

THE COMPREHENSIVE ZONING LAW



OF THE TOWN OF EAST GREENBUSH NEW YORK

Local Law #: 1 of 2025

Adopted: November 19, 2025

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OFFICIALS OF THE
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Section 1.1 PURPOSES AND SCOPE

1.1.1 PURPOSES

The Town of East Greenbush is hereby divided into zoning districts, and all land and building are regulated as to use, occupancy, location, construction and alteration for the purpose of protecting and promoting public health, safety, morals, comfort, convenience, economy, urban aesthetics, and the general welfare, and for the following additional purposes:

- A.** To promote and effectuate the orderly physical development of the Town of East Greenbush in accordance with the comprehensive plan;
- B.** To establish and perpetuate the integrity of compatible, property-oriented land use patterns and areas of future growth according to the trends and needs of the community;
- C.** To eliminate or improve any existing detrimental conditions with regard to land or buildings or the use thereof;
- D.** To provide for more adequate and suitably-located commercial facilities;
- E.** To reduce the relative percentage of land devoted to streets, parking and other impervious surfaces;
- F.** To create a suitable system of parks and recreation areas, available to all residents, as an integral part of the overall land use pattern;
- G.** To utilize more fully the Hudson River frontage for recreation and industrial purposes;
- H.** To improve all transportation facilities and traffic circulation, including for pedestrian and bicycle transportation;
- I.** To realize a development plan properly designed to conserve the use of land and to reduce the cost of municipal services;
- J.** To protect the areas of the Town which may be identified as important natural resources and open space from future development.
- K.** To provide adequate access of light and air to all buildings;
- L.** To assure privacy for residences and freedom from nuisances and things harmful to the senses;
- M.** To protect the community against unsightly, obtrusive, and noisome land uses and operations;
- N.** To promote efficient development clusters that can preserve adjacent natural areas;
- O.** To enhance the value of property in the Town;
- P.** To improve the physical appearance of the community and promote higher aesthetic standards;
- Q.** To facilitate the proper administration and appropriate and effective enforcement of this Local Law; and
- R.** To preserve biological and ecological integrity and to preserve and improve the quality of the natural and man-made environment within the Town.
- S.** To ensure the availability of all housing types, including affordable, workforce, senior, veterans, and other types of housing, to meet the diverse needs of the community and promote inclusive and equitable development.

1.1.2 SCOPE

The scope of this Local law is regulated generally by Town Law and includes the following specific provisions:

- A.** Establishment of zoning districts;
- B.** Establishment and interpretation of zoning district boundaries;
- C.** Specification of uses permitted by right and special use permit in each zoning district;
- D.** Specification of certain prohibited uses;
- E.** Establishment of regulations governing:
 - 1. building lot sizes;
 - 2. building lot coverage;
 - 3. building height;
 - 4. yard dimensions;
 - 5. distances of accessory buildings to principal buildings and lot lines;
 - 6. off-street parking and loading spaces;
 - 7. development density;
 - 8. noisome and injurious conditions and operations;
 - 9. non-conforming buildings and uses; and
 - 10. certain specific uses.
- F.** Establishment, authority, and duties of the Code Enforcement Official ;
- G.** Establishment, authority, and duties of the Zoning Board of Appeals;
- H.** Establishment of procedures for:
 - 1. administering and enforcing this Local Law;
 - 2. issuing building permits, certificates of occupancy, notices of violation, certificates of zoning compliance, variances, and special use permits; and
 - 3. amending this Local Law.

1.1.3 Effective Date

These regulations, and any amendments or revisions shall take effect on the date of adoption listed on the front by the Town of East Greenbush.

1.1.4 Amendment

These provisions, including the boundaries of the zoning districts established, may be amended or revised following a public hearing in accordance with requirements and procedures established in NYS Town Laws and Section 4.4 of this code.

1.1.5 Severability

The provisions of these regulations are severable. If any section or provision of these regulations or the application thereof is found to be unconstitutional or invalid by a jurisdictional court, such decision shall not affect the validity or application of the remaining provisions of these regulations.

SECTION 2.1 ZONING DISTRICTS

2.1.1 Zoning Districts:

The Town of East Greenbush establishes and is hereby divided into the following zoning districts:

Residential Districts:

A-OS	Agriculture/Open Space
R-LD	Rural/Low Density Residential
RT	Residential Transition
NR	Neighborhood Residential

Commercial and Industrial Districts:

TC	Town Center
NMU	Neighborhood Mixed Use
CMU	Commercial Mixed Use
RC	Regional Commercial
RDT	Research, Design & Technology
LI	Light Industrial
WI	Waterfront Industrial

Overlay Districts and Floating Zones:

WMO	Watercourse Management Overlay District
PDD	Planned Development District (floating zone)

2.2 Official Zoning Map

- A.** The location and boundaries of the zoning districts established in Section 2.1 are shown on the Official Zoning Map of the Town of East Greenbush which together with everything shown thereon and all amendments thereto is hereby adopted by reference and declared to be an appurtenant part of this Local Law.
1. The Official Zoning Map shall be identified by the signature of the Town Supervisor attested by the Town Clerk and shall bear the seal of the Town.
 2. If any changes or amendments to district boundaries, or to other data which is shown on the Official Zoning Map, are duly made in accordance with the provisions of this Local Law and NYS Town Law, such changes or amendments shall be entered on the Official Zoning Map by the Code Enforcement Official or other official as may be designated by the Town Board.
 3. No changes, alterations, or additions whatsoever shall be entered on the Official Zoning Map except in accordance with the provisions of this Local Law, and any person making such change not in accordance with the provisions of this Local Law shall be held in violation of this Local Law and subject to penalties under Section 4.1.
 4. The Official Zoning Map shall be continuously and conspicuously displayed in the Town Offices and is on file with the Town Clerk
 5. The Official Zoning Map shall be the final authority as to the delineation of zoning districts and the location of zoning district boundaries.

SECTION 2.3 – Interpretation of District Boundaries

2.3.1 Interpretation of District Boundaries

- A.** Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, railroads, or public utility easements, said boundaries shall be construed to be coincident with such lines. In the event that GPS or other modern technology is used to establish district boundaries, such boundaries shall be updated accordingly.
- B.** Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such line or projections thereof.
- C.** Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as are indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D.** Where district boundaries are indicated as approximately following streams other than the Hudson River, said boundaries shall be construed to be coincident with the centerlines of the main channels of such streams.
- E.** Any district boundary indicated as extending to the Hudson River, if also coincident with the Town boundary line, shall be construed as extending into the River along the Town boundary line to the pierhead line, if established, or to a line parallel to, and 200 feet distant from the mean high-water shoreline.
- F.** Any district boundary indicated as approximately following the Hudson River shall be construed as being coincident with the pierhead line, if established, or a line parallel to, and 200 feet distant from, the mean high water shoreline. If more than one zoning district is established along the Hudson River, the boundary line between district extends into the River shall be an extension of the zoning boundary line which meets, and is perpendicular to, the pierhead line, if established, or a line parallel to, and 200 feet distant from the mean high water shore line.
- G.** Where a street, highway, railroad, or public utility easement centerline, or right-of-way line is coincident with a zoning boundary line and varies from the actual on-the-ground physical monument or mark, then such on- the ground physical monument or mark shall determine said zoning district boundary.

Section 2.4 Use Schedule

Table II-A – Use Schedule. This table is intended for general overview purposes and is not meant to be inclusive of all land use types allowed in all districts. For a complete listing of uses allowed in each district, refer to the specific pages regarding each district, which shall dictate in the event of a conflict.

KEY	Permitted			Existing on or before the date of this Section.											
	Special Use Permit														
	NOT Permitted														
Zoning District				Residential				Commercial / Industrial							
				Agriculture / Open Space	Rural / Low Density Residential	Residential Transition	Neighborhood Residential	PDD	Town Center	Neighborhood Mixed Use	Commercial Mixed Use	Regional Commercial	Research, Design & Technology	Light Industrial	Waterfront Industrial
									TC	NMU	CMU	RC	RDT	LI	WI
A-OS	R-LD	RT	NR	TC	NMU	CMU	RC		RDT	LI	WI				
Residential	A-OS	R-LD	RT	NR	TC	NMU	CMU		RC	RDT	LI	WI			
Residential; one family residence															
Residential; two family residence															
Residential; multi-family residence															
Residential; mixed use with commercial															
Residential; senior housing															
General Business / Non-Residential	A-OS	R-LD	RT	NR	TC	NMU	CMU		RC	RDT	LI	WI			
Adult establishment															
Agriculture; horticulture and farming, general															
Agriculture; livestock or dairy															
Agriculture; farm stand or market															
Animal; boarding, horse farm or stables															
Animal; boarding; day care															
Animal; boarding; commercial kennel															
Animal; boarding, veterinary services															
Automotive; sales, new or used															
Automotive; service, wash or storage															
Automotive; gas station															
Boarding; hotel															
Boarding; convention center with hotel															

Zoning District	A-OS	R-LD	RT	NR	T C	NM U	CM U	RC	RDT	LI	WI
Boarding; motel	✗	✗	✗	✗	✗	!	!	✗	✗	✗	✗
Boarding; inn or bed & breakfast	!	!	!	✓	✓	!	✓	✗	✗	✗	✗
Civic; religious facility or cultural facility	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	!
Civic; public facility or government office	✗	✗	✗	✗	✓	!	✓	✓	✓	✓	!
Health / Medical; hospital or clinic, inpatient	✗	✗	✗	✗	!	!	!	!	!	!	✗
Health / Medical; offices or clinic, outpatient	!	!	!	!	!	!	!	!	!	!	✗
Health / Medical; nursing or assisted living home	✗	✗	!	!	!	!	!	!	!	!	✗
Health / Medical; cemetery	!	!	!	!	!	!	!	!	!	!	!
Health / Medical; crematorium	✗	✗	!	!	✗	✗	✗	!	✗	!	!
Parking, off-street or garage	✗	✗	✗	✗	!	✗	!	✓	✓	✓	✓
Parking, off-street or garage, commercial vehicles	✗	✗	✗	✗	✗	✗	!	!	✓	✓	!
Recreation; commercial amusement	✗	✗	✗	✗	✗	!	✗	!	!	!	✗
Recreation; golf course or range	✓	✓	✓	!	✗	✗	✗	✗	✗	✗	✗
Recreation; indoor assembly or auditorium	✗	!	!	✗	!	!	!	✓	✓	✓	✗
Recreation; outdoor assembly or amphitheater	✗	✗	✗	✗	!	!	!	✗	✗	✗	✗
Recreation; marina	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	!
Recreation; private, veteran/fraternal or social club	!	!	!	!	!	!	!	!	!	!	✗
Recreation; public, outdoor park	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Recreation; campground	!	!	!	!	✗	✓	✓	✓	✓	!	✗
Restaurant; indoor, fully enclosed	✗	✗	✗	✗	✓	!	✓	✓	✗	✗	✗
Restaurant; with drive-thru or curbside service	✗	✗	✗	✗	!	!	!	!	✗	✗	✗
Restaurant; with outdoor seating	✗	✗	✗	✗	!	!	!	✓	✗	✗	✗
Restaurant; bar or tavern	✗	✗	✗	✗	✓	!	✓	!	✗	✗	✗
Retail; single tenant	✗	✗	✗	✗	✓	!	✓	✓	✗	✗	✗
Retail; single tenant, < 15,000 s.f.	✗	✗	✗	✗	✓	!	✓	✓	✗	✗	✗
Retail; multi tenant shopping center	✗	✗	✗	✗	✓	!	✓	✓	✗	✗	✗
Retail; with drive-thru	✗	✗	✗	✗	!	!	!	!	✗	✗	✗
Retail; landscaping/gardening with outdoor display	✗	✗	✗	✗	!	!	!	✓	✗	✗	✗
Retail; with on site manufacturing and sales	✗	✗	✗	✗	!	!	!	✗	✗	!	!
School; university, college or trade	!	!	!	✗	!	✗	!	✓	✓	✓	✗
School; nursery, elementary or high	✓	✓	✓	✓	!	✓	✓	✗	✗	✗	✗
Services; personal care	✗	✗	✗	✗	✓	✓	✓	✓	!	!	!
Services; professional office	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	!
Storage; self storage rental facility	✗	✗	✗	✗	✗	✗	✗	!	✗	✗	✗

Zoning District	A-OS	R-LD	RT	NR	T C	NM U	CM U	RC	RDT	LI	WI
Storage; wholesaling / warehousing, off site											
Storage; wholesale/distribution center, 3 truck bays											
Storage; wholesale/distribution center, 3+ truck bays											
Storage; fuel or other hazardous materials											
Transport; airport, public											
Transport; airport, private airstrip											
Transport; heliport											
Transport; bus, railroad, truck, ship repair/storage											
Transport; public transit passenger station											
Utility; public service											
Utility; small above ground structure											
Utility; transmitting or communications tower											
Utility; municipal works yard or structure											
Accessory Uses	A-OS	R-LD	RT	NR	TC	NMU	CMU	RC	RDT	LI	WI
Accessory; dwelling unit											
Accessory; retail or services											
Animal; boarding, private stable											
Animal; boarding, private kennel											
Animal; boarding day only											
Boarding; dormitory											
Storage; indoors, merchandise in stock											
Storage; outdoors, merchandise in stock											
Home occupation											
Parking; off street or garage											
Parking; off street or garage, commercial vehicles											
Residential recreation facility											
Structure; commercial garage or shed											
Structure; customary garage, shed or greenhouse											
Structure; customary farm building											
Industrial Uses	A-OS	R-LD	RT	NR	TC	NMU	CMU	RC	RDT	LI	WI
Industry; light, general non-nuisance											
Industry; light, research and development lab											
Industry; light, printing and publishing											
Industry; light, assembly and fabrication											

Zoning District	A-OS	R-LD	RT	NR		T C	NM U	CM U	RC	RDT	LI	WI
Industry; retail, food product manufacturing												
Industry; recycling and materials reuse												
Industry; machinery repair or storage garage												
Industry; extractive operations or soil mining												

Section 2.5 Area and Bulk Standards

2.5.0 – Area and Bulk Standards: For Area and Bulk standards specific to a particular district, refer to the individual zoning pages for each district.

2.5.1 Supplementary Bulk Standards

A. Existing Undersized Lots

Any lot held in single and separate ownership prior to the adoption of the Town's initial Zoning Ordinance on March 6, 1961, or any amendment thereto, including this Local Law, whose area and/or width and/or depth are less than the specified minimum lot requirements for that district, may be considered as complying with such minimum lot requirements, and no variance shall be required, provided that:

1. Such lot does not adjoin other undersized lot or lots held by the same owner, whose aggregate area is equal to or greater than the minimum lot area required for that district;
2. Such lot has an area of at least 4,000 square feet and a minimum width of at least 50 feet at the required setback line;
3. The following minimum yard dimensions are maintained: Side yards: eight feet; front and rear yards; 25 feet and;
4. All other bulk requirements for that district are complied with.

B. Height Exceptions

The height limitations of this Local Law, as listed in the Area and Bulk table for each zoning district shall not apply to the following structures: flagpoles, church spires, belfries, cupolas, domes not used for home occupancy, chimneys, ventilators, sky-lights, water-tanks, bulkheads, HVAC equipment, roof-mounted solar energy systems, and other necessary mechanical appurtenances usually carried above the roof level, parapet wall or cornice for ornament extending above such height limit not more than five feet, radio or television receiving antennae, or a public utility transmission tower or cable. No such uses shall in their aggregate coverage occupy more than 20% of the roof area on which located.

