. Purpose. The purpose of this section is to prevent the improper alteration of slope areas and environmentally sensitive lands adjacent to bodies of water.

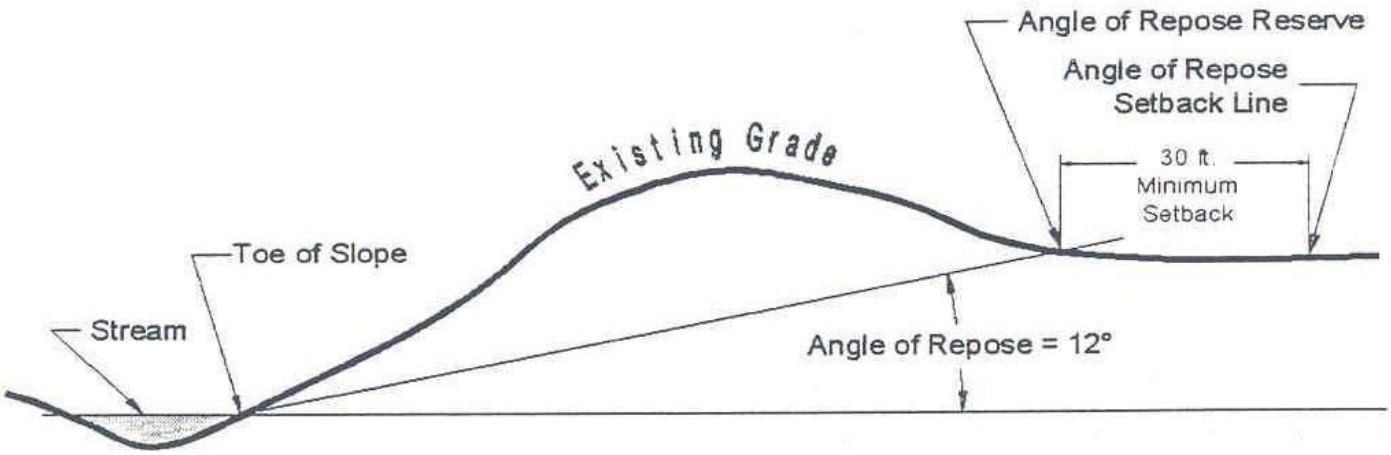
B. Watercourses. No structure shall be allowed within 100 feet of the top of the bank of a watercourse or body of water except man-made farm ponds not fed or drained by a running stream

C. Watervliet Reservoir. No use or structure shall be allowed within 250 feet of the top of a bank of a watercourse feeding into the Watervliet Reservoir or within 500 feet of the high-water mark of the Watervliet Reservoir.

D. Angle of Repose.

(1) No structure shall be allowed in an area lying between the top of the bank of a watercourse and a line running parallel thereto and located at grade level at the end of a line perpendicular thereto forming an angle of repose of 12 degrees at the toe of the slope of such watercourse, except that where such angle of repose is less than 12 degrees, the parallel line shall be 100 feet from the toe of the slope of such watercourse.

(2) No principal or accessory structure shall be located within the 30 feet setback from the angle of repose line.



(3) Engineer's Report and Review. An application for a Variance from the angle of repose setback shall include a report from a professional soils engineer certifying to the Town that the proposed construction and/or land disturbance activity would not result in a failure of the slope or result in a danger to human health, welfare or property. The Town may retain experts or consultants, at the applicant's sole expense, to review and provide comment on the application and engineer's report submitted by the applicant.

§280-31 Special highway access control and setback requirements.

A. Purpose. The purpose of this section is to prevent adverse effects from strip road frontage development, produce more harmonious appearance and promote public safety by reducing highway access points and setbacks on certain public highways.

B. Special Highway Access Control.

(1) This subsection shall apply to the following public highways:

(a) Route 20, west of Route 155. .

(b) Route 155.

(c) Route 146.

(d) Rapp Road.

(2) Requirements. A permit or subdivision involving the above listed public highways shall comply with the following requirements.

(a) Residential District. A residential development, with the exception of multiple-family residential development, shall maintain a minimum spacing of 250 feet between access points. This spacing shall be achieved through internal subdivision streets, frontage roads or other mutual access arrangements.

(b) Non-Residential Districts. A multiple-family residential development and all nonresidential development shall maintain a minimum of 400 feet between access points. Adjacent property owners within these districts will be required to give mutual access easements for vehicular traffic across their properties to permit vehicles to get to limited points of access to and from public highways. No building permit or occupancy permit shall be issued until proof of agreement is made available. An access point serving these areas shall be a minimum of 100 feet from an intersection. A deceleration and/or acceleration lane may be required as deemed necessary by appropriate state, county or Town officials to permit proper traffic flow into and out of the access point.

(c) In the case of undeveloped areas, the first property to develop shall provide the access point for an adjacent parcel through the procedure cited above in order to achieve the spacing requirements of this chapter. In partially developed areas, compliance with the standards of this section shall be achieved where possible and at the discretion of the Planning Board or Zoning Board.

C. Special Setback Requirements.

(1) Special setback requirements for future roads. To provide necessary space for future highway widening, the following requirements for determining front yard setback are adopted:

(a) Setback lines and lot areas shall be measured from the existing right-of-way line of the thoroughfare; provided, however, that setback lines and lot areas shall be measured from the future right-of-way line of a thoroughfare if such a line has been established.

(b) To determine if a future right-of-way line has been established for a state or county road, the applicant, the Zoning Inspector or Planning Board shall contact the Albany County Department of Public Works or NYS Department of Transportation.

(c) For Town roads, the Planning Board or Zoning Board shall determine if a future right-of-way should be or has been established for the road abutting the proposed lot and shall determine the appropriate future right-of-way when none has been established, by considering, but not limited to, the following:

(i) The highway's current road function.

(ii) The highway's future road function as recommended in the Comprehensive Plan and other Town plans.

(iii) The possibility of future jurisdictional change of the highway to state or county ownership.

(2) Planned new streets. After the planned right-of-way line for future streets, future extension of existing streets, or future street widening are established on the Official Map, all structures shall be set back from such line as though it were a street line.

§280-32 Nonconforming Structure, Use or Lot; Abandonment.

A. Purpose. The purpose of this section is to minimize the negative impacts of nonconforming structures, uses, and/or lots and to promote greater compliance with this chapter.

B. Legal Pre-existing Structure, Use or Lot. A lawful structure, use or lot existing at the time of enactment of this chapter that does not comply with the provisions of this chapter shall be deemed a pre-existing nonconforming structure, use, and/or lot and may be continued.

C. Abandonment and Discontinuance. No nonconforming structure or use which has been abandoned or discontinued shall be resumed and shall not be allowed to be enlarged, changed or altered under any circumstances. Any of the following factors shall constitute evidence of abandonment or discontinuance:

(1) The abandonment or discontinuance of a nonconforming use for either 12 consecutive months or a total of 18 months during any three-year period. The following circumstances, which shall not be exclusive, are evidence of the discontinuance or abandonment of a use:

(a) Failure to maintain regular business hours that are normal for the use based upon past operations of the use and/or industry standards;

(b) Failure to maintain equipment, supplies or merchandise that would be used for the active operation of the use;

(c) Failure to maintain utilities necessary for the operation of the use; or

(d) Failure to maintain required local, state or federal licenses or other approvals that would be required for the use.

(2) The lack of occupancy of the nonconforming structure for 12 consecutive months or a total of 18 months during any three-year period.

(3) An act indicating intent to discontinue or abandon the nonconforming structure or use.

(4) The change of the nonconforming use to a conforming use.

(5) The change of the nonconforming structure to a conforming structure.

(6) The failure to remedy a violation of the NYS Uniform Fire Prevention and Building Code regarding the nonconforming structure or use within 60 days of written notice by the Zoning Inspector.

D. Nonconforming Structure.

(1) No enlargement, change or alteration of a nonconforming structure shall be permitted except upon a finding by the Zoning Board that such enlargement, change or alteration will produce greater compliance with this chapter or other appropriate regulation and that the use within such structure is in conformity with the requirements of this chapter. The Zoning Board may impose conditions that minimize the detrimental effects of the nonconforming structure upon adjoining properties.

(2) Nothing in this chapter shall prevent the restoration to a safe condition of a structure, or part thereof, declared to be unsafe by an official charged with providing for the public safety and which restoration is ordered by such official.

(3) Nothing in this chapter shall prevent the renovation or repair of nonstructural members or the maintenance of a nonconforming structure made necessary by ordinary wear and tear.

(4) Nothing in this chapter shall nullify a building permit, provided that work is commenced and diligently pursued within 6 months of the issuance of such building permit.

(5) If a nonconforming structure is destroyed by any cause, to an extent exceeding 75 percent of its fair market value as indicated on the Town's latest assessment records, the future structure shall comply with the requirements of this chapter.

(6) No time period granted under a prior ordinance, local law, rule, regulation or court order for the termination or cessation of occupancy or use of a nonconforming structure in existence at the time of the effective date hereof shall be deemed extended by any provision of this chapter.

E. Nonconforming Use. The Zoning Board has the authority to grant only one expansion or amendment of a nonconforming use if the following requirements are satisfied.

(1) No expansion or amendment of a nonconforming use shall be permitted except as follows:

(a) In no instance shall the expansion of a nonconforming use in a nonresidential district be greater than 25 percent of the gross floor area.

(b) In no instance shall the expansion of a nonconforming use in a residential district be greater than the lesser of 5 percent or 5,000 square feet of gross floor area.

(2) The expansion of gross floor area or the number of units in a non-conforming multi-

family dwelling is prohibited.

(3) The Zoning Board may impose conditions that minimize the detrimental effects of the expansion or amendment of a nonconforming use upon adjoining properties.

(4) If a structure containing a nonconforming use is destroyed by any cause, to an extent exceeding 75 percent of its fair market value as indicated on the Town's latest assessment records, the future use of the structure shall comply with this chapter.

(5) No building, special use, occupancy or other permit shall be issued for an expansion or amendment of a nonconforming use where there is no reasonable access from the lot upon which such use is located to an existing public street.

(6) No time period granted under a prior ordinance, local law, rule, regulation or court order for the termination or cessation of a use in existence at the time of the effective date hereof shall be deemed extended by any provision of this chapter.

(7) Whenever the boundaries of a district shall be changed so that, under the regulations that apply in the changed area, a conforming use shall become a nonconforming use, the provisions of this section shall apply to such nonconforming use.

F. Nonconforming Lot.

(1) Existing undersized residential lots.

(a) A residential lot held in a single separate ownership prior to the adoption of this chapter and whose area and or width and or depth are less than the specified minimum lot requirements for the district may be considered as complying with such minimum lot requirements and no Variance shall be required, provided that:

(i) The lot is a lot of record;

(ii) The lot has a minimum width of at least 50 feet at the required setback line and the following minimum lot area:

[a] one acre in A, RA3, and RA5 Districts; or

[b] 5,000 square feet in all other districts.

(iii) The following minimum yard dimensions are maintained:

[a] side yards: 25 feet in A, RA3, and RA5 Districts; 8 feet in all other districts;

[b] front and rear yards: 25 feet in all other districts.

(iv) All other bulk requirements for that district are satisfied.

(b) In a district where residences are permitted, an undersized nonconforming lot may be used for not more than one single-family dwelling.

(2) Nothing in this section shall be construed to affect a requirement of this chapter except as expressly stated in this section. A nonconforming lot shall comply with all other requirements of this chapter.

(3) Exemption of lots shown on approved Subdivision plats. The provisions of NYS Town Law §265-a are hereby made expressly applicable to this chapter with respect to lots shown on approved Subdivision plats duly filed in the office of the Albany County Clerk prior to the enactment of this chapter.

§280-33 Temporary Storage Container, Construction Trailer, and Bulk Waste Container.

A. Temporary storage container. A temporary storage container shall comply with the following conditions:

(1) There shall be only one temporary storage container per residential lot and no more than three temporary storage containers per non-residential lot.

