TOWN OF RENSSELAERVILLE

ZONING LAW

Town of Rensselaerville
Town Hall
87 Barger Road
Medusa, New York 12120

Local Law No. 2 of 2016

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

April 18, 2016

Town Clerk
87 Banger Road
Medusa NY 12120

RE: Town of Rensselaerville, Local Law 2 2016, filed on April 15, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

RESOLUTION OF THE
TOWN OF RENSSELAERVILLE
TOWN BOARD

NOW THEREFORE, BE IT RESOLVED that the duly convened Town Board of the Town of Rensselaerville, Albany County, New York, adopts the revised Zoning Law for the Town of Rensselaerville as proposed on September 10, 2015 incorporating the changes that were suggested by the Albany County Planning Board.

By motion made by Valerie Lounsbury, and seconded by Margaret Sedlmeir, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 10th day of March, 2016 as follows:

Supervisor Lounsbury	**Yes**	**_X__**	**No**	**___**	
Councilwoman Cooke	**Yes**	**_X__**	**No**	**___**	
Councilwoman Sedlmeir	**Yes**	**_X__**	**No**	**___**	
Councilman Wood	**Yes**	**_X__**	**No**	**___**	
Councilman McGrath	**Yes**	**___**	**No**	**___**	**Absent _X_**

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ARTICLE 1.
INTRODUCTORY PROVISIONS

SECTION 1. TITLE

This chapter shall be known as the "Town of Rensselaerville Zoning Law."

SECTION 2. ENACTING CLAUSE & PURPOSE

This Local Law is hereby adopted and enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Articles 2 and 3 *et. seq.* and Town Law of the State of New York Article 16, in conformance with the Comprehensive Plan for the Town of Rensselaerville, to protect and promote the health, safety, and the general welfare of the public, and for the following additional purposes specified in Section 3 below.

SECTION 3. PURPOSE

The purposes of this chapter are to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion in the roads, to secure safety from fire, flood and other dangers; to provide adequate light and air to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to protect significant resources; and to promote the health, safety, and general welfare of the public. This chapter has been made with reasonable consideration, among other things, as to the character of each zoning district and is peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

SECTION 4. PRIOR EXISTING ZONING LAWS

This chapter hereby repeals all prior existing Zoning Laws, including any amendments thereof, enacted within the Town of Rensselaerville, including Local Law 1-1991, Local Law 2-1995, Local Law 1-1996, Local Law 1-1999, Local Law 1-2002, Local Law 2-2009, and Local Law 2-2010.

The repeal of said local laws, however, shall not affect any act done, offense committed, or right accruing accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeals take effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or included as fully and to the same extent as if such repeals had not been effected.

Applications for subdivision approval submitted to the Town of Rensselaerville Planning Board on or after the effective date of this chapter, shall be subject to this Chapter 215, Zoning.

ARTICLE II.
NONCONFORMITIES & GRANDFATHERED USES/STRUCTURES

In addition to the General Standards, the following will also apply.

SECTION 1. INTENT

The intent of this Article is to recognize certain uses, lots of record, and structures which legally existed at the time of enactments or amendment of this law, and which would be prohibited or unreasonably restricted by the provisions, regulations, or standards herein. All rights of nonconformity shall continue regardless of the transfer of ownership or nonconforming uses, lots, or structures.

SECTION 2. NONCONFORMITY

Any use of land or use of a structure which, by the enactment or amendment of this law, is made nonconforming, may be continued (or "grandfathered") on the premises to the extent existing at the time of such enactment or amendment provided that:

A. No nonconformity shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the nonconformity at the time of such enactment or amendment;

B. No nonconformity shall be moved, transferred, or otherwise relocated to a different structure or area of land than was occupied at the time of such enactment or amendment;

C. Any nonconformity which has, for any reason, been discontinued for a period of one (1) year, shall not be reestablished, and only conforming uses shall be thereafter permitted; and

D. Once changed to a conforming use, no structure, building or area of land shall be permitted to revert to a nonconformity.

SECTION 3. NONCONFORMING LOTS OF RECORD

A. Any lot of record held under separate ownership prior to the enactment of this law, and having lot width, depth, area, or dimensional requirements less than the minimum requirements set forth in this law, may be developed with any compatible use listed for the zoning district in which such nonconforming lot is located, provided that such lot has sufficient width, depth, and area to undertake development that will:

   1. Maintain the required minimum front yard setback and, if applicable, the minimum stream setback;

   2. Meet or exceed at least two-thirds (2/3) of the required minimum side setback and rear yard setbacks;

   3. Not exceed the maximum permitted lot coverage; and

4. Otherwise satisfy all applicable provisions of this law.

B. A nonconforming lot of record may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' properties.

SECTION 4. NONCONFORMING STRUCTURES

A. Any pre-existing structure which, by the enactment or amendment of this law, is made nonconforming may be used for any compatible use listed for the zoning district in which such structure is located provided that it shall not be enlarged or extended so as to increase its nonconformance in terms of yard size or lot coverage. Nothing under the provisions of this law shall prevent the repair, restoration, or reconstruction of a nonconforming structure damaged by fire or other hazard provided that such repair, restoration, or reconstruction is undertaken:

1. Only on the premises and to the extent previously occupied by the nonconforming structure, and

2. Within one (1) year from the date on which the damage or destruction occurred.

B. No nonconforming structure shall be moved or otherwise relocated so as to occupy a different area of land than was occupied at the time of such enactment or amendment unless such movement or relocation renders the structure in conformance with all applicable provisions of this law.

SECTION 5. NONCONFORMING HEAVY INDUSTRY LEASES

Any leases of property for the purposes of allowing heavy industry which are being presently conducted on land in the Town as of the effective date of this chapter, shall be subject to the following:

Where a lease which allows heavy industry has been executed, and where substantive activity is occurring as of the effective date of this chapter, and those activities are being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation or other regulating agencies, in that case the activity shall be considered a nonconformity and shall be allowed to continue pursuant to and subject to this Article.

ARTICLE III.
INTERPRETATION AND DEFINITIONS

SECTION 1. INTERPRETATION

The following rules of construction apply to the text in this chapter:

1. Except where specifically defined herein, all words used in this law shall carry their customary meanings.

2. Words in the present tense include the future tense, the singular number included the plural, and the plural the singular.

3. The word "lot" includes the word "plot" and "parcel."

4. The particular shall control the general.

5. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

6. A "building" or "structure" includes any part thereof.

7. The word "person" includes an individual, corporation, Limited Liability Company, partnership, unincorporated association, or any other similar entity.

8. Unless the context clearly indicates the contrary, where a provision of this law involves two or more items, conditions, requirements, or events connected by the conjunction "and", "or", or "either....or" the conjunction shall be interpreted as follows: (a) "And" indicates that all the connected items, conditions, requirements or events shall apply; (b) "Or" indicates that the connected items, conditions, requirements, or events may apply singly, or in any combination; and (c) "Either...or" indicates that the connected items, conditions requirements, or events shall apply singly, but not in combination.

9. The word "includes" shall limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

10. Doubt as to the precise meaning of any word used in the Local Law shall be clarified by the Zoning Board of Appeals under their powers of interpretation.

SECTION 2. DEFINITIONS

Accessory Apartment: A second dwelling unit, either in, or added to, an existing single-family dwelling, or in a separate accessory structure on the same lot as the existing single-family dwelling, for use as a complete, independent living facility with provisions in the accessory apartment for cooking, eating, sanitation, and sleeping. Such an apartment is a secondary and subordinate use to the principal dwelling.

Accessory Structure: A freestanding subordinate structure located on the same lot with the main structure, occupied by or devoted to, an accessory use. Accessory structure shall include, but not be limited to: garages, storage sheds, or similar structures. Accessory structure shall not be deemed to include fences.

Adjacent: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Agribusiness: Any agricultural operation for profit that provides products or services to agricultural producers to support production, marketing, and distribution of their products through consumer activities including, but not limited to: u-pick, agri-tourist activities, hay mazes.

Agriculture: Agriculture includes: the raising of crops, animals, or animal products, the selling of such products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products, including animals or crops raised for personal consumption or recreational purposes.

Agricultural Use, Animals: The use of land, for raising, harvesting, selling, or feeding, including but not limited to, grazing, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, or by any combination thereof. It also includes the use of land for stabling or training equines, including but not limited to providing riding lessons, training clinics, and schooling shows, including other on-farm niche marketing promotions. Slaughterhouses, meat packing facilities, hide tanning operations, and operations which utilize animals in research shall not be considered an animal agricultural use.

Agricultural Use, Crops: The use of land for raising, harvesting, and selling crops by horticulture, floriculture, viticulture, aquaculture, hydroponics, silviculture, or by a combination thereof. A garden accessory to a residential use shall not be deemed an agricultural use.

Agricultural Data Statement: A written statement required when certain land use determinations within five hundred (500) feet of a farm operation located in a NYS Agricultural District takes place. The statement must include information about the proposed project, and is included in the application for project approval.

Agricultural Practices: Those practices necessary, integral, or customary for the on-farm production, preparation processing or marketing of agricultural commodities. Examples of such

practices include, but are not limited to: operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, and construction and use of farm structures.

Agricultural Processing: A single or series of operations, usually in a continuous and regular action or succession of actions, associated with the cleaning, cooking, packing, or shipping of agricultural products not otherwise regulated.

Agricultural Structure: Any building or structure essential, integral, or customary to the operation of lands actively devoted to agricultural use, or used and occupied to carry out agricultural operations, including but not limited to: a barn, silo, storage building, roadside stand, equipment shed, or other structure used for agricultural purposes.

Agritourism: Activities conducted on a farm and offered to the public to facilitate education, recreation, or active involvement in the farm operation and the sale of agricultural commodities. An agritourism activity may be conducted in an accessory Building or Structure. Examples of agritourism may include, but are not limited to, on-farm bed and breakfasts, farm-stay programs, u-pick operations, restaurants, farm stores, and pumpkin patches.

Aircraft Landing Area/Field: An area for the take-off or landing of vehicles that are able to fly by being supported by the air, or in general, the atmosphere of a planet. An aircraft counters the force of gravity by using either static lift or dynamic lift of an airfoil, or the downward thrust from jet engines. Examples include but are not limited to airplanes, jets, helicopters, gliders, hot air balloons, and ultralites. This excludes landing for emergency service providers.

Alterations: As applied to a Building or Structure, a change or rearrangement in the structural parts such as: bearing walls, columns, beams, girders, enlargement, whether by extending on a side or by increasing in height, moving a Building or Structure from one location to another, as well as any change in doors, widows, or means of ingress or egress.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Antennas: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

Apartment House/Building: A principal building or structure which is entirely devoted to rental living units for two or more families, or individuals living independently of each other. This definition does not include a hotel, bed and breakfast, or other transient occupancy type of use.

Applicant: Shall include, but not be limited to, any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons, limited liability company, or entity that submits an application and its successors or assigns in interests.

Assisted Living Facility: Housing facilities for people with disabilities. These facilities provide supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and

well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

Auction Sales: The permanent use of land or buildings for the public sale of goods to the highest bidder. For the purposes of this law, such use shall not include sales of livestock; and shall not be considered a retail store.

Bed and Breakfast: An owner-occupied dwelling used for renting no more than 10 rooms as accommodations to transient, fee-paying guests, and providing not more than one (1) meal daily to guests only.

Best Management Practices (BMP's): Standards developed for conducting various land use activities which have become recognized in various industries and professions as minimum performance standards for protecting the quality of soil and water resources.

Boarding House: A dwelling or part thereof in which, for compensation, lodging and meals are provided for transient accommodations.

Building: Shelter having a roof supported by columns, posts, or walls and intended for the shelter or enclosure of persons, animals, or property.

Campground/Travel Trailer Park: The placement or storage on a lot of two (2) or more cabins, travel trailers, tents, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes, for a period exceeding twenty-one (21) days, or where a fee is paid in exchange for such placement or storage.

Car Wash: Any building or premises, or portions thereof, used primarily for the washing of automobiles for a fee.

Cemetery: Property used for the interring of the dead. A cemetery can include a mausoleum or similar structure, but does not include a crematory.

Change of Use: Any change in the use of either a building or land which is significantly different in scope or intensity from the prior use of that building or land.

Christmas Tree Plantation: A plantation for growing pine, spruce, and fir trees specifically for use as Christmas trees.

Clearcutting: The harvesting, in one operation, of seventy-five percent (75%) or more of all trees over six (6) inches diameter at breast height (DBH) in a contiguous area or on a lot and which affects more than one (1) acre of ground surface.

Code Enforcement Officer: The person appointed by the Town Board to carry out and enforce requirements of the Zoning Law, Subdivision Law, and other local laws and ordinances, as well as the New York State Building Code. Also known as Building Inspector or Zoning Enforcement Officer.

Collapse Zone: The area in which any portion of a telecommunications tower could or would fall, collapse or plunge to the earth. The collapse zone shall be no less than the lateral equivalent of the distance from the break point to the top of the structure plus ten feet, such being not less than one-half the height of the structure.

Common Driveway Access: A shared curb cut off of a Town, County, or State highway. This does not include a shared driveway.

Common Property: That portion of land in a clustered subdivision, together with any improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites.

Community Center: Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

Comprehensive Plan: The Comprehensive Plan adopted by the Town Board of the Town of Rensselaerville, as may be amended or revised from time to time, which discusses and sets forth planning and development policies of the Town of Rensselaerville.

Conservation Subdivision: A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be altered and where a significant portion of the remaining land is left in its natural open space condition in perpetuity.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches, and other freshly prepared foods such as salads, or any combination thereof, for consumption.

Coverage: The percentage of the lot area covered by all principle or accessory buildings or structures on the lot.

Child Day Care Center: shall mean any program or facility caring for children more than three hours per day per child in which child day care is provided by a child day care provider except those programs operating as a group family day care home as such term is defined below. Refer to New York State Social Services Law §390.

Family Day-Care Home: A program caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. Refer to New York State Social Services Law §390.

- **Group Family Day-Care Home**: A program caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to twelve children of all ages. Refer to New York State Social Services Law §390.

Domestic Animal: Any domesticated sheep, horse, donkey, mule, cattle, deer, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant, poultry,

pigeons, and any animal, including but not limited to birds raised under license from the State Department of Environmental Conservation.

Driving Range: A track of land for practicing long golf shots, especially drives, with clubs and balls available for rent.

Dwelling: Building or part thereof containing complete housekeeping facilities for a family, including one kitchen, which is used as living quarters for one (1) family. A Dwelling unit means each unit of a Two-Family or Multiple-Family dwelling. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple- family dwelling" shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home or similar structure, but shall include modular homes and double-wide mobile homes.

- **Dwelling, One-Family**: A detached building where no-part of the outside walls are connected in any manner to another dwelling, which is designed for, or occupied exclusively by, one (1) family.

- **Dwelling, Two-Family**: A building designed for, or occupied by, two (2) families living independently of each other.

- **Dwelling, Multiple-Family**: a building designed for, or occupied by, three (3) or more families living independently of each other.

Erosion: the wearing away of the land surface by action of wind, water, gravity, or other natural forces.

Essential Facilities: Services and utilities needed for the health, safety, and general welfare of the community, such as a telephone exchange, dial center, repeater station, electrical or gas substation, water treatment or storage facility, pumping station, sewage facility, telecommunication facility, wind turbine, and similar facility operated or maintained by municipal agencies or public utilities.

Excavation: Excavation shall mean commercial excavation, non-commercial excavation or commercial excavation and non-commercial excavation.

- **Excavation - Commercial**: Any activity or use of land that involves or proposes to involve from a parcel of land (or contiguous parcels of land) the extraction, excavation, mining, stripping, grading or filling of mineral resources from the earth in an amount more than one thousand (1000) tons or seven hundred fifty (750) cubic yards, whichever is less, of mineral resources from the earth within twelve (12) successive calendar months or over one hundred (100) cubic yards of minerals from or adjacent to any body of water (the threshold above which a permit is required pursuant to the New York State Mined Land Reclamation Law [Environmental Conservation Law Article 23, Title 27]).

- **Excavation - Non-commercial**: Any activity or use of land, whether for remuneration or not, that involves or proposes to involve from a parcel of land (or contiguous parcels of land) the extraction, excavation, mining, stripping, grading or filling of mineral resources

from the earth in an amount equal to or less than one thousand (1000) tons or seven hundred fifty (750) cubic yards, whichever is less, of mineral resources from the earth within twelve (12) successive calendar months or equal to or less than one hundred (100) cubic yards of minerals from or adjacent to any body of water.

FAA: Federal Aviation Administration.

Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Farm Operation: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation or marketing of crops, livestock and livestock products, as either a commercial or non-commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each. Farm operations also include "Commercial Horse Boarding Operation."

Farm Stand or Roadside Stand: A stall or booth for the seasonal sale of farm or garden products.

Farmer: Shall mean any person, organization, entity, association, partnership, limited liability company, or corporation that engages in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

Farmland: Shall mean land used in agricultural production whether for commercial profit or private use by landowner.

FCC: Federal Communications Commission.

Filling: Filling is any activity that deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds, streams, or wetlands.

Finance, Insurance, and Real Estate: Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Flag Lot: A flag lot is a lot which has its buildable area (the so-called "flag") located behind another lot, either existing or proposed, and which derives access by means of a narrow strip of land (sometimes referred to as "the flagpole") which has frontage on a street. A flag lot allows the potential for the creation of two (2) lots, one generally behind the other, which derive access from the same street.

Flea Market: A periodically-held market in an open area or structure where spaces are rented or provided to groups or individual sellers who offer goods for sale to the public. This does not include individual garage or tag sales and/or sales of agricultural goods/products, fund raising for fire companies, ambulance companies, churches, and libraries.

Front Lot Line: A boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, easement or access way. On an interior lot, it is the lot line abutting a street; or, on a flag lot, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the front yard shall be determined to be the yard which best conforms to the pattern of the adjacent block faces. On a "through lot", both street lines shall be deemed front lot lines.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the front-line, to protect structures from frost heaves.

Fueling Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel, which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, but not including the painting or major repair thereof, or the use of mechanical car washing equipment. The term "Fueling Station" may also include a convenience store as an integral part of the fueling station, also sometimes known as a gasoline station.

Garage Sale: The sale or offering for sale to the general public of 5 or more items of personal property, used or otherwise, on any portion of a residential lot, whether within or outside a garage, barn or other structure, for purposes of disposing of tangible property. Such term includes all sales that also may be entitled, advertised or referred to as "lawn sale", "yard sale", "barn sale", "rummage sale", or other similar titles. Such sales shall be limited to no more than 3 consecutive days and no more than 5 such sales events during a 12-month period; otherwise they will be considered as a retail use that must comply with the provisions of this Law for retail uses.

Garage, Private: An accessory building not operated for gain which provides for the storage of motor vehicles and/or other household items.

Garage, Public: Any garage other than a private garage, operated for gain, available on a rental basis for the storage of four (4) or more motor vehicles.

Golf Course: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter. A Golf Course shall not be artificially illuminated.

Grading: The alteration of the surface or subsurface conditions of land, lakes, ponds, watercourses, or wetlands by Excavation or Filling.

Gross Floor Area (GFA): The total interior floor area of a building measured from the interior walls.

Gross Leasable Area (GLA): The gross floor area of a commercial/retail facility which is leasable.

Group Home: A place of residence for individuals undergoing treatment or counseling for mental or physical disorders.

Heavy Industry: Any use or activity which generates significant volumes of smoke, odor, noise, glare, or other pollution wastes and is not compatible with other uses in the districts of the Town of Rensselaerville.

Examples of "Heavy Industry" include but are not limited to: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities; and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; and coal processing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope, or application of this definition solely to the activities identified in the examples.

Generic examples of uses not included in the definition of "Heavy Industry" are: agricultural activities; sap processing; dairy farms; dairy processing plant; grain mills; logging; sawmills; slaughterhouses; bakery; office and communications uses; printing and publishing; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehousing ancillary to an authorized use; truck terminals; equipment repair and maintenance facilities; helipads; parking lots and parking garages; Light industrial and manufacturing operations; agriculture; excavation of earth materials; sawmills; apparel and other textile products.

Height Of Telecommunications Tower Or Structure: When referring to a telecommunications tower or structure, the distance measured from the pre-existing grade level to the highest point on the telecommunications tower or structure, even if said highest point is an antenna.

Historic Districts: Geographic areas that are primarily or exclusively comprised of structures that are listed on the National and State Register of Historic Places Inventory and are delineated as such on the Official Town Zoning Map.

Home Occupation: Any nonresidential use that is secondary and clearly subordinate to an existing residential Use, conducted within a dwelling unit or an accessory structure by a permanent resident of that dwelling unit, which does not change the residential character of the dwelling unit or vicinity. Where no non-resident employees, customers or clients enter the premises, and where no signage, or exterior storage of products or equipment are required by zoning permit.

> **Low Impact Home Occupation**: A home occupation that does not create regular on-site customer or supplier traffic and employs no more than one non-resident employee.
>
> **Major Home Occupation**: A home occupation that creates regular on-site customer or supplier traffic or employs more than one non-resident employee.

Horse Boarding Operation, Commercial: An agricultural enterprise, consisting of at least seven (7) acres and boarding at least ten (10) horses, regardless of ownership, that receives ten thousand dollars ($10,000) or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, diseases, injury, deformity, or other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Housing, Moderate: Dwelling units constructed for families whose annual income does not exceed eighty percent (80%) of the actual Albany County median income (not capped), with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development, and the annual rental cost of which does not exceed thirty percent (30%) of said income or, for homeowners, and annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, does not exceed thirty percent (30%) of said income.

Housing for the Elderly: Sometimes referred to as a Retirement Home. A multi-residence housing facility intended for senior citizens. Typically each person or couple in the home has an apartment-style room or suite of rooms. Additional facilities are provided within the building. This can include facilities for meals, gatherings, recreation activities, and some form of health or hospice care. A place in a retirement home can be paid for on a rental basis, like an apartment, or can be bought in perpetuity on the same basis as a condominium. A retirement home differs from a nursing home primarily in the level of medical care given. Retirement villages and retirement communities, unlike retirement homes, offer separate and autonomous homes for residents.

Available on-site support services and facilities are provided independently by either the sponsor of a housing development or through affiliation with a hospital, nursing home or other qualified health service provider and may include, but are not necessarily limited to, the following:

1. Emergency medical care;
2. Community room;
3. Recreational opportunities;
4. Property maintenance and security;
5. Ombudsman-type services to deal with social service and related needs;
6. Twenty four (24) hour call button;
7. Optional meals and laundry service; and
8. Shuttle-type transportation service for shopping, recreation, health care visits and other purposes.