C. Transition Requirements for District Boundaries

1. Where a lot in a non-residential district abuts a lot in a residential district at the time of site plan approval for new construction, there shall be provided along such abutting side on said non-residential district lot, a required yard and landscape buffer as specified in Section III-2. Said yards shall not be used for storage of any material or goods, parking, or roadway.
 - a) Where the property on one side of a street is zoned partly for residential use and partly for business or industrial use, the front yard depth along such street shall be at least equal to the required front yard depth of the residential district.

D. Yards

1. Corner Lots

On a corner lot, each side which abuts a street shall be deemed a front lot line, and the required yard along each such lot line shall be a required front yard, however the Planning Board may make a determination to reduce one of the required front yard setbacks. The owner or developer shall decide which of the remaining yards shall be the required side yard and the required rear yard prior to subdivision approval.

2. Side Yards for Attached Buildings

Side yards of semi-detached houses or row houses shall be required at the ends of the total structure.

3. Double-Frontage Lots

- a) Any double frontage lots, fronting on parallel or abutting streets, require Planning Board review and approval.
- b) Residential double frontage lots are permitted driveway access or garage on only one (1) frontage, as determined and approved by the Planning Board prior to approval.
- c) For any approved double frontage lot, both frontages shall comply with the front yard requirements of the district in which it is located, except frontages on an approved laneway.

4. Setbacks at Laneways

Required building setbacks at approved laneways shall be determined by the Planning Board.

5. Distance Separations

- a) **Principal Buildings** – If two or more principal residential buildings are located on the same lot, one building's exterior walls containing windows shall be separated from the nearest point on any adjacent building by a horizontal distance, perpendicular to the wall with windows, equal to at least twice the width of the required side yard for the particular district in which the buildings are located.

- b) **Accessory Buildings**

Accessory buildings unattached to principal buildings shall be located no closer to the principal buildings than 12 feet or a distance equal to the height of each accessory building – whichever is greater. Any accessory building physically attached to a principal building is deemed to be part of such principal building in applying bulk regulations.

6. Encroachments in Required Yards

- a) **Accessory Buildings** – Accessory buildings in A-OS, R-LD, RT, and NR districts which are no larger than 10 feet by 12 feet in footprint, and 15 feet in height, are permitted no closer than 5 feet from a side or rear property line. No accessory buildings are permitted within, or encroaching within, the front yard area. Any accessory building physically attached to a principal building is deemed to be part of such principal building in applying bulk regulations.
- b) **Projections** The space in any required yard shall be open and unobstructed except as follows:
 - i) Windowsills, belt courses, bay windows, cornices, eaves, and other similar architectural features shall be permitted to project no more than three feet.
 - ii) Awnings and canopies shall be permitted to project no more than six feet.
 - iii) Open fire escapes shall be permitted to project a maximum of eight (8) feet into required side yards, rear yards, or courts, but shall not project into required front yards or required open areas and shall not be placed on walls facing toward a street.

7. Vehicle Restrictions in Residential Districts.

Electric or Motorized Vehicles, RVs, campers, popup campers, boats, snowmobiles, motorcycles, all-terrain vehicles, box trailers, PODs and similar vehicles or storage containers, as well as trailers for hauling such vehicles, are not permitted within any residential front yard, unless enclosed within a garage, boathouse, or other structure that is in compliance with this chapter. Also, any such vehicles or storage containers located on side or rear yards are to be parked on an existing driveway, or on an apron of concrete, brick, block, asphalt, crushed stone, or any other finished surface that prevents the growth of grass or weeds. Furthermore, use as habitable space prohibited for parked RVs, campers, popup campers, boats, box trailers, PODs and similar vehicles or storage containers e.g. a parked RV is for storage only, not an accessory dwelling unit.

Exception: Operational vehicles are permitted on private roads and in private driveways.

- 8. Vehicle restrictions in non-residential districts storage and display of vehicles for sale and all items listed in (b) of this section permitted by approved site plan only.
- 9. Vehicle restrictions on public property and easements. Storage and display of vehicles for sale and all items referenced in (b) of this section prohibited on public property and easements.

E. Courts

A court refers to an architectural feature within a building or property. It is an open space or area that is partially or fully enclosed by surrounding walls or structures. Courts are typically designed to bring natural light, ventilation, and visual interest into the interior spaces of a building or property.

1. Outer Court

An outer court is a court that is located on the outer perimeter of a building or property.

- a) An outer court shall have a minimum width that is:
 - i) no shorter than its depth;
 - ii) not less than one-half the height of the highest wall bounding such court; and
 - iii) in no case less than 15 feet.

2. Inner Court

An inner court, also referred to as an enclosed court, is a court that is fully enclosed within the building or property.

- a) An inner or enclosed court shall have a minimum horizontal dimension that is:
 - i) not less than the height of the highest wall bounding such court; and
 - ii) in no case less than 25 feet.
- b) Two open and unobstructed passageways, each at least eight feet high and ten feet wide, shall be provided at ground level.

3. Interior Angles

- a) Court walls containing windows shall not be permitted to join other walls at angles of less than 60 degrees.

4. Must meet all applicable NYS Fire and Safety regulations.

F. Access Ways

1. Lots on Streets to Be Closed

- a) No required pedestrian or vehicular access or entrance to a building, other structure, or tract of land shall be required from a street shown on the Comprehensive Master Plan as "to be closed."

2. Access to Lots

- a) A lot to be used for building purposes shall have direct frontage on a public street.

G. Flag Lot (also known as keyhole lots) Development Standards

- 1. **Intent** - The creation of flag lots is restricted. Flag lot development is permitted for the development of a legal building lot of record, or land within a subdivision, to allow property owners reasonable use and benefit of rear acreage that otherwise cannot meet the typical requirements of the Comprehensive Zoning Law and Land Subdivision Regulations, or to alleviate situations which would otherwise impose significant financial hardship on the property owner. Development of all flag lots under the provisions of this Article are subject to Planning Board review and approval.
- 2. **Lots** - Flag lots are subject to the following standards:
 - a) **Permitted Zoning Districts.** Flag lots shall only be allowed in residential zoning districts.
 - b) **Permitted Uses.** Flag lots shall serve only one (1) single-family residence and its uninhabited accessory structure(s) otherwise allowed by zoning.
 - c) **Frontage.** Each flag lot shall have at least twenty-five (25) feet of frontage on a public street where lots are developed with well water and septic systems and shall have at least thirty (30) feet of frontage on a public street for lots developed with public water and sewer systems. The minimum frontage of the lot shall extend throughout the entire depth of the lot, otherwise known as the "flagpole."

- d) **Ownership.** The flagpole portion of the lot shall be considered a permanent part of the lot or parcel and must remain under the same ownership as the flag portion of the lot.
- e) **Access.** Access to a flag lot must be directly from a public street or right-of-way as approved by the Town Planning Board.
- f) **Number.** A maximum of two (2) adjoining flag lots are allowed per parent parcel in a minor subdivision and/or under single ownership. Additional flag lot subdivisions of a parent parcel are not permitted. Flag lots are not permitted within major subdivisions.
- g) **Setbacks.** Minimum side and rear setbacks for primary and accessory structures on a flag lot shall conform to the requirements of the Town Comprehensive Zoning Ordinance. Minimum front yard setbacks for flag lots shall be double the regular front setback. Such setbacks shall be measured from the “flag” portion of the lot, where the flagpole shall extend through the entire lot.
- h) **Lot Area Calculation.** The minimum lot area of each flag lot being created must be at least one and a half (1.5) times the size of the remaining frontage parcel—not including the area of the “flagpole”—or must meet the minimum lot size requirements for the district while providing all setbacks which are twice the otherwise required setback distances for the flag lot. Streams, ponds, and wetlands as regulated by the Watercourse Management Overlay District, and areas of slope greater than 15% shall not be included in the calculation of the “flag” portion of the lot area.
- i) **Driveways.** Adjacent flag lots may be required to share a common curb cut at the road right of way, which shall be designed to allow vehicles to drive out forward. Line of sight requirements at the driveway-street intersection must comply with applicable engineering traffic safety standards. Driveways to flag lots must be designed to permit access of a Fire Response and EMS vehicle, as determined by a licensed engineer.
- j) **Fire Protection.** Where public water is available, any building on a flag lot must be within 500' of a hydrant as measured along the vehicular path of travel. The Town shall be provided with all necessary easements for private hydrants located on private property.
- k) **Re-subdivision of flag lots.** No further subdivision of a flag lot shall be permitted without meeting the requirements for major subdivisions as outlined in the Comprehensive Zoning Law and Land Subdivision Regulations for the Town of East Greenbush.
- l) **Architectural Review.** Building elevations for all sides of the proposed residence must be submitted as part of the Planning Board review.
- m) **Street Address.** A reflective street number must be permanently displayed, and easily visible, along the public right-of-way in both directions of travel.
- n) **Separation between Flag Lots.** Wherever practicable, as determined by the Planning Board, two (2) adjoining flagpoles or a single flagpole access must be separated by a distance equal to the minimum frontage requirement within the zoning district where the lots are located. Separation distance shall be measured along the vehicular path of travel along the adjacent public street. Where two or more district boundaries intersect the vehicular path of travel along the adjacent public street, the required separation distance shall match the largest minimum frontage requirement along the vehicular path of travel.

Section 2.6 - Residential Districts

Section 2.6.1 Agriculture-Open Space (A-OS)

A – Intent: The Agriculture-Open Space District is intended to permit agricultural, rural, and open space uses. This area may include farm operations, nature preserves, parks, scenic areas, and low-density residential uses. The Agriculture-Open Space District aims to preserve natural resources such as forests, wetlands, and waterways to maintain the ecological integrity of the area.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	217,800 s.f. (5 Acres)
Width (feet)	400

Minimum Yard Dimensions

Front (feet)	50
Side (feet)	50
Rear (feet)	50
Maximum Building Coverage	10%
Density (Dwelling units per acre)	0.2
Maximum building height (feet)	35

C Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence

General Business / Non-Residential

Agriculture; horticulture and farming, general

Agriculture; livestock or dairy

Agriculture; farm stand or market

Animal; boarding, horse farm or stables

Animal; boarding; day care

Animal; boarding; commercial kennel

Civic; religious facility or cultural facility

Recreation; golf course or range

Recreation; public, outdoor park

School; nursery, elementary or high

Accessory Uses

Animal; boarding, private stable

Animal; boarding, private kennel

Animal; boarding day only

Parking; off street or garage

Residential recreation facility

Structure; customary garage, shed or greenhouse

Structure; customary farm building

Special Permit Uses:

General Business / Non-Residential

Animal; boarding, veterinary services

Boarding; inn or bed & breakfast

Health / Medical; offices or clinic, outpatient

Health / Medical; cemetery

Recreation; private, veteran/fraternal or social club

Recreation; campground

School; university, college or trade

Transport; airport, private airstrip

Utility; public service

Utility; small above ground structure

Utility; transmitting or communications tower

Utility; municipal works yard or structure

Accessory Uses

Accessory; dwelling unit

Boarding; dormitory

Home occupation

D Specific District Standards

1. Accessory Building Setbacks - As per 2.5.1D6a.

Section 2.6.2 Rural / Low Density Residential (R-LD)

A - Intent: The intent of the Rural/Low Density Residential area is to encourage agricultural, rural, open space and low-density residential uses designed to retain the open space and rural character of the community.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	87,120 s.f. (2 acres)
Width (feet)	200

Minimum Yard Dimensions

Front (feet)	50
Side (feet)	50
Rear (feet)	50
Maximum Building Coverage	10%
Density (Dwelling units per acre)	0.5
Maximum building height (feet)	35

C Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence

General Business / Non-Residential

Agriculture; horticulture and farming, general

Agriculture; livestock or dairy

Agriculture; farm stand or market

Animal; boarding, horse farm or stables

Animal; boarding; day only

Civic; religious facility or cultural facility

Recreation; golf course or range

Recreation; public, outdoor park

School; nursery, elementary or high

Accessory Uses

Animal; boarding, private stable

Animal; boarding, private kennel

Animal; boarding; day only

Parking; off street or garage

Residential recreation facility

Structure; customary garage, shed or greenhouse

Structure; customary farm building

Special Permit Uses:

General Business / Non-Residential

Animal; boarding; commercial kennel

Animal; boarding, veterinary services

Boarding; inn or bed & breakfast

Health / Medical; offices or clinic, outpatient

Health / Medical; cemetery

Recreation; indoor assembly or auditorium

Recreation; private, veteran/fraternal or social club

Recreation; campground

School; university, college or trade

Transport; airport, private airstrip

Utility; public service

Utility; small above ground structure

Utility; transmitting or communications tower

Utility; municipal works yard or structure

Accessory Uses

Accessory; dwelling unit

Boarding; dormitory

Home occupation

D Specific District Standards

- 2. Principal Buildings Per Lot** - There shall be only one principal building and principal use per lot.
- 3. Accessory Building Setbacks** - As per 2.5.1D6a.

Section 2.6.3 Residential Transition (RT)

A – Intent: The Residential Transition includes low to moderate residential uses and represents a transition from the moderate to high uses characterized in the NR areas to the low-density and rural character of the eastern and western portions of town. It can also represent a transition from moderate to high uses to low to moderate uses, such as along certain portions of the City of Rensselaer boundary. Also, certain business or commercial activities may be located in this area when compatible in scale and intensity with the surrounding neighborhood, such as along one of the Town's main arterial roadways.

B Area and Bulk Schedule:

<i>Minimum Lot Dimensions</i>	R-T	R-T Incentive Zoning with public water and sewer
<i>Area</i>	65,340 s.f. (1.5 acres)	21,780 s.f. (0.5 acres)
<i>Width (feet)</i>	200	100
Minimum Yard Dimensions		
<i>Front (feet)</i>	40	25
<i>Side (feet)</i>	25	10
<i>Rear (feet)</i>	30	30
<i>Maximum Building Coverage</i>	10%	10%
<i>Density (Dwelling units per acre)</i>	0.66	Up to 2.0
<i>Maximum building height (feet)</i>	35	35

C Permitted/Special Uses:

Permitted Uses:
Residential
Residential; one family residence
Residential; senior housing
General Business / Non-Residential
Agriculture; horticulture and farming, general
Animal; boarding, horse farm or stables
Civic; religious facility or cultural facility
Recreation; golf course or range
Recreation; public, outdoor park
School; nursery, elementary or high
Accessory Uses
Parking; off street or garage
Residential recreation facility
Structure; customary garage, shed or greenhouse
Structure; customary farm building

Special Permit Uses:
General Business / Non-Residential
Agriculture; farm stand or market
Animal; boarding; day care
Animal; boarding; commercial kennel
Animal; boarding, veterinary services
Boarding; inn or bed & breakfast
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Health / Medical; crematorium
Recreation; indoor assembly or auditorium
Recreation; private, veteran/fraternal or social club
Recreation; campground
School; university, college or trade
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure
Accessory Uses
Accessory; dwelling unit
Animal; boarding, private stable
Animal; boarding day only
Animal; boarding, private kennel

Permitted Uses:

Special Permit Uses:

Boarding; dormitory

Home occupation

E Specific District Standards

- 4. Principal Buildings Per Lot** - There shall be only one principal building and principal use per lot.
- 5. Accessory Building Setbacks** - As per 2.5.1D6a.
- 6. Incentive Requirements** - To be eligible for the Incentive and associated lot dimensions and density bonus applicants for subdivision or site plan review must comply with the following standards:
 - a) Have municipal water and sewer service which is:
 - i) existing on the proposed site in the required capacities, or;
 - ii) reasonably adjacent to the proposed site such that the applicant could get approval from the Town Board to make a connection to the existing services. Such approval would be conditional on the findings of an independent engineering report which evaluates the impact said connection would have on the existing municipal capacities and performance.
 - b) Adhere to the procedures and standards set forth within the town's cluster ordinance in Section 3.5 with the exception that the area to be maintained as open space as described in Section 3.8.1-G shall be 50% of the total site with 20% of the site's buildable land included within this area.
- 4. Required Undisturbed Area**
 - a) For any lot developed by subdivision under the Town's Land Subdivision Regulations, whether the subdivision is of conventional or a cluster design, a minimum of 30% of the total site area shall be maintained as undisturbed natural area. This undisturbed natural area may be incorporated into lots and/or it may be located in common open space blocks of land. The location and the form of ownership of the undisturbed area must be acceptable to the Planning Board.
 - b) In a cluster subdivision, the 30% of the site which is to be maintained as undisturbed natural area may form all or part of the 25% common open space requirement specified in Section 3.8.1-G of this Zoning Law.