(2) Not exceed 10 feet in width, 20 feet in length, and 10 feet in height on a residential lot.

(3) Minimum setback of 5 feet from all property lines and 5 feet from the nearest building.

(4) Toxic or hazardous material is prohibited.

(5) Located on an impervious surface, if available.

(6) A temporary storage container shall not be located on a street, right of way, or sidewalk, nor in a location that blocks or interferes with vehicular and/or pedestrian circulation, and complies with all regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.

(7) If a temporary storage container is located on the lot for a period exceeding 30 days, the owner or developer shall obtain a building permit unless otherwise permitted. The building permit shall not exceed an initial 30 day period and may be extended if the Zoning Inspector determines that the temporary storage container is in active use.

B. Temporary construction trailer**.** A temporary construction trailer shall comply with the following conditions:

(1) Located on the lot on which active construction is taking place.

(2) A temporary construction trailer shall not be located on a street, right of way, or sidewalk, nor in a location that blocks or interferes with vehicular and/or pedestrian circulation, and complies with all regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.

(3) The setbacks for an accessory structures applicable in the zoning district shall apply to a temporary construction trailer except that in no case shall the trailer be located within 25 feet of the property line of a residential lot.

(4) The temporary construction trailer shall be limited to use for the construction of the project at the site of such construction and shall be removed from the site within 14 days of the end of active construction.

(5) The area of a temporary construction trailer, including parking areas, access points, aisles, driveways, and travel ways, shall be surfaced with gravel, crushed rock or other approved dust free material.

(6) If the temporary construction trailer is located on the lot for a period exceeding 60 days, the owner or developer shall obtain a building permit unless otherwise permitted.

C. Temporary bulk waste container. A temporary bulk waste container shall comply with the following conditions:

(1) There shall be no more than one temporary bulk waste container on a residential lot and no more than three temporary bulk waste containers on a non-residential lot.

(2) Not used to dispose of toxic or hazardous material.

(3) Located only on the lot on which active construction is taking place.

(4) A temporary bulk waste container shall not located on a street, right of way, or sidewalk, or in a location that blocks or interferes with vehicular and/or pedestrian circulation, and complies with all regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.

(5) Minimum setback of 5 feet from any property line.

(6) A temporary bulk waste container shall be limited to use for construction of the project at the site of such construction and shall be removed from the site within seven days of the end of active construction.

(7) If a temporary bulk waste container is located on the lot for a period exceeding 60 days, the owner or developer shall obtain a building permit unless otherwise permitted.

§280-34 Keyhole lot. A keyhole lot accessing a street shall conform to the following:

A. Area requirements.

(1) The portion of the keyhole lot comprising the keyhole access shall not be counted for the purpose of determining minimum lot area compliance.

(2) The front yard setback of a keyhole lot shall be measured from the rear lot line of the front lot, unless otherwise requested by the Planning Board during Subdivision approval.

(3) The minimum width at the building line for a keyhole lot shall be measured parallel to the street line, unless requested by the Planning Board during Subdivision approval.

(4) In R10, R15, R20, R30, and R40 Districts, the minimum area of a keyhole lot shall be 50 percent greater than the requirements prescribed for the zoning district in which it is located. In addition, the front, side and rear yard setbacks of the keyhole lot shall be 50

percent greater than the requirements prescribed for the zoning district in which it is located or a minimum of 50 feet, whichever is greater.

(5) To ensure privacy for adjacent lots, a landscaped buffer shall be installed in the keyhole lot wherever deemed necessary by the Planning Board. The buffer shall contain sufficient planting material as needed to screen the keyhole lot from other uses. This requirement may be waived by the Planning Board if topographical conditions, lot size or existing vegetation provide an adequate buffer.

(6) To ensure privacy for adjacent lots, building envelopes may be altered or restricted where deemed necessary by the Planning Board.

B. Supplemental requirements.

(1) No structure or off-street parking shall be allowed within the area comprising the keyhole access except mailboxes, address signage or other minimal accessories commonly found within the neighborhood.

(2) The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than three inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be visible at night.

C. Exclusions. This section shall not apply to an existing lot of record.

§280-35 Residential cluster/conservation development and open space/parkland.

A. Purpose. The purpose of this section is to provide greater flexibility in the planning of residential subdivisions and to preserve open space areas for community recreation and enjoyment. This section allows for the design of subdivisions so that new homes are located in the landscape in a way that protects the natural resources and character of the Town. Residential cluster/conservation development subdivisions shall also promote the following objectives:

(1) Reduce adverse impacts of growth on surface water and groundwater quality.

(2) Provide incentives for publicly accessible and open space resources and recreation lands.

(3) Protect contiguous open space areas and corridors.

(4) Conserve scenic resources of rural roads and reduce strip development.

(5) Promote efficient use of land in harmony with its natural features.

(6) Maintain rural and open character and preserve open space.

(7) Protect important views, as well as steep slopes, hillsides, and ridges.

(8) Protect historic, archeological, and cultural features.

(9) Protect valuable wildlife and habitat areas.

(10) Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance.

(11) Allow for site design that encourages a more practical utility and transportation network.

B. Applicability. The Planning Board is hereby authorized to permit or, pursuant to NYS Town Law §278, to require compliance with the regulations of this section for all subdivision applications in R10, R15, R20, R30, R40, A, RA3 and RA5 Districts where, in the opinion of the Planning Board the above objectives cannot be met under conventional subdivision methods.

C. Conditions.

(1) Modifications shall be subject to the following conditions and limitations:

(a) General conditions:

(i) No modifications shall be granted for a residential subdivision without providing for preserving open undeveloped area within such subdivision. Such open area shall be consistent the purpose of this section and shall comprise one or more undivided parcels of land, at least one of which shall have a minimum area of three acres exclusive of streets or roads.

(ii) No modifications shall be granted hereunder unless the Planning Board shall find that the number of building lots in the proposed cluster/conservation subdivision will not exceed the number that otherwise would be permitted in a conventional subdivision complying with all other applicable requirements of this chapter.

(b) Dimensional requirements.

Minimum lot size for single-family detached dwellings shall be as follows:

District	Minimum Lot Area (sq. ft.)
RA5	30,000
RA3	20,000
A	15,000
R40	15,000
R30	15,000
R20	15,000
R15	10,000
R10	8,000

Lot Width	Front Yard	Side Yard	Rear Yard
80 ft.	30 ft.	10 ft	50ft.

(c) Minimum open space/conservation area requirements.

(i) A minimum of 50 percent of the parent parcel shall remain as a permanently protected conservation area.

(ii) A minimum of 50 percent of the site's total buildable land shall be included in the conservation area. At least 50 percent of the conservation area shall be contiguous, with no portion less than 100 feet wide. The Planning Board may require that at least 2/3 of the conservation area/open space be suitable for active recreation.

Example: Project site: 100 acres Buildable land: 60 acres.

Minimum required conservation area (50 percent of the one-hundred-acre parent lot): 50 acres.

Minimum buildable acreage within the conservation area (50 percent of the 60 acres of buildable land): 30 acres.

(2) Open space/parkland.

(a) Ownership/access rights. Open areas established hereunder shall be conveyed to and held in corporate ownership in such manner and form as shall be approved by the Planning Board. No lot shall be conveyed by the applicant, developer or other owner of such subdivided tract except by a deed conveying, in addition to fee title to such lot, an easement in and upon the lands of such open area for the use and enjoyment thereof by the grantee, his heirs, successors and assigns, in common with the owners of all other lots within the subdivision. Where the proposed ownership and management structure for conservation areas is through a homeowners' association, review and approval shall include but not be limited to ensuring conservation, management and fiduciary responsibility of open space and common lands of the development in perpetuity.

(b) Conveyance. Nothing contained in this subsection shall prohibit open area created pursuant to this section to be conveyed to the Town for recreational use upon acceptance of the Town Board, or from being conveyed to a recognized conservation organization or other entity (e.g., school district, Pine Bush Commission) upon approval of the Town Board. In general, lands to be conveyed should adjoin an existing Town, State or County park or suitable as a Town park or recreation area.

(c) Allowed uses. The use of such open areas shall be limited to the following:

(i) Nature preserves.

(ii) Passive recreation.

(iii) Stormwater management systems, water supplies and distribution systems.

(iv) Septic systems.

(v) Agricultural or farming operations only within the Agricultural District (NYS), Agricultural, RA3 and RA5 Districts.

(vi) Forestry operations with a forest management plan developed by a professional forester participating in the NYS DEC's cooperating forestry program.

(d) Structures. No structure shall be erected upon open area/parklands except such as shall be determined by the Planning Board to be incidental to such recreational or agricultural use. No building permit shall be issued for such structure in the absence of Site Plan approval in accordance with §280-53 of this chapter.

(e) Enforcement of provisions. To ensure the enforcement of the provisions of this subsection, the Planning Board as a condition to the granting of Subdivision approval may require the applicant, developer or other owner of such subdivided tract to make, execute, deliver or file such instrument or instruments as the Planning Board shall determine to be reasonably necessary to protect and preserve and to limit and restrict the use of such open area in accordance with the spirit and intent of this section.

D. Procedure. An application shall adhere to the requirements set forth in the Town's Subdivision Regulations and the following.

(1) Pre-application meeting.

(a) Prior to submission of an application for a Conservation Subdivision, the applicant shall present a general description of the project to the Town Planner at a pre-application meeting. The applicant shall provide sketch plans, a description of how the project meets the purpose of this section, and a narrative sufficient for understanding the proposal.

(b) The purpose of this meeting is to discuss the purpose of the Conservation Subdivision approach, review the approval process and expected timetables, review applicable Town design guidelines, and review the general project description.

(2) Concept plan requirements. In addition to requirements for a concept plan under §247-13 of the Subdivision Regulations, the applicant shall submit the following information:

(a) Determination of number of lots. In determining the number of lots allowed under a conservation/cluster development design prior to density bonuses, the developer shall submit concept plans which include a conventional subdivision design, demonstrating the number of buildable lots per the underlying zoning requirements on the entire parcel without use of the Conservation/Cluster Subdivision technique.

(b) Conservation analysis and tract resource map. Following concept approval of the number of allowed units, the applicant shall develop a tract resource map and conduct a conservation analysis according to the procedures set forth in any applicable Town design guidelines to identify the site's resources and unique features. The conservation analysis will assist in the design evaluation process for the site layout of the development area and will help identify the site's conservation areas.

(c) Conservation areas. Based on the conservation analysis and information provided on the tract resource map, the applicant shall submit a concept Conservation/Cluster Subdivision design highlighting proposed conservation areas on the site.

(3) Determination of density bonuses. Applicants who provide certain amenities in their Cluster/Conservation Subdivision plan may receive a density bonus beyond what is allowed in the applicable zoning district. The applicant shall include a table with desired incentives calculated as follows:

(a) High percentage of conservation. Where 60 percent or more of the total parent lot is protected as conservation areas in perpetuity, the development may be awarded a ten-percent-unit bonus.

(b) Contiguous open space. Where 75 percent of permanently protected open space is contiguous (with the majority of the contiguous open space acreage 100 feet in width or greater), the development may be awarded a ten-percent-unit bonus.

(c) Public access to conservation areas. Where the general public is granted access to conservation areas or there is a linking of open space or trail corridors through the site with existing/proposed publically accessible trails or open space networks, the development may be awarded a ten-percent-unit count bonus.

(d) Protection of historically significant resources from development. Where a development protects historically significant buildings, resources, or landscapes, the development may be awarded a five-percent-unit count bonus. Historical significance may be established pursuant to the findings of the Town Historian or the NYS Office of Parks, Recreation & Historic Preservation.

(e) Sidewalks. Where the project provides publicly accessible sidewalks in accordance with the design criteria outlined in the Town's Subdivision Regulations, a ten percent unit count bonus may be awarded. The providing of off-site sidewalk improvements may be considered by the Planning Board.