Housing for Seniors or Handicapped: Dwelling units, within a townhouse or multiple-family dwelling with maximum of two (2) bedrooms per dwelling unit, which are designed and intended for and whose occupancy is restricted to handicapped persons, single persons sixty-five (65) years of age or older or couples in which one (1) person is sixty-five (65) years of age or older.

Junk Storage Area: The areas of any parcel of land or water used, or intended to be used, for the placement or storage of junk or Junkyard items.

Junkyard: The outdoor storage or deposit of any of the following:

A. Three (3) or more junk motor vehicles

B. One (1) or more junk mobile homes.

C. Three (3) or more junk appliance, including but not limited to any non-working washers, dryers, dishwashers, stoves, refrigerators, freezers, or televisions, etc.

D. Construction debris and scrap metal stored more than six (6) months.

Junkyard Item: Junk vehicle, junk mobile home, junk appliance, or any item listed in the definition of Junkyard.

Kennel: A business establishment in which more than five (5) dogs over six (6) months old are housed, groomed, bred, boarded, trained, or sold.

Land Use Activity: The type of use activity occurring on a parcel of land or in a structure situated on a parcel of land.

Landing Area: An open or cleared area for loading logs onto trucks or for any general purpose such as storing logs or servicing equipment.

Laundromat: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

Light Industry: Light Industry is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Light Industry is low impact industrial development where little or no nuisance effects are generated.

Loading Area/Zone: Space or berth, preferably off road, used for the loading or unloading or cargo, products, or materials from vehicles.

Lot: A parcel of land.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line, or the shore line of a stream or water body.

Lot Lines: Property lines bounding a lot.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Albany County Clerk's office prior to September 12, 1991, or where a lot has been recorded pursuant to Planning Board approval.

Low Impact Development: Low Impact Development is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. LID has been characterized as a sustainable stormwater practice by the Water Environment Research Foundation and others.

Manufactured Home: Structures built in the factory, and transported to the site and assembled. Manufactured homes include panelized homes (flat units consisting of panels of wall with windows, doors, wiring, and outside siding), modular homes (multi-section units to be placed on a permanent foundation and are not transportable after installation), and pre-cut homes (factory cut to design specifications, including kit, log and dome homes).

Manufacturing: The processing, assembly, or fabrication of goods and products in a manner consistent with the light-industrial use performance standards set forth in Article XI of this law.

Medical Office: An office for the practice of medicine, which includes, but is not limited to, the diagnosis, treatment, and prevention of disease. The practice of medicine encompasses a variety of health care practices evolved to maintain and restore health by the prevention and treatment of illness in human beings.

Membership/Private Club: An organization composed of people who voluntarily meet on a regular basis for a mutual purpose other than educational, religious, charitable, or financial pursuits. A club is any kind of group that has members who meet for a social, literary, or political purpose, and include, but are not limited to, health clubs, country clubs, book clubs, and women's associations.

Miniature Golf Course: A tract of land laid out in a simplified version of golf played on a miniature course.

Mining: See Excavation

Mobile Home: Manufactured housing that is a transportable, single family dwelling intended for permanent occupancy contained in one or more units designed to be joined into an integral unit capable of again being separated for towing with a permanent chassis, and constructed so that it may be used with or without a permanent foundations. Such housing is manufactured and stamped with a Federal Department of Housing and Urban Development stamp, may be used with or without a foundation, designed with a chassis, and permits occupancy for dwelling or sleeping purposes. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall not include modular homes or travel trailers.

- **Mobile Home, Double-Wide**: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide mobile home is manufactured in two (2) or more sections off-site, and is transported individually to the placement site. When assembled it has a minimum enclosed horizontal exterior dimensions of twenty (20) feet. A double-wide mobile home shall be considered and treated as a single-family dwelling.

- **Mobile Home, Junk**: Any Mobile Home which meets either of the following conditions:

    - It is abandoned, wrecked, discarded, dismantled, or partly dismantled;

    - It is in such condition as to cost more to repair and replace in habitable condition than its reasonable market value at that time before such repair.

- **Mobile Home, Single Wide**: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development that is manufactured in one (1) section off –site, and transported to the site. When assembled, it has a minimum enclosed horizontal exterior dimension of nine (9) feet.

- **Mobile Home - Temporary**: A mobile home as defined in this Article shall be considered temporary when it is intended to remain on a lot for a limited duration of time not to exceed two years. A temporary mobile home shall not be placed on a lot until a building permit for such mobile home has been issued by the Code Enforcement Officer. If applicable, such mobile home must be removed from the lot before a certificate of occupancy for the principal structure is issued.

Mobile Home Park: Any lot, parcel or tract of land or portion thereof, together with the open space and facilities required by this Law, used, designed, or maintained and having mobile home lots held out for hire or leave to accommodate mobile homes as defined herein, or any premises upon which two (2) or more mobile homes are located and occupied, regardless of whether or not any compensation is provided. Mobile homes being used as farm employee dwelling units shall not be considered a mobile home park.

Modular Home: A type of manufactured housing constructed to New York State Building Code standards with a minimum of two (2) sections, each of which are transported to the building site separately, with application of siding coming after erection of the home, which is indistinguishable in appearance from conventionally built houses. A modular home is designed to be anchored to a fixed concrete slab or foundation to become a fixed part of the real estate.

Mortuary/Funeral Parlor: A building used for the preparation of the deceased for burial and display of the deceased and ceremonies connected therewith before burial or cremation.

Motel/Hotel: A building or group of buildings, whether detached or in connected units, containing transient lodging facilities for the general public, and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities, and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts, and similar terms.

Motor Vehicle – Antique: a motor vehicle , but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year, which has been maintained in, or restored to, or will be maintained in or restored to, a condition which is substantially in conformance with the manufacturer's specifications.

Motor Vehicle – Classic: a motor vehicle, but not a reproduction thereof, manufactured more than ten (10) years prior to the current year which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors, and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

Motor Vehicle - Junk: Any motor vehicle which is abandoned, wrecked, stored, discarded, dismantled, or partly dismantled. Also, with respect to antique and classic motor vehicles, the above definitions shall apply.

Motor Vehicle Repair Shop: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles on a fee or contract basis.

Natural Gas Exploration, Extraction, or Processing: The exploration for natural gas, the extraction of natural gas from the ground regardless of the extraction methods used, and/or the processing of natural gas. This definition shall specifically include, but not be limited to vertical drilling, horizontal drilling, low volume hydraulic fracturing and/or high volume hydraulic fracturing. This definition shall also be construed to encompass and include any activity or use of land which facilitates or supports natural gas exploration, extraction, or processing. Examples of activities or uses of land expressly intended to be included in this definition are set forth below:

A. Drilling and/or installation of a new natural gas well, regardless of well type;

B. Development of a natural gas well site and associated structures and infrastructure;

C. Mixing, storage, treatment, and/or disposal of chemicals, wastewater, flowback, brine, cuttings, proppant or other materials used for, or in connection in any way with, the exploration for or extraction of natural gas;

D. Installation and/or use of pipes, conduits or other material transport or gathering equipment or systems used for, or in connection in any way with the exploration for or extraction of natural gas.

It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope, or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

Nonconformity or Grandfathered Use, Building, or Structure: A lot, building, structure, or use of land legally and substantially existing as the time of enactment, revision or amendment of the Town of Rensselaerville Zoning Law, which does not conform to the regulations of the district in which it is situated or to the provisions of this Zoning Law. Such lot, structure, building or use was lawful prior to the enactment, revision or amendment of this Zoning Law,

but by reason of such adoption or revision now fails to conform to the present requirements of the Zoning Law.

Nursery/Garden Shop: A commercial facility which primarily includes the sale of trees, shrubs, plants, and utensils incidental to gardening. This shall not be interpreted to include the large-product retail sales of farm equipment and implements (*see* Retail, Large-product).

Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Off-Street Parking Facility: An area for temporary parking of motor vehicles off public road right-of-ways.

Open Space: Land left in a natural state for conservation, agricultural, scenic purposes, devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites. The term shall not include land that is paved, used for storage, parking or circulation of automobiles, or occupied by any structure or improvement, except for agricultural uses. Open Space may be included as a portion of one or more large lots, or may be contained in a separate open space lot, but shall not include private yards within 50 feet of a private structure.

Person: An individual, partnership, corporation, limited liability company, unincorporated association, or any other similar entity.

Personal Service Shop: An establishment or business that primarily provides non-medical services related to personal needs. The sale of goods may be a small part of such use but shall not be the principle use. Examples of such uses are hair salon, barbershops, garment or shoe repair, day spas, tanning salons, personal computer repair, laundry and dry cleaning, etc."

Printing and Publishing: Uses with a production area in excess of one thousand (1000) square feet which are involved with the large scale production of printed matter. This term shall not include business undertaking self-contained photo reproduction by xerographic or similar processes.

Private Road: A road which has received approval from the Planning Board pursuant to a subdivision or special permit approval.

Professional Office: Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

Public Improvement: Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar services and facilities that are usually owned and operated by a governmental agency or leased to a private entity to provide the service or operate a facility. The Town may also lease a private facility to carry out a governmental function. In both situations, the improvements, facility, or service would still be considered public improvements.

Public and Semi-Public Facility: Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

A. Religious institutions;

B. Public parks, playgrounds, and recreational areas, when authorized or operated by a governmental authority;

C. Schools;

D. Public libraries;

E. Group homes; or

F. Not-for-profit fire stations, ambulance stations, public safety buildings, and detention facilities.

Quarry: See Excavation.

Rear Lot Line: That lot line which is opposite and most distant from the front lot line.

Recreation Facility: A place designed, used, and equipped for the conducting of sports and leisure time activities.

- **Recreation, Indoor**: The conducting of sporting activities undertaken entirely within a building, including team or individual sports and related health and exercise facilities. Video parlors, computer gaming facilities, movie theaters, and bars do not constitute indoor recreation facilities. However, an indoor recreation use may be accompanied by customary accessory uses, which may include food service facilities, meeting room or banquet facilities, the serving of alcoholic beverages, video or computer game facilities, video theater facilities, sales of sport or exercise-related equipment or clothing, and other customary accessory uses.

- **Recreation, Outdoor**: The conducting of sporting and leisure time activities undertaken entirely outside of a building which includes but is not limited to: golf, skiing, ball playing on ball fields, swimming, biking trails, hiking, and similar outdoor activities facilities on a commercial or fee basis.

- **Recreation, Passive**: Activities that involve relatively inactive or less energetic activities such as walking, nature hikes, nature observation, sitting, picnicking, card games, chess, and similar table games.

Recreational Vehicle/RV: A vehicular or portable unit, mounted on chassis and wheels, designed to provide temporary living quarters for recreational, camping or travel use, and or such size and weight as not to require special highway movement permits when drawn by a motorized vehicle. *See also* "Travel Trailer".

Related Telecommunications Facilities: Any accessory facility or structure serving or being used in connection with a telecommunications tower, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Religious Institution: A building or structure, or groups of buildings or structures, that are used for conducting organized religious services and associated accessory uses.

Residence, Seasonal: A dwelling not used or intended for permanent residence which is not occupied for more than six (6) months in each year.

Residence, Year-Round: A dwelling used or intended for permanent residence which is occupied for more than six (6) months in each year.

Restaurant: Any establishment at which food is sold for consumption to patrons seated within an enclosed building or on its premises. However, a snack bar, or refreshment stand at a public or semi-public community pool, playground, park operated by the agency or group, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, with Drive-Through: A restaurant where customer ordering and pickup of food is available to take place from an automobile.

Retail, Large-Product: A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer of new and used automobiles, trucks, mobile homes, recreational vehicles, and farm implements, furniture and large appliance sales.

Retail, Small-Product: A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer. Small-product retail shall not include large product retail.

Road: A public or private way for motor vehicular traffic which affords the principal means of access to abutting properties or sites.

Satellite Dish: A structure intended for the reception of television, internet, or radio programming.

Sawmill: Any building, site, or place used for the cutting or milling of raw timber into dimensional lumber.

Large Scale: Production above two thousand (2000) board feet per day

Small Scale: Production at two thousand (2000) or less board feet per day.

Small Scale/Temporary Use: No more than ten (10) accumulative days on any single parcel.

School: An institution or enterprise, public or private, for the teaching of children or adults pursuant to an established educational program which meets the requirements of New York State.

Screening: Fences, hedges, or other plantings, or other structures placed and maintained on property to make certain uses on said property not visible from the adjacent properties.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

Selective Cutting: The removal of mature and immature trees singly or in groups at intervals in a manner such that the overstory is not completely removed, and regeneration occurs almost continuously.

Service Area: A location within a paved or unpaved parking area set aside for servicing of vehicles and their accessories.

Setback: The distance measured between the road right of way and the nearest point of the building, structure, or use.

Shopping Center: A cluster of stores and markets and shops or other premises generally open to the public for the purpose of promoting business or mercantile or commercial interest by sales; the premises of which include or are surrounded by private walkways or a private parking lot.

Side Lot Line: A lot line that is not a front line or a rear lot line.

Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter, which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

Related sign definitions

> **Area (of a Sign):** The entire area within a single, continuous perimeter, enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designated in a way to form an integral background for the display. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.
>
> **Awning Sign**: Any visual message incorporated into an awning attached to a building.
>
> **Canopy Sign:** Any message incorporated into the canopy mansard, fascia, or roof area covering fuel dispensers.
>
> **Copy-Change Sign**: A sign on which the visual message may be periodically changed.

Directional Sign: A sign limited to providing information on the location of an activity, business, or event.

Free-Standing Sign: Any sign not attached or part of any building, but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs, and masonry wall-type signs.

Illuminated Sign: Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign, or which includes reflective or phosphorescent light.

Off-Premises Sign: A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign: A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure, or another sign.

Projecting Sign: A sign which is attached to the building wall or structure that extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

Representational Sign: A three-dimensional sign built so as to physically represent the object advertised.

Sign Directory: A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

Temporary Sign: A sign related to a single activity or event having duration of no more than thirty (30) days.

Wall Sign: A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and which does not extend more than fifteen (15) inches from the face of such wall.

Window Sign: A sign visible from a sidewalk, street, or other public place, painted or affixed on glass or other window material, but not including graphics in connection with customary window display of products.

Sign Structure: The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

Site Preparation: The activities of stripping, excavation, filling and grading.

Skid Trail: A trail or rough road used to move a tree from the place where it was cut to a pile or landing area.

Slaughterhouse/Tanning: A place where the primary activity is the killing, butchering, or packaging of animals for compensation or the tanning of animal hides on a year round basis.

Small-Scale Commercial: An activity which involves the sale of goods or services carried out for compensation. Within the hamlets this would include such uses in structures with up to four thousand (4000) square feet of building footprint and within non-hamlet districts where such use is allowed, this would include uses in structures up to ten thousand (10,000) square feet of building footprint. Small-scale commercial uses include, but are not limited to, neighborhood stores, antique shops, fueling service stations, professional offices, etc.

Soil: All unconsolidated material or nonliving organic material of whatever origin which overlies bedrock.

Special Use Permit: A permit issued by the Planning Board for a special use after review and approval as set forth in this law.

Stable, Commercial: A use of property on which horses are quartered, with compensation.

Stable, Private: A use of property on which horses are quartered, without compensation.

State Environmental Quality Review Act: ("SEQRA")A New York State law (6 NYCRR Part 617) applicable to all state and local agencies within New York State with the basic purpose to incorporate the consideration of environmental factors into the planning, review, and decision-making processes of state, regional, and local government agencies at the earliest possible time.

Stream: A watercourse having a source and terminus, banks, and channel through which waters flow at least intermittently.

Stream Protection Buffer or Corridor: A specific zoning area established for lands adjacent to designated permanent or intermittent streams that supports protective bands of vegetation that line the water's edge, and where special development requirements and standards must be met in order to minimize possible detrimental effects of development along those streams such as sedimentation and change in water chemistry.

Stripping: Any activity that removes or significantly disturbs trees, grass, or any other kind of vegetation.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land. Fences shall not be included in the definition of structure.

Structure, Principal: The structure in which the principal use of a property occurs.

Tavern, Bar, Nightclub: An establishment used primarily for the serving of alcoholic beverages for on-premise consumption to the general public and where food or packaged liquors may be served or sold only as an accessory to the primary use.

Telecommunications: The transmission and reception of audio, video, data and other information or signals by wire, radio, light or other electronic or electromagnetic systems.

Telecommunications Tower: Any structure or facility which supports one or more antennas capable of receiving and/or transmitting radio, television, cellular, paging, personal communication services, or microwave communications, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's band, amateur radio and other similar communications that do not exceed height limitations addressed in this Zoning Law. It includes, but is not limited to, free standing towers, guyed towers, mono-poles, and structures of similar height including, but not limited to, structures such as buildings, church steeples, silos, water towers, utility towers and poles, signs or other similar structures.

Theater, Indoor: A building or part of a building open to the general public devoted to showing motion pictures or for dramatic dance, musical, or other live performances.

Timber Harvesting - Commercial: Any logging activity that removes greater than one hundred fifty thousand (150,000) board feet or one hundred fifty (150) cords of wood for commercial sale on any parcel of land within any consecutive twelve (12) month period or when the owner of the property contracts out for logging services for the purpose of selling timber.

Timber Harvesting – Non-commercial: Any logging activity that removes wood for personal use by the landowner. Non-commercial timber harvesting also includes the cutting of wood by the owner of the property for:

A. The routine maintenance of roads, and right-of-ways;

B. The clearing of a home site;

C. Clearing of approved subdivision roads;

D. Tree clearing for farm purposes within NYS Agricultural Districts established pursuant to New York State Agriculture and Markets Law;

E. Sale by owner of the property, including but not limited to Christmas tree culture.

Topsoil: The natural surface layer of fertile soil.

Towers and Antennas - Preexisting: Any tower or antenna for which a legal building permit was issued and which was constructed and in existence as of July 8, 1999.

Town: The term Town (with capital letters) means the municipal government of the Town of Rensselaerville or its employee or official, designated by statutory law or this law to function as its agent. The term town (without capital letters) means the Town of Rensselaerville as an area of land governed by the Town.

Townhouse: A residential building containing three (3) or more dwellings units attached to each other at the side or rear by means of a common wall or walls, each dwelling solely occupying the internal space from ground to roof, and having its own separate entrance or entrances from the outside.

Travel Trailer: Shall include motor homes, truck campers, camping trailers, park models and pop-up trailers used for recreation and travel. *See also* "Recreational Vehicle/RV"

Truck Terminal: An area or building where trucks and cargo are stored and maintained, and may include loading and unloading cargo onto and off of trucks on a regular basis.

Use: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

- **Use, Accessory**: A use incidental and subordinate to the principal use, and located on the same lot with such principal use.

- **Uses, Multiple**: A use of property, conducted on a single lot, which includes two (2) or more separate uses. Multiple uses require a special use permit from the Planning Board in accordance with Article IX and X. Home occupations and vertically integrated businesses or uses are not to be considered multiple uses. For purposes of this definition, the term "vertically integrated business or uses" means a business or use which entails a network or production and distribution of services or goods which is under common ownership or control such as the manufacturing from raw materials to sale to the ultimate consumer.

- **Use, Special**: A use in a particular zone designated in Article V as "SP" requiring a special use review prior to the issuance of a special use permit.

- **Use, Temporary**: An activity conducted for a specified limited period of time, not to exceed two (2) years. Temporary use includes, but is not limited to such uses as buildings incidental to new construction which are removed after the completion of the construction work, and seasonal farm stands.

Variance: A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

Warehousing: A Warehouse is a building or structure used primarily for the storage of goods and materials that may include terminal facilities for handling freight.

Wetlands: Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, § 24-0107(1), are mapped pursuant to 6 NYCRR Part 664, and/or any lands or water defined as a wetland under 40 CFR 230.3(t) and which may be regulated pursuant to §§ 404 and 401 of the Clean Water Act, as such statutes and regulations may be amended from time to time.

Wholesale: Establishments or places of business primarily engaged in any of the following activities: selling merchandise to retailers, or to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This shall include

lumber, plywood, and mill work yards, unless the primary operation is directly to the general public as opposed to builders and contractors.

Wind Energy Conversion System (WECS): Any mechanism designed for the purpose of converting the kinetic energy of wind into electrical or mechanical energy.

Wind Energy Conversion System - Non-commercial: A non-commercial WECS, also called a Windmill, or a Small Wind Energy Conversion System, is one that supplies electrical power for on-site use on a parcel that may or may not have commercially available utility grade power, which has a rated capacity of not more than 50 kW. Excess electrical power generated by the non-commercial WECS may be sold to the utility company in exchange for a reduction in the overall cost of electrical power used by the parcel so long as the primary purpose of the WECS is to generate electrical power for on-site use.

Wind Mill: See non-commercial wind energy conversion system.

Wind Power Facility - Commercial: Any single or multiple wind turbines, equipment and/or facilities designed for the generation of electrical power for connection to the power grid and/or sale of electrical power and includes any such turbine or facility with a generating capacity of more than 100 kW.

Wind Power Facility - Non-Commercial: A single wind turbine with a generating capacity of less than one hundred kilowatts (100 kW) designed solely for on-site power consumption and no sale of electrical power except that unused or excess power may be sold to an electrical utility company.

Wind Power Project: The collection of wind power structures and related facilities including substations for which a single permit may be sought.

Wind Power Tower: The support structure to which the nacelle and rotor blade are attached.

Wind Power Tower Height: The distance from the tip of the rotor blade at its highest point to the top surface of the tower foundation.

Wind Turbine: A commercial WECS designed for sale of energy to power markets and not for on-site use.

Wind Turbine Farm: A large scale collection (more than three (3)) of commercial scale WECS, under common ownership or operating control, used to generate utility scale electrical energy to be supplied to the local utility electrical grid.

Yard: Space on a lot not occupied or projected into by a building or structure.

- **Yard, Front**: The space within and extending the full width of the lot from the road edge to a parallel line through the part of the principal building or accessory structure which is nearest to such road edge. If a lot adjoins two (2) or more roads or highways, it shall be deemed to have a front yard on each adjoining road or highway.

- **Yard, Rear**: The space within and extending the full width of the lot, from the rear lot line to a parallel line through the part of the principal building or accessory structure which is nearest to such lot line.

- **Yard, Side**: The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to a parallel line through the part of the principal building or accessory structure which is nearest to such side lot line.

Zoning Officer: The person appointed by the Town Board to carry out and enforce the requirements of the Zoning Law, also known as the Code Enforcement Officer or Zoning Enforcement Officer.

ARTICLE IV.
ESTABLISHMENT OF ZONING DISTRICTS

In addition to the General Standards, the following will also apply.