Section 2.6.4 Neighborhood Residential (NR)

A – Intent: The Neighborhood Residential designation includes areas of high to moderate density residential and community-supported commercial uses. These areas are located primarily between Route 9/20 and I-90 and contain a mix of single family and multi-family. The NR areas are intended to be pedestrian oriented with an attractive streetscape and an emphasis on developing better connections to commercial activity centers.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	14,520 s.f. (0.3 acres)
Width (feet)	75

Minimum Yard Dimensions

Front (feet)	25
Side (feet)	10
Rear (feet)	25
Maximum Building Coverage	25%
Density (Dwelling units per acre)	5
Maximum building height (feet)	35

C Permitted/Special Uses:

Permitted Uses:
Residential
Residential; one family residence
Residential; two family residence
Residential; senior housing
General Business / Non-Residential
Boarding; inn or bed & breakfast
Civic; religious facility or cultural facility
Recreation; public, outdoor park
School; nursery, elementary or high
Accessory Uses
Parking; off street or garage
Residential recreation facility
Structure; customary garage, shed or greenhouse
Structure; customary farm building

Special Permit Uses:
Residential
Residential; multi-family residence
General Business / Non-Residential
Agriculture; horticulture and farming, general
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Health / Medical; crematorium
Boarding; inn or bed & breakfast
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Health / Medical; crematorium
Recreation; golf course or range
Recreation; private, veteran/fraternal or social club
Recreation; campground
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure
Accessory Uses
Accessory; dwelling unit
Boarding; dormitory
Home occupation

D Specific District Standards

- 1. Principal Buildings Per Lot** - There shall be only one principal building and principal use per lot.
- 2. Accessory Building Setbacks** - As per 2.5.1-D6a.
- 3. Required Undisturbed Area**
 - a)** For any lot in the NR District developed by subdivision under the Town's Land Subdivision Regulations, whether the subdivision is of conventional design or a cluster design, a minimum of 30% of the total site area shall be maintained as undisturbed natural area. This undisturbed natural area may be incorporated into lots and/or it may be located in common open space blocks of land. The location and the form of ownership of the undisturbed area must be acceptable to the Planning Board.
 - b)** In a cluster subdivision in the NR District, the 30% of the site which is to be maintained as undisturbed natural area may form all or part of the 25% common open space requirement specified in Section 3.8.1-G of this Zoning Law.

Section 2.7 – Commercial Districts

Section 2.7.1 Town Center (TC)

A – Intent: The purpose of the Town Center District is to develop an identifiable center of the Town of East Greenbush. Its intent is to further define a sense of community and placemaking and visual environment deemed important as part of the Town's comprehensive planning process. A fully realized Town Center concept will incorporate the elements of commercial, vehicular, and pedestrian environments into an integrated commercial and civic design, which reflects the community focus of the Town.

B Area and Bulk Schedule:

<i>Minimum Lot Dimensions</i>	
<i>Area</i>	21,780 s.f. (0.5 acres)
<i>Width (feet)</i>	100
<i>Minimum Yard Dimensions</i>	
<i>Front (feet)</i>	15 ft min, 30 ft max
<i>Side (feet)</i>	12*
<i>Rear (feet)</i>	12*
<i>Maximum Lot Coverage</i>	90%
<i>Density (Dwelling units per acre)</i>	12
<i>Maximum building height (feet)</i>	2 story minimum/50 ft max
<i>*No setback required if constructed of an approved Party-wall / Fire-wall in accordance with NYS Fire Codes and Code Enforcement Official approval.</i>	

C Permitted/Special Uses:

Permitted Uses:
Residential
Residential; two family residence
Residential; multi-family residence
Residential; mixed use with commercial
Residential; senior housing
General Business / Non-Residential
Boarding; hotel
Boarding; inn or bed & breakfast
Civic; religious facility or cultural facility
Civic; public facility or government office
Recreation; public, outdoor park
Restaurant; indoor, fully enclosed
Restaurant; bar or tavern
Retail; single tenant
Retail; single tenant, <15,000 s.f.
Retail; multi tenant shopping center
Services; personal care
Services; professional office
Accessory Uses
Storage; indoors, merchandise in stock
Parking; off street or garage
Residential recreation facility

Special Permit Uses:
General Business / Non-Residential
Health / Medical; hospital or clinic, inpatient
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Parking; off street or garage
Recreation; indoor assembly or auditorium
Recreation; outdoor assembly or amphitheater
Recreation; private, veteran/fraternal or social club
Restaurant; with drive thru or curb service
Restaurant; with outdoor seating
Retail; with drive thru
Retail; landscaping/gardening with outdoor display
Retail; with onsite manufacturing and sales
School; university, college or trade
School; nursery, elementary or high
Transport; heliport
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure
<i>*See Next Page for Accessory Uses*</i>

Permitted Uses:

Special Permit Uses:

Accessory Uses

Accessory; dwelling unit

Animal: boarding day only

Boarding; dormitory

Storage; outdoors, merchandise in stock

Home occupation

Structure; commercial garage or shed

Structure; customary garage, shed or greenhouse

F Specific District Standards

1. **Site Plan Review** - All new uses and structures except one and two family dwellings, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) **Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - i) All off-street parking must be located behind the building(s), in an internal courtyard, garage or otherwise located so as to be shielded from view from the public road frontage.
 - ii) Parking for developments which include a mix of both residential and commercial uses may reduce the number of required residential parking spaces by up to 20% for shared parking with Planning Board approval.
 - b) **Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - c) **Signs** - All signs must be in accordance with Section 3.3 Signs.
2. **Two story height requirement** – New construction must have a minimum of two story facade height for any portions of the buildings which have frontage along a public road. Such second story frontage must contain habitable space at least 20 feet deep measured from the front of the building to the back. Other portions which compose the rear of the building, structures further than 50 feet from the public road or that are otherwise not directly visible from the public way are exempt. The intent of this provision is to create a stronger and more traditional public street wall within the TC districts.
3. **Multiple Building Designs** - Campus-like development designs will be encouraged. To this end:
 - a) Site development plans with multiple buildings should create a campus-like outdoor environment where the buildings work together to create meaningful outdoor public spaces, gardens or plazas which create attractive areas to walk from one building to another.
 - b) Landscaping plans should address streetscape aesthetics, so that as development occurs, an attractive streetscape will be ensured along the roads with parking areas concealed from view behind buildings or broken up into smaller components;
 - c) Curb cuts must be minimized, and adjacent uses may be required to combine accesses;
4. **Accessory Dwelling Units** - A dwelling unit accessory to a premises principally used for office, retail, tourist accommodation, warehouse, or personal service activity may be permitted in accordance with Section 3.7.10.
5. **Existing Buildings** – Existing structures undergoing small or moderate expansion are not required to comply with the two-story frontage height and rear parking requirements of this district so as to not create an undue burden on existing businesses which may not be able to comply due to site or building constraints. Existing structures are, however, encouraged to work toward the goals of reducing parking in the front yard area, creating mixed-use or multi-story opportunities and providing a more pedestrian friendly streetscape.

Section 2.7.2 Neighborhood Mixed Use (NMU)

A – Intent: This area is intended to allow for a mix of uses with a stronger emphasis on residential with supportive and compatible commercial uses. Commercial uses might include small office buildings or former residences that have been converted into office or retail. The scale and level of activity of the NMU is less intense than the CMU to be consistent with the character of neighborhoods adjacent to Route 4 and Routes 9 & 20. A transit-oriented development approach is encouraged in these areas to allow for a mix of uses that emphasize pedestrian-oriented environments and encourage the use of public transportation.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	21,780 s.f. (0.5 acres)
Width (feet)	75

Minimum Yard Dimensions

Front (feet)	25
Side (feet)	12
Rear (feet)	25
Maximum Lot Coverage	35%
Density (Dwelling units per acre)	4
Maximum building height (feet)	35

C Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence

General Business / Non-Residential

Civic; religious facility or cultural facility

Recreation; public, outdoor park

Recreation; campground

School; nursery, elementary or high

Services; personal care

Services; professional office

Accessory Uses

Parking; off street or garage

Residential recreation facility

Structure; customary garage, shed or greenhouse

Special Permit Uses:

Residential

Residential; two family residence

Residential; multi-family residence

Residential; mixed use with commercial

Residential; senior housing

General Business / Non-Residential

Animal; boarding; day care

Animal; boarding; commercial kennel

Animal; boarding, veterinary services

Boarding; hotel

Boarding; motel

Boarding; inn or bed & breakfast

Civic; public facility or government office

Health / Medical; hospital or clinic, inpatient

Health / Medical; offices or clinic, outpatient

Health / Medical; nursing or assisted living home

Health / Medical; cemetery

Recreation; commercial amusement

Recreation; indoor assembly or auditorium

Recreation; outdoor assembly or amphitheater

Recreation; private, veteran/fraternal or social club

Permitted Uses:

Special Permit Uses:

Restaurant; indoor, fully enclosed
Restaurant; with drive-thru or curbside service
Restaurant; with outdoor seating
Restaurant; bar or tavern
Retail; single tenant
Retail; single tenant, < 15,000 s.f.
Retail; multi tenant shopping center
Retail; with drive-thru
Retail; landscaping/gardening with outdoor display
Retail; with on site manufacturing and sales
Storage; wholesaling / warehousing, off site
Storage; wholesale/distribution center, 3 truck bays
Transport; public transit passenger station
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure
Accessory Uses
Accessory; dwelling unit
Animal; boarding; day care
Boarding; dormitory
Storage; indoors, merchandise in stock
Home occupation
Parking; off street or garage, commercial vehicles
Structure; commercial garage or shed
Structure; customary farm building
Industrial Uses
Industry; light, printing and publishing

D Specific District Standards

- 1. Site Plan Review** - All new uses and structures except one and two family dwellings, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - b) Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - c) Signs** - All signs must be in accordance with Section 3.3 Signs.
- 2. Existing Structures** - Where practicable, the maintenance and rehabilitation of existing residential structures shall be encouraged.
 - a)** Where impracticable to maintain and rehabilitate existing residential structures, or where substantial modifications or new construction is required, residential design characteristics shall be used.
 - b)** Additions or expansion to the commercial operation shall be done to match the residential scale, character and materials of the building or neighborhood, and such expansion shall be added to the rear of the building whenever possible.
- 3. Maximum Building Size** - Except by special use permit, maximum building area used for non-residential purposes shall be restricted to either 3000 square feet or a demand of 10 off-street parking spaces, as the particular use may require.
- 4. Additional Requirements** - The Planning Board may require additional site planning or landscaping measures to reduce impacts on adjacent residences by normal business operations.
- 5. Maximum Dwelling Units** - Maximum dwelling units per building through either adaptive reuse or new construction, shall be restricted to 4 dwelling units.

Section 2.7.3 Commercial Mixed Use (CMU)

A – Intent: The CMU allows for a variety of uses with an emphasis on commercial and some residential uses. These areas are primarily auto oriented but are connected via sidewalks and may connect to regional trail networks. A transit-oriented development approach is encouraged in these areas to allow for a mix of uses that emphasize pedestrian-oriented environments and encourage the use of public transportation.

D Area and Bulk Schedule:

Minimum Lot Dimensions

Area	27,780 s.f. (0.5 acres)
Width (feet)	100

Minimum Yard Dimensions

Front (feet)	15 ft min, 30 ft max
Side (feet)	12*
Rear (feet)	12*
Maximum Lot Coverage	90%
Density (Dwelling units per acre)	12
Maximum building height (feet)	50 ft max

*No setback required if constructed of an approved Party-wall / Fire-wall in accordance with NYS Fire Codes and Code Enforcement Official approval.

E Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence
Residential; two family residence
Residential; multi-family residence
Residential; mixed use with commercial
Residential; senior housing

General Business / Non-Residential

Boarding; hotel
Boarding; inn or bed & breakfast
Civic; religious facility or cultural facility
Civic; public facility or government office
Recreation; public, outdoor park
Recreation; campground
Restaurant; indoor, fully enclosed
Restaurant; bar or tavern
Retail; single tenant, <15,000 s.f.
Retail; multi tenant shopping center
School; nursery, elementary or high
Services; personal care
Services; professional office

Accessory Uses

Storage; indoors, merchandise in stock
Parking; off street or garage
Residential recreation facility

Special Permit Uses:

General Business / Non-Residential

Automotive; sales, new or used
Automotive; service, wash or storage
Automotive; gas station
Boarding; motel
Health / Medical; hospital or clinic, inpatient
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Parking, off-street or garage
Parking, off-street or garage, commercial vehicles
Recreation; indoor assembly or auditorium
Recreation; outdoor assembly or amphitheater
Recreation; private, veteran/fraternal or social club
Restaurant; with drive thru or curb service
Restaurant; with outdoor seating
Retail; with drive thru
Retail; landscaping/gardening with outdoor display
Retail; with onsite manufacturing and sales
School; university, college or trade
Storage; wholesaling / warehousing, off site
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower

Permitted Uses:

Special Permit Uses:

Utility; municipal works yard or structure

Accessory Uses

Accessory; dwelling unit

Animal; boarding day only

Boarding; dormitory

Home occupation

Storage; outdoors, merchandise in stock

Structure; commercial garage or shed

Structure; customary garage, shed or greenhouse

Industry; light, general non-nuisance

Industry; light, printing and publishing

F Specific District Standards

1. **Site Plan Review** - All new uses and structures except one- and two-family dwellings, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) **Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - i) All off-street parking must be located behind the building(s), in an internal courtyard, garage or otherwise located so as to be shielded from view from the public road frontage.
 - ii) Parking for developments which include a mix of both residential and commercial uses may reduce the number of required residential parking spaces by up to 20% for shared parking with Planning Board approval.
 - b) **Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - c) **Signs** - All signs must be in accordance with Section 3.3 Signs.
2. **Professional Offices** - The minimum floor space for a professional office building shall be 10,000 square feet.
3. **Residential Mixed-Use Requirement** - Residential uses are permitted only as part of a mixed-use commercial/residential plan which includes commercial uses either on the lower floors or as a separate structure on the same parcel. Such commercial uses must comprise of no less than 30% of the gross floor area of the residential and commercial uses combined.
4. **Two-story Height Guideline** – In the CMU district, new construction that has frontage along a public road is encouraged to have minimum two-story façade height for the portions facing the street. This space could include usable areas like offices, apartments, or storage. The primary objective of this guideline is to establish a more robust and traditional street wall that enhances the character of the surrounding urban environment while promoting functional spaces within the built environment.
5. **Multiple Building Designs** - Campus-like development designs will be encouraged. To this end:
 - a) Site development plans with multiple buildings should create a campus-like outdoor environment where the buildings work together to create meaningful outdoor public spaces, gardens or plazas which create attractive areas to walk from one building to another.
 - b) Landscaping plans should address streetscape aesthetics, so that as development occurs, an attractive streetscape will be ensured along the roads with parking areas concealed from view behind buildings or broken up into smaller components;
 - c) Curb cuts must be minimized, and adjacent uses may be required to combine accesses;

6. **Accessory Dwelling Units** - A dwelling unit accessory to a premises principally used for office, retail, tourist accommodation, warehouse, or personal service activity may be permitted in accordance with Section 3.7.10.
7. **Existing Buildings** – Existing structures undergoing small or moderate expansion are not required to comply with the two-story frontage height and rear parking requirements of this district so as to not create an undue burden on existing businesses which may not be able to comply due to site or building constraints. Existing structures are, however, encouraged to work toward the goals of reducing parking in the front yard area, creating mixed-use or multi-story opportunities and providing a more pedestrian friendly streetscape.