(f) Provision of public water. Where an applicant provides extensions of public water facilities along corridors and to areas where it is not provided, a unit count bonus of up to 20 percent may be awarded. Such public water extension shall be made available for use by properties off of the applicant's development site.

(g) Other. The Planning Board reserves the right to award a unit count bonus up to 25 percent, based on the provision of additional amenities provided by the applicant that meet the goals and objectives of this section and Conservation Subdivision design guidelines.

(4) Limit on density bonuses. Density bonuses are limited to 25 percent of the site's allowed base figure except where public water facilities are provided by the applicant. In situations where the applicant provides or extends public water infrastructure per the incentive in Subsection D (3) (f) above, the unit count increase may be extended up to but not exceed 40 percent of the site's allowed base figure.

Final determination of density shall be made by the Planning Board in its review of the

application and in accordance with the Conservation Subdivision design guidelines, other town planning documents and in accordance with SEQRA.

(5) Preliminary/Final Approval. Following concept plan approval, the applicant may proceed with submission of a preliminary plat per §247-14 of the Town's Subdivision Regulations.

§280-36 Open space, parks and parkland fees.

A. Purpose. This section ensures that adequate accommodations are made for parks and parklands when residential subdivisions or multi-family residences are developed. The Town recognizes that each new residential unit puts additional demands on the Town's park system. Not every residential development can provide a suitably located park for recreational purposes and a fee for each dwelling unit is established herein to assist in the purchase and/or capital improvements of existing and/or proposed parks. It is the intent of the Town Board that the recreational needs of all the citizens of the Town may be met by the use of the park fee system and the appropriate application of the open space requirement contained in this section.

B. Applicability. Subdivision plats and multi-family residential developments shall show a park or parks suitably located for playgrounds or other recreational purposes. In the event that the Planning Board finds that a suitable park of adequate size cannot be properly located, or in the case of a Cluster or Conservation Subdivision adequate active open space lands are not provided, the Planning Board shall require a sum of money in lieu thereof for each dwelling unit in an amount to be established by the Town Board. A required payment shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.

§280-37 Dumps; dumping of garbage.

The dumping of junk, refuse, rubbish, garbage, construction debris, or waste material upon lands in the Town is prohibited, except in accordance with the provisions of Chapter 236, Solid Waste, and except for the purpose of filling to establish grades under permit issued by the Town Board.

§280-38 Sanitary disposal.

No person shall undertake to construct a new building or structure in the Town without first meeting the requirements of a system, or facilities, for the disposal of waterborne sewage, domestic or trade wastes in accordance with regulations of the Town, the NYS Department of Health, NYS Department of Environmental Conservation and other government authorities.

§280-39 Site plan design guidelines.

A. Purpose. The site plan design guidelines ensure that new buildings, additions, and alterations are consistent with the Comprehensive Plan and neighborhood studies and promote a pedestrian-friendly environment. The guidelines discuss site planning principles related to overall layout; access; parking; pedestrian circulation; landscaping; natural site design; building architecture; and signage. These guidelines shall not be construed to amend or waive applicable site plan requirements.

B. Applicability. The Zoning Board, Planning Board and Zoning Inspector shall consider these design guidelines in review of a development project and may use discretion in applying the

guidelines to projects involving a change in tenancy and conversion or rehabilitation of existing structures.

C. Building Design Standards. New or in-fill construction should be designed to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape. Building design standards should also consider the following:

(1) The development of public parks, commons, or pedestrian plazas with amenities such as benches and landscaping should be encouraged.

(2) The adaptive reuse of existing structures should be encouraged to complement the character of the existing development.

(3) Additions to existing buildings should use materials and details complementary to those incorporated in the parent structure.

(4) New buildings adjacent to existing structures should be designed consistent with the architectural features of existing structures in terms of form, materials, fenestration, and roof shape.

(5) New buildings, or additions to existing buildings, should reflect the discernible pattern of window and door openings that is established among adjacent structures or is present in the existing building.

(6) The construction of blank or windowless facades should be avoided.

(7) The utilization of ribbon or continuous strip glazing in a building facade should be avoided.

(8) New buildings should have a roof shape similar in proportion, form and character to the majority of the existing structures having frontage on the same corridor. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided, except where the size or type of the building requires a flat roof and facade variations and architectural features can disguise the flatness of the roof. The use of green and landscaped roofs is encouraged.

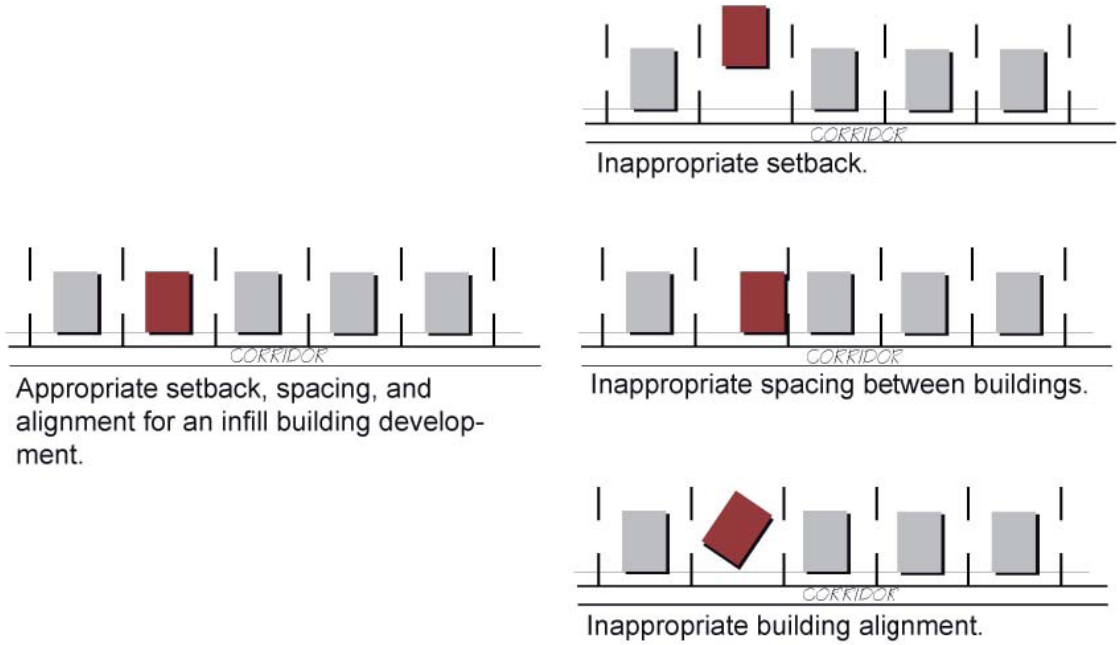
(9) A large building facade and the sides visible from the street corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

(10) Major modifications to existing landscape, such as extensive grading, clear-cutting of trees, or other similar activities, should be avoided. Rain gardens and other natural methods for handling stormwater should be considered.

(11) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

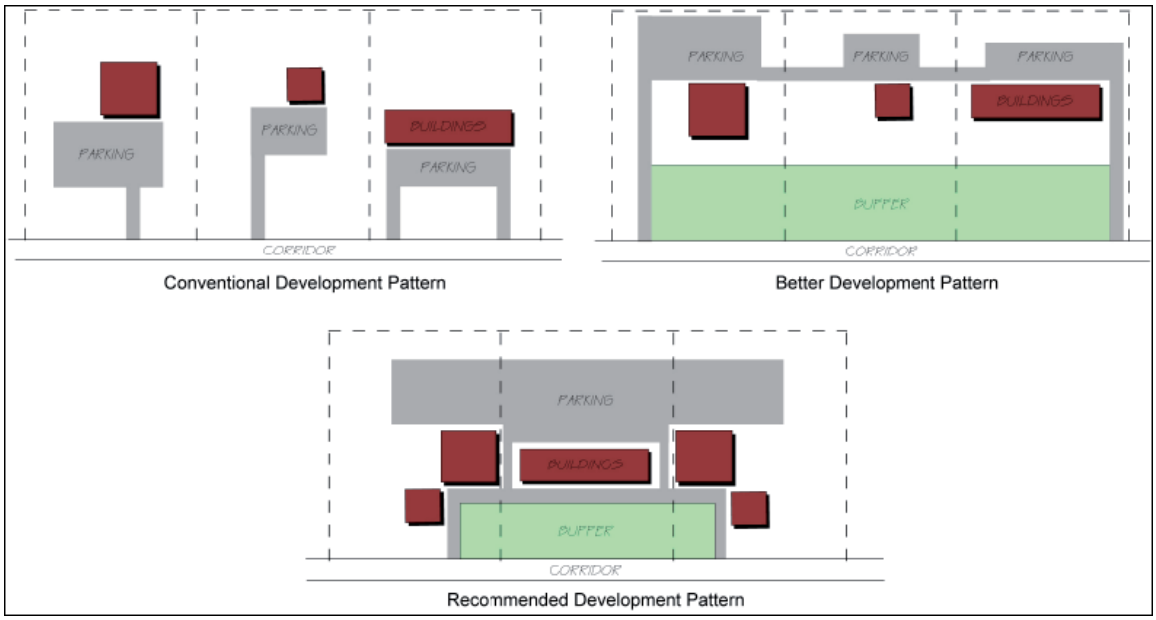
(12) Service alleys for deliveries and utility access should be established along rear property lines.

(13) New development should be sensitive to existing conditions and patterns of development, particularly where historic structures are present. When new development occurs it should maintain consistent architectural character along with setbacks, spacing, and alignment between the new and existing buildings.



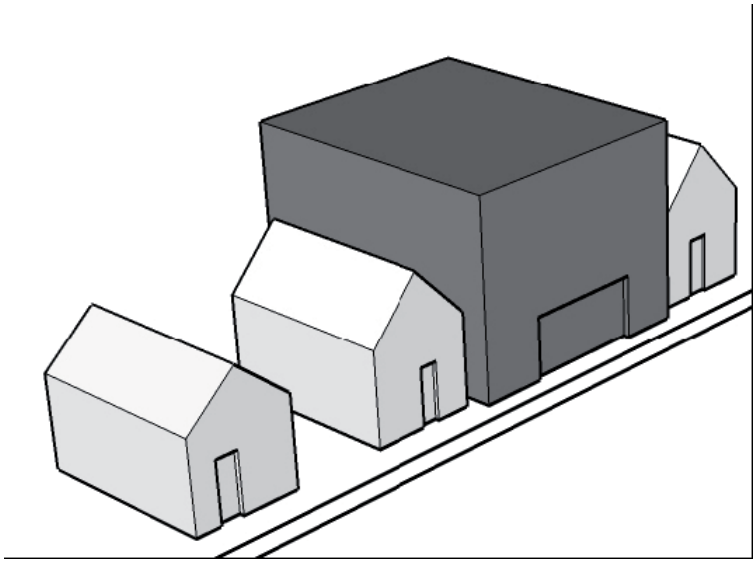
Maintain consistent setbacks, spacing, and alignment for infill development.

(14) The layout for new or infill development should correspond with existing buildings, roads, and road intersections. Existing intersections should be used as access points to new development where possible, and new buildings should relate to existing buildings to create a safe and pleasant pedestrian environment.



Buildings, parking lots and open space should relate to one another and create a unified development.

(15) Building design should creatively reflect traditional elements of the area's character. Diversity that is in tune with the massing, proportion, decorative design elements, and street relationships of nearby buildings is encouraged. Clusters of buildings with internal open spaces are desired, rather than single buildings separated by vast expanses of parking lots. Old and new structures should appear as a comprehensive sequence in size and shape.



New development should not conflict with the scale and character of adjacent structures.

(16) A variety of roof types, heights and gable orientations in proportion to the volume of the building should be incorporated. Extensive use of very steep, or flat or very low pitched roofs should generally be avoided. Sloping roofs can be broken up by the use of dormers and gables to give the facade more visual prominence.