SECTION 1. TYPES OF ZONING DISTRICTS

Zoning Districts. For the purpose of this law, the Town of Rensselaerville is hereby divided into the following zoning districts:

H	Hamlet
A/RR	Agricultural/Rural Residential
RC1	Resource Conservation 1
RC2	Resource Conservation 2
RC3	Resource Conservation 3
CL	Crystal Lake

SECTION 2. ZONING MAP

The zoning districts are shown, defined, and bounded on the maps entitled "Town of Rensselaerville Zoning Map", and filed in the office of the Town Clerk. The Town of Rensselaerville Zoning Map and all explanatory matter thereon are by this reference incorporated into this law.

SECTION 3. INTERPRETATION OF ZONING DISTRICT BOUNDARIES ON ZONING MAPS

Where uncertainties exist with respect to the boundaries of the various zoning districts, as shown on the Zoning Map, the following rules shall apply:

A. Where the designation on the Zoning Map indicates a boundary approximately on or projecting from a road edge, such road line or projection shall be construed to be the boundary;

B. Where the designation on the Zoning Map indicates a boundary approximately on or projecting from a lot line, such lot line or projection shall be construed to be the boundary;

C. Where the designation on the Zoning Map indicates a boundary following ecological or natural lines, such natural feature shall be construed to be the boundary. If the location of the boundary in relation to a particular parcel is uncertain, the Zoning Board of Appeals shall so determine the boundary at the request of the Building Inspector or the Planning Board. The burden of proof shall be upon the owner(s) of the land in question or their official designee to demonstrate to the Zoning Board of Appeals that the boundaries differ from those that are indicated on the zoning map. At the request of the applicant or landowner, the Town may

engage a professional hydrogeologist, geologist, engineer, soil scientist, or other similar professional to determine more accurately the district in question, and the Town shall charge the owner(s) for all or part of the cost of the investigation;

D. Boundaries indicated as following streams, lakes, and reservoirs, shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline;

E. In all other cases, the boundary line shall be determined by the use of the scale appearing on the Zoning Map;

F. In the event that a legal description or survey has been filed for a change of zone or variance of use as required by this chapter, such description or survey shall be used in lieu of other provisions of this section.

SECTION 4. PURPOSES OF DISTRICTS

A. Hamlets (H): The hamlet district is established for the hamlets located in the Town of Rensselaerville: Rensselaerville, Medusa, Preston Hollow and Cooksburg/Potter Hollow. The purpose of these Hamlet Districts is to foster development in the traditional locations of settlement in Rensselaerville. Further, the purpose is to maintain these hamlets as vital town centers with development that is consistent with the traditional character and environment of each Hamlet. A further purpose is to provide for and encourage a mixture of housing types and opportunities to meet the housing needs of Town residence.

B. The Agricultural/Rural Residential (A/RR): The purpose of this district is to protect agricultural land and to encourage a development pattern that keeps agricultural land in productive use as well as to protect and maintain the rural character, including open space and scenic resources of the town. A further purpose is to discourage land uses that are not compatible with agricultural uses. Rather, the purpose of this district is to promote agriculture as a component of the local economy, to protect the Town's natural resources and maintain native vegetation, and to maintain low density residential neighborhood development patterns outside of the hamlet areas.

C. Resource Conservation Districts: The purpose of the three (3) Resource Conservation Districts is to protect sensitive environmental areas that contribute to the environmental quality, ecological functioning, rural character, scenic character, and recreational opportunities in the Town.

   1. Resource Conservation 1 (RC1): The RC1 District encompasses an area of Town that has severe limitations for water recharge and waste water handling. In addition to the general purposes of Section 4 (C) of this Article, the specific purpose of the RC1 district is to promote very low density residential development and other low-intensive uses consistent with the capability of the constrained land to support such issues.

2. Resource Conservation 2 (RC2): The RC2 District encompasses an area of Town that has severe physical constraints including steep slopes. In addition to the general purposes of Section 4 (C) of this Article, the specific purpose of the RC2 district is to promote very low density residential development and other low-intensive uses in a manner that protects steep slopes, forested habitats, and other open spaces.

3. Resource Conservation 3 (RC3): The RC3 District encompasses the area, watersheds, and wetlands around Triangle and Crystal Lake. In addition to the general purposes of Section 4 (C) of this Article, the specific purpose of the RC3 district is to promote low density residential development and other low-intensive uses in a manner that protects watersheds, wetlands, and the rural character unique to the lake area of the Town.

D. Crystal Lake (CL) – In addition to the general purpose, the primary purpose of this district is to protect the delicate lake area known as Crystal Lake. The Crystal Lake district consists of over 100 parcels that either abut Crystal Lake or have deeded lake rights. The parcels have been created over the past 130 years with the majority of these parcels being created between the 1930's and 1960's with sizes comparable to those found in the Hamlets. Presently, the majority of existing lots are undersized relative to the minimum requirements for new building sites. It is the intent of this district to prohibit the creation of any additional undersized lots, and to allow responsible use for development of existing lots in keeping with the delicate lake environment.

SECTION 5. LOTS IN MORE THAN ONE DISTRICT

Where a zoning district boundary line divides a lot in a single ownership, the district requirements of the less restricted portion of such lot may extend up to a maximum of thirty (30) feet into the more restricted portion of the lot.

ARTICLE V.
REGULATIONS OF ESTABLISHED ZONES

In addition to the General Standards, the following will also apply.

SECTION 1. USE REQUIREMENTS

A. Key Table:

X = Prohibited Use
P = Permitted Use
SP = Special Permit Required from Planning Board and Site Plan Approval
THP = Timber Harvesting Permit

B. Key Codes:

H = Hamlet
A/RR = Agriculture/Rural Residential
RC-1 = Resource Conservation – Area 1
RC-2 = Resource Conservation – Area 2
RC-3 = Resource Conservation – Area 3
CL = Crystal Lake

RESIDENTIAL USES						
	H	A/RR	RC-1	RC-2	RC-3	CL
Accessory Structure	P	P	P	P	P	P
Apartments:						
Accessory Apartment in an Accessory Structure to a One-Family Dwelling	SP	SP	SP	SP	SP	SP
Accessory Apartment in One-Family Dwelling	SP	SP	SP	SP	SP	SP
Accessory Apartment Attached to One-Family Dwelling	SP	SP	SP	SP	SP	SP
Apartment House/Building	SP	SP	X	X	X	X

Boarding Houses/Assisted Living:						
	H	A/RR	RC-1	RC-2	RC-3	CL
Boarding House	SP	SP	SP	SP	SP	X
Assisted Living	SP	SP	X	SP	X	X
Housing for the Elderly	SP	SP	X	SP	X	X
Dwellings:						
One-Family Dwelling	P	P	P	P	P	P
Two-Family Dwelling	P	P	P	P	P	P
Multi-Family Dwelling	SP	SP	X	X	X	X
Townhouse *	SP	SP	X	X	X	X
*Townhouse structures in A/RR district may not obstruct the view from neighboring structures; further, 50% of the property must be preserved as open space.						
Mobile Homes:						
Single-Wide Mobile Home	X	P	P	P	P	P
Mobile Home Park	X	SP	X	X	X	X
Temporary Mobile Home	P	P	P	P	P	P

NON-RESIDENTIAL USES						
	H	A/RR	RC-1	RC-2	RC-3	CL
Accessory Structure	P	P	P	P	P	P
Agribusiness	SP	P	P	P	P	X
Agricultural Use, Crops	P	P	P	P	P	X
Agricultural Use, Animals	SP	P	P	P	P	X
Agricultural Processing	X	P	X	X	X	X
Aircraft Landing Area/Field	X	SP	SP	SP	SP	X
Animal Hospital	SP	SP	SP	SP	SP	X
Auction Sales - Permanent Structure	SP	SP	SP	SP	SP	X
Bed and Breakfast	SP	SP	SP	SP	SP	X
Campground/ Travel Trailer Park	X	SP	X	X	X	X
Car Wash	SP	SP	X	X	X	X
Christmas Tree Plantation	P	P	P	P	P	P
Cemetery	P	P	P	P	P	P
Community Center	SP	SP	SP	SP	SP	SP
Convenience Store	SP	SP	SP	SP	SP	X
Day Care – Family	P	P	P	P	P	P
Day care – Group	P	P	SP	SP	SP	X
Driving Range	X	SP	X	SP	X	X
Essential Facility	SP	SP	SP	SP	SP	SP
	H	A/RR	RC-1	RC-2	RC-3	CL

Excavation – Commercial	X	X	X	X	X	X
Excavation – Non-Commercial	X	SP	X	X	X	X
Farm Stand	P	P	P	P	P	P
Financial, Insurance and Real Estate	SP	SP	SP	SP	SP	SP
Flag Lot	P	X	X	X	X	X
Flea Market	SP	SP	X	X	X	X
Fueling Station	SP	SP	X	X	X	X
Golf Course	X	SP	X	X	X	X
Heavy Industry	X	X	X	X	X	X
Home Occupation – Low Impact	P	P	P	P	P	SP
Home occupation – Major	SP	SP	SP	SP	SP	X
Hospital	SP	SP	X	X	X	X
Junkyard	X	SP	X	X	X	X
Kennel	X	SP	SP	SP	SP	X
Laundromat	SP	SP	X	X	X	X
Manufacturing	SP	SP	X	X	X	X
Medical Office	SP	SP	X	SP	X	X
Membership/Private Clubs	SP	SP	SP	SP	SP	SP
Miniature Golf	SP	SP	X	SP	X	X
Mortuary or Funeral Parlor	SP	SP	X	SP	X	X
Motel/Hotel	SP	SP	X	X	X	X
	H	**A/RR**	**RC-1**	**RC-2**	**RC-3**	**CL**

Motor Vehicle Repair Shop	SP	SP	X	X	X	X
Nursery/Garden Shop	SP	P	X	SP	X	X
Nursing/Convalescent Home	SP	SP	X	X	X	X
Personal Service Shop	SP	SP	SP	SP	X	X
Printing and Publishing	SP	SP	X	X	X	X
Professional Office	SP	SP	X	SP	X	X
Public Garage	SP	SP	X	X	X	X
Public/Semi Public Facility	SP	SP	SP	SP	SP	X
Recreation – Indoor	SP	SP	X	SP	X	X
Recreation – Outdoor	SP	SP	SP	SP	SP	X
Religious Institution	SP	SP	SP	SP	SP	SP
Restaurant	SP	SP	X	SP	X	X
Sawmill – Large Scale	X	SP	X	X	X	X
Sawmill – Small Scale	SP	SP	X	X	X	X
Sawmill – Temporary	SP	P	P	P	P	X
School	SP	SP	X	X	X	X
Shopping Center	SP	SP	X	X	X	X
Slaughterhouse/Tanning	X	SP	X	X	X	X
Stable – Commercial	X	P	P	P	P	X
Stable – Private	P	P	P	P	P	X
Tavern, Bar, Nightclub	SP	SP	X	SP	X	X
Telecommunications Tower	SP	SP	SP	SP	SP	SP
Theater – Indoor	SP	SP	X	X	X	X
Timber Harvesting – Commercial	X	THP	THP	THP	THP	X

	H	A/RR	RC-1	RC-2	RC-3	CL
Timber Harvesting – Non-Commercial	P	P	P	P	P	P
Truck Terminal	X	SP	X	X	X	X
Warehousing	SP	SP	X	X	X	X
Wind Power Facility – Commercial	X	X	X	X	X	X
Wind Power Facility – Non-Commercial	SP	SP	SP	SP	SP	SP
Wholesale	SP	SP	X	X	X	X

SECTION 2. AREA REQUIREMENTS

This chapter regulates density of development separately from lot size. The lot width to depth ratio shall be no more than 1:4. The minimum yard dimensions for accessory structures shall not be less than the minimum yard dimensions requirements of main structures in any district.

Hamlet (H)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	.5 acre	35'	100'	80'	20'	15'	15'	15'	25%
Two-Family Dwelling	1 acre	35'	100'	80'	20'	15'	15'	15'	25%
Multi-Family Dwelling	.5 acre	35'	200'	150'	20'	15'	20'	20'	25%
Non-Residential Use	1 acre	35'	150'	120'	20'	15'	30'	30'	25%
Non-Residential Use Building Footprint not to exceed 4,000 square feet									
Agriculture	N/A	N/A	N/A	N/A	20'	15'	30'	30'	N/A
There shall be no maximum size or density required for Agriculture structures. The only dimension requirement for new agriculture structures shall be for front, side and rear yards. New Agriculture structures not in a New York State certified agricultural district are prohibited from being located within the one-hundred feet (100') stream setback. New Agriculture structures in a New York State certified agricultural district shall require a Special Use Permit/Site Plan approval to be located within one hundred feet (100') stream setback area.									

Agriculture/ Rural Residential (A/RR)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	5 acres	35'	250'	250'	50'	50'	50'	50'	20%
Two-Family Dwelling	5 acres	35'	250'	250'	50'	50'	50'	50'	20%
Multiple Family Dwelling	5 acres	35'	250'	250'	50'	50'	30'	30'	20%
Mobile Home	5 acres	35'	250'	250'	75'	75'	30'	30'	20%
Non-Residential Use	5 acres	35'	300'	300'	50'	50'	50'	50'	20%
Non-Residential Use Building Footprint not to exceed 4,000 square feet									
Agriculture	N/A	N/A	N/A	N/A	50'	40'	35'	35'	N/A
There shall be no maximum size or density required for Agriculture structures. The only dimension requirement for new agriculture structures shall be for front, side and rear yards. New Agriculture structures not in a New York State certified agricultural district are prohibited from being located within the one-hundred feet (100') stream setback. New Agriculture structures in a New York State certified agricultural district shall require a Special Use Permit/Site Plan approval to be located within one hundred feet (100') stream setback area.									

Crystal lake (CL)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	2 acres	35'	100'	80'	20'	15'	15'	15'	25%
Two-Family Dwelling	2 acres	35'	100'	80'	20'	15'	15'	15'	25%
Mobile Home	2 acres	35'	100'	80'	20'	15'	15'	15'	20%
Agriculture Structures – N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Where existing lots with deeded lake rights on Crystal Lake have a lot size below two (2) acres, setbacks will be reduced to be equal to those allowed for one family dwellings in the "H" district.									

Resource Conservation 1 (RC1)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Two-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Mobile Home	15 acres	35'	300'	300'	75'	75'	50'	50'	20%
Non-Residential Use	15 acres	35'	300'	300'	100'	40'	50'	50'	20%
Non-Residential Use Building Footprint not to exceed 10,000 square feet									
Agriculture*	N/A	N/A	N/A	N/A	50'	40'	35'	35'	N/A
*There shall be no maximum size or density required for Agriculture structures. The only dimension requirement for new agriculture structures shall be for front, side and rear yards. New Agriculture structures not in a New York State certified agricultural district are prohibited from being located within the one-hundred feet (100') stream setback. New Agriculture structures in a New York State certified agricultural district shall require a Special Use Permit/Site Plan approval to be located within one hundred feet (100') stream setback area.									

Resource Conservation 2 (RC2)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Two-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Mobile Home	15 acres	35'	300'	300'	75'	75'	50'	50'	20%
Non-Residential Use	15 acres	35'	300'	300'	100'	40'	50'	50'	20%
Non-Residential Use Building Footprint not to exceed 10,000 square feet									
Agriculture*	N/A	N/A	N/A	N/A	50'	40'	35'	35'	N/A

Resource Conservation 3 (RC3)	Minimum Lot Dimensions				Minimum Yard Dimensions				Maximum Lot Coverage
			Road Frontage		Front Yard				
	Min. Area	Max. Bldg Ht.	County/ State Rd	Private/ Town Rd	County/ State Rd	Private/ Town Rd	Side Yard	Rear Yard	
One-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Two-Family Dwelling	15 acres	35'	300'	300'	75'	50'	50'	50'	20%
Mobile Home	15 acres	35'	300'	300'	75'	75'	50'	50'	20%
Non-Residential Use	15 acres	35'	300'	300'	100'	40'	50'	50'	20%
Non-Residential Use Building Footprint not to exceed 10,000 square feet									
Agriculture	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Section 3. Special Regulations for Certain Uses

Private radio and television antennas, and such similar structures, shall be set back from all property boundaries at least ten (10) feet more than the height of the structure. Essential facilities are exempt from this Section of this Article.

Section 4. Prohibited Uses

A. All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, odor, noise, gas fumes, glare, vibration, or because of danger to the general public due to hazards of fire or explosion are prohibited.

B. Agricultural activities and uses conducted according to generally accepted farm management principles which may seasonally or occasionally result in the production or emission of dust, smoke, odor, or noise, shall not be considered prohibited uses. *See* Local Law No. "E" for 2007 of the County of Albany, the so-called "Right-to-Farm Law."

C. All uses not listed on the Use Schedule of Section 1 of this Article shall be deemed prohibited.

D. All access to Crystal Lake is prohibited except for land owners with lake front properties or land owners with lake rights.

Section 5. Special Regulations for Certain Districts

A. Hamlet Districts

1. Building Design Standards and Guidelines for the Hamlet District.

   a. Applicability. These standards apply to all development required to have site plan or subdivision approval.

2. Commercial Uses in Hamlets.

   a. Franchise architectural styles. Franchise architectural styles that identify a specific company by building features require a special permit. For purposes of this section, "franchise architecture" shall be defined as a distinct architectural building or style and/or elements commonly employed by fast food or other commercial franchise, that serves to enhance or promote brand identity through visual recognition.

   b. Performance standards. Performance standards shall apply to control potentially objectionable external aspects of business uses that are in close proximity to residential uses.

      i. The proposed use shall not constitute a nuisance to the neighborhood due to hours of operation, noise, or loitering;

ii. The emission of smoke, gas, dust, odor, or other atmospheric pollutants shall be reasonably minimized outside the building in which the use is conducted;

iii. Vibration, heat, or electromagnetic interferences shall not be disseminated beyond the immediate site on which the use is located;

iv. No use shall be permitted that presents a physical hazard by reason of fire, explosion, radiation or any similar cause;

c. Maximum Building Height. Maximum building height is thirty-five feet (35'), except civic building cupolas and towers can be up to fifty feet (50') in height, and church steeples can be up to seventy-five feet (75') in height;

d. Permanent Accessory Equipment. All roof, wall, or ground mounted mechanical equipment such as: heating and air conditioning units, exhaust fans, solar panels, etc., shall be confined within the principal structure or within an area enclosed by a wall, screen, fence, berm or hedge of sufficient height and density to screen the equipment year round from view from adjacent streets, properties, and parking lots.

e. Trash Storage: Trash storage and recycling areas shall be completely enclosed and screened from public view and adjoining buildings in a manner compatible with the architectural treatment of the principal structure and/or the appropriate landscaping.

f. Multiple Uses. Multiple uses within one (1) structure are permitted. Buildings can be designed for multiple uses, with offices and/or residential units on upper stories. However, residential uses on first floors of buildings shall be allowed only where they are behind commercial street frontage

g. Parking. Parking shall meet the standards specified in Article VII, Section 5. In addition, the following standards shall apply:

i. On-street parking along the front property line shall count toward fulfilling the minimum parking requirement for use on that lot;

ii. On-street parking shall be supplemented, wherever necessary as specified in Article VII, Section 6, by off-street parking areas located to the rear or side of buildings. Ideally, off-street parking shall be provided in the rear yard;

iii. Buffering of parking lots from adjacent residences shall be accomplished through landscaping.

h. Utilities. Newly installed utility service systems, and service revisions necessitated by exterior alterations, shall be installed underground.

i. Conversion to Commercial Use. Conversion of a residential structure to a commercial use allowed according to Article V, Section 1, shall be permitted provided that residential nature and character of the façade is maintained;

j. Sidewalks: All streets shall be provided with continuous sidewalks on one or both sides of the street. Sidewalks shall be three (3) to five (5) feet wide, and constructed of concrete, masonry materials, slate, or asphalt. Any new sidewalk shall be connected to existing sidewalks.

k. Bicycle circulation. In the main street area, if a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14) feet.

B. New York State Certified Agricultural District

1. Coordination with NY Agriculture and Markets Law Article 25AA (and Albany County Agricultural District No. 2 and Albany County Right to Farm Law (2007)) or as amended or revised to protect agriculture

a. Any application for a Special Use Permit, Site Plan approval, use variance, or subdivision approval requiring municipal review and approval by the Town Board, Planning Board, or Zoning Board of Appeals that would occur on property within a NY certified Agricultural District containing a farm operation, or on property with boundaries within five hundred (500) feet of a farm operation located in a NY certified Agricultural District, shall include an Agricultural Data Statement. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the NY certified Agricultural District.

b. For all projects that are publicly funded, the proposed plan shall evaluate the potential impact on farms located within NYS certified Agricultural Districts in the Town of Rensselaerville. A notice of intent shall include an agricultural impact statement and shall be filed prior to expenditure of any public funds on non-farm projects located within the NYS Agricultural District.

c. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets 25-aa, to potential purchasers of lots or dwelling units as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such

property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law." This disclosure shall be required as a note on a subdivision plat or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification. This section may also be applied to any commercial development at the discretion of the Planning Board.

2. All subdivisions within the New York State Certified Agriculture District shall be platted to preserve prime and statewide important farmland soils for continued agriculture use. During subdivision review, and insofar as practicable, building envelopes shall be identified and located in a manner to protect prime and statewide important farmland soils as follows:

    a. In a manner which permits access to and continued use of active agricultural land;

    b. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features;

    c. New non-farm structures are encouraged to be sited so as to maintain the largest amount of contiguous acreage for agricultural use;

    d. New non-farm structures may be sited within woodlands, or along the far edges of open agricultural fields adjacent to any woodland so as to reduce encroachment on agricultural soils and areas; and

    e. All non-farm development, including water wells, shall require a minimum two hundred (200) foot buffer from adjacent active agricultural uses.

3. Review Criteria and Conditions

    a. The following conditions may be attached by the Planning Board at its sole discretion when granting a subdivision, site plan or Special Use Permit to minimize impacts, and to meet the purposes of this district:

        i. Increased setbacks and yards;

        ii. Additional landscaping and vegetative screens or buffers; and

        iii. Creation of easements for equipment access to adjacent farm lands.

C. Agricultural/Rural Residential and Resource Conservation Districts

1. Rural Siting Principles

   a. The following shall apply to the siting of uses that are subject to Site Plan or Special Use Permit approval, or to major subdivisions:

      i. Retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls);

      ii. Preserve stone walls and hedgerows;

      iii. Use existing vegetation and topography to buffer and screen new buildings;

      iv. Minimize crossing of steep slopes with roads and driveways;

      v. Locate new development so that the flow of water to farm properties is not impeded, and in ways that are compatible with existing field drainage patterns, and

      vi. Avoid fragmenting forests with roads, driveways, or structures.

ARTICLE VI.
CONSERVATION SUBDIVISION

In addition to the General Standards, the following will also apply

SECTION 1. PURPOSES

To provide for the preservation of green space and to preserve, in perpetuity, unique or sensitive natural resources such as: groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitat, prime soils, and soils of statewide importance.