Section 2.7.4 Regional Commercial (RC)

A – Intent: The intent of the Regional Commercial area is to encourage a grouping of office and commercial uses, easily accessible by major roads. The uses include corporate office centers, tourist accommodations, convention centers and regional level commercial uses such as a regional shopping centers. The redevelopment or infill of large parcels is encouraged to allow for a mix of uses and create more pedestrian friendly commercial plazas. Multi-modal connections to adjacent developments should be created. Transit accessibility is also encouraged.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	217,800 s.f. (5 Acres)
Width (feet)	400

Minimum Yard Dimensions

Front (feet)	25
Side (feet)	12
Rear (feet)	25
Maximum Lot Coverage	35%
Density (Dwelling units per acre)	N/A
Maximum building height (feet)	50

C Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence

Residential; two family residence

General Business / Non-Residential

Boarding; hotel

Civic; religious facility or cultural facility

Civic; public facility or government office

Parking, off-street or garage

Recreation; indoor assembly or auditorium

Recreation; public, outdoor park

Recreation; campground

Restaurant; indoor, fully enclosed

Restaurant; with outdoor seating

Retail; single tenant

Retail; single tenant, < 15,000 s.f.

Retail; multi-tenant shopping center

Retail; landscaping/gardening with outdoor display

School; university, college, or trade

Services; personal care

Services; professional office

Accessory Uses

Accessory; retail or services

Special Permit Uses:

Residential

Residential; multi-family residence

Residential; senior housing

General Business / Non-Residential

Agriculture; livestock or dairy

Automotive; gas station

Boarding; convention center with hotel

Health / Medical; hospital or clinic, inpatient

Health / Medical; offices or clinic, outpatient

Health / Medical; nursing or assisted living home

Health / Medical; cemetery

Health / Medical; crematorium

Parking, off-street or garage, commercial vehicles

Recreation; commercial amusement

Recreation; private, veteran/fraternal, or social club

Restaurant; with drive-thru or curb service

Restaurant; bar or tavern

Retail; with drive-thru

Storage; self-storage rental facility

Storage; wholesaling / warehousing, off site

Storage; wholesale/distribution center, 3 truck bays

Transport; airport, private airstrip

Permitted Uses:
Animal; boarding day only
Storage; indoors, merchandise in stock
Parking; off street or garage
Parking; off street or garage, commercial vehicles
Structure: commercial garage or shed
Industrial Uses
Industry; light, general non-nuisance
Industry; light, printing, and publishing
Industry; retail, food product manufacturing

Special Permit Uses:
Transport; heliport
Transport; public transit passenger station
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure
Accessory Uses
Accessory; dwelling unit
Boarding; dormitory
Home occupation
Industrial Uses
Industry; light, research, and development lab
Industry; light, assembly, and fabrication

D Specific District Standards

1. Specific Use Regulations

- a) **Professional Offices** - The minimum floor space for a professional office building shall be 10,000 square feet.
- b) **Accessory Retail or Services**
 - i) are permitted as accessory and secondary to a hotel, or convention center. In this case, the retail and service component shall not exceed 15% of the total floor area. Or,
 - ii) are permitted in a shopping center, mall, or combination shopping center/office center. In this case, the minimum lot size shall be 20 acres. Or,
 - iii) are permitted as accessory and secondary to an office building. In this case, the retail and service component shall not exceed 5% of the total floor area.
- c) **Restaurants** - Restaurants with both indoor or outdoor seating are permitted as accessory and secondary to a hotel, convention center, mall, shopping center, or office building, or, if an independent use, with a minimum seating capacity of 200; Restaurants existing on or before the date of this Section are permitted as a pre-existing use.

- 2. **Site Plans** - All new uses and structures, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.

- a) Campus-like development designs will be encouraged. To this end:
 - i) Landscaping plans should address streetscape aesthetics, so that as development occurs, an attractive streetscape will be ensured along the roads and large expanses of parking will be broken up and/or hidden from view at all times;
 - ii) Curb cuts must be minimized, and adjacent uses may be required to combine accesses;
 - iii) Site development plans should address the pedestrian environment for visitors and employees; creating a campus-like outdoor environment where the buildings work together to create meaningful outdoor public spaces and walk-ability from one building to another.

iv) Designs which integrate and protect existing wetland areas into the landscape design without disturbing them are encouraged through the use of trails, public access and or recreation areas.

b) Parking - All parking lots must be in accordance with Section 3.1 Parking.

c) Landscaping - All landscaping must be in accordance with Section 3.2 Landscaping.

d) Signs - All signs must be in accordance with Section 3.3 Signs.

Section 2.7.5 Research, Design & Technology (RDT)

A – Intent: The intent of the Research, Development and Technology area is to encourage uses that are engaged in research and development, testing and manufacturing of goods to build upon the high-tech employment areas in Town. The RDT area is also intended to allow for a mix of uses that encourage businesses that support employees and nearby residents. Careful site planning, preservation of existing natural features, reduction of impervious surface, maintenance of landscape corridors, and buffering of watercourses are among the objectives that should be pursued. Development should present a high-quality appearance with the public right-of-way. Multi-modal accessibility should be encouraged.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	130,680 s.f. (3 acres)
Width (feet)	300

Minimum Yard Dimensions

Front (feet)	35
Side (feet)	12
Rear (feet)	25
Maximum Lot Coverage	35%
Maximum building height (feet)	50

C Permitted/Special Uses:

Permitted Uses:

Residential

Residential; one family residence

Residential; two family residence

General Business / Non-Residential

Civic; religious facility or cultural facility

Civic; public facility or government office

Parking, off-street or garage

Recreation; indoor assembly or auditorium

Recreation; public, outdoor park

Recreation; campground

School; university, college, or trade

Services; professional office

Storage; wholesaling / warehousing, off site

Accessory Uses

Accessory; retail or services

Animal; boarding, private stable

Animal; boarding day only

Storage; indoors, merchandise in stock

Storage; outdoors, merchandise in stock

Parking; off street or garage

Parking; off street or garage, commercial vehicles

Structure; commercial garage or shed

Structure; customary garage, shed or greenhouse

Special Permit Uses:

General Business / Non-Residential

Health / Medical; hospital or clinic, inpatient

Health / Medical; offices or clinic, outpatient

Health / Medical; nursing or assisted living home

Health / Medical; cemetery

Recreation; commercial amusement

Recreation; private, veteran/fraternal, or social club

Services; personal care

Storage; wholesale/distribution center, 3 truck bays

Storage; wholesale/distribution center, 3+ truck bays

Storage; fuel or other hazardous materials

Transport; airport, private airstrip

Transport; heliport

Transport; public transit passenger station

Utility; public service

Utility; small above ground structure

Utility; transmitting or communications tower

Utility; municipal works yard or structure

Accessory Uses

Accessory; dwelling unit

Home occupation

Industrial Uses

Industry; recycling and materials reuse

Permitted Uses:
Industrial Uses
Industry; light, general non-nuisance
Industry; light, research and development lab
Industry; light, printing and publishing
Industry; light, assembly and fabrication
Industry; retail, food product manufacturing

Special Permit Uses:
Industry; machinery repair or storage garage
Industry; extractive operations or soil mining

D Specific District Standards

1. **Site Plans** - All new uses and structures, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) Campus-like development designs will be encouraged. To this end:
 - i) Landscaping plans should address streetscape aesthetics, so that as development occurs, an attractive streetscape will be ensured along the roads and large expanses of parking will be broken up and/or hidden from view at all times;
 - ii) Curb cuts must be minimized, and adjacent uses may be required to combine accesses;
 - iii) Site development plans should address the pedestrian environment for visitors and employees; creating a campus-like outdoor environment where the buildings work together to create meaningful outdoor public spaces and walk-ability from one building to another.
 - iv) Designs which integrate and protect existing wetland areas into the landscape design without disturbing them are encouraged through the use of trails, public access and or recreation areas.
 - b) **Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - c) **Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - d) **Signs** - All signs must be in accordance with Section 3.3 Signs.

Section 2.7.6 Light Industrial (LI)

A – Intent: The Light Industrial areas are intended to encourage the development of moderate and small-scale light manufacturing, high tech companies, research and warehousing uses along and adjacent to the Route 9J corridor. Uses in this area would be designed in a manner that is respectful of existing agriculture, important ecological features, and residential properties, and is compatible with predominant soil types and steep slopes.

C Area and Bulk Schedule:

Minimum Lot Dimensions

Area	130,680 s.f. (3 acres)
Width (feet)	300

Minimum Yard Dimensions

Front (feet)	35
Side (feet)	12
Rear (feet)	25
Maximum Lot Coverage	35%
Maximum building height (feet)	50

D Permitted/Special Uses:

Permitted Uses:

General Business / Non-Residential

Agriculture; horticulture and farming, general
Agriculture; livestock or dairy
Agriculture; farm stand or market
Civic; religious facility or cultural facility
Civic; public facility or government office
Parking, off-street or garage
Parking, off-street or garage, commercial vehicles
Recreation; indoor assembly or auditorium
Recreation; public, outdoor park
School; university, college, or trade
Services; professional office
Storage; wholesaling / warehousing, off site
Storage; wholesale/distribution center, 3 truck bays

Accessory Uses

Accessory; retail or services
Animal; boarding, private stable
Animal; boarding day only
Storage; indoors, merchandise in stock
Storage; outdoors, merchandise in stock
Parking; off street or garage
Parking; off street or garage, commercial vehicles
Structure; commercial garage or shed
Structure; customary garage, shed or greenhouse

Industrial Uses

Industry; light, general non-nuisance

Special Permit Uses:

General Business / Non-Residential

Animal; boarding, horse farm or stables
Animal; boarding; commercial kennel
Animal; boarding, veterinary services
Health / Medical; hospital or clinic, inpatient
Health / Medical; offices or clinic, outpatient
Health / Medical; nursing or assisted living home
Health / Medical; cemetery
Health / Medical; crematorium
Recreation; commercial amusement
Recreation; private, veteran/fraternal, or social club
Recreation; campground
Retail; with on site manufacturing and sales
Services; personal care
Storage; wholesale/distribution center, 3+ truck bays
Storage; fuel or other hazardous materials
Transport; airport, private airstrip
Transport; heliport
Transport; public transit passenger station
Utility; public service
Utility; small above ground structure
Utility; transmitting or communications tower
Utility; municipal works yard or structure

Accessory Uses

Accessory; dwelling unit
Home occupation

Permitted Uses:
Industry; light, research and development lab
Industry; light, printing and publishing
Industry; light, assembly and fabrication
Industry; retail, food product manufacturing
Industry; recycling and materials reuse
Industry; machinery repair or storage garage

Special Permit Uses:
Industrial Uses
Industry; extractive operations or soil mining

E Specific District Standards

1. **Site Plans** - All new uses and structures, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) Landscaping plans should address streetscape aesthetics, so that as development occurs, an attractive streetscape will be ensured along the public roads;
 - b) Curb cuts must be minimized, and adjacent uses may be required to combine accesses;
 - c) Designs which integrate and protect existing wetland areas into the landscape design without disturbing them are encouraged through the use of trails, public access and or recreation areas.
 - d) **Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - e) **Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - f) **Signs** - All signs must be in accordance with Section 3.3 Signs.

Section 2.7.7 Waterfront Industrial (WI)

A – Intent: The Waterfront Industrial area is intended to encourage the development of light manufacturing uses appropriate along the waterfront and preservation of existing natural resources. Access to the river should be encouraged for future development or redevelopment of land in this area.

B Area and Bulk Schedule:

Minimum Lot Dimensions

Area	10 acres
Width (feet)	500

Minimum Yard Dimensions

Front (feet)	50
Side (feet)	25
Rear (feet)	25
Maximum Lot Coverage	35%
Density (Dwelling units per acre)	N/A
Maximum building height (feet)	50

C Permitted/Special Uses:

Permitted Uses:	Special Permit Uses:
General Business / Non-Residential	General Business / Non-Residential
Adult establishment	Automotive; service, wash or storage
Agriculture; horticulture and farming, general	Civic; religious facility or cultural facility
Agriculture; farm stand or market	Civic; public facility or government office
Parking, off-street or garage	Health / Medical; cemetery
Recreation; public outdoor park	Health / Medical; crematorium
Storage; wholesale/distribution center, 3 truck bays	Parking, off-street or garage, commercial vehicles
Transport; bus, railroad, truck, ship repair/storage	Recreation; marina
Accessory Uses	Retail; with on site manufacturing and sales
Accessory; retail or services	Services; personal care
Animal; boarding, private stable	Services; professional office
Animal; boarding day only	Storage; wholesaling / warehousing, off site
Storage; indoors, merchandise in stock	Storage; wholesale/distribution center, 3+ truck bays
Storage; outdoors, merchandise in stock	Storage; fuel or other hazardous materials
Parking; off street or garage	Transport; public transit passenger station
Parking; off street or garage, commercial vehicles	Utility; public service
Structure; commercial garage or shed	Utility; small above ground structure
Structure; customary garage, shed or greenhouse	Utility; transmitting or communications tower
Structure; customary farm building	Utility; municipal works yard or structure
Industrial Uses	Accessory Uses
Industry; light, general non-nuisance	Accessory; dwelling unit
Industry; light, research and development lab	Home occupation
Industry; light, printing and publishing	Industrial Uses
Industry; light, assembly and fabrication	Industry; retail, food product manufacturing
Industry; recycling and materials reuse	Industry; extractive operations or soil mining
Industry; machinery repair or storage garage	Industry; extractive operations or soil mining
	Industry; extractive operations or soil mining

D Specific District Standards

1. Specific Use Regulations

- a) **Restaurant** - Restaurants with both indoor or outdoor seating are permitted as accessory and secondary to a permitted marina.
- 2. **Site Plans** - All new uses and structures, and all changes of use, shall require site plan review and approval in accordance with the procedures and requirements stated within Section 4.3.1 of this Local Law.
 - a) Designs which integrate and protect existing wetland and river shoreline areas into the landscape design without disturbing them are encouraged through the use of trails, public access and or recreation areas.
 - b) Development plans shall be designed to minimize any conflict with existing adjacent agricultural operations. A minimum building setback of 100 feet is required from an adjacent existing agricultural operation.
 - c) Development plans shall address streetscape aesthetics so that as development occurs, an attractive streetscape will be ensured along the major roads.
 - d) Curb cuts must be minimized and adjacent uses may be required to combine accesses.
 - e) **Parking** - All parking lots must be in accordance with Section 3.1 Parking.
 - f) **Landscaping** - All landscaping must be in accordance with Section 3.2 Landscaping.
 - g) **Signs** - All signs must be in accordance with Section 3.3 Signs.