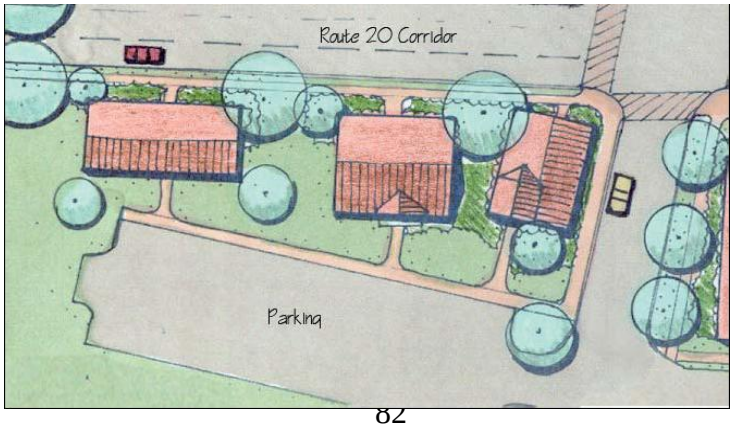
D. Parking Guidelines. The design of parking should consider the following guidelines:

(1) Parking should be secondary to the buildings and pedestrian system.

(2) Parking should be located behind, or along the side of commercial structures, and visually screened from the road to create a more interesting streetscape.

(3) Smaller, well-connected parking areas are generally preferred.

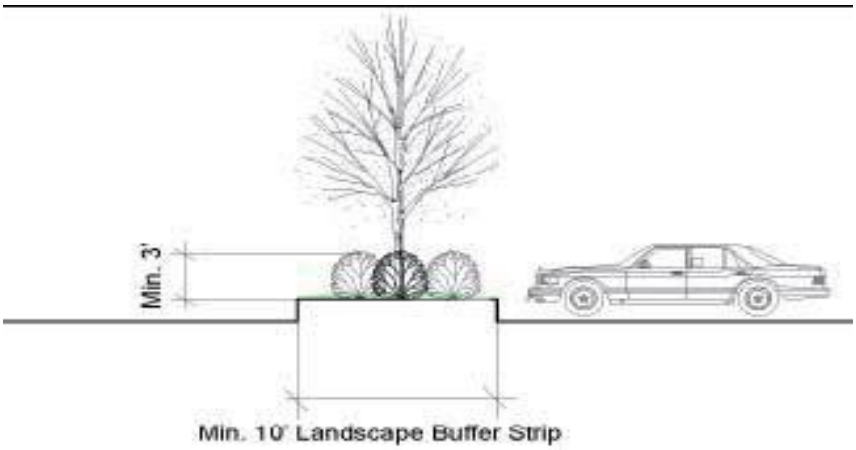
(4) Create additional (side/back) entrances to buildings to render side and back parking lots more attractive to customers.



(5) Utilities, dumpsters, and service areas should respect adjacent residential uses.

(6) Reciprocal parking agreements and easements should be used to provide shared access to driveways and parking whenever possible.

(7) Provide and preserve trees to shade parking areas and walkways to structures

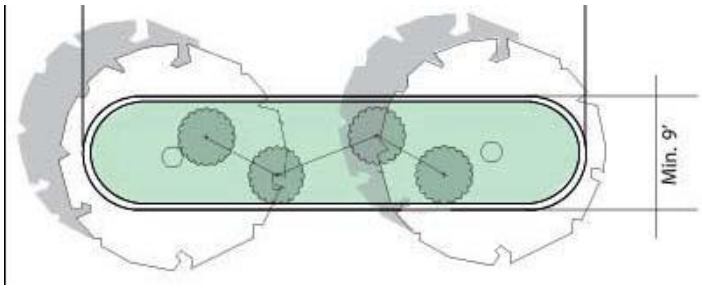


Provide visual buffers around and through parking lots.

(8) Provide landscaped medians and islands to break up and define parking areas, and to perform stormwater management functions.

.

(9) Parking lots should include a snow storage and disposal area that provides for snow melt over a vegetated or green infrastructure area.



E. Access Management and Pedestrian Circulation. To create safe and comfortable circulation for pedestrians, interaction between motor vehicles and pedestrians should be minimized by considering the following design guidelines:

(1) Provide clear crossing areas for pedestrians.

(2) Limit the number of entry points and curb cuts to a development

(3) Providing motor vehicle connections to adjacent lots and developments through shared access roads and linked parking.

(4) Pedestrian walkways, marked crosswalks and multi-use paths should be used to connect buildings, to one another, to parking areas, and to public streets and sidewalks.

(5) Facilities for pedestrian and bicycle circulation within the site, and connection of such facilities to adjoining properties and facilities are encouraged.

(6) Establish a pleasant, walkable environment for pedestrians through landscaped sidewalks.

(7) Utilize a consistent theme of street trees, other landscaping elements, and pedestrian amenities to provide a unified streetscape.

F. Landscaping. Landscaping should be designed to serve several functions, including softening and framing building structures, highlighting building and vehicle entrances, defining pedestrian movement, screening undesirable views, and perform stormwater management functions by considering the following:

(1) Install appropriate landscaping to provide visual cues about location by using consistent plantings and hardscape throughout an area, but which is unique to each area.

(2) In existing commercial strips, expanding green space and planting areas to improve the aesthetics.

(3) In new projects, use open space as an integral component of the design scheme, rather than as a remnant of the development process.

(4) Plant street trees for shade and to enclose the street and define the edge of public and private space. Existing specimen trees should be used to the extent feasible.

(5) Landscape parking areas to provide visual relief, shade and buffers to adjoining uses. Trees, shrubs, flowers, and ground cover should be used as appropriate.

(6) Large impervious surfaces should be divided into smaller units through the use of landscaped medians and islands.

(7) Court yards, parks, and similar green spaces should be considered to provide transitions between commercial and other uses.

(8) Provide landscaping that complements the building and highlights access points.

(9) Landscaped areas in or adjacent to parking or other impervious surfaces should be designed to function as stormwater management facilities.

(10) Provide landscaped buffers to visually screen parking lots.

(11) Minimize use of invasive species of trees, shrubs, and flowers for landscaping and renovation. Instead utilize plant species native to the area to the greatest extent practicable.

F. Signs. The use of signs as design elements is important for maintaining a desirable community character and should consider the following:

(1) Signs should be at a scale appropriate to the use and volume of the facility.

(2) Signs should be maintained to avoid visual blight and provide a fair and competitive economic environment.

(3) Buildings or their architectural treatments should not be so garish in line, color, or effect, so as to constitute a sign in themselves.

§280-40 Supplemental Regulations.

A. Purpose. The purpose of this section is to provide additional requirements and conditions for certain uses and structures identified elsewhere in this chapter due to the intensity or nature of particular uses.

B. Antenna. An Antenna shall comply with the following additional requirements:

(1) Height and placement limitations for all antennas.

(a) If the antenna is mounted on a building, no part of the antenna structure, except as provided below, shall extend to a height greater than six feet above the surface of the roof directly beneath the antenna.

(b) No part of the antenna shall extend to a height of more than 100 feet above ground level.

(2) This subsection is intended to comply with regulations of the Federal Communications Commission applicable to certain antennas as follows:

(a) A “dish” or other antenna designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite shall be one meter or less in diameter.

(b) An antenna designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite shall be one meter or less in diameter or diagonal measurement.

(c) An antenna designed to receive local television broadcast signals shall not have a mast higher than 12 feet above the roofline.

C. Automobile Lot. An Automobile Lot shall comply with the following additional requirements:

(1) An Automobile Lot may include the sale and rental of motor vehicles, mobile homes and recreational vehicles.

(2) The sale of used vehicles shall not be allowed except in conjunction with the sale of new vehicles, both of which shall be established on the same lot.

D. **Automobile Service Station.** An Automobile Service Station shall comply with the following additional requirements:

(1) An Automobile Service Station shall require a minimum lot area of 40,000 square feet or more, and a minimum frontage of 150 feet except for corner lots where a minimum frontage of 100 feet on each street or highway shall be required.

(2) The area used for an Automobile Service Station shall not encroach on a required setback.

(3) A fuel pump shall have a minimum side and rear yard setbacks of 20 feet and shall have a minimum distance of 35 feet from any street line, measured from the outside edge of the fuel island.

(4) An access drive shall be located a minimum of 200 feet from a school, public library, theater, religious institution, public gathering place, park, playground or fire station.

(5) All repair work and storage shall take place within an enclosed building with a maximum height of 25 feet.

(6) The maximum number of service bays is four.

(7) The outside storage of materials, vehicle parts, waste products, or other materials is not allowed unless screened from view.

(8) Unregistered and/or unlicensed vehicles are not permitted.

E. **Drive-In Movie Theater.** A Drive-in Movie Theater shall comply with the following additional requirements:

(1) Minimum dimensional requirements:

(a) Lot area: 10 acres.

(b) Minimum front yard: 100 foot setback.

(c) Minimum frontage: 600 feet, plus an additional 100 feet of frontage for each one-hundred-car capacity above 500 motor vehicles.

(d) Minimum off-street waiting or storage area: Not less than 25 percent of total capacity, with 20 feet per motor vehicle.

(2) Screens shall not face the highway.

(3) There shall be not less than one ticket booth for each 300 motor vehicle capacity or fraction thereof.

(4) No sound, as from loudspeakers, shall be audible in a Residential District.

F. **Family Apartment.** A Family Apartment shall comply with the following additional requirements:

(1) The Family Apartment shall be attached to the principal dwelling unit which is owner occupied and the apartment shall be occupied by a person or persons related to the owner by blood, adoption or marriage.

(2) The Family Apartment has a floor area of not less than 550 square feet and not more than 850 square feet and has an entrance through or in common with the main dwelling unit.

(3) Parking shall be provided on the same lot for the exclusive use of the apartment dwellers.

(4) A deed for property containing an apartment shall have a covenant indicating that the apartment is permitted only when the principal dwelling is owner occupied and the apartment is occupied by a person or persons related to the owner by blood, adoption or marriage. The deed shall be filed in the office of the Albany County Clerk, and proof of filing shall be submitted to the Building Department within 60 days after issuance of the permit.

(5) A permit issued pursuant to this provision is temporary and shall cease upon notice to the Town that the applicant no longer meets the conditions for such use. Once issued, the permit shall be renewed by the applicant through the Building Department on an annual basis until such time as the use shall cease. There shall be a fee as set by resolution of the Town Board for each such renewal. Failure to renew the permit shall constitute a violation of this chapter and result in prosecution.

G. Farm Stand. A Farm Stand shall comply with the following additional requirements:

(1) The Farm Stand shall be a maximum of 600 square feet in gross floor area.

(2) The Farm Stand shall be located a minimum of 20 feet from the highway right-of-way.

(3) The Farm Stand shall provide adequate off-street parking.

H. Home Occupation.

(1) Purpose. The purpose of this use is to accommodate small-scale owner- occupied businesses, trades or professions within residential and rural areas. It is the intent that there will be no degradation of the character of neighborhoods in which these activities occur. A Home Occupation shall be conducted in a manner which does not give the outward appearance of a nonresidential use or business being conducted on the premises, does not infringe on the right of neighboring landowners to the quiet enjoyment of their land, and does not alter the character of the district in which the lot is located.

(2) Minor Home Occupation. A permit is not required for a home occupation which meets the following requirements:

(a) No physical change to the exterior of a principal or accessory structure is required to accommodate the home occupation.

(b) The use is conducted on the property solely by persons utilizing the dwelling as their primary residence.

(c) The home occupation has no nonresident employees.

(d) There shall be no sign or advertising structure for the home occupation use.

(e) There is no exterior storage of materials, equipment, vehicles or supplies used in the home occupation.

(f) There are no clients or customers at the property.

(g) No articles or products are offered for sale or repair services provided at the property.

(h) The home occupation meets the conditions under section F(3) below.

(i) The applicant submits a completed certification for a Minor Home Occupation which certifies compliance with the provisions of this section and pays the fee required by the Town Board. A certification or fee is not required if the minor home occupation has no advertisement, internet presence, phone listing, or other public information that associates the minor home occupation with the property, and complies with conditions for a minor home occupation.