SECTION 2. GENERAL REGULATIONS

A. Applicability of Regulations. A conservation subdivision shall be required in all locations for all major subdivisions. Applicants shall comply with all other provisions of the zoning law and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

C. Lot Size. Lot sizes in a clustered or conservation subdivision shall be determined by the Planning Board at the time of the subdivision review. The Planning Board has the authority to waive all dimension requirements of Article V, Section 2, except for density requirements. All maximum average density requirements of Article V, Section 2 shall be met in a conservation subdivision.

D. Application Requirements. All conservation subdivisions shall be reviewed and processed pursuant to the provisions of the Town of Rensselaerville Subdivision Regulations.

ARTICLE VII.
GENERAL STANDARDS FOR ALL ZONES

SECTION 1. GENERAL

Except where noted, the following regulations shall apply to all uses, regardless of the zoning district in which they occur.

SECTION 2. EROSION AND SEDIMENTATION CONTROL

A. Erosion and Sedimentation Control Plan.

1. Applicability. All land development activities that disturb an area equal to or greater than one (1) acre of land, except for the following activities:

   a. Agricultural activity as defined in this local law;

   b. Silvicultural activity except that landing areas and log haul roads are subject to this law;

   c. Routine maintenance activities that disturb less than five (5) acres, and are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility;

   d. Repairs to any stormwater management practice or facility deemed necessary by the Building Inspector;

   e. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;

   f. Emergency activity immediately necessary to protect life, property, or natural resources;

   g. Activities of an individual engaging in home gardening by growing flowers, vegetables, and other plants primarily for use by that person and his or her family;

   h. Landscaping and horticultural activities in connection with an existing structure;

   i. Cemetery graves;

   j. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Rensselaerville before the effective date of this law; and

   k. Land development activities for which a building permit has been approved before the effective date of this law.

2. Land development activities shall conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised.

3. All Erosion and Sedimentation Control Plans and Storm Water Pollution Prevention Plans (SWPPP) shall be submitted to the Planning Board as part of any application process before the Planning Board or to the Zoning Enforcement Officer if there is no Planning Board review of the land use activity in question.

4. If SWPPP's are required under New York State regulations; they shall be prepared and submitted to the Planning Board or Zoning Enforcement Officer in accordance with the specifications of NYS Regulations.

5. Low Impact Stormwater Management Design. During project design, the Planning Board shall require incorporation of Low Impact Development standards wherever feasible.

6. Appropriate engineering should include use of one (1) or more of the following Low Impact Development techniques:

    a. Bioretention /Rain Garden;

    b. Soil Amendments;

    c. Grassed Swale;

    d. Rain Water Collection;

    e. Permeable Pavers; or

    f. Minimizing Imperviousness

B. Clear cutting

1. No clear cutting shall be permitted within one hundred (100) feet of any stream, lake, pond, or wetland

2. No clear cutting shall be permitted on lands where slope is fifteen percent (15%) or greater

3. No clear cutting which affects one (1) or more acres of ground surface within any lot or any contiguous area shall be permitted until an Erosion and Sedimentation Control Plan has been approved by the Planning Board or by the Zoning Enforcement Officer if there is no Planning Board review of the land use activity.

C. With the exception of activities directly related to land clearing for agricultural crops or pasture uses, no land use activities listed below shall be carried out until an erosion and sedimentation control plan as per Section D of this section has been approved by the Planning Board or Zoning Enforcement Officer:

1. Site preparation, grading, or land clearing on lands where the slope is fifteen percent (15%) or greater

2. Site preparation or construction within one hundred (100) feet of any pond or wetland

3. Site preparation or construction within any area designated by the Federal Emergency Management Agency as a one hundred (100) year floodplain.

4. Any site preparation or construction on the site of a light-industrial use

5. Any land disturbance equal to or greater than one (1) acre

D. Areas of land affected by any of the following activities shall be re-vegetated during the closest growing season following cessation of operation or activity:

1. Excavation, excluding mining, which affects more than one thousand (1,000) cubic yards of material within any lot or any contiguous area. All excavation and mining activities shall also be subject to the regulations set forth in Article XI of this chapter;

2. Stripping which affects more than twenty thousand (20,000) square feet of ground surface within any lot or any contiguous area;

3. Grading which affects more than twenty thousand (20,000) square feet of ground surface within any lot or any contiguous area; or

4. Filling which exceeds a total of one hundred (100) cubic yards of material within any lot or any contiguous area.

SECTION 3. CORNER LOTS

In the case of a corner lot, all yards that front on public roads shall be considered front yards, and must met the applicable front yard setback and frontage requirements of this law.

SECTION 4. PARKING, GENERAL

A. Applicability: All new land uses shall comply with the requirements of this section and shall be required for all new land uses.

B. Criteria: Shared or offsite parking shall be utilized to meet these requirements: Parking spaces shall be sufficient to satisfy eighty-five percent (85%) of the anticipated peak demand. There shall be sufficient parking to meet demands of both employees and customers.

SECTION 5. PARKING, SPECIFIC STANDARDS

A. Dwelling unit: two (2) off road spaces per dwelling unit

B. Dwelling unit with a major home occupation:

1. Sufficient number of off road spaces to accommodate all vehicles during typical peak use periods, or

2. One (1) off road space for each two hundred (200) square feet of floor space devoted to the home occupation, in addition to the two (2) off road residential spaces required.

C. Professional offices and personal services: one (1) space per two hundred square feet Gross Leasable Area (GLA).

D. Retail, small product: one (1) space per two hundred (200) square feet GLA, plus one (1) per employee.

E. Retail, large product: one (1) space per four hundred (400) square feet GLA, plus one (1) per employee.

F. Multifamily housing: one and one-half (1.5) spaces per dwelling unit; however, the Planning Board may lower the requirements of one and one-half (1.5) spaces per dwelling unit to not less than one (1) space per dwelling unit, where the developer can reasonably demonstrate a need for fewer spaces. If there is subsequently a change in the basis upon which a lowering of the requirements was approved, the Planning Board may require the provision of additional parking.

G. Public and semi-public facilities: one (1) space for each employee plus ten percent (10%) of maximum building capacity.

H. Funeral Homes: one (1) space per four (4) seats.

I. Light-industrial facilities: one hundred ten (110%) percent of total employees

J. Motel and hotel: one (1) space per dwelling unit or sleeping room, plus one (1) space for each employee

K. Set aside for future parking: The Planning Board may require an applicant to set aside additional land to meet potential future parking needs.

L. Stacking Space and Aisle Width. Adequate stacking space (throat area) within the parking area must be provided so that exiting vehicles do not block access to parking spaces while waiting to exit. It may also be necessary to provide space to prevent entering traffic from backing up onto the public roadway. Aisles within parking lots shall allow adequate room for vehicles to move smoothly into and out of parking spaces. The necessary aisle width shall be determined based on the degree to which parking spaces are angled, and shall range from twelve (12) to twenty-five (25) feet.

M. Parking Lot Layout.

1. Parking lot layout shall take into account pedestrian circulation. Pedestrian crosswalks shall be provided where necessary, and shall be integrated into the wider network of pedestrian walkways.

2. All parking lot area must adequately incorporate storm water drainage and sediment retention facilities.

The Planning Board may in its sole discretion modify parking requirements when in light of the overall nature of the property and use proposed the application of these standards would not meet the goals of having appropriate parking for the intended use and only under such circumstances.

Section 6. Off Road Loading

For uses other than agriculture, dwelling units, and home occupations, the Planning Board shall determine the required number of off road loading berths, considering, among other things, the use, traffic generation, and function of a site.

Section 7. Outdoor Swimming Pools and Spas

All outdoor swimming pools and spas shall meet all requirements of (1) The State Uniform Fire Prevention and Building Code, (2) the New York State Residential Building Code, including but not limited to Appendix G or (3) both.

SECTION 8. ROADS

All public or private roads constructed to serve or intended to serve as public thoroughfares shall meet town road standards as follows:

Roads shall be a minimum of fifty (50) feet wide with eighteen (18) feet of road surface and four (4) foot shoulders. The remaining width shall be for ditches, etc.

The sub-base shall be twelve (12) inches of gravel or state approved aggregate. The top base shall be four (4) inches of crusher run – rolled.

All necessary drainage, culverts and signs must be in place and paid for by the land owner(s). Rubble for culvert run off must be done by land owner(s).

Turn-around on end of dead end road has to be a minimum of one hundred (100) feet.

If oil and stone is requested by the land owner(s) it must be paid for by the land owner(s) after which time the town will keep it maintained.

The Superintendent of Highways shall inspect the work being performed and shall in his or her sole discretion approve or disapprove the work being performed.

All easements must be obtained by land owner(s).

Land owner(s) must provide deeded access to the town for right-of-ways at the land owner(s)' expense.

SECTION 9. FENCES, WALLS, AND SHRUBBERY

Fences, walls and all vegetation shall be placed and maintained so as to not cause traffic or safety hazards, or limit sight distances along public roads.

SECTION 10. MOBILE HOMES

A. Construction Standard. Each mobile home shall comply with the Federal Housing and Urban Development (HUD) construction codes and all New York State Building Codes.

B. Mobile Home Stand

1. Each mobile home shall be installed on six (6) inch permanent concrete reinforced slab base suitably graded to provide adequate drainage.

2. The stand area shall be graded to ensure adequate drainage, but in no case shall the grade variance exceed six (6) inches from one end of the stand to the other.

C. Mobile Home Skirting

1. Each mobile home is required to have skirting installed and maintained to skirt the space between the mobile home and the stand. The skirt shall rest on or be affixed to the stands. There shall be no visible evidence of a mobile home's trailer hitch or wheels once it has been installed.

2. Skirt material will provide a finished exterior appearance that is compatible with the siding of the mobile home.

SECTION 11. OUTDOOR STORAGE

Materials used in the commercial manufacturing, fabricating, or servicing operations, may be stored outside the building accommodating such operations, provided such materials shall not be visible from public road or from adjacent residential properties. Such requirements shall not be deemed to apply to construction materials stored on-site during a period of construction, logs, or agricultural products or materials.

SECTION 12. ACCESSORY APARTMENTS

A. General. All accessory apartments in any zoning district are considered special uses and require a special use permit from the Planning Board.

1. The applicable requirements and procedures set forth in Article IX shall be met

2. All applicable minimum setbacks, road frontage, and area requirements set forth in Article V, Section 2, shall be met.

3. Only one (1) apartment shall be allowed on any single-family residential lot, either within a Single Family Dwelling or in an Accessory Structure, but not in both.

4. The accessory apartment shall contain no more than one thousand two hundred (1,200) square feet, nor less than three hundred twenty (320) square feet.

5. Parking, as required for an accessory apartment/principal residence, shall be a minimum of two (2) spaces per dwelling unit on-site, and shall be designed and located to be convenient without encroaching on any required yard or setback area.

6. The design of any proposed addition to the principal single family dwelling or any accessory structure, in which the accessory apartment is proposed, shall conform to the general character and appearance of the principal dwelling.

7. The driveway for ingress and egress to the accessory apartment must utilize the existing driveway utilized for the ingress and egress of the principal single-family dwelling.

8. Sufficient and adequate septic system and water supply shall be provided for the accessory apartment. The provision of onsite sanitary or septic systems and water supply shall be approved by the Albany County Department of Health prior to approval of the Planning Board. The accessory apartment shall be connected to the principal single family dwelling's existing (1) septic system or (2) water supply, or (3) both.

9. The design, size, and layout of the accessory apartment shall be consistent with the continual use of the apartment as an accessory use to the principal single family dwelling on the lot. Such accessory apartment shall not be subdivided from the single family dwelling for any use.

B. When contained within a Single-Family Dwelling

1. The accessory apartment is self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).

2. The accessory apartment shall be limited to two (2) bedrooms.

3. Either the accessory apartment or single-family dwelling must be owner-occupied.

4. The construction of a new dwelling with an accessory apartment is limited to one accessory apartment per principal residence.

5. The lot may not be an existing nonconforming lot of less than the prescribed lot area or lot width.

C. When located within an Accessory Structure

1. The total square footage of any accessory apartment located within an Accessory Structure may not exceed 50% of the total square footage of the principal dwelling.

2. Where any accessory apartment is proposed to be housed in a mobile home, that mobile home must have been approved by the United States Housing and Urban Development Agency ("HUD"), and must have a HUD seal evidencing such approval and compliance with applicable regulations.

3. Either the accessory apartment or the single-family dwelling must be owner-occupied.

4. An accessory apartment shall not be housed in a mobile home where the principal single-family dwelling is also a mobile home.

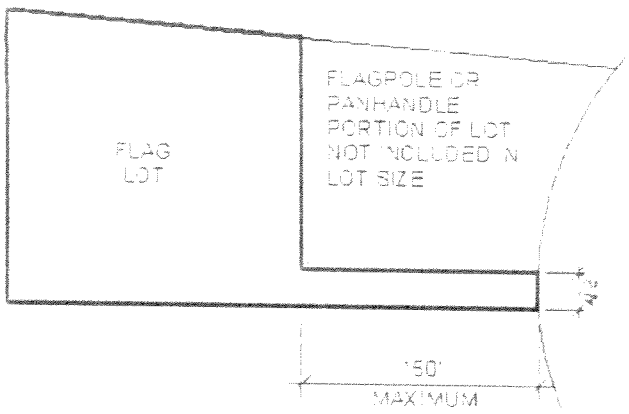
SECTION 13. FLAG LOTS

A. The following dimensional standards shall apply to flag lots:

1. The flagpole or panhandle portion of the lot shall be a minimum of forty eight (48) feet wide, and the depth of the flagpole or panhandle shall not exceed five hundred (500) feet as measured from the adjacent public street.

2. The flag portion of a flag lot shall be subject to the setback requirements for non-flag lots.

3. The flagpole or panhandle portion of the lot shall not be included in calculating lot size or density.



Flag Lot

B. Flag lots shall be approved only through the subdivision approval process. Only one (1) flag lot may be created per subdivision.

C. Flag lots are appropriate only when they would be advantageous for maintaining open spaces, rural character, or environmental features that would otherwise not be attainable without the use of flag lots.

D. Each unit shall have a front and rear yard on opposite sides of the unit.

E. Driveways shall be a minimum of ten (10) feet wide.

SECTION 14. LIGHTING

A. Applicability and Purpose. All new outdoor fixtures installed and thereafter maintained, other than that serving agricultural buildings and one (1) or two (2) family dwellings shall comply with the criteria as specified below. All outdoor light fixtures using a lamp with a total cumulative wattage of one hundred fifty (150) watts or less are exempt from all the requirements of this section.

B. Criteria.

1. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used. On-site lighting should be located to avoid harsh glares which distract the motorist's line of site. The luminaries shall emit no direct light above a horizontal plane through the lowest direct light emitting part of the luminaries. Fully shielded fixtures are required. The maximum height of the pole may not exceed twenty-five (25) feet.

2. Light fixtures used to illuminate signs, flags, statues, or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.

3. Direct light emissions shall not be visible above the building roof line for other upward

directed architectural, landscape, and decorative lighting.

4. Externally illuminated signs including building identification signs shall only use shielded light fixtures to prevent glare.

5. Light Trespass and Glare.

   a. At the property line of the subject property, illumination from light fixtures shall not exceed 0.1 foot-candles on adjacent residential property, or 0.5 foot-candles on adjacent business property, measured in a vertical plane.

   b. The Planning Board shall use the following table as recommended foot-candles for safety and security:

Location	Average Maintained Foot-candles
Roadways, local residential	0.4
Roadways, local commercial	0.9
Parking lots, residential	
Vehicular traffic	0.5
Pedestrian safety, security, orientation	0.8
Parking lots, commercial	
Vehicular traffic, medium activity lots	1.0
Vehicular traffic, high activity lots	2.0
Pedestrian safety, security, orientation	
Medium activity lots	2.4
High activity lots	3.6
Walkways and bikeways	0.5
Building entrances and exits	5.0
Material Storage access	5.0

6. The Planning Board may, as it deems appropriate, require that lighting be controlled by automatic timing devices to extinguish offending sources during specified periods so as to mitigate glare consequences. The Planning Board may also require that lighting, except for security lighting, be extinguished between the hours of 12:00 a.m. and 6:00 a.m. for businesses that are not in operation during that time.

7. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences, and similar screening methods be considered acceptable for reducing glare.

8. Mercury-Vapor greater than forty (40) watts and Quartz Lamps are prohibited light sources.

9. Poles and fixtures shall compliment the architectural character of the development and surrounding area.

10. Review of Lighting Plans - Lighting plans shall be included in site plan review. Lighting plans submitted for review shall include a layout of proposed fixture locations, foot-candle data that demonstrate conforming intensities and uniformities, and a description of the equipment, glare control devices, lamps, mounting heights and means, hours of operations, and maintenance methods proposed. Illumination intensities shall be plotted on a 10' x 10' grid.

SECTION 15. FARMLAND BUFFERS

It shall be the responsibility of a non-farm applicant to provide an effective buffer that will reasonably distance and protect adjacent non-farm and residential living areas from agricultural procedures. Buffers adjacent to actively farmed land shall be established by such non-farm property owners to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Such buffers shall consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and shall be no less than fifty (50) feet in width.

SECTION 16. WETLANDS AND WETLAND BUFFERS

In all districts, there shall be a minimum undisturbed setback of one hundred (100) feet from any New York State or federal regulated wetlands. The Planning Board shall have the authority to increase these setbacks where, due to topography, hydrology, or other natural characteristics, it is demonstrated that one hundred (100) feet is not adequate to protect the ecological functioning of the wetland. There shall also be a one hundred (100) foot buffer for all identified, non-regulated wetlands. For all subdivisions, site plan and special use permit applications, all wetlands shall be delineated and flagged and included on any site plan map by a properly qualified wetlands delineator, if such areas are within one hundred (100) feet of any proposed construction or development activities.

SECTION 17. STEEP SLOPES

All development anywhere in Town on slopes in excess of fifteen percent (15%) grade shall be prohibited.

SECTION 18. COMMERCIAL BUILDING SIZE STANDARDS

New Commercial Use: Where such use is allowed in a district, commercial building size shall be limited to a four thousand (4000) square foot building footprint in hamlet districts and ten thousand (10,000) square foot building footprint in the A/RR and all RC districts.

Section 19. Driveway Standards

A. Applicability. This section applies to all new and proposed driveways in the Town of Rensselaerville as part of a subdivision or special use/site plan approval for commercial uses.

B. Standards

1. All road standards of the Town of Rensselaerville Subdivision Law shall be met as set forth in Section 8.

2. Access. Driveway grades between the street and setback line shall not exceed ten percent (10%). The Planning Board, upon the recommendation of the Highway Superintendent or

Town engineer, may also designate curve radii for driveway intersections with the street and avoid what are commonly called "blind driveways".

3. Driveway Placement. In order to minimize curb cuts onto existing or proposed roads, or to maintain vegetated buffers along existing roads, the Planning Board may require two (2) adjoining driveways with a single curb cut.

4. No driveway centerline shall intersect a street line less than seventy (70) feet from the intersection of any two (2) street centerlines.

   a. Clear site lines shall be provided and maintained in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a minimum distance of sixty (60) feet, commensurate with the speed and volume of traffic on the highway

SECTION 20. SCREENING

Any non-residential use where screening is required by the Planning Board or local law, except agricultural, shall provide sufficient fencing, screening or landscaping, maintained in good order, to obscure objectionable aspects of such use from view from adjoining properties and from the public right-of-way in a manner acceptable to the Planning Board.

SECTION 21. WATER SUPPLY/SEWAGE DISPOSAL

Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Rensselaerville, Albany County Department of Health, and the New York State Departments of Health and Environmental Conservation.

SECTION 22. TRAVEL TRAILERS/RECREATION VEHICLES

A. Travel trailers/Recreation vehicles are prohibited as a dwelling unit other than on a temporary basis. For purposes of this section, a temporary basis means use or occupancy for no more than 60 consecutive days and no more than 120 days per calendar year.

B. Travel trailer/Recreational vehicle shall be hooked up to an approved on-site septic system. In the alternative, all travel trailers/recreational vehicles may also retain any sanitary waste effluent and dispose of same off-site in a licensed receiver for such waste. Documentation of proper disposal shall be made available for inspection per request. Disposal of sanitary waste shall occur no less than every 30 days of occupancy.

C. Travel trailer/Recreation vehicles shall not be used or occupied within 75 feet of any front yard boundary line or right of way, and 50 feet from all rear and side yard boundary lines.

D. Any travel trailer that is intended to be used or occupied on the same parcel of property for more than 14 days shall be registered with the Zoning Officer within 5 days of its initial occupancy or use on the subject property.

E. All trailers that are used as vacation homes shall be registered with the Code Enforcement Department of the Town of Rensselaerville and a permit and payment of a fee shall be required. This permit is required for recreational trailers placed by landowners on their own land, with no dwellings on the property, and such recreational trailers are used as temporary housing. These permits are valid per calendar year and are renewable January 1st of each year.

SECTION 23. CONVERSION OF SEASONAL RESIDENCES

A. Prior to converting a seasonal residence to a year-round residence, the applicant shall:

1. Obtain a building permit.

2. Demonstrate that a functioning sewage disposal system servicing the residence exists that has been inspected and shown to have sufficient handling capacity to accommodate the proposed year-round use. Such inspection shall have occurred not more than one (1) year prior to application to allow such a conversion, and shall have been conducted by the Albany County Department of Health. The Building Inspector may accept an inspection report prepared by another agency or inspector which the Building Inspector deems qualified to perform such an inspection.

3. Obtain a Certificate of Occupancy

ARTICLE VIII.
SIGNS

In addition to the General Standards, the following will also apply.

SECTION 1. ANCHORING

All signs, including wall-mounted and projecting signs, shall be securely anchored.

SECTION 2. SIGN REGULATIONS

A. Exempt Signs. The following signs shall be exempt from the requirements set forth in this Article:

1. On-premise directional signs for the conveniences of the general public, identifying public parking areas, fire zones, entrances, exits, and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet and six (6) feet in height each;

2. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet each;

3. One (1) on-premise sign, either free-standing or attached, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding two (2) square feet and set back at least ten (10) feet from the highway right-of-way. Illumination shall not produce a direct glare beyond the limits of the property line;

4. Lawn signs not exceeding two (2) square feet. Such signs shall be non-illuminated or shall be illuminated by a light which is an integral part of a lamp post if used as a support;

5. Decorations, including lighting, are exempt from the provisions of this local law and may be displayed in any district without a permit;

7. Temporary directional signs;

B. Prohibited Signs and Sign Design Standards

1. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, except to show time and temperature.

2. No sign or light shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No sign shall impair visibility for the motorist at a street corner or intersection.

3. No sign or sign supports shall be placed upon the roof of any building.

2. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices, except as permitted under Section 3. of this Article.