3. Required Waterfront Access – In order to promote and protect publicly available access to the riverfront, all new development with water frontage along the Hudson River must provide a continuous pedestrian esplanade along the width of the property adjacent to the waterway as a recreational trail. This esplanade must link to any esplanade(s) on adjacent properties and must also be linked to a public right-of-way by a waterfront access path.

- a) The waterfront access paths to and from the public way may be provided through the ground floor interior of a building on the site and be restricted during business closing hours.
 - b) Waterfront access paths should be identified as a throughway to and from the water with a Town-approved sign and provide a view of the water from the public way.
 - c) Waterfront access paths may be provided along a side property line so that it is a shared access arrangement with the neighboring property. Such paths would meet the waterfront access requirements of both properties simultaneously.
 - d) At least one public bench and trash receptacle should be provided no less than every 200 feet along a waterfront access path or pedestrian esplanade.
 - e) Waterfront access paths and pedestrian esplanades should be illuminated with Town-approved lamps at least once every 50 feet.
 - f) These pedestrian access ways must meet all requirements of the Americans with Disabilities Act, including the transitions from one property to another approval of the Town Planning Board. Similar provision, satisfactory to the Town of East Greenbush, shall be made for the long-term ownership and maintenance of roadways, drainage ways, utilities and other improvement features within the cluster development.
- A. The Planning Board shall require all cluster developments to provide a suitable buffer area to adjacent properties on a case-by-case basis. Buffer areas shall include existing natural vegetation and/or enhanced landscaping for the purposes of screening and be maintained as undisturbed open space per (H) above. To assist the Planning Board in this regard, development plans must include aerial photos or mapping for the property, all lands within 1000 feet of the property lines and the extents of proposed tree removal or land disturbance.

Section 2.8 – Overlay Districts and Floating Zones

Section 2.8.1 Watercourse Management Overlay District (WMO)

- A Intent:** The purpose of the Watercourse Management District includes the following:
1. To preserve and protect natural and cultural resources in the stream corridor.
 2. To enhance surface water quality.
 3. To control non-point source pollution sources such as erosion and sedimentation.
 4. To protect people and structures from flood hazards.

B Location:

Watercourse Management Overlay Districts are hereby established for a horizontal distance 50 feet from the high-water mark of ponds and lakes and from the nearest bank of streams and rivers. The controls described below are to be superimposed on any other district regulations in the Watercourse Management District. The water bodies covered by the Watercourse Management District have been classified by the New York State Department of Environmental Conservation (NYSDEC) as designated water classes "AA" through "D".

C Approvals:

Before any improvements are made to any public or private property or public place within the Watercourse Management District, the project must first be given approval by the Town Planning Board. No permits shall be issued nor shall any encroachment on public places be permitted until such approval is secured. The applicant is responsible for indicating any water bodies and their 50-foot overlay boundary on their proposed site plans and obtaining any permits required by other authorities.

D Submission Requirements:

- A.** Within any Watercourse Management District, the following shall be submitted to the Planning Board for review and approval:
1. Any plans for new buildings, structures, or signs including a general location map; site plan showing location of building, topography, access to the property, setbacks, yards and parking areas; landscape plan including grading, drainage and planting; water supply and sewage disposal facilities.
 2. Any plans for renovation, remodeling, or reconstruction of existing buildings, structures, or signs shall include plans similar to those required in 1. above.
 3. Site and planting plans for any playground, park, or parking lot.
 4. Erosion control plans when grading or disturbance of soil will be undertaken.
 5. Location of 100 year flood plains.
 6. Federal wetlands and state designated wetlands.
 7. Areas of significant habitats.
 8. Permits required/obtained from other authorities.
- B.** In reviewing the plans, the Planning Board shall give consideration to:
1. Possible deterioration of stream, pond, or lake quality due to erosion, siltation or point or non-point pollution.
 2. Natural habitats for birds, mammals, reptiles, and aquatic organisms.

- 3. Active and passive recreation activities.
- 4. Flood hazards.
- C. Nothing in this Section shall be construed to prevent ordinary maintenance or repair or any structure within the Watercourse Management District; nor shall anything in this Section be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Zoning Office, prior to the adoption of these regulations.
- D. The Planning Board may employ experts for advice and counsel regarding the objectives of this Section and for this purpose receive such reasonable costs of review from the applicant for private projects and for the town for public projects to the extent the funds for such costs are authorized by the Town Board.

Section 2.8.2 Planned Development District (PDD)

A – Intent: The Planned Development District (PDD) is intended to encourage creative, compact development while fostering community amenities such as a usable open space system for residents and nearby neighborhoods throughout the town. Approved Planned Development Districts will address the unique environmental, physical and cultural resources of the project area and neighborhood through a customized, site- specific master plan and accompanying regulatory framework.

- B** The Planned Development procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched with sensitivity to the unique characteristics of its site and innovative development techniques may be accommodated that might not otherwise be possible through strict application of standard zoning and subdivision requirements. The conventional use, area, bulk and density specifications set forth by other sections of this Local Law are intended to be replaced by the approved PDD plan, which then becomes the basis legislatively established by the Town Board for detailed design, review and control of subsequent development.

While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the comprehensive plan, municipal service capability, and the purposes of this Local Law, shall ensure the general welfare through equal treatment under the law, as well as precise control of all aspects of the development as approved.

- C General Criteria** - The legislative determination to establish a Planned Development District shall be based upon the following standards:
- A. Location** - A Planned Development District may be established at any location within the Town, except within the A-OS or R-LD Districts, if the objectives and provisions of this article are satisfied as determined by the Town Board.
 - B. Developable Area** - The minimum development area required to qualify for a Planned Development District shall be twenty (20) adjacent acres of land in the case of residential or general use, and ten (10) adjacent acres in the case of commercial or light industrial uses. The calculation of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or water areas in excess of five percent (5%) of the minimum gross acreage, lands designated on the official map for public purposes, or lands undevelopable by reasons of topography, drainage, periodic inundation by flood waters, or adverse sub-soil conditions. Sites proposed for development for two or more use classifications shall consist of the aggregate of the gross land areas required for each use.
 - C. Ownership** - The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in the project or contract vendee(s) or holder of bona fide purchase option. In the case of multiple ownership, the approved plan and all amendments shall be binding on all owners and all successors in title and interest.
 - D. Permitted Uses in PDDs** - The classification and mix of uses permitted within an area designated as a PDD shall be determined by the provisions of this Section and the approved plan of the project concerned. During consideration of the rezoning request, the Town Board may determine that specific uses are inappropriate for certain locations of town and establish a refined list on a case-by-case basis. This final list would be established for each PDD application and included in the PDD Legislation.
 - 1.** For a PDD which occurs upon the rezoning of lands heretofore zoned in primarily residential districts, the approvable land uses shall be restricted to the following:
 - a)** Residences which may be of any variety of type as appropriate within the intent and objectives of this PDD regulation;
 - b)** private garages, storage spaces, recreational and community facilities as appropriate within the PDD; and

- c) limited commercial, service and other non-residential accessory uses scaled to primarily serve the residents of the PDD and which are in keeping with the scale and, size and traffic of the neighborhood and its structures.
- 2. PDDs created through the rezoning of lands in the Town may additionally include the following land uses:
 - a) commercial, service and other non-residential accessory uses scaled to serve the residents of the PDD and the surrounding community; and
 - b) commercial, service, light industrial and other non-residential land uses as either the sole principal use, or a co-principal use in a mixed-use development.

D Intensity of residential land uses - In order to provide additional amenities to the town, and prior to incentives or bonuses the residential density allowed within a Planned Development District shall be determined according to the following standards:

- A. Where a Planned Development District occurs by a rezoning of a prior residential district, the density shall not exceed the base density otherwise permitted per developable area in the "District Area and Bulk Schedule" for that district. However, the project amenity package will be considered for potential incentive to allow an increased density and/or smaller lot size per developable area above that base density.
- B. Where a Planned Development District occurs by a rezoning of a prior non-residential district and/or inclusion of residential uses in districts where residential is currently not permitted, the base residential density shall not exceed two (2) units per acre of developable area which shall also exclude areas used for nonresidential uses. Allowance of and any increases in residential density per developable area above the base shall be determined on the amenity package provided as part of the planned development.
- C. Amenity package shall include provision of on-site and/or off-site amenities beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impact of the subject project. The amenities may include but not be limited to the following:
 - 1. Open space system open to the public including a comprehensive multi-purpose path system and conservation lands (including developable land) permanently protected by conservation easement or other measure acceptable to the town.
 - 2. Recreation amenities including parks, athletic fields beyond that required for the immediate residents of the project.
 - 3. Provision for the enhancement of public facilities including the public water, wastewater (sewage) and community services/public safety/transportation facilities.
 - 4. Housing facilities for persons of low to moderate income.
 - 5. Cash payment to the Town for improvements or acquisition of public/community facilities such as parks, trails, water, sewer, etc.
- D. Where the Town Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require, in lieu thereof, a payment to the town of a sum to be determined by the board. These funds shall be deposited in a trust fund to be used by the town board exclusively for community benefits or amenities as defined herein.
- E. Increase or bonus in density and/or change in permitted land use provided by the town in the PDD shall be commensurate with the amenity or benefit provided. As a general guideline, the amenity package proposed must be commensurate with any density increase or use change proposed, based on each additional unit beyond the base or allowed residential density and/or per 1,000 square feet of previously not permitted nonresidential (e.g., commercial) use. The Town Board may establish and maintain a required amenity schedule which outlines cash or equivalent reimbursements. Such a schedule will be established by resolution of the Town Board and shall be periodically reviewed and updated by the Town Board.

E Approval Procedure.

A. Application. Application for establishment of a Planned Development District shall be made in writing to the Town Board, include the information detailed in Section 3.1.7-02 and shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board. The Town Board shall refer the application to the Town Planning Board for review and recommendation. The Town Board is under no specific obligation to accept a PDD application and upon receipt of an application may determine by resolution not to consider the PDD.

1. Pre-application meetings: Prior to submission of a formal application, all PDD applicants are required to present preliminary concepts to the Town Planner, Town Board, and Planning Board. Prior to accepting a formal application, the Town Board may determine that such a meeting is necessary and require an informal, pre-application meeting or meeting(s) be held.

2. Application materials: For each formally submitted Planned Development District application, the applicant shall furnish maps, images, graphics and narrative which clearly demonstrate the following minimum levels of information:

a) The proposed PDD site's existing conditions including but not limited to:

- i)** boundaries of the proposed Planned Development District;
- ii)** all properties within 1000' of the proposed PDD including ownership, zoning, and current land use;
- iii)** existing zoning of the proposed PDD;
- iv)** topography and soil conditions;
- v)** wetlands, floodplains, watercourses, ponds and other water resources on the site;
- vi)** existing land uses;
- vii)** existing conditions site photographs including aerial photographs;
- viii)** cultural or historical structures or sites within the proposed PDD or 1000' vicinity.

b) The PDD proposal including but not limited to:

- i)** proposed land use plan;
- ii)** utility and access plans;
- iii)** roadway and pedestrian circulation plans;
- iv)** conceptual site layout including the proposed location of buildings and structures;
- v)** conceptual phasing plan and development schedule;
- vi)** a narrative describing the following information:
 - general traffic impacts and implications of the proposed PDD project;
 - economic feasibility of the project as well as fiscal impact to the town;
 - the need for the Planned Development District in this location;
 - phasing proposals and alternatives;

c) Payment into an escrow account of estimated costs for review of application by town's planning, engineering, and other required consultants.

d) Development Standards Element. The development standards element shall become the applicable regulations under this ordinance for the physical development within the proposed planned development district. Where standards are not changed or established in the PDD, the standards of the underlying zoning district shall be noted appropriately. The PDD shall include a summary table identifying the following standards where applicable:

- i)** Permitted uses, conditional and accessory uses.
- ii)** Maximum development intensity of residential uses.

- iii) Floor area ratio for non-residential uses.
- iv) Lot coverage and building coverage.
- v) Height.
- vi) Build-to distances from public and private ways.
- vii) Setbacks for structures and parking areas.
- viii) Minimum lot size;
- ix) Parking requirements;
- x) Minimum lot frontages and building massing;
- xi) Landscaping;
- xii) Preservation of historic structure(s);
- xiii) Preservation of open space and natural areas;
- xiv) Mobility (bikes, pedestrians, etc.) through the district.
- xv) Design standards and guidelines
- xvi) Any other information that may be required by the Planning Board for a reasonable understanding of the nature and character of the proposed development.

F Planning Board Review. In its review of the application, the Planning Board shall generally follow the procedure established within the Town's Land Subdivision Regulations for preliminary plat review of a major subdivision.

A. The Planning Board shall additionally consider, among other factors, the following:

- 1. the proposed land use or uses at the proposed location;
- 2. the existing character of the neighborhood in which the use or uses would be located;
- 03.the location of principal and accessory buildings on the site in relation to one another;
- 04.the pedestrian circulation and open space in relation to structures;
- 05.the traffic circulation features within the site, and the amount, location, and access to automobile parking areas.

B. The Planning Board may recommend at this stage such changes in the proposed PDD plans that it deems necessary to protect established or permitted uses in the vicinity, promote and protect the orderly growth and sound development of the Town, and otherwise meet the requirements of this Local Law.

C. The Planning Board shall recommend approval, approval with modifications, or disapproval by the Town Board of such PDD application and shall report its findings to the Town Board within 90 days from days following the date of referral from said Board. The Planning Board may secure agreement from the applicant for an extended review period in order to address the reasonable questions, concerns, and changes to the concept plan recommended by the Planning Board prior to the Planning Board rendering its report to the Town Board.

G Town Board Action. Upon receipt of the Planning Board's report, the Town Board may then consider the legal establishment of the Planned Development District through adoption of a local law and Zoning Map amendment. The procedure followed shall be as specified in Section 4.4 of this Local Law. In particular, any application for creation of a Planned Development District to accommodate commercial or light industrial uses shall be a Type 1 action under SEQR. In that this creation of a Planned Development District is a legislative act of the town, the town board is not legally bound in any way to approve any request for the creation of such district

A. Town Board Findings. As part of its written decision to approve, condition, and/or modify the proposed PDD the Town Board shall make the following findings:

1. That the project as a whole and uses proposed will add to the assets of the community and will advance the goals of the Town.
2. That the density and scale of the project and the overall site, architectural and landscape plans are compatible as appropriate with the current and planned community character of the neighborhood.
3. That any increase in density from the underlying zoning is commensurate with the overall benefit to the community.
4. That the state environmental quality review (SEQR) requirements have been met.
5. Additional performance requirements which may have been specified by the Town Board in its PDD approval action may also be included in the findings statement.

H Relationship to Other Requirements. Upon approval of the Planned Development District by the Town Board, application shall be made within six (6) months for approval of all or some portion of the intended development, in accordance with the more specific review requirements of the Town's Land Subdivision Regulations, the Site Plan Review and Approval Procedure and other applicable regulations.

A. Additional performance requirements which may have been specified by the Town Board in its PDD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the proposed development, shall also be strictly enforced, with the Town Board acting to return the property to its prior zoning classification unless the Town Board, upon specific application and for good cause, authorizes an extension of such performance requirement.