(3) Home Occupation I. Home Occupation I is permitted in the single family residential, A. RA3, RA5, MR, TH, BNRP, and LB Districts provided that the proposed home occupation meets the following requirements:

(a) The home occupation is incidental and secondary to the residential use of the property and carried on by a member of the family in the dwelling unit.

(b) The home occupation shall be carried out wholly within the enclosed walls of the dwelling unit and utilize no more than 25 percent of the floor area. The home occupation shall not use an accessory structure.

(c) There shall be no exterior display or exterior storage of materials, equipment, vehicles or supplies used in the home occupation.

(d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

(e) The home occupation shall not generate traffic beyond that normally expected in the zoning district. Any parking generated by such use shall be provided in an off-street area.

(f) The home occupation shall not allow the use of the property as a meeting place or gathering location for nonresident employees for work elsewhere or the storage of materials, equipment, vehicles, or supplies for use elsewhere.

(g) No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable by the normal senses of persons beyond the limits of the property. In the case of electrical interference, there shall

be no radio or television disruption outside the dwelling unit or fluctuations in line voltages off the premises.

(h) The home occupation shall not use, store, produce or dispose of a toxic or hazardous material.

(i) If the home occupation involves teaching, tutoring, or similar personal instruction and/or care, no more than two students or clients shall be permitted in the dwelling unit at any one time.

(j) The home occupation shall employ no more than one nonresident employee at any one time.

(k) A sign for the home occupation shall conform to the requirements for signs as set forth in this chapter.

(4) Home Occupation II. Home Occupation II is permitted in the A, RA3, and RA5 Districts provided that the proposed home occupation meets the following requirements:

(a) The proposed home occupation meets all of the conditions for a Home Occupation I under section F(3) above, except that:

(i) The home occupation may employ up to three nonresident employees at any one time.

(ii) The use of accessory structures is permitted, where the accessory structures have a minimum 20 foot side yard setback and a minimum 20 foot rear yard setback.

(iii) The exterior display of articles or products of the home occupation and the exterior storage of materials, equipment, vehicles or supplies used in the home occupation are allowed in the rear yard only, with a minimum 20 foot side yard setback and a minimum 20 foot rear yard setback.

(b) The home occupation may sell or offer for sale articles or products that are wholly produced, grown, created or assembled on the lot and may provide repair services in connection with the trade of a dressmaker, milliner, seamstress, or tailor, furniture repair, reupholstering, or the trade of a blacksmith, locksmith or household appliance or small engine repair. Repair services may include the sale of replacement or repair products or accessories that are reasonably related to the principal product.

(c) A sign for the home occupation shall conform to the requirements for signs as set forth in this chapter.

(5) Prohibited home occupations. The use of a dwelling or accessory structure for the following home occupations is prohibited:

(a) Ambulance or taxi service.

(b) Dance studio, aerobic exercise studio, gymnasium, or health club.

(c) Kennel.

(d) Laundry service or dry-cleaning service.

(e) Mortician, funeral home or hearse service.

(f) Motor vehicle repair, sales or rental.

(g) Parking garage or parking for rental of off-street parking spaces.

(h) Restaurant, cafe or tavern.

(i) Towing service.

I. **Hotels**. A Hotel, General may exceed the existing height restrictions in §280-24, provided that a Hotel, General shall not exceed six stories in height; and further provided that the minimum front, side and rear yard setback distances shall be increased, beyond those otherwise required by six feet for each additional story above the third story. A Hotel, Local may exceed the existing height restrictions in §280-24, provided that a Hotel, Local shall not exceed three stories in height and/or 45 feet.

J. **Inn.** An Inn shall comply with following additional requirements:

(1) The number of lodging units shall be limited to the lesser of one unit per 5 seats at the associated sit-down restaurant or thirty units.

(2) The Inn shall be located on the same lot and have the same owner or management as the sit-down restaurant to which it is accessory.

(3) The Inn shall be serviced by municipal water and sewer facilities.

(4) No Inn shall be located on a lot where the lot is less than 2,000 square feet per lodging unit.

K. **Keeping of Chickens.** The keeping of chickens is permitted in a Residential District subject to the following requirements:

(1) The maximum number of chickens shall not exceed six per lot.

(2) Only hens are allowed. Roosters are prohibited.

(3) The keeping of chickens shall be for personal use and not for a commercial basis.

(4) The outdoor slaughtering of chickens is prohibited.

(5) The keeping of chickens is limited to rear yards.

(6) A henhouse shall be provided and shall provide safe and healthy living conditions for

chickens while minimizing adverse impacts to neighboring properties, and shall be enclosed on all sides and have a roof and doors. The henhouse shall be constructed at least two feet above the surface of the ground. Access doors shall be shut and secured at night. Windows and vents shall be covered with predator and bird-proof wire of less than one inch openings.

(7) A chicken pen shall be provided and shall consist of wire fencing, and shall be covered with wire, aviary netting, or solid roofing.

(8) The henhouse and chicken pen shall provide adequate ventilation, sun, and shade, and shall be impermeable to rodents and predators, including, but not limited to, birds, dogs and cats. The property owner shall take all reasonable steps to eliminate the potential infestation of insects and parasites.

(9) A chicken pen and henhouse shall be subject to the provisions for accessory structures, except that such structures shall have a minimum rear yard and side yard setback of 20 feet.

(10) Chickens shall be kept in an enclosure at all times. During daylight hours, chickens may be allowed outside chicken pens in a secured fenced yard if supervised. During non-daylight hours, chickens shall be secured within a henhouse.

(11) Enclosures shall be clean, dry, odor-free, and kept in a sanitary condition, in a manner that shall not disturb the use and enjoyment of neighboring properties due to noise, odor, or other adverse impact.

(12) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible beyond the property boundary.

(13) Only fully shielded lighting shall be used to light the exterior of the henhouse.

(14) Chickens shall be provided with access to feed and clean water at all times. Such feed and water shall be unavailable to rodents and predators.

(15) Provisions shall be made for storing and removing chicken manure in a sanitary manner. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken pen, and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(16) The applicant shall submit a completed certification of compliance with the provisions of this section and pay the fee required by the Town Board. The certification shall further provide that the applicant agrees to allow the Zoning Inspector to enter upon and inspect the property to determine compliance with the provisions of this section. .

(17) A permit to keep domesticated chickens may be suspended or revoked by the Zoning Inspector where there is a risk to public health or safety or for violation of or failure to comply with any provision of this section.

L. Kennel. A Kennel shall comply with the following additional requirements:

(1) The Kennel shall be operated a minimum of 300 feet from a residence other than the residence of the owner or operator thereof.

(2) The dogs shall be confined within a building between 10:00 p.m. and 7:00 a.m.

M. Landscaping/Lawn Contracting Facility. A Landscaping /Lawn Contracting Facility shall comply with following additional requirement:

(1) Loading and storage of equipment and materials shall be located a minimum of 20 feet from all property lines and shall be screened from view from adjacent properties by landscaping and/or fencing.

N. Mining and Excavation.

(1) Purpose. The purpose of this section is to allow mining and excavation activities only in appropriate locations and only by issuance of a permit as set forth herein with conditions necessary for the protection of nearby residents, natural resources, and public streets.

(2) Prohibited Activities. No permit issued under this section shall be construed to allow the processing of materials not mined or excavated at the proposed permit site or allow any activities prohibited under §280-22(E).

(3) Application. The applicant shall file a complete application for a permit and required filing fee. The application shall be signed by the applicant and owner of the proposed permit site and shall include the following:

(a) The name and address of the applicant and owner of the permit site.

(b) A complete copy of any application to the NYS Department of Environmental Conservation for a mining permit, including all maps, reports and documentation incidental thereto, and the mining permit which has been issued by the DEC in relation to the subject operation.

(c) A copy of any written plan for reclamation and map for the area, including all items required for filing with the NYS Department of Environmental Conservation for a mined land reclamation permit.

(d) A plat prepared by a licensed engineer or surveyor at a scale of one inch equals 100 feet showing the following:

(i) The proposed permit site and all contiguous land which may be used for appurtenant activities;

(ii) Public highways bounding or accessing the proposed permit site and all structures on adjoining property within 200 feet of the property line of the proposed permit site.

(iii) The boundaries of the proposed permit site by bearing and distance, existing topography and ten foot contour intervals and the boundaries of zoning classifications and location of all water

sources within 1,000 feet of the proposed permit site.

(iv) Average thickness of overburden within the boundaries of the proposed permit site.

(v) Location of haulage ways to and from the proposed permit site.

(vi) Any planned impoundment of water to provide lakes or ponds for wildlife at restoration.

(vii) Planned drainage and water control for all affected areas so as to reduce soil erosion damage to adjacent lands.

(viii) The sequence of cuts or excavations.

(ix) The groundwater levels as determined by soil borings.

(x) The prevailing wind directions.

(e) An operations map showing the plan for the operation and appurtenant activities which shall be presented as an overlay to the plat and the following:

(i) Area of active mining or excavating and area requested for appurtenant activities.

(ii) Area where topsoil and overburden will be temporarily stored for the future use of restoring excavated or mined areas.

(4) Review of permit application. In reviewing the application, the Zoning Board shall consider the following:

(a) Applicable requirements under NYS Environmental Conservation Law §23-2701 et seq.

(b) Setbacks. The proposed use and appurtenant activities shall have the following minimum setbacks:

(i) Five hundred feet from an adjoining residential dwelling.

(ii) Fifty feet from an adjoining property line.

(iii) Seventy feet from the center line of a right-of-way, provided that the angle of repose is no more than 33 percent. Grading may be conducted within such limits in order to provide adequate access to the premises. The setback area shall not be used for a use in conjunction with the excavation and appurtenant activities except for one public notice sign for identifying use, buffer effect and those conditions of this section pertaining to top- and subsoil preservation.

(iv) Haulage ways shall be a minimum of twenty feet from an adjoining property line.

(v) All applicable setbacks under §280-30.

(c) The proposed permit site shall have legal access to a public highway. .

(d) Access roads shall be constructed to include a curve so as to screen the operation from public view. The junction of the access and the public road shall be at an angle of not more than 10 degree deviation from a right angle.

(e) Fencing shall be provided on all sides of the proposed permit site that abuts a residential zone, unless the depth of excavation (vertical face) is less than 10 feet. Fencing shall be erected no closer than 30 feet from a public right-of-way or an adjoining property line. The fencing shall be at a minimum of five feet in height and comply with §280-27.

(f) Topsoil preservation. Topsoil removed for excavating or mining activities shall be stockpiled for use in accordance with the restoration plan. Such stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams or adjacent property.

(g) Landscape. Existing hills, trees and ground cover fronting along public roads or adjacent property shall be preserved, maintained and supplemented by additional landscaping and berms for the purpose of screening and noise mitigation.

(h) Lateral support. All operations shall be conducted to avoid hazard or harm to persons, damage to adjacent land or improvements, public highways or watercourse.

(i) Hours of operation. The hours of operation shall be only between 7:00 a.m. and 7:00 p.m. on Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday. No operations will be allowed on Sundays.

(j) Dust and dirt control. All haulage ways leading to public highways shall be dust and mud-free. All precautions shall be taken to prevent dust and dirt from being blown from the premises. The first 200 feet of access from public roads shall be paved.

(k) Noise. Operations shall not be detrimental to adjacent property nor unduly interfere with the quiet enjoyment of adjacent property.

(l) Drainage system. A storm water management plan shall be provided No activity shall be allowed within 100 feet of a watercourse. Sediment control measures shall be installed to keep all sediment on the proposed permit site.

(m) Erosion control. A plan for control of soil erosion on to public highways, watercourses or adjacent property shall be provided.

(n) Requirements and conditions specified in a mining permit and mined land reclamation permit issued by the NYS Department of Environmental Conservation and provisions for the Town's enforcement of such permits.

(5) Restoration and re-vegetation requirements.