3. No advertising message shall be extended over more than one (1) sign placed along a street or highway.

4. Billboard signs are prohibited.

5. No sign, except for traffic, regulatory, or informational sign, shall use the words "stop", "caution" or "danger", or should have red, amber, or green lights resembling a traffic signal, or should not resemble "stop" or "yield" signs.

6. Lighted signs are allowed, but light fixtures shall be designed so as to prevent glare onto roadways or other properties.

SECTION 3. APPLICATION PROCEDURE

Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Zoning Officer. Subsequent to this initial application, no permit shall be required in order to perform maintenance on a sign.

For all signs that are to be erected in connection with a project requiring site plan review approval, sign approvals shall be conducted by the Planning Board in conjunction with the site plan approval process.

All information required for a sign permit, as per this section, shall also be submitted as part of that subdivision or site plan/special use permit review application.

A. Applications shall be made in writing to the Zoning Officer on forms prescribed by the Planning Board, and provided by the Town Clerk. Completed application forms shall contain the following information:

   1. Name, address and telephone number of the applicant and the owner of the property.

   2. Location of the building, structure or land upon which the sign now exists or is to be erected.

   3. If a new sign is to be erected, elevation and plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall cover the following information regarding the proposed sign:

      a. Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines;

      b. The method of illumination, if any, and the position of lighting or other

extraneous devices, and a copy of any electrical permit related to the electrical connections;

c. The method of illumination will conform to the lighting criteria in Article VII, Section 14; and

d. Graphic design, including symbols, letters, materials and colors.

4. Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the property owner.

B. Permit. Upon the filing of a completed application for a sign permit, and the payment of the required fee, the Zoning Officer shall examine the plans, specifications, and other data submitted and the premises on which the sign is to be erected or now exists. Within thirty (30) days of the date a completed application is received, the Zoning Officer shall take one of the following actions.

1. If it shall appear that the sign is in compliance with all requirements of this law, the Zoning Officer shall issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to all other applicable local laws.

2. If it shall appear that compliance with all requirements of this law is possible with the slight modification of the application, the Zoning Officer shall suggest such modification, and if agreed to by the applicant, the Zoning Officer shall issue a permit for the approved revised application, including therein any modification in accordance with this law.

3. If it shall appear that the sign is not in compliance with all requirements of this law, the Zoning Officer shall by mail notify the applicant of the denial of a sign permit. Such notice of denial shall include an explanation of the reasons for disapproval.

C. Permit Requirement

1. If the erection of the sign authorized under any such permit has not commenced within six (6) months from the date of the issuance, the permit shall become null and void.

2. A permit to erect a sign may, within thirty (30) days prior to its expiration, be renewed for an additional six (6) months, upon payment of a fee equal to one-half (1/2) of the amount of the original fee.

D. The following signs may be erected, altered, or relocated after first obtaining a permit from the Zoning Officer:

1. Temporary Signs. A non-illuminated, single-sided sign not exceeding sixteen (16) square feet, may be erected on property being sold, leased or developed. Such sign

shall be erected parallel to the fronting highway and set back a minimum of thirty-five (35) feet from the property line, or shall be attached to the building face. Such sign shall be removed upon completion of the project, and shall be in place for a period not exceeding two (2) years.

2. Permanent Signs. Within any zoning district, the following permanent signs may be erected, provided however that this subsection shall not serve to expand the number of signs otherwise allowed:

   a. Business Signs

      i. The total number of permitted signs on a single lot shall not exceed two (2), of which only one (1) may be free-standing.

      ii. The total cumulative area of all signs permitted on such a lot shall be calculated at the rate of one-half (0.5) square feet per lineal foot of building front, but in no case shall exceed thirty-two (32) square feet.

3. Off-premises signs. Off-premises outdoor advertising signs are restricted to signs erected for the purpose of advising a traveler of the availability and location of a service or attraction within the nearby area.

   a. Such signs may be up to 8 sq. ft.

   b. Such signs require the consent of property owner

   c. Such signs may not be illuminated.

4. Portable Signs. A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize one (1) portable sign for a period of not more than sixty (60) days, or until installation of a permanent sign, whichever occurs first. Approval of the Zoning Officer is required for placement of a portable sign.

SECTION 5. REMOVAL OF SIGNS

A. Any sign, which no longer advertises an existing business conducted, or product sold, shall be removed within 30 days of such occurrence.

B. If the Zoning Officer shall find that any sign regulated in this law is not used, is abandoned, unsafe or a menace to the public, the Zoning Officer shall give written notice to the named owner of the land upon which it is located, who must remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or replaced within said time period, the Zoning Officer shall revoke the permit issued for such sign, and may remove or repair the sign, and assess the owner for all costs incurred for such service.

C. The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice, and assess the owner for all costs incurred for such service.

SECTION 6. SPECIFIC REGULATIONS BY SIGN TYPE

A. Wall Signs

1. Wall signs shall not extend beyond the ends of or over the top of the wall(s) to which it is attached, and shall not extend above the top level of the second floor of a building.

2. The face of a wall sign shall not extend more than nine (9) inches from the face of the building to which it is attached.

3. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight (8) feet.

B. Projecting Signs

1. Projecting signs shall not have more than two (2) faces.

2. The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face.

4. No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of eight (8) feet.

5. Projecting signs shall not be higher than twelve (12) feet above grade.

6. Projecting signs shall not be internally-illuminated.

C. Free-Standing Signs

1. No free-standing sign shall be located less than fifteen (15) feet from adjacent road pavement or less than three (3) feet from the front lot line, whichever distance is greater. No free-standing sign shall be less than ten (10) feet from any side lot line.

2. If for any reason, the property line is changed at some future date, any free-standing sign made nonconforming thereby shall, within six (6) months, be relocated to conform to the minimum setback requirements.

3. No free-standing sign shall be more than twelve (12) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

4. No free-standing sign shall extend over or into the public right-of-way or overhang any lot line.

D. Window Signs. The aggregate area of all window signs shall not exceed two-thirds of the total first floor combined window area facing the frontage road. Window signs are in

addition to any other allowable signs.

SECTION 7. REVIEW AND APPEALS

Any person aggrieved by a decision of the Zoning Officer relative to the provisions of this Article may appeal such decision in writing to the Zoning Board of Appeals as provided in Article XIII of this law.

ARTICLE IX
SPECIAL USE PERMITS

In addition to the General Standards, the following will also apply.

SECTION 1. PURPOSE

Pursuant to the land use policies and goals of the Town of Rensselaerville, it is the policy of the Town of Rensselaerville to balance the allowance and encouragement of a variety of uses of land and to foster economic opportunities within the municipal boundaries of the Town, provided that such uses do not unreasonably and adversely affect neighboring properties, the natural environment, the rural and agricultural character of the Town or the long-term development of the Town. Many uses are, therefore, permitted only upon issuance of a Special Use Permit by the Planning Board in order to ensure that these uses are appropriate to their surroundings and satisfy performance criteria on a case by case basis. Approval or waiver of a site plan by the Planning Board is required for all uses requiring a Special Use Permit. The applicant may request that the procedures for the Special Use Permit and site plan approval be run concurrently and such request will not be unreasonably denied.

SECTION 2. APPLICABILITY

Uses requiring Special Use Permits are listed for each Land Use District in Article IV of this Zoning Law. Accessory uses or structures used in connection with a Special Use Permit use shall be subject to the same Special Use Permit approval requirements as the principal structure or use.

SECTION 3. REQUIRED PLANS & SUBMITTALS

Because the impact of special uses varies greatly, the information required to be submitted for a Special Use Permit may vary depending upon the scale, intensity, nature of the proposed use and its proposed location. An applicant for a Special Use Permit shall submit at least one original and four copies of the following together with whatever other information the Planning Board deems appropriate:

A. A Town of Rensselaerville Special Use Permit application form.

B. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined in Section 4, Item F below.

C. A narrative describing the proposed use and operation.

D. A short-form or long-form SEQRA Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant (a long-form EAF is required for all SEQRA Type I actions, but the Planning Board may require a long-form EAF for unlisted actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal).

E. The application fee as established by the Town Board, and an escrow deposit for reimbursement of cost of Town consultants (if required).

F. The Planning Board may waive or add any requirements for an application submission if it deems appropriate in order to accomplish the purposes set forth herein.

SECTION 4. PROCEDURES

A. Pre-application Conference. It is recommended that before filing an application, the applicant should attend a Planning Board meeting to discuss the nature of the proposed use and to determine the information that will need to be submitted. The purpose of this meeting is for the Applicant and the Board to informally discuss the proposal and the relevant issues involved before the Applicant expends significant time or money in application submittals.

B. Application

1. If an application is for a parcel or parcels on which more than one use requiring a Special Use Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

2. In order for a Special Use Permit application to be placed on the Planning Board's meeting agenda, the required application materials shall be submitted to the Town Clerk at least 7 days prior to the date of the Planning Board's meeting. The application submittal shall include one original and eight (8) copies of all documents and plans. In order for a pre-application conference, as described above, to be scheduled, a request for such conference shall be in writing identifying the subject property, its owner and the proposed use, and shall be submitted 7 days prior to the meeting at which the conference is requested to be scheduled.

3. At the first meeting at which an application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the Applicant as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete.

C. Application Converted to One for an Area Variance. Where a proposed Special Use Permit application contains one or more features that do not comply with the dimensional regulations of this local law, an application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Article XIII, Section 8, without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance

application and Zoning Board of Appeals decision on same must occur as a prerequisite for a complete Special Use Permit application, or in conjunction with the Special Use Permit process.

D. SEQRA Compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days of its acceptance of a completed application, EAF and other supporting materials. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Zoning Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

E. Referral to County Planning Board.

1. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Albany County Planning Department or Board any application for a Special Use Permit affecting real property within 500 feet of the boundary of the Town of Rensselaerville, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law (and Albany County Agricultural District No. 2), pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.

2. No action shall be taken on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Department's review.

3. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Use Permit which receives a recommendation of disapproval from the County Planning Department because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

F. Agriculture Data Statement

1. An agriculture data statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district.

2. If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Use Permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

G. Notice and Hearing

1. The Planning Board shall hold a public hearing on a complete Special Use Permit application within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing must be held may be lengthened only upon consent of the Applicant and Planning Board.

2. At least five days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to all adjoining property owners and to any other property owners in the affected area that the Planning Board may require to be notified.

SECTION 5. CRITERIA

In considering and acting on Special Use Permits, the Planning Board shall consider the public health, safety, and general welfare. The Board shall also consider potential environmental impacts and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Board may prescribe such appropriate conditions and safeguards as may be necessary in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

A. Compatibility. That the proposed use is of a character compatible with the surrounding neighborhood, incorporates a site design which is consistent with the character of such area of the town, and is in harmony with the land use policies and goals as officially adopted in the Comprehensive Plan for the Town.

B. Vehicular Access. That proposed access points are adequate in width, grade, alignment, and visibility; are not excessive in number; are located at appropriate distances from intersections or places of public assembly; and satisfy other similar safety considerations.

C. Circulation and Parking. That adequate off-road parking and loading spaces are provided to minimize, or, where required, to eliminate the need for parking of vehicles on public highways by any persons connected with or visiting the site of the use; that the interior circulation system is adequate to provide safe accessibility to all required parking spaces; and that adequate separation of pedestrian and vehicular movements is provided.

D. Landscaping and Screening. That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and

that the general landscaping of the site is in character with the surrounding areas. Such screening shall be maintained as a condition of the Special Use Permit.

E. Natural Features. That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and of adjacent areas and that existing natural and scenic features are preserved, and aquifers and watersheds are protected, to the maximum extent possible.

SECTION 6. ACTION

A. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Use Permit within 62 days after the hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision in light of the criteria contained in Article IX and any other applicable provisions of this Law.

B. In granting a Special Use Permit, the Planning Board may impose conditions that it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in this law and the Town of Rensselaerville Zoning Law. These conditions may include, but not be limited to, increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

C. Where circumstances warrant, the Planning Board may require in its decision of approval that a special use permit be limited in duration or that it be renewed periodically. Renewal or extension of a special use permit by the Planning Board requires a public hearing and that the applicant show that the conditions as may have been prescribed in conjunction with the issuance of said permit have been and are being complied with and that the current use is consistent with the original proposal. Where there is noncompliance with imposed conditions, the permit holder shall have a period of sixty (60) days for full compliance prior to revocation or non-renewal of the special use permit. The Planning Board in its review of a previously issued special use permit that is limited in duration or requires periodic renewal may impose new conditions and terms to address any current issues of noncompliance, site conditions, or intensity of use.

SECTION 7. EXPIRATION, CHANGE OF USE, REVOCATION, AND ENFORCEMENT

A. A Special Use Permit shall expire if the special use or uses cease for more than twenty four (24) consecutive months for any reason, if the applicant fails to obtain the necessary Certificate of Compliance or fails to comply with the conditions of the Special Use Permit within twenty four (24) months of its issuance, or if its time limit expires without renewal when applicable.

B. A Special Use Permit shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Special Use Permit (as determined by the Code Enforcement Officer in issuing a Certificate of Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

C. A Special Use Permit may be revoked by the Planning Board if the permittee violates the conditions of the Special Use Permit or engages in any construction or alteration not authorized by the Special Use Permit.

D. Any violation of the conditions of a Special Use Permit shall be deemed a violation of this local law, and shall be subject to enforcement action as provided herein.

SECTION 8. FINDINGS REQUIRED

In granting or denying Special Use Permits, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan.

SECTION 9. AMENDMENTS

The terms and conditions of any Special Use Permit may be amended in the same manner as required to grant a Special Use Permit. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a Special Use Permit amendment.

ARTICLE X
SITE PLANS

In addition to the General Standards, the following will also apply.

SECTION 1. PURPOSE

Pursuant to the land use policies and goals of the Town of Rensselaerville, it is the policy of the Town of Rensselaerville to balance the allowance and encouragement of a variety of uses of land and to foster economic opportunities within the municipal boundaries of the Town, provided that such uses do not unreasonably and adversely affect neighboring properties, the natural environment, the rural and historic character of the Town or the long-term development of the Town. Many uses, therefore, require review and approval of a Site Plan by the Planning Board before such uses and site development is permitted. The purpose of Site Plan review and approval is to ensure that the site can accommodate the proposed use without unduly affecting neighboring properties or the environment and that the site is appropriately designed.

SECTION 2. APPLICABILITY

Site Plan approval is required for certain uses where Site Plan approval is required as part of the criteria for a Special Use Permit.

SECTION 3. PROCEDURES

A. Application for Site Plan Approval. An application for site plan approval shall be made in writing to the chairperson of the Planning Board and shall be accompanied by information contained on the following checklist. The application submittal shall include one original and eight (8) copies of all documents and four (4) copies of all sketch plans. When the sketch plan conference is held, the information required for a site plan application shall be drawn from the following checklist as determined by the Planning Board at said sketch plan conference.

Site Plan Checklist.

- Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- North arrow, scale and date;
- Boundaries of the property plotted to scale;
- Existing watercourses;
- Grading and drainage plan, showing existing and proposed contours;
- Location, design, type of construction, proposed use and exterior dimensions of all buildings;

- Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- Provision for pedestrian access if applicable;
- Location of outdoor storage, if any;
- Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- Description of the method of sewage disposal and location, design and construction materials of such facilities;
- Description of the method of securing public water and location, design and construction materials of such facilities;
- Location of fire and other emergency zones, including the location of fire hydrants;
- Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- Location, size and design and type of construction of all proposed signs;
- Location and proposed development of all buffer areas, including existing vegetative cover;
- Location and design of outdoor lighting facilities;
- Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- General landscaping plan and planting schedule;
- An estimated project construction schedule.
- Record of application for and approval status of all necessary permits from state and county officials.
- Identification of any state or county permits required for the project's execution;
- A description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.
- The site plan shall include a detail showing the location of the boundaries of all areas of land to be disturbed by the proposed action. All such boundaries shall have each segment thereof marked as to its length as well as the distance from adjoining

properties, wetlands, ponds, streams and other environmentally sensitive areas. The nature of the disturbance of each portion of the area shall be set forth on the site plan as shall the total acreage of all such proposed disturbed areas. Disturbed areas shall include but not limited to all areas of excavation, clearing, topsoil removal, regarding or other alteration or modification of the land above, below, or on the surface.

- A Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that result in land disturbance of 1-acre or more. An SWPPP shall comply with the requirements of the DEC SPDES MS-4 General Permit. It shall be at the discretion of the Planning Board as to whether an SWPPP or an erosion and control plan shall be required for land disturbance of less than 1-acre.

- Other elements integral to the proposed development as considered necessary by the planning board.

B. Application.

1. If an application is for a parcel or parcels on which more than one use requiring Site Plan approval is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

2. In order for a Site Plan matter to be placed on the Planning Board's meeting agenda, the required application materials shall be submitted to the Town Clerk at least 7 days prior to the date of the Planning Board's meeting. The application submittal shall include one original and eight (8) copies of all documents and four (4) copies of sketch plans. In order for a sketch plan conference, as described in Item #3 below, to be scheduled, a request for such conference shall be in writing identifying the subject property, its owner and the proposed use, and shall be submitted 7 days prior to the meeting at which the conference is requested to be scheduled.

3. At the first meeting at which a Site Plan application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the Applicant in writing as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete. As such, the scheduling of a sketch plan conference may resolve confusion and thereby save time by allowing an opportunity for the applicant and the Planning Board to identify what documentation will be expected in order to constitute a complete application.

C. Pre Application Process.

1. A sketch plan conference should be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The use of the sketch plan conference is strongly encouraged since it may provide for a more efficient and predictable review process and save unnecessary costs. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. As such, an applicant is encouraged to schedule and attend the sketch plan conference. In order to accomplish these objectives, the applicant should provide the Planning Board with as much information as is practicable; the following is suggested:

   a. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measurements and features to comply with flood hazard and flood insurance regulations;

   b. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features; and

   c. A topographic or contour map of adequate scale and detail to show site topography.

   d. All site plans are required to comply with the State Environmental Quality Review Act (SEQRA), and a long or short Environmental Assessment Form will be required.

2. Within 31 days after the sketch conference has been held, the Planning Board shall provide the applicant with a list of information to be submitted with the site plan application as well as any recommendations that the Planning Board may have with respect to the proposed application.

D. Waivers: If the Planning Board finds that any of the information requirements as set forth above are not necessary to conduct an informed review, it may waive such information requirements as it deems proper when certain conditions exist. Any such waiver shall be made in writing, and shall contain statements of the reasons why the waived information requirements are not necessary for an informed review under the circumstances. The Planning Board may grant such waivers on its own initiative or at the written request (that sets forth the specific requirements that are requested to be waived and the reasons for the requested waiver) of an applicant.

E. Review of site plan. The Planning Board's review of the site plan shall include, but is not limited to, consideration of criteria or requirements set forth in this Zoning Law, the guidelines set forth in Section 4 below, as well as the following general considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

2. Location, arrangement, appearance and sufficiency of off-street parking and loading.

3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

4. Adequacy of storm water and drainage facilities.

5. Adequacy of water supply and sewage disposal facilities.

6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of the existing vegetation.

7. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

8. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

F. Reimbursable costs. Costs incurred by the Planning Board or Zoning Enforcement Officer for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan as well as its implementation and inspection shall be charged to the applicant.

G. Performance guarantee. No certificate of compliance nor certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Board after consultations with the Planning Board, Zoning Enforcement Officer, Town Attorney and other appropriate parties.

H. Inspection of improvements. The Zoning Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate. If the site is not being developed in strict compliance with the approved site plan and any conditions attached thereto, the Zoning Enforcement Officer shall issue a stop work order and demand compliance with the approved site plan and any conditions attached thereto. An approved site plan may not be modified except by the Planning Board upon application for such modification from the applicant.

I. Integration of procedures. Whenever the particular circumstances of proposed development require compliance with either the Special Use Permit procedure in this Zoning Law or other requirements of the town, the Planning Board shall attempt to integrate, as appropriate, site

plan review as required by this section with the procedural and submission requirements for such other compliance.

J. Application for Area Variance. Where a proposed Special Use Permit application contains one or more features that do not comply with the dimensional regulations of this local law, an application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Article XII, Section 8 without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals decision on same must occur as (1) a prerequisite for a complete Special Use Permit application, or (2) in conjunction with the Special Use Permit process.

K. SEQRA Compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days of its acceptance of a completed application, EAF and other supporting materials. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Zoning Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

L. Referral to County Planning Board

1. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Albany County Planning Department or Board any application for a Special Use Permit affecting real property within 500 feet of the boundary of the Town of Rensselaerville, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.

2. No action shall be taken on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Department's review.

3. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Use Permit which receives a recommendation of disapproval from the County Planning Department because of the referral process

specified above, along with a resolution setting forth the reasons for such contrary action.

SECTION 4. GUIDELINES

The Planning Board, in reviewing non-residential or multi-family dwelling site plans, shall consider the guidelines set forth below.

A. Layout and Design

1. Setbacks shall maintain and continue the existing setback pattern of surrounding properties.

B. Landscaping

1. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

2. Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern.

3. Existing trees and other vegetation shall be conserved and integrated into the landscape design plan.

C. Parking, Circulation, and Loading

1. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate.

D. Reservation of Parkland

1. For any site plan containing residential units, the Planning Board may require the reservation of parkland pursuant to Town Law, Section 274-a(6).

SECTION 5. ACTION

In approving a Site Plan, with or without modifications, the Planning Board may impose conditions which it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in this Zoning Law. These conditions may include, but not limited to, increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

Section 6. Expiration, Change of Use, Revocation, and Enforcement

A. A Site Plan application approval shall expire if the Site Plan use or uses cease for more than twenty-four (24) consecutive months for any reason, if the applicant fails to obtain the necessary building permit or Certificate of Compliance or fails to comply with the conditions of the Site Plan within twenty four (24) months, or if its time limit expires without renewal.

B. A Site Plan shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Site Plan (as determined by the Code Enforcement Officer in issuing a Zoning Permit or Certificate of Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Site Plan shall require the granting of a new Site Plan or an amendment.

C. A Site Plan approval may be revoked by the Planning Board if the applicant or the applicant's successor or assign violates the conditions of the Site Plan approval or engages in any construction or alteration not authorized by the Site Plan approval.

D. Any violation of the conditions of a Site Plan shall be deemed a violation of this law, and shall be subject to enforcement action as provided herein.

Section 7. Findings Required

In approving or disapproving Site Plans, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

Section 8. Amendments

The terms and conditions of any Site Plan approval may be amended in the same manner as required to approve a site plan, following the criteria and procedures in this Article. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a site plan amendment.

ARTICLE XI
STANDARDS FOR SPECIAL USES

In addition to the General Standards, the following will also apply. All Special Uses shall require Special Use Review as specified in Articles IX and X. The following Special Uses shall also meet the requirements Specified in this Article and the requirements specified in Article IX, prior to approval by the Planning Board.