I Amendments to Planned Development Districts.

A. Exemptions. Proposed changes to a previously established planned development district will be exempt from the formal amendment process if any or all of the following conditions are the only changes proposed:

1. Decrease of height or floor area of any approved project or program element or,
2. Reduction or elimination of any non-required parking spaces or,
3. Change to an approved building resulting in a net impact of less than five percent of total gross square footage for projects less than 100,000 square feet.

J Determination of Amendment. Minor and Major - The code enforcement official shall determine whether a proposed amendment is a minor or major change to the approved site plan.

K Minor amendment. In making its determination, the code enforcement official shall make findings of fact upon which the decision shall be based. The official must find that the effect of approving the amendment would have no significant additional adverse impact on the site or nearby neighborhood relative to the impact of the previously approved plan. A minor amendment may be approved by the Planning Board subsequent to a public hearing.

L Major amendment. A major amendment is any change to a master plan and/or development standards and development program that has not been classified as "minor". A major amendment shall be approved by the following the process described in the approval procedure section of this article.

M Effect of Conditions. All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.

N Expiration of Planned Development District Approval.

Unless other provisions are specifically set forth by the approving agency in connection with its approval of a Planned Development District, if the application for a building permit for the development has not commenced within twenty four (24) months of the date of the issuance of Planned Development District approval, such approval shall expire unless an extension has been granted by the approving agency following a written request by the applicant. An application for an extension of Planned Development District approval shall not be considered a new Planned Development District application. In addition, Planned Development District approval shall expire if the construction shall cease for more than twelve (12) months.

Section 3.0 - Town-wide Standards

Section 3.1 Off Street Parking & Loading

3.1.1 – Intent: It is the intent of the Town of East Greenbush to ensure adequate parking is available, yet at the same time take steps to reduce the amount of impervious asphalt surface created by overly-large or redundant parking areas. To this end, the Town has identified alternatives to permit smaller, more efficient parking layouts and pervious parking surfaces.

3.1.2 In all districts, at the time any new building or structure is erected, existing building enlarged or changed in use, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below.

Table III-A – Off Street Parking and Loading Dock Standards

For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time of site plan review, as provided for in this Local Law. Fractional results for the number of spaces should be rounded up to the next whole number. Any spaces mandated by ADA for handicapped accessibility should be counted toward the overall amounts required.

Land Use		Minimum Number of Off-Street Parking Spaces	Note
Residential		Parking spaces per Dwelling Unit (d.u.)	
Single-family or Duplex (Detached)		2.0	
Single-family Townhouse or Condominium (Attached)			
	• 1 bedroom or studio apartment	1.5	
	• 2 bedroom	1.8	Note 1
	• 3 bedroom	2.0	Note 1
Multi-family developments			
	• 1 bedroom or studio apartment	1.7	
	• 2 bedroom	2.0	
	• 3 bedroom	2.2	
Senior Housing			
	• 1 bedroom or studio apartment	1.2	
	• 2 bedroom	1.5	
	• Nursing / Care providing facilities	1 for every 2 residents + 1 for every 1.5 employee at maximum shift	
Other / Institutional		Parking spaces per seating capacity	
	Schools	2 for every classroom + 1 for every 3 auditorium / assembly seats	Note 2
	Churches, Meeting Halls, Conference facilities	1 for every four 4 assembly seats	

Note 1: At least 1 of the parking spaces for each d.u. must be provided in an enclosed garage.

Note 2: When determining the total number of parking spaces at a school with an auditorium, half of the spaces allotted for the classrooms may be used toward the auditorium seating requirement.

Land Use	Minimum Number of Off-Street Parking Spaces	Maximum	Note
Office & Professional	Parking spaces per employee or s.f. GFA		
Medical professional	3 for every doctor + 1 for each other employee		
Bank	2 for every indoor Teller window + 1 for each customer service desk		Note 3
General professionals (attorneys, realtors, insurance, engineers, etc.)	1 for every 120 square feet of GFA		
General offices not specified above	1 for every 250 square feet of GFA		
Commercial / Retail	Parking spaces per 1000 s.f. GFA		
Retail commercial stores / centers			
Less than 15,000 s.f.	2.6	4	Note 4
15,000 – 45,000 s.f.	2.5	3.9	Note 4
45,000 – 80,000 s.f.	2.4	3.8	Note 4
Greater than 80,000 s.f.	2.3	3.5	Note 4
Fast Food Restaurants (w/ drive thru)	10	12	Note 3
Bars & Restaurants, Other than above	10	15	
Gas stations w/ convenience store	3.3	4	
Convenience store with seating areas	3.3	8	
Vehicle service garages, oil change, car wash, tire or brake, etc.	3 for every service bay + 1 per employee at maximum shift	5 for every bay	Note 5
Marina	0.60 spaces/slip + 1 for every employee at maximum shift		
Indoor sports/recreation	5	1 for every 2 seats	
Outdoor sports/recreation	As determined by Planning Board	As determined by Planning Board	
Theatres & Cinemas	1 for every 3 seats	1 for every 2 seats	
Lodging establishments	1 for every rental room + 1 for every 2 employees at maximum shift + any required for restaurant/bar.	1.3 for every rental room	
Industrial	Parking spaces per employee at maximum shift		
Manufacturing	1.2	1.4	Note 5
Warehousing / Storage / Self-storage	1.5	1.7	Note 5
Note 3: Drive-thru windows, including those for food service, food service kiosks, bank tellers and ATMs must provide an additional 4-space vehicle queuing area for each service lane. Note 4: When computing square footages, each separate building and/or use should be calculated on an individual basis. Note 5: 1 additional space may be allotted for each official company vehicle which will be located on site.			

3.1.3 General Parking Provisions

- A. Shared Parking** - In the case of a mixture of uses on nearby or adjacent parcels, the requirements for off-street parking spaces may be reduced with Planning Board approval if it can be established by the applicant that staggered hours of use would permit the adjacent lots to share some of the parking demand. The Planning Board may optionally request such shared parking arrangements be provided if it would reduce the number of parking spaces while serving multiple uses.
- B. Adaptive Reuse** – The Planning Board may require that redevelopment projects which include pre-existing parking areas which are larger than that required for the newly-proposed the re-design of the lot to meet current parking and landscaping standards and the removal of additional parking areas or asphalt which is no longer needed. The areas of asphalt removal should be reclaimed as landscaped islands, medians or perimeter buffers.

3.1.4 Parking Area Reductions & Enlargements

A. Parking areas smaller than the required minimum:

- 1. Voluntary Reductions** – Any applicant proceeding with site plan review may request that the minimum number of required off-street parking spaces be reduced for their project if they can demonstrate to the planning board that their business would not actually warrant the minimum amount required during normal operations, or that other opportunities, such as shared parking, would account for the difference.
- 2. Off-Site Employees** - Parking requirements may be reduced by Planning Board review if it can be demonstrated that a sufficient number of employees would be carpooling, traveling, working from home or otherwise away from the office during a typical work-week.
- 3. On-Street Parking** – For development on parcels which abut or are adjacent to on-street parking, some of the required parking spaces may be eliminated with Planning Board approval if it can be demonstrated that the on-street parking will reasonably account for the reduction.

B. Parking areas larger than the required maximum: Parking areas which are larger than the required maximum are permitted only with Planning Board approval provided that any additional parking spaces above the maximum are provided through one or more of the following methods:

- 1. Pervious Parking Surfaces** – Additional parking spaces above the maximum may be provided by pervious paving surfaces in lieu of traditional asphalt.
- 2. Structured Parking** - Spaces provided within the footprint area of a structure such as a building, including rooftop, at-grade, or below grade spaces. If such parking spaces are part of a multi-floor parking garage or deck structure only, then all but the topmost level shall still be counted against the maximum number of spaces.
- 3. Banked Parking** – Additional parking spaces above the maximum may be permitted as banked parking with Planning Board approval.
- 4. Public Parking** – Additional parking spaces above the maximum may be provided with Planning Board approval provided they are designed and designated with signage as specifically available for use by the general public as a shared parking area for adjacent or nearby properties or a Park & Ride system. Such public parking area must be no less than 8 spaces and must be made accessible to adjacent or nearby properties via a direct connection with sidewalks, crosswalks or other pedestrian access paths as approved by the Planning Board.
 - a) Seasonal or Peak Overflow** – Development projects which expect to experience their highest parking demands only at select times of the year, such as special events or holiday shopping peaks, may be required by the Planning Board to provide some or all of this additional parking as separate shared public parking as outlined above.

3.1.5 Exceptions to Maximum Parking Requirements

- A. The following shall not count towards the maximum number of allowable spaces required by this section:
1. Parking spaces and their associated travel lanes constructed of pervious parking surfacing as approved by the Planning Board.
 2. Structured Parking: Spaces provided within the footprint of a structure, including rooftop, at-grade, or below grade spaces.
 3. Public Parking: Spaces provided and designated with signage as specifically available for use by the general public as a shared parking area for adjacent or nearby properties. Such nearby properties must be made accessible via a direct connection with sidewalks, crosswalks or other pedestrian access paths as approved by the Planning Board.
 4. Carpool, Vanpool and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program. Such spaces shall be reserved for such use and be signed or marked accordingly.

Table III-B: Design Standards for Off-Street Parking Spaces

PARKING DIMENSIONAL STANDARDS					
Angle of Parking Space	Length of Parking Space	Width of Parking Space	Depth from Curb	Curb Length of Parking Space	Minimum Travel Aisle Width
Parallel to Curb	22'	9'	9'	22'	12'
45 degrees	20' 6"	9'	16'	12' 9"	15'
60 degrees	21' 6"	9'	19'	10' 5"	18'
90 degrees	18'	9'	18'	9'	24'

3.1.6 Parking Areas in Residential Districts:

- A. Unless specifically allowed by the district, no open or enclosed parking areas shall encroach on any required setbacks, yard or open areas. It is prohibited to garage, store, or park more than one light commercial vehicle on any premises within any residential district, or to garage, store, or park any heavy commercial vehicle within any residential district, except for farm vehicles used in the farm operations as defined in New York State Agriculture and Markets Law Article 25AA, Section 301.

Table III-C: Parking Area Minimum Setbacks

Table III-C PARKING AREA MINIMUM SETBACKS				
Land Use / District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Note
1 and 2 Family Residential	5	5	5	Note 1
3+ Multifamily Residential	10	10	10	
Business / Industrial	Not Permitted within Front Yard, required Open Areas or 15 feet from a public right-of way.	5	5	Note 2

Note 1: The Code Enforcement Official may allow the distance to be reduced up to a minimum of one (1) foot provided proper drainage can be provided.

Note 2: Except that if abutting a residential district, a minimum of fifteen (15) feet setback from the property line shall be maintained.

All dead-end parking aisles shall be extended at least five (5) feet beyond the last parking space to permit convenient egress from such parking spaces.

3.1.7 Access to Parking Areas

- A.** Unobstructed and direct access-way between a street and a parking area shall be provided with roadways or driveways which cross front yards approximately perpendicular to street lines.
 - 1. One curb-cut/driveway at least eight (8) feet wide, but no larger than twenty (20) feet wide, for parking areas with five spaces or less;
 - 2. One curb-cut/driveway at least ten (10) feet wide, but no larger than twenty-two (22) feet wide, for parking areas having 6 or more spaces;
 - 3. Additional curb-cuts/driveways may be granted only with approval by the Planning Board provided the applicant can show recent traffic data and alternate circulation patterns that would warrant it.
 - 4. Curb-cut radiuses should be no larger than 10 feet unless specifically required for fire truck access.
- B.** All parking areas, aisles, access roads and driveways shall be designed in regular or rectangular shapes which are efficiently compact so as to minimize the amount of impervious paved surface area created by the overall layout. Parking areas which create unnecessarily awkward or unused areas of pavement by following irregular lot boundaries are discouraged.
- C.** All parking areas shall be suitably drained. Appropriate signage, surfacing, curbing, drainage and other features shall comply with standards established by the Town and shall be reviewed by the Planning Board during site plan review in accordance with this Local Law.
- D.** With the exception of driveways for one or two-family residences located on a local street, all off-street parking areas shall be designed to eliminate the need to back out onto the public road or highway.

3.1.8 Accessible Parking - All parking spaces for disabled persons shall comply with the current Americans with Disabilities Act (ADA) requirements. This includes providing access aisles that are part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility in addition to painting or striping identification. The dimensions and specifications of these parking spaces and access aisles shall also conform to the ADA standards, which may include requirements for minimum width, length, slope, and curb ramp specifications.

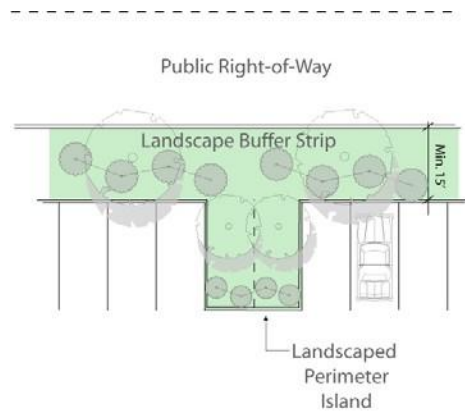
3.1.9 Electric Vehicle (EV) Parking -

- A.** New developments or redevelopment projects with parking lots that require Planning Board approval shall include a minimum of 5% of the total number of parking spaces as EV-ready parking spaces. EV-ready parking spaces are defined as parking spaces that have the infrastructure and capacity to support the future installation of electric vehicle charging stations.
- B.** For new developments or redevelopment projects with 20 or more parking spaces, at least 1% of the total number of parking spaces shall be designated as EV accessible parking spaces. EV accessible parking spaces shall comply with the Americans with Disabilities Act (ADA) guidelines and be equipped with EV charging stations.
- C.** For existing developments or redevelopment projects with parking lots that do not require Planning Board approval, owners or operators shall be encouraged to install EV charging stations and designated EV parking spaces, subject to compliance with any applicable regulations and guidelines.
- D.** Signage shall be installed to identify EV parking spaces and charging stations. The signage shall display the universal symbol for EV charging and include any additional information necessary to inform users about the availability, cost, and operation of the charging stations.
- E.** The Planning Board may require additional EV parking spaces and charging stations based on the size, type, and location of the development, as well as the anticipated demand for EV charging services.
- F.** The installation and operation of EV charging stations and associated equipment shall be subject to any applicable regulatory requirements, including but not limited to, building codes, electrical codes, and zoning regulations.

3.1.10 Parking Lot Landscaping - All parking areas shall conform to the following landscape standards.

A. Perimeter landscaping - A minimum perimeter landscape buffer strip of fifteen (15) feet shall be provided for any parking area abutting a public right-of-way. This requirement does not apply to areas within required driveway or other access points.

1. The parking lot perimeter landscape buffer shall consist of planting materials and structural features to create a minimum three (3) foot high visual relief screen in the form of a hedge, fence, planter box, berm, dividers, shrubbery, trees, or a combination thereof, or as deemed appropriate by the Planning Board.
2. The Planning Board encourages, and may require, any existing native, noninvasive trees to remain and be incorporated into the parking lot design which would count towards the landscape requirements of this section.