(a) Slope. No slope shall be left with a grade steeper than one foot on three feet; provided, however, that for quarry operations, the applicant's engineer shall certify the face of the quarry wall as safe and acceptable and may require means necessary to reinforce unsafe faces.

(b) All man-made debris shall be removed from the proposed permit site.

(c) Within six months after termination of operations, all equipment, building and structures associated with the operations shall be removed from the premises and all restoration and reclamation shall have been completed.

(d) Compliance with all provision of a mined land reclamation permit issued by the NYS Department of Environmental Conservation.

(6) Exemptions. The following activities are exempt from the requirements of this section:

(a) Land disturbance activity for the improvement of a single lot or parcel of land in connection with construction of a dwelling, multifamily dwelling, building, or other structure for which a building permit has been issued.

(b) Land disturbance activity for a project requiring a building permit, Special Use Permit, Site Plan approval or Subdivision approval and where the excavation is incidental to the project.

(c) Excavation for utility installation which is to be backfilled.

(d) Agricultural drainage work incidental to agricultural operations, including farm ponds, if no material is removed from the proposed permit site.

(e) The excavation of not more than 200 cubic yards of material per year from the proposed permit site during any 12 consecutive months period.

(f) Excavation in response to an emergency at the direction of the Zoning Inspector or storm water management officer. .

O. Mixed-Use Building.

(1) Purpose. The purpose of this section is to allow both residential and non-residential uses in appropriate buildings to:

(a) allow a mixture of complimentary uses to create economic and social vitality and to encourage the linking of trips;

(b) provide flexibility in the siting and design of new development and redevelopment; and

(c) facilitate development that supports public transit where appropriate and encourage bicycle and pedestrian travel.

(2) Requirements.

(a) Residential uses in mixed use buildings are permitted on upper stories only or on ground floors where they do not use storefront space. Residential uses shall not exceed 25 percent of ground floor area.

(b) Density. In a mixed use development, the density shall not exceed eight residential units per acre. Minimum floor areas for residential units shall comply with §280-15.

(c) Auto oriented uses such as drive thru restaurants and vehicle sales and service are prohibited.

(d) Off-street parking is generally to be provided in the rear or side of buildings.

(e) The main entrance to a building should be oriented toward the street and sidewalk. There are generally windows or display cases along building facades which face the street or sidewalk.

(f) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities. Buildings, vehicular circulation and open spaces shall be arranged so that pedestrians moving between buildings or from buildings to the street are not unnecessarily exposed to vehicular traffic.

(g) There shall be adequate provision for parklands for playgrounds or other recreational purposes as set forth in §280-36.

P. **Motorized Aircraft.** No person shall land a piloted, motorized aircraft, except for medical or mechanical emergencies or agricultural, military or official government purposes, other than landing facilities approved by the Town and federal aviation agencies.

Q. **Outdoor Wood Furnace.** No person shall locate or operate an Outdoor Wood Furnace that does not comply with any requirements imposed by the U.S. Environmental Protection Agency, NYS Department of Environmental Conservation, Albany County Department of Health, or any other Federal, State, County, or Local agency. Such use shall also comply with requirements in this chapter that are not inconsistent with other laws or regulations.

R. **Solar Energy System.**

(1) Purpose. The purpose of this section is to provide for the siting, development, and decommissioning of solar energy systems subject to reasonable conditions to reduce

potential impacts to adjoining properties while promoting development of renewable energy resources.

(2) Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:

(a) A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure.

(b) A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.

(c) The requirements set forth below in (3)(a) – (g)

(3) Solar Energy System, Major. A major solar energy system shall comply with the following requirements:

(a) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(b) Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

(c) Buffer/screening. A minimum twenty-five-foot perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways.

(d) Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.

(e) Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.

(f) Existing on-site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

(g) Height. Ground-mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt.

(h) Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

(i) Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.

(j) Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.

(k) Setbacks. Any structures and equipment shall comply with all minimum setbacks for principal structures established in §280-24 except that any structures or equipment shall be located at least 100 feet from any single family residential districts. Additional setbacks may be required by the Zoning Board or Planning Board to adequately buffer adjoining residential and public property.

(l) Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.

(m) Abandonment. A major solar energy system that has not generated electricity for a period of 12 consecutive months shall be deemed to be abandoned and shall be decommissioned within six months. A decommissioning plan shall be submitted as part of the site plan or special use permit application and shall include, but not be limited to, the following:

(1) A schedule and methods for the removal of the solar energy system from the lot;

(2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties; and

(3) A performance bond in an amount determined by the Zoning Inspector to insure the completion of the decommissioning plan.

(4) Obsolete or unused solar energy system and accessory structures shall be removed from a site within four months of abandonment or decommissioning.

S. **Special Occasion Facility**. A Special Occasion Facility shall comply with the following additional requirements:

(1) The facility or place shall not exceed 150 invited guests.

(2) The property shall have a minimum lot area of three acres and shall be located on a state

or county highway.

(3) There shall be no amplification of sound after 10:00 p.m.

(4) If located in a single-family residential district, the facility shall be listed on or eligible for the National Register of Historical Places.

T. Swimming pool. A swimming pool shall comply with the following additional requirements:

(1) A swimming pool shall have a 10 foot setback from all property lines.

(2) A permanent, good-quality fence shall be erected and maintained to encompass the entire perimeter of the swimming pool. The fence shall be not less than four feet in height and otherwise shall be in accordance with the standards specified for fences in §280-27. The Zoning Board may grant permission to install a fence not to exceed eight feet in height in accordance with the provisions of §280-27.

(3) A gate or other opening in the fence enclosing the swimming pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at the swimming pool.

(4) A swimming pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the NYS Sanitary Code relating to public swimming pools.

(5) If the water of a swimming pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

(6) Where the swimming pool is installed in an area supplied by a public water system, the Zoning Inspector shall be furnished proof that the appropriate water authority has approved the tie-in with such water system or, in the alternative, proof that the water will be furnished by an independent contractor.

(7) No loudspeaker device which can be heard beyond the property lines of the premises on which a swimming pool has been installed. No lighting shall be installed in connection therewith which shall throw rays beyond such property lines.

(8) A swimming pool existing at the time this subsection becomes effective shall within 60 days after such date be enclosed by a fence as herein required for a new swimming pool.

(9) An in-ground swimming pool shall be located a minimum of 12 feet from a foundation enclosing a basement or crawl space unless the owner provides a certification by professional engineer certifying to the Town that the proposed installation would not negatively impact the foundation.

U. Telecommunications towers.

(1) Purpose. The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations

and to protect the natural features and aesthetic character of the Town. These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

(2) Authority. The Zoning Board shall review and approve, approve with modifications, or disapprove Special Use Permits consistent with this section and this chapter.

(3) Application.

(a) No transmission tower shall be used, erected, moved, reconstructed, changed or altered except after approval of a Special Use Permit and in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.

(b) These regulations shall apply to all property within the Town, including the following zones: BNRP, LB, GB, IP, and I Districts. Telecommunications towers and their accessory facilities are prohibited in the A, RA3, RA5, Single-Family Residential Districts, MR, TH, PUD, CH, and MH District.

(c) Where these regulations conflict with other laws and regulations of the Town, the more restrictive shall apply, except for tower height restrictions which are governed by these special use standards.

(4) Submission requirements for sharing existing facilities. An applicant proposing to share use of an existing tall structure shall submit a Site Plan as described in §280-53. The Site Plan and supporting documentation shall also include:

(a) A complete application for a Special Use Permit.

(b) Documentation of intent from the owner of the existing facility to allow a shared use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other changes, including real property acquisition or lease required to accommodate shared use.

(c) The Site Plan shall show existing and proposed structures and improvements, including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Methods used to conceal the modification of the existing facility shall be indicated on the Site Plan.

(d) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, will not hamper existing emergency networks and explaining what modifications, if any, will be required in order to certify to the above.

(e) A complete short EAF and a complete visual EAF addendum, including mitigation measures of the visual impacts.

(f) A copy of its Federal Communications Commission (FCC) license.

(h) A copy of the lease agreement.

(5) Submission requirements for new towers. An applicant proposing to construct a new tower shall submit a Site Plan as described in §280-53. The site plan and supporting documentation shall also include:

(a) A complete application for a Special Use Permit.

(b) The Site Plan shall show existing and proposed structures and improvements, including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Methods used to conceal the modification of the existing facility shall be indicated on the Site Plan.

(c) Documentation on the proposed intent and capacity of use.

(d) Justification for the height of a tower or antennae and justification for a land or vegetation clearing required.

(e) A complete Visual Environmental Assessment Form (visual EAF) and a landscaping plan addressing other standards of this section, with particular attention to visibility from key viewpoints within and outside the municipality as identified in the visual EAF. The Zoning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF.

(f) A report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared uses of existing facilities and use of other preexisting structures as an alternative to a new construction.

(g) A report demonstrating good faith efforts to secure shared uses from existing towers as well as documenting capacity for future shared uses of the proposed tower. Written requests and responses for shared uses shall be provided.

(h) Proof of certified announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.

(i) A report detailing the compatibility of proposed construction with existing emergency networks.

(j) A report detailing the long-range plans for additional towers within the area.

(k) A copy of its Federal Communications Commission license.

(l) A copy of any proposed lease agreement.

(6) Special use standards.

(a) Shared uses. At all times, shared uses of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable,

location of antenna on preexisting structures shall be considered.

(b) Setbacks. Towers and antennas shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Zoning Board to contain on-site substantially all icefall or debris from tower failures and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors, and accessory facilities.

(c) Visibility.

(i) All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

(ii) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend in with natural surroundings below the surrounding tree line unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e., monopoles or guyed towers) shall be preferable to freestanding structures except where such freestanding structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

(iii) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(d) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the Special Use Permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be provided.

(e) Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of the berm.

(f) Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contour's potential.

Public road standards may be waived in meeting the objectives of this subsection.

(7) Authority to impose conditions. The Zoning Board shall have the authority to impose conditions and restrictions as related to and incidental to the proposed use.

(8) Removal. The applicant shall submit a letter of intent committing the tower owner, and his/her successors in interest, to notify the Zoning Inspector within 30 days of the discontinuance of use of the tower. This letter shall be filed prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from a site within four months of such notification. The Zoning Board is authorized to require the applicant, as a condition of approval, to post an escrow deposit with the Town in an amount sufficient to ensure compliance with this section.

(9) The Zoning Board is authorized to retain a consultant or Town designated engineer, to be paid for by the applicant, to aid it in reviewing the application, site plan submission and other materials and data submitted by the applicant.

ARTICLE V (ADMINISTRATION AND ENFORCEMENT)

§280-41 Enforcing official.

The Zoning Inspector shall have the power to enforce this chapter and shall be appointed and may be removed by the Town Board. An appeal from a ruling by the Zoning Inspector regarding this chapter shall be heard by the Zoning Board.

§280-42 Form of application and appeal; and fees.

An application and appeal provided for in this chapter shall be made on forms prescribed by the Town Board and accompanied by plans and specifications required by this chapter. Fees shall be paid to the Zoning Inspector upon the filing of an application. Such fees shall be as established by Town Board resolution and are not refundable.

§280-43 Limitation on new application.

In a case where a Special Use Permit or Variance is denied by the Zoning Board, or a Site Plan is denied by the Planning Board, unless stated to be without prejudice, the application shall not be eligible for resubmittal for the period of one year from the date of the denial, unless, in the opinion of the reviewing board, new evidence is submitted or conditions have changed such that further consideration is warranted.

§280-44 Building permit required; expiration and extensions.

No structure shall be erected, altered, placed, moved or demolished, nor shall an excavation be made or footing or foundation be constructed therefor until a permit has been issued by the Zoning Inspector, and such permit is prominently displayed upon the premises. This requirement applies equally to the construction or installation of underground structures, including sewage disposal systems. Such permit shall expire 180 days after the issuance thereof unless construction shall have been commenced within this period, and it shall expire 12 months after date of issue. The Zoning Inspector may, for good cause, grant two six-month extensions of the above time period.