SECTION 1. GENERAL REQUIREMENTS

A. Electromagnetic Interference. No activities shall be permitted that emit electromagnetic disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance, or adversely affecting the public health.

B. Fire and Explosion Hazards. All activities involving the storage or use of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including fire-fighting and fire-suppression equipment, and devices standard in the relevant industry.

C. Vibration. No activity shall cause a vibration beyond the boundaries of the lot on which such use is situated.

D. Burning and Burying of Materials. No materials shall be burned except in compliance with the New York State Outdoor Burning Law (*see* 6 NYCRR Part 215). No materials shall be buried except in compliance with the New York State Solid Waste Disposal Law (*see* 6 NYCRR Part 360).

E. Refuse areas, including dumpsters, shall be located behind and adjacent to the principal building. Refuse area enclosures shall be designed to be architecturally compatible with the principal building. Enclosures must remain locked and closed.

F. Refuse areas shall be entirely visually screened. Visual screening should consist of a continuous fence, wall, evergreen hedge, landscape planting or combination to act as an effectively visual screen of the outdoor storage area which it encloses. A minimum of 25% of the enclosure shall be screened by landscaping. Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner bears the responsibility for maintenance or required landscaping. The Town has the authority to order that dying or dead landscaping be replaced by the current landowner or developer.

G. Liquid and Solid Wastes. Until disposed of, all waste materials which result from an operation shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent residential properties. No such waste materials shall be disposed of on the lot.

SECTION 2. HOME OCCUPATIONS

A. Low Impact Home Occupations shall be permitted by right in any zoning district.

a. Home occupations must be incidental to the use of the dwelling unit for residential purposes;

b. The residential property where a home occupation is to occur must be owner occupied;

c. Accessory structures may be used for home occupations purposes provided all other criteria of this section are met

B. Major Home Occupations – all criteria as noted above in Section 2(A), plus the following:

1. Business operation hours should be set so as not to adversely affect adjacent users;

C. Prior to initiating a home occupation, the applicant shall demonstrate that a functioning sewage disposal system servicing the residence exists that has been inspected and shown to have sufficient handling capacity to accommodate the combined demands of the residence and the home occupation.

SECTION 3. FUELING STATION

A. Location. No fueling station lot shall be located within three hundred (300) feet of any lot occupied by a school, public library, religious institution, park, playground, or fire station or less than three hundred (300) feet from any stream, lake, pond, or regulated wetland..

B. Setbacks. No fuel pumps or fuel storage tanks shall be located less than fifty (50) feet from any side or rear lot line, less than thirty-five (35) feet from any public road right-of-way,

C. Fueling stations shall comply with lot size regulations in the zone in which they are situated, except in the case of a hamlet, where one and one-half (1 ½) acre minimum is required. In all instances, a two hundred fifty (250) foot minimum frontage is required.

D. Signs shall be allowed on the canopy mansard, fascia, or roof area covering fuel dispensers OR a free standing sign – but not both.

E. There shall be no amplified sound audible at property lines.

F. All pumps, pump island, tanks, piping, and canopies shall be removed when fuel dispensing activity has been inactive for a period of twelve (12) months.

G. The Town Board may require (1) a bond or (2) insurance or (3) both to cover costs related to site restoration.

H. Applicants shall prepare and maintain on site, an acceptable Spill Prevention, Control, and Countermeasure Plan prepared under the supervision of a professional licensed engineer.

I. Applicants shall evaluate site conditions and provide information, analysis, and evidence that the proposed fuel filling station will not degrade the quality of groundwater.

SECTION 4. MOTOR VEHICLE REPAIR SHOPS

A. Setback. All motor vehicle repair shops shall be so arranged as to restrict all servicing on the premises to not less than fifty (50) feet from any lot line.

SECTION 5. RETAIL, LARGE-PRODUCT

A. Setback. No large-product retail sales, rental or storage operation shall be located less than fifty (50) feet from any side or rear lot line.

B. Screening. Such operation shall be screened from adjacent residential properties by fences, hedges or other plantings, or other structures, so as not to be visible from the adjacent residential properties.

C. Servicing Facilities. Such operations that also have servicing facilities for the same shall meet the requirements of Motor Vehicle Repair Shops, as set forth in Section 5 of this Article.

SECTION 6. ESSENTIAL FACILITIES

A. Location. The proposed installation of an Essential Facility in a specific location must be demonstrated to be necessary for efficient provision of the essential service or for the satisfactory and convenient provision of service to the area in which the particular facility is located.

B. Buildings. The design of any building or structure in connection with such Essential Facility shall not adversely affect the safe and comfortable enjoyment of property rights in the vicinity of such proposed essential facility.

C. Landscaping. Adequate landscaping shall be provided to create visual and sound buffers between such facilities and adjacent residential properties.

D. Fencing. All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. No transformer or associated switches shall be located less than one hundred (100) feet from any lot line.

SECTION 7. EXCAVATIONS

Excavation activities shall be conducted in accordance with this Zoning Law as well as the applicable requirements set forth in Title 6 of New York Codes, Rules and Regulations, Part 420 (Mineral Resources and Mined Land Reclamation).

A. Excavation is not permitted in any area of, or zone in, the Town of Rensselaerville, unless specifically permitted in the zoning schedule of uses and herein.

B. Exceptions. The following activities are allowed in all zoning districts without the requirement of a zoning permit:

1. The excavation or grading of an area necessary to prepare a site for construction in accordance with an approved building permit, site plan or subdivision plan, provided that the Excavation takes place within the project site and is an integral and incidental part of the involved project activities.

2. Non-Commercial Excavation shall be permitted, provided that any such activity meets all other applicable regulations set forth in the Zoning Law of the Town of Rensselaerville.

3. Although the removal of up to seven hundred fifty (750) cubic yards of earth material from any lot will not require a permit from the Zoning Enforcement Officer, the Officer must be notified in writing seven (7) days before such excavation so that an inspection can be made to ensure that no more than seven hundred fifty (750) cubic yards of earth material will be removed from such lot. This requirement shall not be applicable in connection with any lot that is part of a subdivision.

4. Within any parcel:

   a. Excavation/Extraction that affects less than two hundred fifty (250) cubic yards of material;

   b. Stripping that affects less than twenty five thousand (25,000) square feet of ground surface;

   c. Grading that affects less than twenty five thousand (25,000) square feet of ground surface;

   d. Filling which does not exceed a total of two hundred fifty (250) cubic yards of material

5. Excavations, stripping, filling or grading undertaken to enhance the agricultural use of lands or to provide for structures or other improvements which benefit or are necessary for ongoing or imminent agricultural activities pursuant to generally acceptable agricultural practices as defined by the State Department of Agriculture and Markets. This exemption applies only to Excavations where:

   a. The mineral removal and subsequent reclamation:

      i. enhances the agricultural usability or productivity of the land; and

      ii. the area of excavation, stripping, filling or grading is no more than three (3) acres.

   b. Where such area is greater than three (3) acres, a special use permit shall be required. Where such area is greater than ten (10) acres, in addition to a special use permit, site plan approval shall also be required.

6. Household gardening and activities related to the maintenance of landscaping on a single parcel.

C. Excavation is subject to the following standards in addition to the general standards and requirements set forth in this Zoning Law:

a. No Excavation shall occur within one hundred (100) feet of any wetland, water body or watercourse whether or not such water body or watercourse is located on the parcel of property where the activity is proposed to occur.

b. A buffer area shall be maintained between any portion of an Excavation area and all property lines and public roads or right-of-way lines and such area shall be at least one hundred (100) feet from such lines.

c. Additional screening, including berming, plantings and/or fencing shall be provided within the buffer area where sufficient natural vegetation and topography is not present to provide a visual barrier to the Excavation activity.

d. Upon completion of the excavation activity, the site shall be restored in a reasonable fashion so that the area does not create a safety, health, or environmental hazard or visual blight; such restoration may include restoration of topsoil and vegetative cover or reuse for a permitted use.

e. Conditions may be attached to any zoning permit or special use permit with respect to the control of noise, dust and restricting the hours of operation.

f. All applicable provisions of federal, state, county and local laws, ordinances, regulations, and rules shall be fully complied with.

SECTION 8. LIGHT INDUSTRY

A. Location. No Light Industry shall be located less than one hundred (100) feet from any wetland regulated by the New York State Department of Environmental Conservation.

B. Setback. No Light Industry use shall be located less than one hundred (100) feet from any front, side, or rear lot line, stream, lake, or pond.

C. Screening and Landscaping. Such Light Industry operation shall be substantially screened from all adjacent properties that are not occupied by Light Industry uses. Adequate landscaping shall be provided to create visual and sound buffers between special uses and adjacent residential properties.

D. Performance Standards.

1. General. Light Industry must conform to the standards set forth in this Article and to the following standards of use, occupancy, and operation.

2. Noise and Hours of Operation. Conditions may be attached to a Special Use Permit approval for a Light Industry use, based on site-specific conditions, including, but not limited to the following: trash removal, freight deliveries, shipments, and hours of operation.

3. Storage Facilities. Materials used in light-industrial operations may be stored outside the building accommodating such operations, provided such materials shall not be visible from public roads or adjacent residential properties.

SECTION 9. JUNKYARDS

A. Screening. No junkyard items shall be located so as to be visible from public roads or adjoining residential properties once fenced. Where a junkyard is or would be visible from a public highway or from neighboring properties, an eight (8) foot high opaque fence shall be provided to totally screen the junkyard from view. As an alternative, the Town Board may permit screening of the junkyard by adequate planting of evergreen trees or shrubs. The Planning Board may waive the requirement of screening where the site cannot be effectively screened due to topography, or where the existing topography of the site would effectively screen junk storage areas.

B. No junk storage or junkyard item areas shall be located within:

1. Three hundred (300) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering;

2. Three hundred (300) feet of any stream, lake, pond, wetland, or other body of water;

3. One hundred (100) feet of any well used as a drinking water source;

4. Fifty (50) feet from any property line or right-of-ways

5. Fifteen (15) feet of any fence or screening.

C. Draining Oil, Gas and Antifreeze. All junk yard items shall be drained of oil, gas, and antifreeze or other hazardous materials and these materials disposed of properly in a hazardous waste facility, or recycled. Such disposal must comply with NYS DEC regulations.

D. Burning. No materials shall be burned in a junkyard.

E. Burying. No junkyard items shall be buried in a junkyard.

SECTION 10. SLAUGHTERHOUSES

A. Setback. A slaughterhouse shall be set back a minimum of one hundred (100) feet from any side or rear lot line and from any stream, lake, pond, wetland, or other body of water.

SECTION 11. RESTAURANTS

A. Other than Hamlet Districts. Where a restaurant is located within a zoning district other than within a Hamlet District, the minimum distance between any driveway and side lot line shall be thirty (30) feet. Where on-site parking is required or provided, the parking lot shall be set back at least thirty (30) feet from the road and at least fifteen (15) feet from any rear or side lot line.

SECTION 12. CAMPGROUNDS/TRAVEL TRAILER PARKS

A. Park Location and Site Access. Each campground/travel trailer park shall have adequate access to a public highway. All camp/travel trailer sites shall have interior roadways which are suitable for emergency vehicle access.

B. Camp/Travel Trailer Sites

1. Camps/travel trailer sites shall be located on generally level terrain that does not exceed eight (8%) slope, is well-drained, is free of flood hazard, and is clear of dense brush.

2. The corners of each camp/travel trailer site shall be clearly and permanently marked, and each lot shall be numbered for identification.

C. Minimum Site Area. Each overnight camp/travel trailer site shall have an area of at least one thousand (1,000) square feet.

D. Setbacks and Spacing. All buildings and camp/travel trailer sites shall have a setback of one hundred (100) feet from all public roads with the setback area being adequately landscaped to provide screening from all public roads.

E. Sewer, Water, and Public Facilities. Sewer and water facilities and other utilities shall be provided in accordance with the requirements of Chapter 1, Subpart 7-1, of the New York State Sanitary Code.

F. Recreation. A minimum of ten percent (10%) of the total area of the campground/travel trailer park, excluding the required setback, shall be provided for recreation purposes and shall be fully maintained by the park owner.

G. Mobile homes shall not be parked, either permanently or temporarily, in any campground/travel trailer park, except one may be so situated as the residence of the owner/operator.

H. Responsibilities of Park Owner. The owner or manager of a campground/travel trailer park shall maintain an office in the immediate vicinity of the park, and shall maintain accurate records, including: names and home addresses of park residents, and the make, description, year, and license or identification number of the trailer. These records shall be available for review by any law enforcement official or the Zoning Officer.

SECTION 13. MOBILE HOME PARKS

A. Site Development.

a. Park Size. Mobile Home Park shall be located on minimum of five (5) acres and a maximum of fifty (50) acres.

b. Grading. The park shall be properly graded to ensure rapid drainage so that no portion of the site is subject to predictable sudden flooding or erosion.

c. Minimum Frontage. The park shall have a minimum of three hundred (300) feet of frontage on the highway providing primary access to the park.

d. No mobile home, mobile home accessory building, Mobile Home Park office or service building shall be located within fifty (50) feet from any property line.

e. Rent/Ownership. The land lying wholly within the perimeter boundaries of any proposed or established Mobile Home Park shall be held in single ownership, and shall consist of separately dimensioned, individual lots, collectively held in single ownership, and used entirely for rental purposes only.

B. Density/Lot Standards

1. Lot Density/Lot Setbacks. Each Mobile Home Park shall be designed to accommodate separately identified mobile home lots as follows:

Minimum Lot Area

Single wide unit.....7,260 sf.

Double wide unit.....9,700 sf.

Maximum # Units/per Acre.....4

Minimum Setback from Public Highway Right-of-Way Line....100 ft

Minimum Setback from Non-Dedicated Street Centerline.....75 ft

Minimum Unit Separation.....50 ft

Minimum Mobile Home Lot Width.....70 ft

2. Mobile homes installed in the Town of Rensselaerville shall be installed in compliance with the applicable provisions of the New York State Building Code. Refer to Article VII: Standards for All Uses; Section 2.

3. Mobile Home Lot Access. All designated lots within a Mobile Home Park shall have direct access to non-dedicated streets designed to Town of Rensselaerville specifications and approved by the Town Superintendent of Highways.

4. Refuse Receptacles. Mobile Home Park owner shall provide adequate refuse

receptacles with tight fitting covers for each mobile home unit. These receptacles shall be kept in sanitary condition, and emptied weekly by the Licensee or his/her agent.

5. Required Parking. Two (2) off-street parking spaces shall be provided for each mobile home, with one (1) additional space for each four (4) mobile homes. Every parking space shall be at least ten (10) feet in width and twenty (20) feet in length, and have adequate provisions for maneuvering and for passage to and from streets.

6. Open Space/Landscape Plantings. All areas of the site not occupied by buildings, units, parking areas, driveways or walkways shall be maintained, with lawn areas as appropriate and landscape plantings of trees and shrubs, or as natural areas as follows:

   b. All margins along the front, side, and rear property lines of the Mobile Home Park site shall be planted with evergreen or deciduous trees in a mass planting or hedgerow, for the purpose of visual screening and noise abatement. Such plantings shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade, and suitable settings for the mobile home and other facilities as approved by the Town of Rensselaerville Planning Board.

   c. The design of individual sites shall take into consideration the natural growth presently on the site and the nature and condition of the terrain, as well as the relationship of the site itself with respect to adjoining lands. Screening and/or landscape plantings for such individual sites shall be provided as deemed necessary by the Town of Rensselaerville Planning Board.

   d. Utilities. Each individual mobile home unit shall be served by a community central water supply facility and wastewater treatment facility as approved by the appropriate State and Municipal agencies, and the Albany County Health Department.

      i. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the Mobile Home Park to meet the requirements of the Mobile home.

      ii. Each mobile home lot shall be provided with a sewer that shall connect to the mobile home situated on the lot, to receive the waste from shower, tub, flush toilets, lavatory, and kitchen sink in such home. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors, and the creation of breeding places for insects.

   e. Plumbing connections to each mobile home shall comply with all regulations of the New York State Plumbing Code.

   f. Weatherproof electrical service connections and outlets shall be compliant with the New York State Uniform Fire Prevention and Building Code

g. Required Recreation Area. A recreation area shall be incorporated into the design of the mobile home park to be a minimum of ten percent (10%) of total Park area with appropriate facilities to satisfy the needs of the Mobile Home Park residence.

h. Such recreation area shall be a common area, and the Town of Rensselaerville may establish such conditions on the ownership, use, and maintenance of this area as it deems necessary to assure the preservation of the recreation area;

i. Pedestrians. Pedestrian ways shall form a logical, safe, and convenient system of pedestrian access to all project facilities.

j. Snow Removal. The Licensee shall be responsible for snow removal from the mobile home park to the public highway.

k. Site Lighting. Street lighting shall be provided at all entrances and exits to the mobile home park and on all internal streets, intersections, walkways and common areas. Such lighting shall provide an illumination of (.6) foot candles to those areas. Site lighting shall otherwise comply with all other applicable provisions of this law with regard to outdoor lighting.

l. Fire Protection. A mobile home park shall be provided with suitable and operable fire extinguishers and other fire alarm and protection devises as may be prescribed by HUD and/or NYS Dept. Building Code. Smoke detectors and CO_2 detectors shall be installed and operable in all mobile homes not so equipped prior to occupancy of such mobile home.

m. Clear Identification. There shall be clear numbering of mobile homes within the mobile home neighborhood with a layout map provided to the fire and disaster coordinator and to ambulance and police agencies.

7. Circulation/Access.

a. Primary Access. Primary access for the entire mobile home park shall be provided by two (2) points of entry and exit directly to the New York State, Albany County, or Town roads upon which the mobile home park has frontage.

b. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the mobile park, so as to minimize friction with the free movement of traffic on a public highway;

c. All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway;

d. All entrances and exits shall be at right angles to the existing public highway

e. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

8. Street Standards. Each mobile home park shall have non-dedicated street or streets provided with a smooth, hard, and dust free surface which shall be durable and well drained under normal use and weather conditions to provide for the convenient accessibility to all mobile home lots and other important facilities within the mobile home.

    a. The street system shall be designed to permit the safe and convenient vehicular circulation with the park;

    b. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety;

    c. Such streets shall be designed and constructed in accordance with the Town of Rensselaerville highway standards

SECTION 14. TIMBER HARVESTING

Standards

1. Any logging activity that removes greater than one hundred fifty thousand (150,000) board feet or one hundred fifty (150) cords of wood for commercial sale on any parcel of land within any consecutive twelve (12) month period, or when the owner of the property contracts out for logging services for the purpose of selling timber, shall obtain a Timber Harvesting Permit from the Code Enforcement Officer. Such permit shall be applied for jointly by the property owner and the logger.

2. Permits shall be secured by the landowner prior to any clearing for access to the public highway, stream crossing, or wetlands disturbance.

3. Approval Procedure

    a. No commercial timber harvesting shall be undertaken, until granted a Timber Harvesting Permit, as approved by the Code Enforcement Officer, in accordance with procedures outlined in Section 15 herein.

    b. An application for a Special Use Permit shall include:

        i. an application fee as determined by the Town Board for a Timber Harvesting Permit;

        ii. The dates between which such harvesting activity will occur; and

        iii. Copies of all applications for permits submitted to other agencies.

2. Best Management Practices. Applicant must use Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (DEC).

3. Upon receipt of an application for a Timber Harvesting Permit, the Code Enforcement Officer may, at his or her option, submit the application for a review of the application to either a Department of Environmental Conservation forester or to a professional forester. Any costs incurred for such a referral shall be paid by the applicant.

SECTION 15. MULTI-FAMILY DWELLINGS

A. Each multi-family structure shall be limited to six (6) units per structure. There shall be a maximum density of six (6) total units per acre. When more than one multi-family structure exists, the development shall be clustered to the maximum extent practical to provide a conveniently serviced development pattern and to provide usable open space for the development's residents. There shall be a minimum of fifty percent (50%) of the parcel preserved as Open Space in the A/RR district.

B. Multi-family housing shall be placed so as to not create a significant adverse impact upon the view from neighboring structures.

C. Design standards for multi-family dwellings include:

1. In the hamlet districts, small, landscaped, front yards shall be incorporated;

2. Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use;

3. Additions to existing buildings should use materials and details complimentary with those incorporated in the parent structure;

4. New buildings within Historic Districts shall be designed in a manner consistent with the general architectural features of such historic structures in terms of form, materials, fenestration, and roof shape;

5. In Historic Districts, new buildings, or additions to existing buildings, should reflect any discernable pattern of rooflines, window and door open in that are established among adjacent structures, or are present in the existing building;

6. The number of off-street parking spaces required will be two (2) per unit; and

7. Any off-street parking or loading areas, accessory use structures or storage other than sheds, shall be screened from all walkways and streets by utilizing appropriate vegetation and/or fencing.

SECTION 16. KENNELS AND VETERINARY/ANIMAL HOSPITAL CLINIC

Kennels shall be allowed by special use permit subject to the following conditions:

A. Shelters in the front yard shall not be closer than one hundred fifty (150) feet from the front lot line. These should also be screened and landscaped.

B. Fenced areas shall not be located closer than fifty (50) feet from the side or rear lot line;

C. No kennel shall be located closer than three hundred (300) feet to an existing residential dwelling on an adjacent lot;

D. The site plan shall contain provisions for adequate measures to prevent offensive noise and odor and disposal of all animal wastes.

SECTION 17. HOUSING FOR THE ELDERLY

A. There shall be a maximum of six (6) dwelling units per acre. The development shall be clustered to the maximum extent practical to provide a conveniently serviced development pattern and to provide usable Open Space for the development's residents. There shall be a minimum of fifty percent (50%) of the parcel preserved as Open Space in the RC, and A/RR districts.

B. Senior citizen housing shall be placed so as to not create a significant adverse impact upon the view from neighboring structures.

C. The site shall be provided with adequate water supply and common sewage disposal facilities in accordance with the requirements of the Albany County Department of Health, and the New York State Department of Environmental Conservation.

D. The maximum number of dwelling units within an individual senior citizen or elderly housing development shall be thirty six (36) dwelling units.

E. Two (2) off-street parking spaces shall be provided for each such dwelling unit.

F. Maximum impervious coverage, including all principal and accessory structures, shall not exceed twenty percent (20%) of lot area.

G. Not less than twenty-five (25%) of the dwelling units within the senior citizen housing development shall be designed to be adaptable as suitable, convenient living environments for handicapped persons. Furthermore, the project site and all primary entrances, hallways and entrances to individual units, shall be wheelchair and handicapped accessible.

H. As an expressed condition of the special use permit approval and the certificate of occupancy, not less than thirty percent (30%) of the dwelling units within the senior citizen housing development shall be made available at affordable rent levels as established by the United States Department of Housing and Urban Development (HUD) and/or the Albany County Department of Planning.