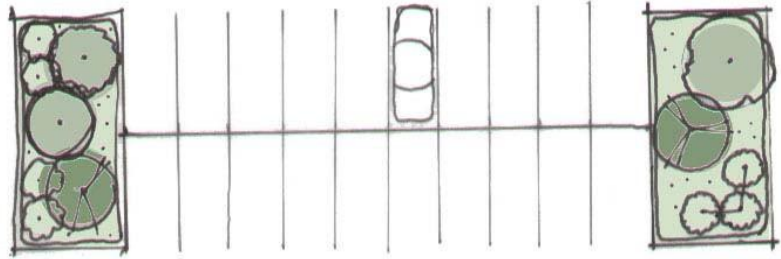
3. If 30 or more consecutive spaces are proposed along a perimeter edge, a landscape perimeter island shall be provided in a central location and every 20 spaces thereafter. The landscape island shall be a minimum of two parking spaces in width and equal to the length of the proposed spaces. (For example, if 30 9' x 18' spaces are proposed, an island shall be provided at approximately 15 spaces that is 18' x 18'. If 40 spaces are proposed, an island shall be provided at approximately 20 spaces. If 60 spaces are proposed, two islands shall be provided approximately 20 spaces apart.) For ease of stormwater runoff, a curb cut is recommended in the perimeter island curb.

B. Internal landscaping – Internal parking lot landscaping shall consist of a minimum of 5% of the total parking area. Landscaped perimeter islands and/or a rain garden may be counted towards the 5% requirement, landscaping provided for the perimeter buffer strip does not.

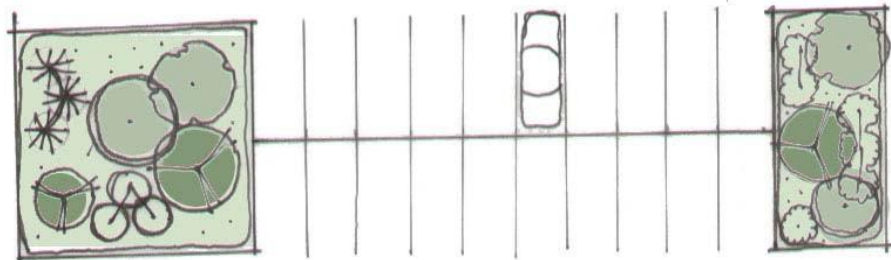
1. Landscaped areas shall be a minimum of 600 square feet and shall not be less than 18' in width.
2. Landscaped areas shall be covered with trees, shrubs, or groundcover, to cover the ground within 3 years, so that not more than 50% of any landscaped area is covered by lawn.
3. Trees shall be provided in the landscaped area at a minimum of 1 tree for every 200 square feet.

C. Design and Layout Considerations – The following should be considered in layout of parking areas:

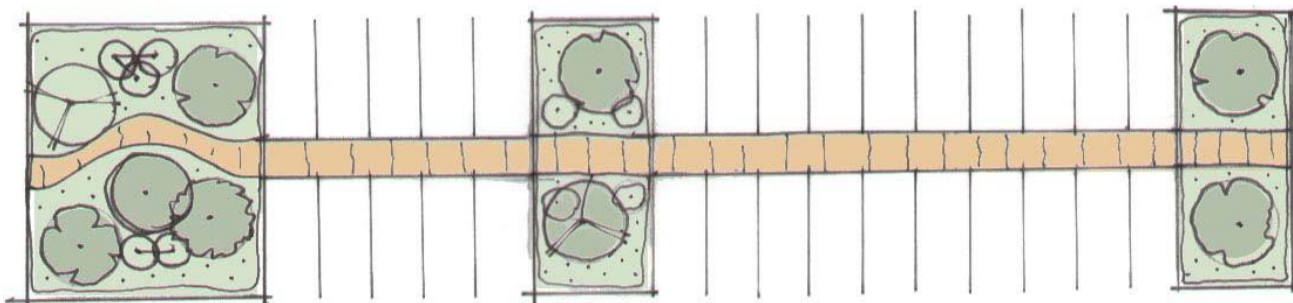
1. Shading spaces / sun aspect – Sun aspect and angle shall be considered in the layout of parking areas and tree selections.
2. Snow storage/ removal - Areas for snow storage shall be indicated on the submitted site plan and/or landscape plan. These areas should be provided in such a way as to minimize damage to proposed vegetation. Snow storage space should be located on proposed pavement or perimeter landscaped areas, rather than internal landscaped areas. If internal landscaped areas are proposed to be used for snow storage, vegetation shall be selected and located in order to avoid damage.
3. Recommended layout options – (see next page)



Option 1



Option 2

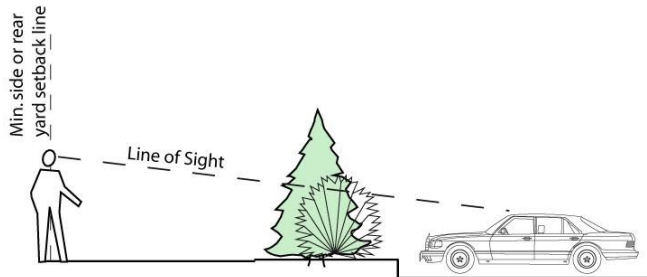


Option 3

- a) **Option 1** – For smaller parking lots, islands may be located on either end of a parking aisle. The smallest islands permitted are those that are 18' wide and the length of adjacent parking stalls (approximately 36').
- b) **Option 2** – For medium sized parking lots with aisles that are more than 10 spaces in length, a larger island shall be included that is approximately 4 spaces in size (36' x 36' for 9' by 18' parking spaces).
- c) **Option 3** – For large parking lots with multiple aisles proposed, one or more aisles should include pedestrian walkways through proposed parking and landscaped areas. This option should be used in front of buildings such that the pedestrian walkway aligns with the building entrance.

D. Required Screening

1. Open off-street parking or loading areas shall be screened from adjoining residential lots by walls, fences, evergreen trees, or evergreen hedges. This visual buffer shall be of sufficient height to prevent the viewing of parked vehicles from any point along the minimum side or rear yard setback lines of such adjoining residential lots.



3.1.11 Required Off-Street Loading - Off-street loading, which is designed logically, conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles anticipated, and accessible to said vehicles when required off-street parking spaces are filled, shall be considered for all commercial and light industrial uses and provided as deemed necessary by the Planning Board during site plan review in accordance with this Local Law.

- A. Access to Loading Berths** - Access-ways, at least ten feet in width, shall connect all loading berths or areas to a street. Such access-ways may be coincidental with access roadways or driveways to parking areas.
- B. Required Loading Areas** - All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Each required loading berth may be open or enclosed and shall have the following minimum dimensions: 35 feet long, 12 feet wide, 14 feet high. Open off-street loading areas shall not encroach on any required front or side yard, off-street parking area, or access- way.

Section 3.2 Landscaping

Note: See Section 3.1 for landscaping regulations pertaining to parking lots.

3.2.1 Landscaping Requirements for Commercial, Industrial, and Business Districts

A. Applicability and Approvals

1. The following minimum landscape requirements are applicable to development in Commercial, Industrial, and Business Districts, in particular the NMU, CMU, TC, RC, RDT, LI, and WI Districts. These requirements pertain to the minimum area of greenspace, and the types of required on-site landscaping for the site.
2. Except for single and two family dwellings, prior to the issuance of any building permit, a plot and planting plan shall be submitted to and be approved by the Planning Board as described in Section 4.3.1 Site Plan Review and Approval Procedure. No building permit in cases of greenspace reduction shall be issued unless the plot plan has been approved by the Planning Board as complying with the provisions of this section.
3. All landscaping shall be installed in accordance with the plot plan as finally approved prior to issuance of a certificate of occupancy and shall be installed in accordance with accepted landscape practices within the area. In instances where conditions do not permit immediate planting, the applicant may be required to post a performance bond, or in lieu thereof, sufficient monies as described in Site Plan Review and Approval Procedure.
4. A minimum of 25% of the developable area shall remain as greenspace. Greenspace is herein defined as areas free from built structures, parking lots, loading areas, covered by vegetation meeting the landscape requirements set out in this section.
5. The greenspace required under this Section may not be made up of wetlands, streams, or slopes in excess of fifteen percent (15%) unless their function and aesthetic quality is to be enhanced through design and planting efforts. Approval of said enhancements is to be left to the discretion of the Planning Board.
6. Buffers shall employ existing vegetation, nursery stock, fences, walls, earth berms or grade changes in accordance with these minimum standards.

3.2.2 General landscape design and site standards

A. The greenspace shall be covered by the following:

1. native vegetation; or
2. trees, shrubbery, nursery plants with appropriate mulch; or
3. any combination of the above
4. sod, lawn, or other variety of groundcover in combination with any of the above

Table III-A Perimeter Landscaping

Table III-A Perimeter Landscaping Schedule						
Land Use Type	Adjacent to	Landscaping Buffer Requirements				
		Interior Property Lines			Street Frontage	
		Landscape Type	Required Abutting Yard	Minimum Buffer Depth	Landscape Type	Minimum Buffer Depth
Commercial (NMU and CMU Districts)	Residential	Type II	25'	20'	Type IV	10'
	Commercial	Type III		10'		
	Industrial	Type I		15'		
	Business/Office	Type II		15'		
Industrial (LI and WI Districts)	Residential	Type I	50'	20'	Type IV	10'
	Commercial	Type I		20'		
	Industrial	Type III		10'		
	Business/Office	Type I		20'		
Business/Office (TC, RC and RDT Districts)	Residential	Type II	25'	20'	Type IV	10'
	Commercial	Type II		15'		
	Industrial	Type I		20'		
	Business/Office	Type III		10'		
Required landscape buffers shall begin at a point not more than five feet from the front and/or side property line and shall extend along the full dimensions of the abutting lots.						
Required abutting yards shall not be used for storage of any material or goods, parking or roadway.						

B. Internal landscaping, defined as landscaping that is not proposed to meet buffer or frontage requirements, shall be a minimum of 5% for all non-residential uses and shall meet the following requirements:

1. A minimum of 1 tree for every 500 square feet of the required minimum internal landscaping shall be provided.
2. A minimum of 50% of the required internal landscaped area shall be covered by plant materials other than lawn such as trees, shrubs, and perennial/annual beds.

C. Vegetation used in parking areas should be salt tolerant and drought resistant.

D. The following plant sizes are the minimum required at time of installation. However, the Planning Board may require larger material or vary the minimum required at the time of installation to address particular site issues.

1. Deciduous shrubs: 24" spread or height or 3 gallon container
2. Evergreen shrubs: 18" spread or height or 3 gallon container
3. Coniferous trees: 6' height
4. Ornamental and understory trees: 1.25" caliper
5. Deciduous shade trees: 2.5" caliper
6. Ground cover: 2.5" pot (or similar size if not provided in pots)

3.2.3 Landscape design and site standards by type

A. Type I

1. **Purpose:** Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and Land Use Districts.
2. **Description:**
 - a) Two rows of evergreen trees a minimum of 6 feet in height and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight obscuring fence, a minimum of 5 feet or higher or the required width of the planting area must be increased by 10 feet, and
 - b) Shrubs a minimum of 3-1/2 feet in heights planted in an area a strip at least 5 feet in width, and other plant materials, planted so that the ground will be covered within 3 years.
 - c) Alternatively, the trees and shrubs may be planted on an earthen berm at least 15 feet in width and an average of 5 feet along its midline.
 - d) Existing vegetation may count toward these requirements at the discretion of the planning board.

B. Type II

1. **Purpose:** Type II landscaping is intended to create a visual separation between uses and Land Use Districts.
2. **Description:**
 - a) Evergreen and deciduous trees, with no more than 30% being deciduous, a minimum of 6 feet in height, and planted at intervals no greater than 20 feet on center, and
 - b) Shrubs, a minimum of 3-1/2 feet in height and other plant materials, planted so that the ground will be covered within 3 years.
 - c) Existing vegetation may count toward these requirements at the discretion of the Planning Board.

C. Type III

1. **Purpose:** Type III landscaping is intended to provide visual separation of compatible uses so as to soften the appearance of streets, parking areas, and building elevation.
2. **Description:**
 - a) Evergreen and deciduous trees, with no more than 50% being evergreen, a minimum of 6 feet in height, and planted at intervals no greater than 30 feet on center, and
 - b) If planted to buffer a building elevation, shrubs, a minimum of 3-1/2 feet in height, and living ground cover planted so that the ground will be covered within 3 years, or a combination of shrubs and lawn is required, or
 - c) If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
 - i) Shrubs, a minimum of 3-1/2 feet in height and living ground cover must be planted so that the ground will be covered within 3 years.
 - ii) Earth mounding, an average of 3-1/2 feet in height, planted with shrubs or living ground cover so that the ground will be covered within 3 years, or planted with a combination of shrubs and lawn.

D. Type IV

- 1. Purpose:** Type IV landscaping is intended to provide visual relief as well as visual interest along roadways and other public-right-of-ways.
- 2. Description:** Proposed landscaping along public streets shall include a mix of evergreens, deciduous trees and shrubs, lawn areas and perennial/annual beds meeting the following minimum standards:
 - a)** There shall be a minimum of 1 shade tree per 30 linear feet of frontage.
 - b)** There shall be a minimum of 1 shrub per 5 linear feet of frontage.
 - c)** Required trees and shrubs may be located and organized in a fashion most appropriate to the site, as approved by the Planning Board during site plan review.

3.2.4 Shrubbery and trees shall not obstruct motorists' sight, especially at intersections of driveways and roads. Plant materials will not exceed 3 1/2 feet in height. Trees are permitted if the trunk is free of branches below six feet in height.

3.2.5 Maintenance Assurance

- A.** All required plantings shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable these landscaping requirements. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

3.2.6 Alternative Landscaping Option

- A.** The applicant may request a modification of the landscaping requirements set forth in this section.
- B.** The Planning Board may approve a modification of the landscaping requirements of this Chapter only if:
- 1.** The proposed landscaping represents a superior result than that which could be achieved by strictly following the requirements of this Section, and
 - 2.** The proposed landscaping complies with the stated Purpose and Intent of the appropriate, required level of landscaping, and
 - 3.** The proposed landscaping either:
 - a)** Incorporates the increased retention of significant trees and naturally occurring undergrowth, or
 - b)** Better accommodates or improves the existing physical conditions of the subject property.
- C.** The applicant must present a landscape plan following the landscaping requirements along with the proposed modified landscape plan to show the differences and superiority of the proposed modified landscape plan.

3.2.7 Exterior Lighting Standards

- A.** Lighting at gasoline service stations should be achieved by fully recessed, shielded fixtures that emit light downward onto the pumping area only. The light source should not be directly visible from the public way or adjacent parcels and should produce no discomforting glare. Alternatively, arched, vaulted, or concave canopies may be indirectly illuminated by means of "up-lighting" from fixtures mounted on the canopy supports, providing a general illumination to the pumping area by means of diffused reflection.
- B.** All exterior lighting used for signs, walkways, parking lots, security, and facade lighting should be full cut-off or recessed fixtures that project light downward only, with no exposed bulbs readily visible from the public way or adjacent parcels. The light from these fixtures should not spill over into adjacent properties and provide only as much light as needed to illuminate the target surfaces. The fixtures should also be energy-efficient and dark sky-compliant.
- C.** Parking and security lighting should not exceed 18 feet in height and should incorporate smart lighting controls such as occupancy sensors and time clocks to minimize energy consumption.
- D.** Façade lighting should be shielded and mounted so as to only distribute light directly up or down along the plane of the façade. The fixtures should be energy-efficient and dark sky-compliant.
- E.** Landscape lighting may be directed upwards with reviewing board approval only provided that the fixtures are fully shielded, minimize light pollution, and no bare bulbs are readily visible from the public way. Landscape lighting should not exceed 3 feet in height and should incorporate smart lighting controls such as occupancy sensors and time clocks to minimize energy consumption.
- F.** Internally lit and translucent canopies or awnings are prohibited.
- G.** Energy-efficient LED lighting fixtures are recommended for typical exterior uses. The use of mercury vapor, low-pressure sodium, high-pressure sodium, or neon fixtures should be allowed with reviewing board approval only. Laser lights, moving, pulsing, or flashing lights are prohibited.