§280-45 Conformance with state regulations.

No structure shall be built or erected unless it meets the NYS Uniform Fire Prevention and Building Code. All proposed structures shall be reviewed by the Building Department to assure conformance with the NYS Uniform Fire Prevention and Building Code.

§280-46 Certificate of occupancy required.

Upon the completion of a structure legally erected or altered, as required by this chapter, a permit for the occupancy of the structure and the use designated in the building permit shall be issued within 10 days of a written request for inspection. No structure shall be occupied or the premises used until such permit is issued, and such certificate shall automatically become invalid upon a change in use of the premises.

§280-47 Planning Board membership and powers.

Pursuant to NYS Town Law §271, the Planning Board shall consist of seven members appointed by the Town Board which shall designate the Chairman and may appoint an alternate member thereof, in such manner and for such terms as provided in NYS Town Law. The Planning Board shall have authority established for it by statute and this chapter, and may establish necessary rules and regulations.

§280-48 Zoning Board of Appeals membership and powers.

Pursuant to NYS Town Law §267, the Zoning Board of Appeals shall consist of five members appointed by the Town Board which shall designate the Chairman and may appoint an alternate member thereof, in such manner and for such terms as provided in NYS Town Law. The Zoning Board shall have authority established for it by statute and this chapter, and may establish necessary rules and regulations.

§280-49 Subdivision maps.

No real property shall be subdivided into two or more lots, or any lot line changed, until a map of such subdivision, drawn to a scale as prescribed by the Planning Board, showing such lots and any streets laid out in connection therewith, shall have been approved by the Planning Board and filed with the Albany County Clerk's Office in accordance with Chapter 247, Subdivision of Land.

§280-50 Notice of public hearing.

When the Town Board, Planning Board or Zoning Board is required to hold a public hearing, as provided for in this chapter or elsewhere by law, notice of the hearing shall be given in the following manner:

A. Each notice of a hearing on a Special Use Permit, Subdivision, Site Plan or Variance shall be published in a newspaper of general circulation in the Town at least five days prior to the date of the hearing.

B. Each notice of a hearing regarding an amendment to this chapter shall be published at least one time in a newspaper of general circulation in the Town at least 10 days prior to the date of the hearing. All other provisions of NYS Town Law §264 shall be adhered to.

C. Each notice of a hearing on an appeal authorized by this chapter shall be published in a newspaper of general circulation in the Town not less than five days prior to the date of the hearing.

D. The Town Board, Planning Board or Zoning Board may continue a hearing to obtain additional

information or upon request of the applicant. At the time of recessing, the time and date of the resumed hearing shall be announced, if possible. If no date of resumption is announced or if the hearing is recessed for a period of three months or more, public notice of resumption of the hearing shall be published.

§280-51 Variances.

A. Purpose. Where the strict application of certain provisions of this chapter may result in practical difficulties, unnecessary hardships and results inconsistent with the general purposes thereof, Variances may be granted as provided in this chapter.

B. Authorization to grant or deny Variances. A Variance to this chapter shall be authorized by the Zoning Board in accordance with the standards and procedures set forth in this section. In granting a Variance, the Zoning Board may impose conditions similar to those provided for a Special Use Permit to protect the best interests of the surrounding property, the neighborhood or the Town as a whole.

C. Application for a Variance. A property owner or his agents may initiate a request for a Variance by filing an application with the Zoning Inspector using forms provided for such requests by the Town. Such application shall be accompanied by a legal description of the property, a map showing the property and all properties within a radius of 500 feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed Variance, other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties and a filing fee as required in the Town's fee schedule.

D. Circumstances for granting Variances. The Zoning Board may grant an Area Variance or a Use Variance pursuant to NYS Town Law §267-b. All applications for an Area Variance or a Use Variance shall include written responses to the conditions enumerated in NYS Town Law §267-b in order for the application to be considered by the Zoning Board.

E. Public hearing on a Variance. Before the Zoning Board may act on a request for a Variance, it shall hold a public hearing. Notice of the hearing shall be given as provided in §280-50 and a decision shall be rendered within 62 days of the final hearing date.

F. Notification of decision. The Zoning Board shall notify the applicant for a Variance, in writing, of the Board's decision within five days after the decision has been rendered.

§280-52 Special Use Permit Review.

A. Purpose. The purpose of Special Use Permit review is to consider the proper placement of uses in the community and zoning district that are only suitable in such locations under appropriate conditions. Special uses require consideration of factors so that they are properly located consistent with the objectives of this chapter and are not detrimental to neighboring properties.

B. Authorization. The special uses listed in this chapter may be permitted, enlarged or altered upon authorization by the Zoning Board. An application for a Special Use Permit shall be made on the application form provided by the Town. Ten copies of the application and required information as set forth below and fee shall be submitted to the Zoning Inspector. The application shall be accompanied by a Site Plan prepared and certified by a licensed engineer, architect, landscape architect or surveyor, in accordance with §280-53(E). The Zoning Inspector shall refer the Site

Plan to the Planning Board for review under subsection C below.

C. Site Plan review by Planning Board.

(1) With respect to an application for a Special Use Permit, the Planning Board shall make a written Site Plan review report on the proposed project to the Zoning Board.

(2) In preparing the Site Plan review report, the Planning Board shall consider the factors identified in §280-53(H) and the following criteria:

(a) Whether the proposed use and site conform to the Comprehensive Plan.

(b) Whether the project conforms to accepted design and aesthetic principles.

(c) The effect of the proposed use on the other properties in the neighborhood, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and other effect of such use on the health, welfare and safety of the occupants of such properties.

(3) The Site Plan review report shall contain findings either recommending approval, with or without conditions or modifications, or disapproval of the Site Plan.

(4) If the Planning Board shall recommend in its review report that the Site Plan not be approved, a Special Use Permit shall not be granted by the Zoning Board except upon affirmative vote of at least four of its members.

D. Public hearing on a Special Use Permit. Within 62 days of receipt of a complete application, the Zoning Board shall consider the application at a public hearing.

E. Factors for consideration.

(1) The Zoning Board review of an application for Special Use Permit shall include, but is not limited to, the factors identified under §280-53(H) and the following considerations:

(a) The use will not be detrimental to or endanger public health, safety, or the general welfare of the community.

(b) The use will not compromise the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and/or impair property values within the neighborhood.

(c) The use will not hinder the normal and orderly development and improvement of surrounding properties.

(d) Adequate utilities, access roads, drainage accommodations, and other necessary facilities are provided to serve the use.

(e) Ingress and egress to the site is provided in such a manner that no undue traffic congestion or hazard will be created.

(f) The use shall conform in all other respects with the provisions of this chapter and

be consistent with the Comprehensive Plan.

(2) The Zoning Board is encouraged to consult with engineers, consultants, and Town and county officials and boards, as well as with federal and state agencies, including the Soil and Water Conservation District, the United States Army Corps of Engineers or the NYS State Department of Environmental Conservation.

F. Conditions. In permitting or amending a Special Use Permit, the Zoning Board may impose, in addition to standards and requirements specified by the law, any recommendation made by the Planning Board in its Site Plan report, and additional conditions which the Zoning Board considers necessary to protect the interests of surrounding properties, the neighborhood, and the Town. These conditions may include but are not limited to increasing the required lot size or yard dimensions; limiting the height or size of buildings; controlling the location and number of vehicle access points; modifying street widths; modifying the number of off-street parking and loading spaces required; requiring type and quantity of lighting facilities to reduce off-site impacts; setting appropriate days and hours of operation; requiring measures to address potential stormwater, noise and odor impacts; limiting the number, size and location of signs; and requiring fencing, screening, landscaping or other facilities to protect nearby property. The Zoning Board may require a letter of credit, bond or maintenance bond for a facility or improvement that is indicated as part of the plan. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

G. Action. The Zoning Board shall render a decision within 62 days from the close of the public hearing. This time period may be extended by mutual consent of the applicant and the Zoning Board. The decision shall be filed in the office of the town clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

H. Final Site Plan. A final Site Plan containing the conditions imposed by the Zoning Board in the Special Use Permit shall be submitted, within 30 days of the filing of the Zoning Board's decision, to the Zoning Inspector for review of compliance with the terms of the Special Use Permit. Unless provided otherwise in the Special Use Permit, any imposed condition shall be satisfied before the issuance of a building permit.

I. A Special Use Permit or amendment to a Special Use Permit shall become null and void unless a certificate of occupancy is obtained within two years of the filing of the decision granting the Special Use Permit, or, by conditions in the Special Use Permit, a greater or lesser time is specified as a condition of approval, or unless the approval, upon good cause shown, is extended for a period of no more than one year.

J. The Zoning Board, on its own motion, may revoke a Special Use Permit for noncompliance with the approved Site Plan or conditions in the Special Use Permit after first holding a public hearing and giving notice of such hearing as provided in §280-50. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate a condition imposed by a Special Use Permit.

§280-53 Site Plan Approval.

A. Purpose. The purpose of Site Plan approval review is to determine that a proposed development is in compliance with the objectives of this chapter, creates no unhealthful or unsafe conditions, and does not adversely impact adjacent land uses or the health, safety or general welfare of the community.

B. Authorization. The Site Plan Uses listed in this chapter may be permitted, enlarged or otherwise altered upon authorization by the Planning Board.

C. Optional sketch plan application.

(1) The applicant may submit a sketch plan to the Planning Board for an informal discussion prior to submission of an application for Site Plan review under §280-53(E). Ten copies of the sketch plan and required information, and fee shall be submitted to the Town Planner. The purpose of the sketch plan is to enable the applicant to describe the proposal, allow the Planning Board to review the design concept and advise the applicant as to any potential problems and concerns, and determine whether an application for Site Plan review under §280-53(E) is required or whether Site Plan review may waived under §280-53(D).

(2) The sketch plan shall include:

(a) Title of drawing, North arrow, date and scale.

(b) Location of site with respect to existing roads, rights-of-way, and access.

(c) Location of all existing structures and proposed improvements on the site and future use of the same.

(d) Existing zoning classification of the property and all adjacent properties, and restrictions on land use of the site including deed restrictions or easements.

(e) Existing natural features on the site including existing wooded areas, watercourses, wetlands, drainage patterns and topography showing existing contours at intervals of no more than ten feet.

(f) Contour intervals at 10 feet, including 200 feet of adjacent property.

(g) Relationship to adjacent properties including parking and loading areas, fences and landscaping.

(3) The Planning Board may request additional information or suggest changes in the sketch plan involving street layout, traffic patterns, lot size or shape, lighting, landscaping, noise and odor abatement, preservation of natural features or other matters which, in its opinion, will improve the proposed Site Plan.

(4) In the case of a PUD application pursuant to §280-17, the sketch plan shall provide information necessary for the Planning Board to make a recommendation on the property rezone and for the Town Board to make a determination of significance under the SEQRA. The sketch plan application shall include, but not be limited to, information on the types and intensity of uses proposed; projected traffic and noise levels; demands on municipal services; on-site natural, historic or archeological resources; drainage patterns; and surrounding community character.

(5) The Planning Board shall notify the applicant, in writing, of its decision on the sketch plan.

D. Waiver of Site Plan review. The Planning Board may, after review of the sketch plan, waive the requirement for Site Plan approval for a minor site modification when:

(1) There are no alterations/impacts to unique environmental characteristics on the site such as steep slopes, wetlands, watercourses or floodplains.

(2) There is no extension or modification of public improvements or site access.

(3) The modification does not alter the essential character of the neighborhood or negatively impact neighboring properties.

(4) The existing lot, buildings and development plan comply with requirements of Article IV.

(5) There is no alteration of the site drainage.

E. Application for Site Plan approval**.** An application for Site Plan approval shall be made in writing on the application form provided by the Town. Ten copies of the application and required information as set forth below and applicable fee shall be submitted to the Town Planner. The application shall be accompanied by the following information, as required by the Planning Board, prepared by a licensed engineer, architect, landscape architect or surveyor, and certified by the seal and signature of such professional:

(1) An area map showing the applicant's property under consideration, the applicant's entire adjacent holdings and all adjacent properties showing the relationship to adjacent parking and loading areas, points of ingress and egress, lighting, fences and landscaping.