SECTION 18. BED AND BREAKFAST ESTABLISHMENTS

A. The bed and breakfast establishment shall retain at least one (1) bedroom for the exclusive

use of the owner/occupants of the principal dwelling.

B. The bed and breakfast establishment shall not offer more than ten (10) rooms for rent for transient occupancy, nor shall the establishment accommodate more than the number of guests equal to 2.5 multiplied by the number of rooms available for rent.

C. Approval must be granted by the Albany County Health Department for any required on-site sanitary sewage or water supply facilities, including, as may be applicable, certification through either the Health Department, or a licensed professional engineer retained by the applicant, that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the bed and breakfast establishment.

D. Off-street parking, provided in accordance with this local law shall be located on the parcel on which the bed and breakfast establishment is located. Parking shall be screened when visible from an adjacent residential dwelling.

Section 19. Outdoor Recreation Facilities

A. No building or parking area associated with the recreational use shall be located closer than one hundred (100) feet to any property line or within two hundred fifty (250) feet of any existing neighboring residence.

B. No facility (including but not limited to, trail, ball field, ski slope) for active recreational use shall be located within one hundred (100) feet of any property line.

C. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of Albany County Department of Health, and the New York State Departments of Health and Environmental Conservation.

D. No building constructed or portion of an existing building adaptively used in connection with the outdoor recreation use shall exceed four thousand (4000) square feet in gross floor area.

E. Hours of public operation shall be limited to 6:30 a.m. through 11:00 p.m. daily.

Section 20. Child Day Care Centers

A. The facility shall be operated and maintained in accordance with applicable laws, rules and regulations.

B. Off-street parking shall be provided in accordance with the following criteria: one (1) parking space per five (5) children at peak enrollment based on facility design, plus one (1) parking space per employee.

C. Minimum outdoor recreation and activity area of two hundred (200) square feet per every five (5) children shall be provided, with any such outdoor recreation area located in the side or rear yard, not less than fifty (50) feet from any neighboring residential property line, and shall be screened pursuant to Article VII, Section 20.

Section 21. Convenience Stores

A. Convenience Stores shall direct all rooftop heating/ventilation/air-conditioning or refrigeration units away from adjacent residential properties.

B. Those Convenience Store establishments which sell gasoline shall:

1. Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. This parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline;

2. Be limited to not more than six (6) fuel dispensing pumps; and

3. Meet all applicable standards otherwise stated for gasoline station or automobile service facilities set forth in this law.

Section 22. Hotel or Motel Establishments

A. All uses integral to the hotel or motel complex other than rooms for rent shall either be clearly accessory to the hotel or motel, or shall be permitted uses or Special Use Permit uses within the zoning district in which the hotel or motel complex is proposed.

B. Integral accessory uses shall generally be limited to the following:

1. Meeting rooms;

2. Restaurant and dining facilities primarily serving overnight guests;

3. Recreational facilities, such as swimming pools and tennis courts;

4. Small personal service/retail shops fully within the hotel, motel or lodge facility selling newspapers, magazines, tobacco, small gifts and similar items; and

5. One (1) resident accessory apartment.

C. Maximum building coverage, including all principal and accessory structures not including parking lots and driveways, shall not exceed twenty five (25%) percent of the lot area.

Section 23. Aircraft Landing Area/Field

A. Setback to property line of 150 feet with a safety zone of 300 feet is required.

B. The landing area or strip and alignment shall meet any applicable standards of the FAA for the intended aircraft.

C. The Planning Board shall have authority to impose reasonable restrictions as part of any Special Use Permit to address such issues as, but not limited to: hours of operation, noise, lighting, occupied buildings, intensity of use, location of nearby structures and residences.

SECTION 24. NON-COMMERCIAL WIND POWER FACILITIES

More than one non-commercial wind power facility may be allowed on a single property provided each such facility meets all of the requirements set forth in this section and the total aggregate generating capacity of all such facilities on-site is less than 100 kW.

A. Applicability and Application Material shall include:

1. A project summary providing a description of the project including its generating capacity, potential or actual equipment manufacturers of the proposed wind power facility, maximum height of the facility, maximum diameter of rotor(s), and specific location of the wind power facility on the parcel and relation to neighboring properties.

2. The name(s), address(es) and telephone numbers of the applicant and all owners of land upon which the wind power facilities are planned.

3. A site plan or plans, drawn to specified scales for the installation of the wind power facility, including the location of the tower, guy lines and anchor bases, service drives, fencing and other appurtenances.

4. Information and data regarding the potential noise generation of the proposed facility.

5. Any other information normally required by the Planning Board pursuant to Article IX.

6. A completed SEQR Short Form Environmental Assessment Form (EAF) Part I with Visual Addendum or Long Form EAF Part I with Visual Addendum. The Planning Board may require the Long Form EAF if in its discretion it believes the additional information is necessary or appropriate given the specifics of the application and proposed location.

7. The applicant shall notify the Planning Board of any changes that occur in the information provided while the site plan approval is pending.

B. Regulations, Standards and Requirements:

1. Design and Construction:

   a. Wind power facilities shall conform to applicable industry standards including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories or an equivalent third party.

   b. A professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind power facilities are within accepted professional standards, given local soil and climate conditions.

c. During construction the Applicant may be required by the Planning Board to have a certified electrical engineer inspect and oversee the entire project delivery system for safety and quality assurance and report findings to the Code Enforcement Officer.

d. Controls and Brakes: All wind power facilities shall be equipped with a redundant braking system including aerodynamic over-speed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

e. Electrical components: All electrical components of wind power facilities shall conform to local, state and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission). All power transmission lines from any wind power facility to on-site substations shall be underground.

f. Color: Towers and blades shall be painted a non-reflective, unobtrusive color that should be selected to blend in with the surrounding environment. No advertising or commercial logos or insignias shall be visible on the structures.

g. Climb protection: All wind power facilities must be protected by anti-climbing devices such as fences with locking portals at least 6 feet high or anti-climbing devices twelve (12) feet vertically from the base of the tower.

2. Height and Setback Requirements:

a. The maximum wind power tower height shall be one hundred and twenty-five (125) feet.

b. The minimum height of the end of rotor blades above ground surface shall be thirty (30) feet.

c. All towers shall be set back a minimum distance of 120% of the wind power tower height from any habitable structure, property lines, and the right of way line of public roads.

3. Noise Levels:

a. The maximum noise level generated by wind power facilities shall be no more than forty (40) dBA (L_{A90}) as measured at the outside wall of any habitable structure and all property lines.

b. If there are prominent impulsive, amplitude modulated low frequency, or tonal components to the sound generated by the wind power facility there will be an additional 5 dB penalty, therefore the measurement would then be 35 dBA (L_{A90}) maximum. If there should be a difference between the dBA (L_{A90}) and dBC (L_{C90}) measurements of 20 dB or greater, the 5 dB penalty will also be

applied so that the noise level shall be no more than thirty-five (35) dBA (L_{A90}) as measured at the outside wall of any habitable structure and all property lines.

c. The wind power facility shall be placed at an appropriate location on the parcel with sufficient setback distances from habitable structures and property lines so that noise levels measured at such points are below the maximum levels set forth in paragraphs a and b above.

d. The Applicant shall submit to the Planning Board as part of the application materials, the manufacturer's data and sound measurements in dBA and dBC for the specific type of facility proposed together with the methods used to determine these measurements.

e. For any proposed wind power facility over 25kW, the Planning Board, at its discretion, may retain a certified acoustic consultant of its choice in order to evaluate and advise the Planning Board on the potential noise impacts and mitigation measures for the proposed facility. The costs incurred for said consultant shall be reimbursed by the Applicant as part of the application fee.

4. Visual Impacts:

a. Viewscape Impacts: The location of wind power facilities within a parcel and relative to adjacent properties should minimally impact the viewscape of habitable structures located on adjacent properties. The Planning Board may require a balloon test, site visits, photo renderings of the facility from specified vantage points, or other information in order to assess the visual impacts of the proposed facility.

b. Shadow Flicker: The Planning Board shall also take into account the effect of shadow flicker, if any, since the high speeds of the rotor blades could have the potential to trigger photo-sensitive epileptic symptoms in some individuals.

c. Lighting: No lighting shall be allowed on the wind power tower at a height greater than 12 feet above grade. All lighting of wind power facilities shall conform to the applicable requirements for lighting as set forth in the Zoning Law.

5. Interference with Communications Systems:

The wind power facility shall not interfere with microwave, cellular, or television/radio transmission/reception to or from existing primary structures and fixed broadcast, retransmission, or reception antennas on adjacent or nearby properties. If after construction the Owner receives a written complaint related to such interference, the Owner shall take reasonable steps, including provision of alternative communications, to respond to, and resolve, the complaint. The Owner shall provide the Planning Board with a report on the complaint; steps taken to respond to the complaint; steps taken to resolve the complaint and current status. Such report shall be

submitted to the Planning Board within thirty (30) days of the date that the complaint was received by the Owner. The Planning Board shall have the authority to temporarily suspend operation of the turbine and/or revoke the special permit if a meritorious complaint is not satisfactorily resolved until such time that the complaint is satisfactorily resolved. The Owner shall be provided with an adequate opportunity to be heard before the Planning Board renders a final decision on the matter.

6. Wildlife Impacts:

The Applicant shall demonstrate the Project proposed will not infringe upon any designated wetlands and that appropriate measures will be taken to minimize soil erosion and watershed impacts. Appropriate State/Federal wetland permits need to be filed and approved and submitted with the application.

7. State and National Historic Register Properties and Districts:

Any wind power facility proposed within a historic district registered on the State or National Register or within 500 feet of a property or structure registered on said Registers, shall be subject to review by the State Office of Parks, Recreation and Historic Preservation. Impacts to any registered historic district, property, or structure shall be considered by the Planning Board.

C. Hearing Notification, Permit Timetable, Resale, Removal

1. Hearing Notification: A hearing on any application for a non-commercial wind power facility shall be held pursuant to the procedures set forth in Article IX of the Zoning Law, except with notice of the hearing be required to be sent to all abutting landowners, and those whose property lines are within five hundred feet of the proposed wind turbine location. Where the rated nameplate capacity of a proposed noncommercial wind turbine is 25kW or greater, then notification shall be required for all landowners whose property lines are within one thousand feet of the proposed turbine location.

2. Permit Timetable. When a wind power site plan application is approved, construction must begin within twelve (12) months of the approval date, and the Owner has a total of 18 months to make a wind power Facility operational.

3. Resale of the Wind Power Facility. There shall be no resale of the wind power facility in its approved location except as part of the conveyance of the parcel on which it is located.

4. Removal. As a condition of the site plan approval, the Owner shall agree to the removal of the facility structures and cabling, if the wind power facility is no longer in use for a period of greater than one (1) year unless such time shall be extended by the Planning Board.

D. Decision Criteria and Guidance

1. The Planning Board shall issue a special use permit only if the proposed wind power

facility and location meets all of the applicable requirements, restrictions, and standards set forth above in this section. Failure to meet any such requirement, restriction, or standard, or to adequately mitigate potential impacts, shall be sufficient for denial of the special permit. The Planning Board may, at its discretion, impose such conditions as are reasonably related to mitigate or avoid potential impacts.

2. The Planning Board may refer to the Recommendations Report on Non-Commercial Wind Power, dated July 2009, as prepared by the Rensselaerville Wind Study Committee, and as may be amended from time to time, as guidance in reviewing special permit applications for noncommercial wind power facilities.

SECTION 25. TELECOMMUNICATION TOWERS

A. Policy and Practice

1. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Antenna, Telecommunication Tower or Related Telecommunications Facilities.

2. No Telecommunication 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 Telecommunication Tower unless in conformity with this law.

3. Application for construction of new Telecommunication Towers shall comply with the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated within Federal Aviation Regulations ("FAR") Part 77. No application for construction of a new Telecommunication Tower will be approved if the proposed tower violates the criteria for obstructions to air navigation as established by FAR Part 77 Subpart C-Obstruction Standards.

2. The Planning Board shall consider whether the new Telecommunication Tower would have an adverse visual impact upon sensitive areas, such as those set forth on Map 6 ("Scenic Views and Vistas") of the Town's Comprehensive Land Use Plan, or the Town's Historic Districts before approving any such tower. Modification of existing towers or addition of Antennas to existing towers or stations in such sensitive areas may be approved, if otherwise consistent with this law.

3. Applicants for Telecommunication Towers and Antennas shall locate, erect and site said facilities in accordance with the following priorities:

    1. Shared Use of Existing Tall Structures or Existing Towers. Shared use of or co-location on, existing tall structures (for example, municipal facilities, water towers, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers shall be preferred to the construction of new towers.

    2. Shared Usage of an Existing Tower Site for Placement of a New Tower. Where shared usage of existing tall structures and existing approved towers is

found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with the "Application Procedure" below. Any proposals for a new Telecommunication Tower on an existing tower site shall also be subject to the requirements of this law.

3. New Telecommunication Tower. The Planning Board may consider a new Telecommunication Tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures and existing approved towers is impractical and/or undesirable. An applicant shall be required to present a report inventorying all existing tall structures and existing approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Planning Board in consultation with the Applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided. Any proposal for a new Telecommunication Tower shall also be subject to the requirements of this law.

4. New Towers: Future Shared Use. The Applicant shall design any proposed new Telecommunication Tower structurally, electrically, and in all respects, to accommodate both the Applicant's Antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height. The Applicant shall submit to the Planning Board a letter of intent committing the applicant to negotiate in good faith for shared use of the proposed tower by other telecommunication providers in the future. This letter shall be filed with the Town Building Inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the Special Use Permit. The letter shall commit the Applicant to:

    1. Respond within 90 days to a request for information from a potential shared-use applicant.

    2. Negotiate in good faith concerning future requests for shared use if the new tower by other Telecommunications providers.

    3. Allow shared use of the new tower if another Telecommunications provider agrees in writing to pay reasonable charges. Such charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all costs of adapting the tower or

equipment to accommodate a shared user without causing electromagnetic interference.

5. Except for good cause shown, towers shall not exceed the height requiring artificial lighting. Telecommunication Towers shall not be artificially lighted or marked except as required by law. Towers shall be of appropriate materials and color to harmonize with the surroundings. Towers should be designed and sited so as to avoid application of lighting requirements.

6. Telecommunication Towers shall be permitted one sign no larger than six (6) square feet to provide adequate notification to persons in the immediate area of the Antenna(s) that it has transmission capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of sight. No other signage, including advertising, shall be permitted on any Antenna(s)' tower, unless required by law.

7. Telecommunication Towers and Antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access by the general public. All Antenna towers, mono-poles, and other supporting structures, including guy wires, shall be made inaccessible to persons and constructed or shielded in such a manner that they cannot be climbed on or run into. Transmitters must be designed and installed such that any adjustments or controls that could cause the transmitter to deviate from its authorized operating parameters are readily accessible only to persons authorized to make such adjustments.

8. Telecommunication towers shall be designed so that in the event of failure they will fall within the setback area or collapse zone, and not threaten neighboring properties.

9. No applicant or owner shall enter into any agreements that limits, prohibits or precludes, or has the effect of limiting, prohibiting or precluding, the right or ability of any person or applicant to share space on a telecommunications tower in the Town. Applicant shall disclose in writing any such agreement in existence prior to submission of the application.

10. For good cause shown the Planning Board may review a permit if industry or scientific standards raise new relevant information concerning the health and safety of the facility. Upon review the Planning Board may require the Applicant to take appropriate mitigation and abatement steps, to the extent allowed by law.

11. The Applicant shall file annually with the Town, within 30 days of the anniversary date of the permit, certification (1) that the Applicant is complying with its maintenance and inspection procedures, including all visual screening conditions (if any) in the permit; (2) that the tower and related facilities are not a hazard or a threat to the health, safety and welfare of the public and to the environment: (3) that radio frequency (RF) emissions comply with current FCC or other applicable standards: (4) that the insurance and financial undertakings required by this law are in effect: and

(5) that the facility is in use. If the applicant fails to make certification, the Planning Board, upon reasonable notice and giving the applicant an opportunity to cure, may by resolution revoke the permit.

12. This section does not apply to the erection of Antennas by licensed HAM Radio Operators.

B. Application Procedure

1. In addition to a completed Town Special Use Permit application, an Applicant proposing to share use of an existing tall structure or approved tower shall be required to submit:

   a. Proof of ownership of the proposed site or authorization to use it; or if applicable, documentation of intent from the owner of the existing facility to allow shared use.

   b. A Site Plan. The site plan shall show all existing and proposed structures and improvements including antenna(s), roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities, parking and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the Site Plan. The Site Plan should also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required.

   c. A report by a professional engineer licensed in New York State, certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, and explaining what modifications, if any, will be required in order to certify to the above.

   d. A completed long Environmental Assessment Form (EAF) and a completed visual EAF addendum. The Planning Board may require submittal of a more detailed visual analysis based upon the results of the visual EAF.

   e. A copy of its Federal Communications Commission (FCC) license.

   f. A copy of any existing or necessary easement.

2. The Planning Board shall have discretion to set insurance and financial undertaking requirements for, among other things, removal of any towers or accessary structures.

3. If an Applicant proposing to share use of an existing tall structure or existing approved tower submits complete and satisfactory documentation in accordance with subsection (a) above, and if modifications indicated according to subsection (a) are deemed insignificant by the Planning Board, and after the Planning Board conducts a public hearing and complies with all SEQRA provisions, the Planning Board shall grant a Special Use Permit without further review under this section. If the Planning

Board determines that any modifications indicated according to subsection (a) are significant, it may require further review according to the provisions of this law.

C. Performance Standards

1. Lot Size and Setbacks. All proposed Telecommunication Towers and accessory structures at a site shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

    a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback and collapse requirements. If the land is to be leased, the entire area required shall be leased from a single parcel unless the Planning Board determines that this provision may be waived.

    b. Telecommunication Towers shall comply with all existing setback requirements of the underlying zoning district, or shall be located with a minimum setback from any property line equal to 120% of the height of the tower, whichever is greater. Accessory structures and guy wire anchors shall comply with the minimum setback requirements in the underlying zoning district.

    c. A tower's setback may be reduced in the sole discretion of the Planning Board only to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, power line or similar structure.

2. Visual Impact Assessment. In addition to the visual EAF required in Section 24, the Planning Board may require the Applicant to undertake a visual impact assessment study which shall include:

    a. A "Zone of Visibility Map" provided to determine locations from where the tower may be seen.

    b. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, schools and any other location where the site is visible to a large number of visitors or travelers. The Planning Board shall determine the appropriate key sites at a pre-submission conference with the Applicant.

    c. Assessment of alternative tower designs and color schemes, as described in subsection (3) below.

    d. Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

3. New Tower Design. Alternative designs shall be considered for new towers, including lattice and mono-pole structures. The design of a proposed new tower shall comply with the following:

    a. Any new tower shall be designed to accommodate future shared use by other Telecommunications providers.

    b. Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.

    c. The Board may order a review of the application by a qualified engineer in order to evaluate the need for, and the design of any new tower. The cost of this independent review shall be borne by the applicant.

    d. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to: company names, phone numbers, banners and streamers.

4. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to the approval of the Special Use Permit unless previously approved by the Planning Board.

5. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts residential property or public property, including streets, screening shall be required.

6. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than fifteen (15) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

7. Parking. Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the Applicant. No parking spaces shall be located in any required setbacks.

8. Fencing. The tower and any accessory structures shall be adequately enclosed by a fence, the design of which shall be approved by the Board. This requirement may be waived by the Planning Board if the Applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

9. Proof of Non-Interference from Antenna. Each application for installation of a tower and an Antenna shall include a certified statement that the installation of the antenna, including reception and transmission functions, will not interfere with the radio or

television service enjoyed by adjacent properties or with public safety telecommunications. The statement shall be prepared by a professional engineer licensed in New York State.

10. Antennas shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. The Applicant shall submit evidence of compliance with the FCC standards on a yearly basis. If new more restrictive standards are adopted, the Antennas shall be made to comply or continued operations may be restricted by the Board. The cost of verification of compliance shall be borne by the Applicant.

11. Tower Height Limitations. Maximum height of a tower is limited to 150 feet above the ground upon which the Antenna is placed. The height limitation may be waived by the Planning Board when the Antenna is mounted on an existing building or structure to accommodate co-location.

12. Noise producing equipment shall be sited and mitigated to produce the lowest possible off-site noise impact.

13. Utility connections. All utility connections to commercial mobile service facilities shall be installed beneath the ground surface.

D. Removal

1. The applicant shall submit to the Planning Board a letter of intent committing the Applicant to notify the Town Building Inspector and the Planning Board within thirty (30) days of the discontinuance of the use of the tower and commit to either (a) taking down the tower upon termination of use or (b) bearing the costs if the Town must remove the tower. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the Telecommunication Tower is approved according to this section).

2. The Applicant shall provide the Town Building Inspector and the Planning Board with a copy of the notice to the FCC of intent to cease operations.

    a. The Planning Board may by resolution require the Applicant to dismantle and remove such obsolete or unused towers and accessory structures from the site within three (3) months of such notification.

    b. Upon failure to remove the tower within three (3) months of such notification the Town shall be deemed authorized to remove the unused or obsolete towers and Applicant shall bear all costs related to such removal.

    c. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations shall be a violation of this chapter and shall be punishable according to the enforcement provisions of the Town's Zoning Ordinance.

3. The Applicant and the owner of record of any proposed property site shall be jointly required to execute and file with the Town a bond or other form of security, acceptable to the Town Attorney and Town Supervisor as to the form and manner of execution, in an amount deemed sufficient by the Town Board for the faithful performance of the terms and conditions of this law. The Planning Board shall provide a recommendation as to the amount of any such bond or security. The bond or security shall remain in full force and effect until the removal of the tower and related facilities.

4. The permit shall be subject to review by the Planning Board at two (2) year intervals.

E. Intermunicipal Notification for New Towers

To keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunication tower in a neighboring municipality be considered for shared use and to assist in the continued development of County 911 service, the Planning Board shall require that:

1. An Applicant who proposes a new telecommunication tower shall notify, in writing, the legislative body of each municipality that borders the Town, the Albany County Planning Board, and the Director of Albany County E-911 Service. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.

2. Documentation of this notification shall be submitted to the Planning Board at the time of application.

SECTION 26. FARM BREWERIES

A. Location. No farm brewery shall be located less than one hundred (100) feet from any wetland regulated by the New York State Department of Environmental Conservation.

B. Setback. No farm brewery use shall be located less than one hundred (100) feet from any front, side, or rear lot line, stream, lake, or pond.

C. Screening. Such farm brewery operation shall be substantially screened from all adjacent properties that are not occupied by farm brewery uses.