(2) A grading plan showing existing and proposed contours at intervals of not more than two feet.

(3) An erosion and sedimentation control plan showing all soil areas and their classification, and those areas, if any, with moderate to high susceptibility to flooding, and moderate to high susceptibility to erosion.

(4) A Stormwater Pollution Prevention Plan in compliance with applicable state and local regulations including an evaluation of green infrastructure measures.

(5) A Site Plan, including the following information:

(a) Title of drawing, including name and address of applicant and owners of record.

(b) Name, stamp and signature of the licensed professional preparing the map.

(c) North arrow, scale and date showing when the plan/map was prepared or revised.

(d) Location map, preferably as an inset, showing location of the site in relationship to adjacent roads, intersections and landmarks.

(e) Boundaries of the property plotted to scale.

(f) Existing natural features including wooded/vegetated areas, trees with a diameter greater than 12 inches, watercourses, wetlands, drainage patterns and topography showing existing contours at intervals of no more than five feet.

(g) Location of rock outcrops, natural buffers, wooded areas, and single trees with a diameter of 12 inches or more as measured three feet above the base of the trunk and other significant existing natural features which should be preserved to the maximum extent practical.

(h) Location of all existing or proposed site improvements, including:

(i) Existing and proposed buildings showing setback dimensions from property lines and gross floor area of each structure.

(ii) Existing and proposed parking areas showing internal street pattern, highway access and existing/proposed easements;

(iii) Location and size of off-street loading facilities, with access and egress drives thereto;

(iv) Location and size of outdoor storage, if any, and the method of screening the storage area from view;

(v) Stormwater management facilities, culverts, retaining walls, and fences;

(vi) Landscaping plan and planting schedule including green space area calculation;

(vii) Description of method of sewage disposal and location of such facilities;

(viii) Location and size of all signs;

(ix) Location and design of lighting facilities;

(x) Location, if any, of waste storage and the method of screening from view; and

(xi) Other elements integral to the proposed development as considered necessary by the Planning Board.

(6) Building elevation drawing (north, south, east, west) drawn at an appropriate scale (1/8" = 1') including:

(a) Colors, material and textures to be used;

(b) Building dimensions for each elevation;

(c) Architectural treatments (entrances, windows, eaves, etc.);

(d) Proposed signs, including dimensions and copy.

F. Waiver of submission requirements. The Planning Board may waive a submission requirement that it determines is not necessary for its review or inappropriate to a particular application.

G. Public hearing on Site Plan approval review. The Planning Board shall determine, based upon considering the factors contained in §280-53(H), whether a public hearing would be beneficial for its consideration of the application. A public hearing shall be held within 62 days of receipt of a complete application.

H. Factors for consideration.

(1) The Planning Board's review of an application for Site Plan approval shall include, but is not limited to, the following considerations:

(a) Full conformance of the Site Plan with the provisions of this chapter, including site plan guidelines set forth in §241-39.

(b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, transit accommodations, and traffic controls. Consideration will also be given to the project's impact on the overall traffic circulation system of the neighborhood and the Town.

(c) Adequacy of fire lanes and other emergency zones, traffic circulation and system of fire hydrants.

(d) Adequacy and arrangement of pedestrian access and circulation, including, but not solely limited to, separation of pedestrians from vehicular traffic, control of intersections and overall pedestrian convenience, including access and facilities for bicycles.

(e) Location, arrangement, design and general site compatibility of buildings, lighting and signs. As much as it is possible, consideration should be given to noise sources, privacy, prevailing wind directions and seasonal sun movements when locating structures, patios and open spaces on parcels, exhaust fans and outdoor waste disposal locations.

(f) Location, arrangement and setting of off-street parking and loading areas.

(g) Adequacy, type and arrangement of trees, shrubs and other landscaping.

(h) In the case of an apartment building, multiple-dwelling complex or PUD, the adequacy of usable open space for playgrounds and informal recreation.

(i) Adequacy of provisions for the control of stormwater and drainage, sanitary waste and sewage, water supply for fire protection and general consumption, solid waste disposal and snow removal storage areas.

(j) Protection of adjacent properties against noise, glare unsightliness or other objectionable features.

(k) Retention of existing trees and vegetation for protection and control of soil erosion, drainage, natural beauty and unusual or valuable ecology, and whether

the impacts to sensitive environmental areas have been avoided or minimized to the maximum extent practicable.

(l) Necessary easements and/or construction of sidewalks or bikeways consistent with the Comprehensive Plan.

(m) Compliance with standards for stormwater management and erosion and sediment control contained in Article 241 of the Town Code, unless exempted under §241-23.

(2) The Planning Board is encouraged to consult with engineers, consultants, and Town and county officials and boards, as well as with federal and state agencies, including the Soil and Water Conservation District, the United States Army Corps of Engineers or the NYS State Department of Environmental Conservation.

I. Conditions. In granting Site Plan approval, the Planning Board may impose, in addition to standards and requirements expressly specified by the law, additional conditions which the Board considers necessary to protect the interests of surrounding properties, the neighborhood, and the Town. These conditions may include but are not limited to increasing the required lot size or yard dimensions; limiting the height or size of buildings; controlling the location and number of vehicle access points; modifying street widths; modifying the number of off-street parking and loading spaces required; requiring type and quantity of lighting facilities to reduce off-site impacts; setting appropriate days and hours of operation; requiring measures to address potential stormwater, noise and odor impacts; limiting the number, size and location of signs; and requiring fencing, screening, landscaping or other facilities to protect nearby property. The Planning Board may require a letter of credit, bond or maintenance bond for any facility or improvement that is indicated as part of the plan. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

J. Action. When a public hearing has been held under §280-53(G), the Planning Board shall render a decision within 62 days from the close of the public hearing. When a public hearing has not been held, the Planning Board shall render a decision with 62 days of the filing of the complete application. These time periods may be extended by mutual consent of the applicant and the Planning Board. The decision shall be filed in the office of the town clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

K. Final Site Plan. A final Site Plan containing the conditions imposed by the Planning Board in the Site Plan approval shall be submitted, within 30 days of the filing of the Planning Board decision, to the Zoning Inspector for review of compliance with the Site Plan approval. Unless provided otherwise in the Site Plan decision, any imposed condition shall be satisfied before the issuance of a building permit.

L. A Site Plan approval or amendment to Site Plan approval shall become null and void unless a certificate of occupancy is obtained within two years of the filing of the decision granting Site Plan approval or, by conditions in the Site Plan approval, a greater or lesser time is specified as a condition of approval, or unless the approval, upon good cause shown, is extended for a period of no more than one year.

M. The Planning Board, on its own motion, may revoke a Site Plan approval for noncompliance with the approved Site Plan or conditions in the Site Plan approval after first holding a public hearing and giving notice of such hearing as provided in §280-50. The foregoing shall not be the

exclusive remedy, and it shall be unlawful and punishable hereunder for a person to violate any condition imposed by a Site Plan approval.

§280-54 Interpretation.

A. Where the conditions imposed by a provision of this chapter are less restrictive than comparable conditions imposed by another provision of this chapter or of any other local law, resolution of regulation, the provisions which are more restrictive shall govern.

B. The Zoning Board shall have the power to determine an interpretation of any provision of this chapter.

§280-55 Retention of experts; payment.

A. The Town Board, Zoning Board and the Planning Board are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Board relative to any matters before either Board.

B. Payment for the services of such consultants and/or engineers is to be made from funds deposited by the applicant with the Town in escrow accounts for such purpose.

C. It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of work associated with the application before the Board or at such other time as directed by the Board, certified check in amounts equal to the estimate of the expert consultant and/or engineer for the cost of services to be rendered to the Town. This sum shall be released by the Town to the consultant or engineer in payment for services rendered upon acceptance by the Town of services.

§280-56 Completion of utilities and road improvements.

No building permit shall be issued for the construction, remodeling or rehabilitation of any building until all utilities and road improvements required by the Town Board, Zoning Board or Planning Board have been completed and accepted by the Town, except as may be otherwise authorized by Chapter 247, Subdivision of Land.

§280-57 Issuance of certificates; inspection; completion of construction.

A. No certificate of occupancy shall be issued for any building, except a one- or two-family dwelling, without a certificate of an architect duly licensed by the State of New York or other proof that the building as constructed complies in all respects with the applicable requirements of the NYS Uniform Fire Prevention and Building Code, and further proof satisfactory to the Zoning Inspector of the issuance of approval of water supply and sewage disposal facilities by all appropriate regulatory agencies having jurisdiction and whose approval is required by law.

B. The architect or professional engineer whose seal and signature appear on the drawings for buildings or structures other than one- or two-family dwellings, or his designated representative, shall be responsible for making periodic visits to the construction site to familiarize himself with the progress and quality of the construction, and to determine, in general, if the construction is proceeding in accord with the drawings, specifications and addenda thereto which have been approved by the Building Department. The architect or professional engineer shall file reports with the Building Department at regular intervals indicating the times of such visits, the status of

the construction and of any defect or discrepancy between the actual construction and the approved drawings and specifications affecting structural, fire, health or safety which he may observe, and shall advise the Building Department when such discrepancies have been corrected.

C. Upon completion of the construction, the architect or engineer shall file a certificate of the completion with the Building Department stating that to the best of his knowledge, the building or structure has been completed in accord with the approved drawings, specifications and addenda thereto, insofar as structural, fire, health and life safety are concerned, or shall state any defects of which he is aware.

D. A temporary certificate of occupancy shall be issued only in cases of emergency or hardship and may not exceed six months in duration. No more than three temporary certificate of occupancy may be issued. A building shall be considered under construction and uncompleted until there is a complete exterior of a story other than a basement.

§280-58 Amendments.

A. Purpose. This chapter may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare require such amendment by following the procedures of this section.

B. Authorization to initiate amendments. An amendment to the text of this chapter or the Zoning Map may be initiated by:

(1) Resolution of intention of the Town Board.

(2) Resolution of intention of the Planning Board or Zoning Board.

(3) Application by one or more property owners or their agents.

C. Application for an amendment to the Zoning Map. A property owner or his agent may initiate a request for an amendment to the Zoning Map by filing an application with the Zoning Inspector using forms provided for such requests by the Town. Such application shall be accompanied by a legal description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof, a statement of the proposed use of the property if the zoning change is granted and a filing fee as required in the fee schedule established by Town Board resolution.

D. Public hearing on amendment. A public hearing shall be held by the Town Board before an amendment is permitted to the text of this chapter or the Zoning Map. Notice of the hearing shall be provided as required in §280-50.

E. Referral to Planning Board. The Town Board shall refer all applications for a zoning amendment to the Planning Board, when such was not initiated by such Board or the Zoning Board, for review and recommendation. The Town Board may also specify the time limit on the review by the Planning Board.

F. Hearing before Town Board. In no case shall an amendment or change be considered by the Town Board until all provisions of this chapter have been met. If the Town Board proposes to adopt an amendment that is substantially altered from the recommendation of the Planning Board, the Town Board may refer the proposed amendment back to the Planning Board for report and

recommendation before adoption.

G. Time of and notification of decision. The Town Board shall render a decision on the application for amendment to the Zoning Map within 62 days after the public hearing required herein has concluded. The Town Board shall notify the applicant for amendment to the Zoning Map, in writing, of the Town Board's decision within five days after the decision has been rendered.

H. Records of amendments. The Town Clerk shall maintain separate files and records of each amendment to the Zoning Map or this chapter which shall be open to public inspection upon request.

§280-59 Penalties for offenses.

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

B. Alternative penalty. In case of a violation of any provision of this chapter or condition imposed by the Planning Board or Zoning Board in addition to the penalties herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land and to prevent any illegal act, conduct or business use in or about such premises.