D. Water and Waste Disposal. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Rensselaerville, Albany County Department of Health, and the New York State Departments of Health and Environmental Conservation.

E. Performance Standards.

1. Conditions. Conditions may be attached to a Special Use Permit approval for a farm brewery, based on site-specific conditions, including, but not limited to the following: trash removal, freight deliveries, shipments, and hours of operation.

2. Storage Facilities. Materials used in farm brewery operations may be stored outside the building accommodating such operations, provided such materials shall not be visible from public roads or adjacent residential properties.

ARTICLE XII.
FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

In addition to the General Standards, the following will also apply.

SECTION 1. REQUIRED FINANCIAL SECURITY

Applicants for subdivision plat, site plan, or certain special use approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements, or shall have completed to the satisfaction of the engineer hired by the Town to oversee the Project, the installation of basic public improvements prior to final approval. Such public improvements may include, but are not limited to: public water supply, sewage disposal systems, storm drains, sewers, roads, pavement markings, traffic signs, traffic signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat or certain special use approvals. Acceptable financial security shall be provided to the Town in one (1) of the following ways:

A. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law;

B. The applicant shall present to the Town Clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law; or

C. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

SECTION 2. REVIEW OF PROPOSED FINANCIAL SECURITY

For each of the above options, the required public improvements shall be shown on subdivision plats, site plans, or special use site plans, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer. Such proposed financial guarantee shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The Town Supervisor and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution, and for the soundness of the financial guarantee offered by the applicant.

SECTION 3. SCHEDULE OF IMPROVEMENTS

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

SECTION 4. STAGED REFUNDING OF FINANCIAL GUARANTEES

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work

performed and accepted as of a given date. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant shall submit such statement to the Town Board for review, approval, and signature by the appropriate municipal inspectors, and by the Town fiscal officer. If, after approval by the appropriate municipal inspectors, the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk shall then in writing direct the surety company or financial institution having custody of the guarantee funds to release to the applicant the approved amount of those funds.

Section 5. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Section 6. Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent (10%) of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 1 of this Article, but no maintenance guarantee shall be for a face value of less than five thousand dollars ($5,000). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two (2) years there from.

Section 7. Required Public Improvements

A. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article, shall be completed within one (1) year from the date of the approval of the subdivision plat, site plan, or special use. Road improvements shall be completed within two (2) years from the date of approval of the subdivision plat or special use.

B. The applicant may request from the Planning Board an extension of time to perform required public improvements if reasonable cause can be demonstrated for the inability to construct and install said improvements within the required time. An approved extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required pursuant to this Article to construct and install, maintain, or perfect the improvements as necessary to meet the standards set forth in all applicable state and local laws, ordinances, rules, and regulations.

C. At least five (5) days prior to commencing construction of required public improvements, the applicant shall pay to the Town Clerk the required inspection fee and shall, in writing, notify the Town Board or an official designated by the Town Board of the time when the construction of such improvements is to commence. The Town Board shall cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of all public improvements required by the Planning Board.

ARTICLE XIII.
ADMINISTRATION AND ENFORCEMENT

In addition to the General Standards, the following will also apply

SECTION 1. ZONING PERMITS

A. No land use activities as listed below shall be carried out until a zoning permit has been issued by the Zoning Enforcement Officer stating that the proposed building, structure, use of land, or development activity complies with the provisions of this law:

1. Erection, re-erection, or movement of a building or structure;

2. Change of the exterior structural dimensions of a building or structure;

3. Change in use of land, buildings, or structures through the establishment of a new use, or through the expansion, enlargement, or relocation of an existing use;

4. The resumption of any use which has been discontinued for a period of one (1) year or longer;

5. Establishment of, or change in the dimensions, of a parking area for nonresidential or multi-family residential uses;

6. Placement of a sign as regulated in Article VIII of this law; or

7. Conversion of a seasonal residence to year-round residential use

B. A zoning permit shall not be required for:

1. Accessory buildings with less than one hundred-fifty (150) square feet of ground coverage;

2. Exempt signs listed in Article VIII of this law;

3. Fences or walls complying with Article VII of this law;

4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.); or

5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.

SECTION 2. TEMPORARY ZONING PERMITS

A. Temporary zoning permits may be issued upon approval of the Zoning Enforcement Officer for a period not to exceed twelve (12) months for temporary uses, and structures incidental to a construction project.

B. Such temporary zoning permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the permit, or to bring the use into

compliance by a specific time.

C. Certification of Compliance or Occupancy will not be issued until above conditions have been met.

SECTION 3. APPLICATION PROCEDURE FOR ZONING PERMITS

A. Applications for zoning permits shall be submitted to the Zoning Enforcement Officer and shall include three copies of a layout or plot plan drawn to scale and showing the following:

1. Actual dimensions of the lot to be used;

2. The size and location on the lot of existing and proposed structures, accessory structures, and uses;

3. The setbacks of structures and uses from all lot lines, roads, and shorelines of lakes, ponds, wetlands, and any other significant natural features of the lot; and

4. Such other information as may be necessary to provide for the administration of this law.

This information, and other relevant application data, shall be provided on forms issued by the Town.

B. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, or shoreline, to the nearest protruding part of the use or structure. This shall include structural projections such as porches, carports, attached garages, roof overhangs, and decks.

C. The Zoning Enforcement Officer shall take action to approve or disapprove the application within thirty (30) days of the receipt of a completed application and the payment to the Zoning Enforcement Officer of all applicable application fees.

D. A zoning permit shall expire one (1) year from the date of issue if construction or initiation of use is not substantially started. If construction or initiation of use is not substantially started, as determined by the Zoning Enforcement Officer, within one (1) year from the date such permit is issued the permit shall expire.

SECTION 4. FEES

A fee, as determined by Town Board resolution, shall be paid for each application for a zoning permit, temporary zoning permit, Special Use Permit/site plan review, variance, appeal, erosion and sedimentation control plan review, timber harvest permit, recreation trailer permit or public improvements inspection. No permit shall be issued by the Zoning Enforcement Officer, and no final action shall be taken by a board until full payment of all applicable fees has been received. The Town Board shall annually set appropriate fees. The application fee as set forth herein above is a flat fee to cover direct administrative expenses, and is non-refundable.

SECTION 5. ESCROW

A. An escrow account may be established by the Planning Board to cover the cost of professional services, including but not limited to: engineering, zoning, professional planning, stenographic shorthand reporter, legal and other expenses connected with the review of submitted materials, the related hearing process, and follow up thereto including cost incurred during any information review

of a concept plan. Escrow also covers the cost of site inspection services during construction. The applicant shall execute an escrow agreement to authorize payment of said expenses. Sums not utilized in the review process shall be returned to the applicant within a reasonable period of time after the issuance of a Certificate of Occupancy. If additional funds are deemed necessary, the applicant shall be notified of the required additional amount, and shall add such sum to the account as required by the Planning Board or Zoning Board. Where applicable, no development certificate of occupancy shall be issued until all escrow charges have been paid. All escrow charges which are due and owing shall become a lien upon the premises with respect to which said charges are required, and shall remain so until paid. The Town shall have the same remedies for the collection thereof with interest, cost, and penalties as it has by law, for the collection of taxes upon real estate. Unexpended escrow deposits for concept plans shall be credited against deposits due upon the filing of an application for development. All escrow fees shall be administered by the Town in accordance with the State Law.

B. Failure of the applicant to make any escrow deposit required under this local law shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.

SECTION 6. UNAPPROVED LOTS

No zoning permit or building permit shall be issued for any use or structure on any lot for which a deed has been filed in the Office of the County Clerk after the effective date of the Town of Rensselaerville Subdivision Regulations, unless such lot is included in a plat which has been approved by the Planning Board, and has been filed with the Office of the County Clerk, or unless such lot was exempt from or preceded said regulations at the time of lot creation.

SECTION 7. CODE ENFORCEMENT OFFICER

A. This law shall be enforced by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall be appointed by the Town Board.

B. The duties of the Zoning Enforcement Officer shall include:

1. Approval and disapproval of zoning permits;

2. Scaling and interpreting zoning district boundaries on the zoning map;

3. Referring appropriate matters to the Zoning Board of Appeals, Planning Board, or Town Board;

4. Revoking zoning permits where there is false, misleading, or insufficient information, or where the applicant has varied from the terms of the application;

5. Notifying holders of temporary zoning permits of impending permit expiration thirty (30) days prior to the date of such expiration. In addition, notifying holders of temporary zoning permits upon permit expiration in instances where construction or initiation of use has not been substantially started one (1) year after the issuance of such temporary zoning permit;

6. Investigating complaints and violations, issuing stop work orders and appearance tickets, and refer violations to the Town Justice or the Town Board; and

7. Reporting at regular Town Board meetings the number of zoning permits issued.

8. Submitting an annual report to the Town Board describing each confirmed violations and their dispositions. Information that could adversely affect an ongoing investigation may be withheld from the report.

9. Enforcing relevant laws

10. Providing applications

10. Collecting fees

SECTION 8. ZONING BOARD OF APPEALS

A. Establishment.

1. A Zoning Board of Appeals has been established in accordance with Section 267, 267-a, and 267-b of the Town Law. It shall consist of five (5) members and one (1) alternate member, each to serve for a term of five (5) years. The term of office of the members of the Board of Appeals, and the manner of their appointment shall be in accordance with the provisions of Section 267 of the Town Law. A member of the Board of Appeals shall not at the same time be a member of the Town Board. All Zoning Board of Appeals members shall be residents of the Town of Rensselaerville.

2. Training and Continuing Education. Every member of the Planning Board shall annually attend four (4) hours at one (1) or more training or continuing education course related to the work of the Planning Board each year as per Town Law Sections 7-712 and 7-718. The Town Board shall pay the reasonable expense of such training or continuing education.

3. Vacancies occurring in said Board shall be filled for such unexpired period only.

4. The Town Board shall designate its chairperson and shall provide for such expenses as may be necessary and proper. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson.

5. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause.

B. Powers

1. The Zoning Board of Appeals shall have the duties, rights, powers, and functions conferred upon it by Section 267 of the Town Law and any other provisions of the Town Law, and any other provisions of law or ordinance applicable thereto in connection with appeals to review any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer. The three reasons to appear before the Zoning Board of Appeals are:

   a. Planning Board disapproval
   b. Zoning Enforcement Officer disapproval
   c. to clarify the Zoning Law

2. Hearing appeals. The jurisdiction of the board of appeals shall be appellate and shall include hearing and deciding appeals from, and reviewing any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer or the Planning

Board. Such appeal of a decision made by an officer, department, board, or any interpretations of the zoning law, may be initiated by any person aggrieved.

C. Conduct of Business

1. The Zoning Board of Appeals may employ such clerical or other staff as may be necessary, provided that it shall not incur expenses beyond the amount of appropriations made available by the Town Board for such purposes.

2. Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officer's Law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

3. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the Town clerk within five (5) business days, and shall be a public record.

4. Assistance to Zoning Board of Appeals. Such board shall have the authority to call upon any department, agency, or employee of the Town for such assistance as shall be deemed necessary, and as shall be authorized by the Town board. Such department, agency, or employee may be reimbursed for any expenses incurred as a result of such assistance. Further, the Zoning Board of Appeals shall have the authority to call upon any professional to assist in its review of applications. Expense for such professional shall be borne by the applicant.

5. The Zoning Board of Appeals shall have the power to promulgate forms in order to fulfill its responsibilities under this local law.

6. All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson, and at such other times as the Board may determine.

7. Time of appeal. Any appeal must be made within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Code Enforcement Officer, Planning Board, or any other department, by filing with such officer and with the board of appeals, a notice of appeal, specifying the grounds thereof, and the relief sought on forms prescribed by the Zoning Board of Appeals. Such application shall refer to the specific provision of this Local Law involved and shall specify the grounds for the variance requested, the interpretation claimed, or for the reversal of an order, requirement, decision or determination of an administrative official. The Code Enforcement Officer or Planning Board shall transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.

8. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Enforcement Officer certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

9. Hearing on appeal.

   a. The Zoning Board of Appeals shall fix a hearing date for the appeal or other matter referred to it within forty five (45) days after receipt of a complete application.

   b. The Zoning Board of Appeals shall give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party, and shall be paid to the board prior to the hearing of such appeal.

   c. In addition to the public notice of a hearing, notice shall be given in writing to all property owners of the land included in such proposed change, and the land immediately adjacent extending one hundred (100) feet there from, and the land directly opposite thereto extending one hundred (100) feet from the street or highway frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Town.

   d. Upon the hearing, any party may appear in person, by agent, or by attorney.

10. Notice to county planning board. At least five (5) days before such hearing, the board of appeals shall mail notices thereof to the county planning board as required by Section 239-m of the General Municipal Law. This notice shall be accompanied by a full statement of the proposed action, as defined in subdivision one of Section 239-m of the General Municipal Law.

    a. No action shall be taken on variances referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed variance, unless the County and Town agree to an extension beyond the thirty (30) day requirements for the County Planning Board's review.

    b. A majority-plus-one (1) vote shall be required to approve any variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

11. Time of decision on appeal. The board of appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

12. Voting requirements.

    a. Decision of the board. Every motion or resolution of a Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences.

    b. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the Zoning Enforcement Officer within the time allowed by this section, the appeal is denied.

The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision fifteen (15) of this section.

13. Filing of decision and notice. The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

14. Compliance with state environmental quality review act. The Zoning Board of Appeals shall comply with the provisions of the state environmental quality review act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, part 617 of the New York Codes, Rules and Regulations.

15. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

D. Permitted action by Zoning Board of Appeals.

1. Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end, shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

2. Use variances.

   a. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

   b. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood along with the health, safety, and welfare of the community.

3. Area variances.

   a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

   b. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate while at the same time ensuring the preservation and protection of the character of the neighborhood, and the health, safety,

and welfare of the community.

4. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

E. Court Review of Board Decisions

1. Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law.

2. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary building permit within twelve (12) months of the date of such decision.

3. Grant of Variance. The grant of a variance shall serve as authorization for the Building Inspector to issue a project permit, provided that the project complies with all other applicable provisions of this local law and other regulations.

SECTION 9. PLANNING BOARD

A. Pursuant to §271 of the Town Law, the Planning Board shall consist of seven (7) members appointed by the Town Board which shall also designate the Chairman thereof, in such manner and for such terms as provided in the Town Law. In the absence of a Chair, the Planning Board may designate a member to serve as acting Chair.

B. Terms. Terms of office for members of the Planning Board shall be for seven (7) years. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the remainder of the term.

C. A member of the Planning Board shall not simultaneously be a member of the Town Board or of the Zoning Board of Appeals. The Town Board shall have the power to remove any member appointed by such board, including but not limited to the Chair, for cause. The Town Board shall provide for reasonable compensation for a clerk, and for such other expenses as may be necessary and proper.

D. Powers of the Planning Board. The responsibilities of the Planning Board are as follows:

1. Reviewing and approving subdivision applications;

2. Reviewing and approving site plans;

3. Reviewing and approving special use permits;

4. Submitting of an advisory opinion to the Town Board for proposed amendments to this law and the Town's Subdivision Law.

5. Preparing changes to the Comprehensive Land Use Plan (unless the Town Board creates a

separate committee for this purpose), and reviewing proposed amendments to this law; and

6. Any other matter that the Town Board shall, by amendment to this law, decide to vest as responsibilities of the Planning Board.

E. Training and Continuing Education. Every member of the Planning Board shall annually attend four (4) hours at one (1) or more training or continuing education course related to the work of the Planning Board each year as per Town Law Sections 7-712 and 7-718. The Town Board shall pay the reasonable expense of such training or continuing education.

F. Conduct of Business

1. The Planning Board may employ such clerical or other staff or consulting assistance as may be necessary for the conduct of its business, provided that it shall not incur expenses beyond the amount of appropriations made available for such purposes, or covered by an escrow account. The Planning Board may also engage engineers, planners, architects, and other consulting services at the expense of the applicant for site plan review, subdivision approval, or a Special Use Permit upon agreement with the applicant. This agreement shall outline the necessity, provisions of reasonableness, and certainty of charges.

2. All meetings of the Planning Board shall be held at the call of the Chair and at such other times as such board may determine. Meetings shall be open to the public as provided in Article 7 of the Public Officers Law of the State of New York (Open Meetings Law). The Board shall keep minutes of its proceedings. The minutes shall show the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Planning Board shall also keep records of its examinations and other official actions, which shall also be filed in the Office of the Town Clerk.

3. The Planning Board may adopt forms. Such forms shall be filed in the Office of the Town Clerk and made available to the public.

4. Voting Requirements. The concurring vote of a majority of all members present shall be necessary to take action on any matter before it so long as a quorum is present. Where an action is the subject of a referral to the county planning agency, the voting provisions of Sections 239-m and 239-n of the General Municipal Law shall apply.

5. Procedure. All applications to the Planning Board shall be made in writing on forms prescribed by the Planning Board and provided by the Town Clerk. Every final decision of the Planning Board with respect to an application shall be made by resolution, and shall contain a full record of findings in the case. The decision of the Planning Board shall immediately be filed in the Office of the Town Clerk, and copies thereof mailed to the applicant and to the Zoning Enforcement Officer.

SECTION 10. ENFORCEMENT, VIOLATIONS AND PENALTIES

A. Penalties and Fines for Violations. A violation of any of the provisions of the Town of Rensselaerville Zoning Law shall be enforced as follows:

1. Violations. Where a violation of this Law has been committed or shall exist, with regard to the building, structure or lot where the violation has been committed or exists, the following persons shall be guilty of a violation of this law as applicable under the circumstances:

owner, agent, contractor, tenant, lessee, resident, contractor, architect or such other person who takes part or assists in such violation.

2. A violation of this Law is punishable by a fine as follows:

   a. Three Hundred Fifty ($350) Dollars for conviction of a first offense;

   b. For conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty ($350) Dollars nor more than Seven Hundred ($700) Dollars; and

   c. Upon conviction for a third or subsequent offense all of which were committed within a period of (5) five years from the first offense, punishable by a fine not less than Seven Hundred ($700) Dollars nor more than One Thousand ($1,000) Dollars.

   d. The Code Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this Law, and shall cause such person to appear before one of the Town Justices.

   e. The town board may also maintain an action or proceeding in a court of competent jurisdiction in the name of the town to compel compliance with, or to restrain by injunction, any violation of this law notwithstanding that this law provides for a fine for such violation.

   f. A person who has violated any of the provisions of this Law and who desires to compromise and settle his civil liability therefore, may appear with the Zoning Enforcement Officer before a court or justice having jurisdiction in civil actions, and thereupon such person may, upon the consent of the representative of the department appearing, compromise and settle his liability for the civil fine, for an amount agreed upon between said court or justice, the representative of the department, and the person who committed such violation. The agreed amount shall not be less than one hundred ($100.00) dollars, nor more than the amount for which such person would be liable for a fine.

B. Cumulative Fines. Each week's continued violation shall constitute a separate additional violation for which separate and additional fines and punishment may be imposed and recovered.

C. Inspection. The Code Enforcement Officer is authorized to enter, inspect, and examine any building or premises with the consent of the landowner. If the landowner, tenant, or occupant does not provide such consent, and the Code Enforcement Officer has probable cause to believe that a violation of this law is occurring, he or she is authorized to obtain an administrative search warrant to have such entry, inspection, or examination conducted.

D. Procedure for Investigation of Zoning Violations

   1. Reporting and Investigation.

      a. Any person may report, in writing, a suspected violation to the Code Enforcement Officer. The Code Enforcement Officer may also determine that a violation exists based on his or her own investigation even without a prior complaint.

      b. The Code Enforcement Officer shall record all suspected violations on a form

prescribed by the Town.

c. Within a reasonable time thereafter the Code Enforcement Officer shall investigate and determine whether a violation exists. The investigation shall include a visit to the site of the alleged violation.

2. Notice of Violation.

a. Within a reasonable time of determining whether a violation exists the Code Enforcement Officer shall serve the landowner and any other responsible party, or both, with a "Notice of and Demand to Remedy Violation."

b. The Notice shall set forth the alleged violation in reasonable detail, and cite to the applicable part of the Zoning Law. The Notice shall also state the corrective action sought, and the time by which the corrective action must happen.

c. The Notice shall be served by certified mail return receipt requested, or by personal delivery. If service is not possible under either method, the Code Enforcement Officer may use the best possible alternative method of service provided for under the Civil Practice Law and Rules of the State of New York that insures notice to the alleged violator(s).

d. A reasonable period shall be provided to correct a violation, which period shall be determined by the circumstances of the violation, and the degree to which the violation constitutes a danger to public health, safety, and welfare.

3. Justice Court; Appearance Tickets.

a. If the alleged violator(s) fails to correct the violation within the time provided for correction of the violation, the Code Enforcement Officer shall then commence a proceeding in the local Justice Court.

b. The Code Enforcement Officer, and any appointed deputy, are hereby authorized to issue and serve an appearance ticket with respect to violations of the Town of Rensselaerville Zoning Law.

c. The Code Enforcement Officer shall also prepare a supporting deposition or affidavit setting forth the details of the violation.

d. An appearance ticket issued under authority of this local law shall be served personally.

e. The Code Enforcement Officer may also, where an appearance ticket fails to secure the court attendance of the alleged violator(s), request that the Justice Court issue a criminal summons for service on the alleged violator(s). The Town Attorney shall represent the Zoning Enforcement Officer in the Justice Court.

4. Injunction; Fines. Notwithstanding the foregoing, the Code Enforcement Officer may simultaneously, or in lieu of the remedy provided herein refer the alleged violation to the Town Attorney for an injunction, and the collection of fines as provided for in Section 10(A)(2) below.

5. Out-of-Court Settlements. Out-of-court settlements are encouraged. They shall, however, be in writing and signed by both the Zoning Enforcement Officer and the alleged violator(s). Where a court proceeding has been commenced, any settlement shall be made by stipulation and so-ordered by the Court.

E. A stop work order may be issued by the Zoning Enforcement Officer.

SECTION 11. AMENDMENTS

A. The Planning Board, Zoning Board of Appeals, and Zoning Enforcement Officer shall, on an ongoing basis, submit a report to the Town Board which presents concerns, comments, and suggestions regarding the applicability, implementation, enforcement, and possible improvement of the regulations set forth in this law. The Town Board shall consider these reports and shall, where it deems appropriate, amend the regulations set forth in this law.

B. The Town Board may amend, supplement, change, modify, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the County Planning Board for a recommendation and report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed change.

C. In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet there from, or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such change shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board.

D. In case the County Planning Board disapproves the change or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members thereof, after the adoption of a resolution fully setting forth the reasons for such contrary action.

SECTION 12. INTERPRETATION AND SEPARABILITY

A. Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

B. Should any sections or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

SECTION 13. EFFECTIVE DATE

The provisions of this law shall take effect upon filing with the Secretary of State.