Section 3.3 Signs

3.3.1 – Intent

The intent of this Section is to promote and protect the public health, safety, and welfare by regulating the erection, construction, repair, structural alteration and maintenance of existing and proposed outdoor advertising, outdoor advertising signs, window signs for outdoor viewing and outdoor signs of all types within the Town of East Greenbush. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce distractions and obstructions which may contribute to traffic accidents, reduce hazards caused by signs overhanging or projecting over public right-of-way, provide more open space, and curb the deterioration of natural beauty and community environment.

3.3.2 Authority

- A. Pre-Existing Conforming Signs** - Signs that were in compliance with the previous Town sign regulations before the date of adoption of this ordinance may remain as-is and are not required to be modified or removed to be in compliance with this ordinance.
- B. Pre-Existing Non-Conforming Signs** - Signs that were not in compliance with the previous Town sign regulations at the date of adoption of this ordinance shall be considered non-conforming and must be modified or removed to be in compliance with this section within a reasonable period of time, as determined by the Town Board.
- C. Non-Conforming Signs** – Any sign or accessory signs such as banners, flags, balloons or similar devices which are placed on display that do not meet the requirements of this section due to design or lack of maintenance are considered non-conforming and must be modified or removed to be in compliance with this section within a reasonable period of time, as determined by the Town.
- D. Modifications to Signs** – Any pre-existing sign which is modified, changed in name or business use, enlarged, reconstructed, extended, moved or structurally altered after the effective date of this ordinance is required to be brought into compliance with all applicable provisions of this section within a reasonable period of time, as determined by the Town.
- E. New Signs** - No sign or other device shall be erected, established, constructed, reconstructed, enlarged, extended, moved, or structurally altered after the effective date of this section without application for and issuance of a permit, except as otherwise provided for herein, and must be in compliance with all applicable provisions of this section. This includes temporary signs, such as signs for events or construction projects, which shall be regulated to ensure they do not create visual clutter.
- F. Design Standards** - New signs shall be aesthetically pleasing and shall complement the character of the community, as determined by the Town.
- G. Enforcement** - The Town shall enforce compliance with this section through appropriate means, including but not limited to fines, penalties, and legal action. Property owners shall have the right to appeal decisions related to sign regulations to the designated board or committee.
- H. Compliance Period** - Property owners shall be given a reasonable period of time to come into compliance with the requirements of this section, as determined by the Town. The compliance period for non-conforming signs shall be extended to allow property owners sufficient time to come into compliance.

3.3.3 Permitted Signs - Within Business and Industrial Districts or on a permitted commercial site, no sign shall be permitted except as specified within this section.

A. Façade Mounted Signs

- 1. Channel Lettering or Wall Signs** - Each commercial use is allowed to have one (1) instance of applied channel lettering or a surface-mounted wall sign for each street frontage on a Town road. Commercial properties located at corner intersections are permitted one additional instance of applied channel lettering or surface mounted wall sign for the second façade facing a public road or right-of-way.
 - a)** The total cumulative area of all signs permitted on such lot, excluding on-site directional signs, shall

be calculated at the rate of one (1) square foot of sign area per lineal foot of building front.

- b) In the RC district, a total sign area of at least thirty-two (32) square feet shall be permitted for any use regardless of building frontage.
 - i) In the CMU District sixteen (16) square feet shall be the maximum such total sign area.
 - ii) In all other commercial districts, where the maximum shall be twenty-four (24) square feet.
 - c) Surface applied channel lettering, which is framed by or integrated into the architectural features of the façade, is preferred to wall signs and should be utilized whenever appropriate. New commercial construction is required to design the front facade specifically to accommodate an area or areas for applied channel lettering or surface-mounted wall signs. The applied channel lettering or wall sign should be framed by the architecture of the facade.
2. **Projecting Sign.** Businesses are permitted one projecting sign (hung perpendicular to the building façade) in lieu of any façade mounted channel lettering or wall sign. Businesses with a pre-existing projecting sign in place at the date of adoption of this section are permitted to maintain a projecting sign in addition to any other permitted signs. Projecting signs shall be no larger than 5 square feet per side, with a minimum clearance of 8 feet below.
- a) No projecting sign shall extend a distance of more than four (4) feet over a sidewalk or other public right-of-way and in no event shall extend more than six (6) feet from the face of the building to which it is attached.
3. **Plaque Sign.** In addition to any other permitted sign, businesses are permitted one surface mounted plaque sign per tenant which is no larger than 2 s.f. in area, located near the primary building entry. An additional 2 s.f. of plaque sign may be permitted to accommodate street address information and/or official building name. Individual plaque signs should be designed in matching style, though no more than 3 tenant plaque signs are permitted at a given entryway.
4. **Directory Sign.** In lieu of a plaque sign, businesses are permitted a single surface mounted directory sign for listing 4 or more tenants, located near the common building entry. Such directory must not exceed 6 s.f. in area, although an additional 2 s.f. may be permitted to accommodate street address information and/or official building name.
5. **Window and Door Sign.** In lieu of a facade mounted sign, businesses are permitted a window sign or signs provided the total area of all window signs does not exceed 15% of the total window area of that façade. Temporary or permanent posters, notices, advertisements (not including hours of operation, street address and similar information) shall be counted toward the total amount of window sign area.
6. **Window Lettering.** Businesses are permitted to use permanent painted, sandblasted or otherwise affixed window lettering in addition to any other permitted signs with color approval from the Planning Board. Maximum lettering sizes shall not exceed 8 inches in height.
7. **Street Number.** All properties are required to display their street number on the front facade next to or above the primary entry, or in a reasonably obvious location. Street numbers should be between 6 and 10 inches tall, and should contrast well with their background to be legible.

B. Monument / Freestanding Signs

1. Within the CMU District;
- a) Where groups of four (4) or more stores are located together in a planned shopping center, or where a lesser number of stores total not less than twenty thousand (20,000) square feet of gross leasable area, one common free standing sign shall be permitted, consisting of the official name, street address and optional slogan of the development only. The name of the individual businesses or other information is not permitted. Such signs shall not obstruct views or contain panels between the heights of four (4) feet and eight (8) feet above grade. All other signs shall be attached to buildings, of a wall, projecting or soffit-type, and coordinated, as practicable, to material, shape, lettering color and/or decorative elements. The total cumulative area of all signs permitted on such lot, including freestanding signs but excluding on-site directional signs, shall be calculated at the rate of one (1) square foot of sign area per lineal foot of building front.
 - b) No free standing sign shall be more than sixty-four (64) square feet per side.

- c) No free standing sign shall be more than twenty-five (25) feet in height above finished grade, except within the NMU District where fifteen (15) feet shall be the maximum height. Such height shall be measured vertically from the established average grade directly below the sign or at the entry level of the building or structure, whichever is lower, to the elevation of the highest point of the sign, including supporting structures.
 - d) No free standing sign shall extend over or into the public right-of-way or shall it overhang property lines.
 - e) Free standing signs under which a pedestrian walkway or driveway passes must have minimum ten (10) foot vertical clearance.
 - f) Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to interfere with driver vision of other traffic.
2. Within other commercial districts;
- a) Individual commercial parcels consisting of a single business which have their front façade located eighty (80) feet or further from the edge of the public road are permitted a single monument sign, in addition to any other permitted signs. Such sign shall be no larger than five (5) feet tall, eight (8) feet long (measured perpendicular to the road) and one (1) foot wide (measured parallel to the road). Copy or sign information may only appear on the long sides. Monument signs must be located at or near the primary vehicle entrance to the property no closer than fifteen (15) feet from the edge of the road, or otherwise placed so as not to obstruct vehicular sight-lines. Such sign shall consist of the business name, brief description or motto and a street address only.
 - b) **Multiple Tenant Building / Plaza Sign.** Signs designed to identify shopping plazas or similar multi-tenant developments which consist of two or more tenants which are located eighty (80) feet or further from the edge of the public road are permitted one freestanding "Plaza Sign" in addition to any other permitted signs. Such sign shall be no larger than five (5) feet tall, eight (8) feet long (measured perpendicular to the road) and one (1) foot wide (measured parallel to the road). Copy or sign information may only appear on the long sides. Such signs shall be located according to monument signs, and shall consist of the official name of the development and a street address of the development only. The name of the individual businesses or other information is not permitted.
- C. **Other Signs** - Within any zoning district, the following signs may be erected subsequent to satisfaction of the permit requirements.
- 1. **Home Occupation Sign.** Home occupations in residential structures are permitted a single façade mounted plaque sign as specified above, or a small freestanding pole sign which does not exceed 3 s.f. in area each side and 6 feet in height, no closer than 15 feet from the road.
 - 2. **Temporary Announcement Sign.** A single temporary promotional, special event or similar sign advertising an announcement is permitted no more than four times a calendar year for any commercial business, provided they are limited to a maximum of six square feet (each side), are located on the business premises and are displayed for no more than five consecutive days.
 - 3. **Awning Sign.** Text on pedestrian awnings is permitted in addition to other allowed signs provided that the text is limited to the business name, slogan and street address only. The text height must be located on the vertical front edge of the awning only and must not exceed 6 inches in height.
 - 4. **Menu Sign.** A wall mounted menu sign is permitted adjacent to the main entry for restaurants and similar establishments in addition to other allowed signs, but in lieu of a plaque sign, provided that the total sign area does not exceed 4 square feet.
 - 5. Off-premises directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service or community facility may be erected in any zone, providing such sign does not exceed ten (10) square feet, in area, per establishment, nor total more than two (2) such signs within the Town of East Greenbush per establishment. Text shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited. Such signs shall be limited to major and collector streets.
 - 6. A temporary, non-illuminated real estate development or construction sign, for either commercial enterprises or residential subdivisions, denoting the architect, engineer and/or contractor, may be

erected on property being sold, leased, or developed. Such sign shall not exceed thirty-two (32) square feet in business and industrial districts nor twenty (20) square feet in residential districts and shall be set back a minimum of fifteen (15) feet from the front property line. Such sign shall be permitted to be displayed during construction only for a period not to exceed 12 months, and must be removed immediately upon completion of the project.

7. Signs or bulletin boards customarily incident to places of worship, libraries, museums, schools, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding forty (40) square feet in total sign area may be erected for each entrance on a different street or highway.
8. For multiple dwellings or apartment development, one (1) sign not exceeding thirty-two (32) square feet in total sign area may be erected for each entrance on a different street or highway.
9. Recreational areas, day camps, golf clubs, ski areas, and other substantial facilities permitted in this Local Law shall be permitted one (1) sign, not exceeding fifty (50) square feet in area.
10. Signs necessary for the identification, operation or production of a public utility, not exceeding thirty-two (32) square feet in total sign area, may be erected on the premises of such public utility.

3.3.4 Exempt Signs - The following signs may be erected and maintained without a permit or fee, providing such signs comply with the general requirements of this Section and 3.3.5 Temporary Signs.

- A. Signs erected and maintained pursuant to and in the discharge of any government function, or required by any law, ordinance, or governmental regulation.
- B. Signs incidental to the legal process, such as property tax sales, quarantines, building permits, and the like.
- C. Historical markers, tablets and statues; memorial signs and plaques; names of buildings and dates or erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or recognized non-profit organizations.
- D. Flags and insignia of any government, provided the total number of flags on the premises is limited to three (3) different flags and the size of any one flag does not exceed 6' x 10'.
- E. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs internally illuminated or non-illuminated, not to exceed four (4) square feet per face. Business names and personal names shall be allowed, not to include advertising messages. Location and number of such signs shall be subject to review by the Planning Board.
- F. Non-illuminated warning, private drive, posted or no trespassing signs, intended to prohibit trespassing or for the protection of public safety, not to exceed two (2) square feet per face.
- G. Signs which are an integral part of, and advertise only the contents of, vending machines and which are located within the profile of such vending machines, such as gasoline pumps and soft drink machines.
- H. One sign, either free standing or attached, in connection with any residential building in any district, for professional offices and other permitted home occupations, not to exceed two (2) square feet for each home occupation or professional office and set back at least ten (10) feet from the highway right-of-way. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond limits of the property line.
- I. Name and number plates, identifying residents, mounted on house, apartment, or mail box.
- J. Lawn signs identifying residents, with no advertising message thereon.
- K. Private-owner merchandise sale signs for garage sales and auctions, such signs in place for a period not to exceed ten (10) days.
- L. Temporary non-illuminated "For Sale" real estate signs and signs of a similar nature, concerning the premises upon which the sign is located. In a residential district two such signs are permitted, each sign not to exceed five (5) square feet per side in area. In a business or industrial district, one sign not to exceed fifty (50) square feet and set back at least fifteen (15) feet from all property lines permitted.
- M. One temporary sign for a roadside stand selling agricultural produce in season, not exceeding twenty-four

(24) square feet in area and set back at least fifteen (15) feet from the public right-of-way, providing that the sign is only erected for a period of 4 months a year.

- N. One temporary sign advertising a new commercial development under construction, not exceeding thirty-two (32) square feet in area set and back at least fifteen (15) feet from the public right-of-way, providing that the sign is only erected for a period during construction not to exceed 12 months.
- O. Non-illuminated window signs and posters.
- P. All other temporary signs, such as political posters, banners, promotional devices and other signs of a similar nature, including church, school, civic or other non-profit functions, shall be permitted for a period of no longer than six (6) weeks prior to the event nor longer than seven (7) days after the event, except as otherwise provided by this section. No permit is required for these signs. Such signs shall not exceed thirty-two (32) square feet, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety, and welfare of the general public.

3.3.5 Temporary Signs

- A. No person shall place or erect any temporary sign on any public property owned by the Federal Government, State of New York, the Town of East Greenbush, New York, or any other municipality, special town water or sewer district or school district, including the paved and unpaved rights-of-way of roadways, located in the Town of East Greenbush, New York.
- B. No person shall place or erect any temporary signs on any private property located within the Town of East Greenbush without the express permission of the owner of the property.
- C. No signs shall be placed on the sides of overpass or underpass vehicular bridges, on poles carrying utility lines, traffic signals, street lights or telephone lines, and on direction or traffic signs.
- D. No sign shall be erected or placed as to obstruct or impair vision at any road intersection, or the entrance to and exit from private driveways.
- E. It shall be the responsibility of the person erecting or placing any temporary sign to cause its removal.

3.3.6 Prohibited Signs

- A. Cabinet, "box" or otherwise hollow signs and letters are prohibited unless they are internally illuminated in accordance with the lighting standards of this section.
- B. Laser-light, pulsing, flashing or changing or moving signs are prohibited.
- C. Portable signs, vehicle signs, sign trailers, signs on wheels or similar signs placed on vehicles are prohibited. Sign normally appearing on commercial vehicles owned by the advertised business are exempt from this provision, except such vehicles may not be parked on lands not related to the business for extended periods of time for the sole purposes of acting as off-premise advertising. Any moveable sign with wheels, such as signs mounted on trailers, advertisements painted on the side of a parked tractor trailer, or similar advertising devices are prohibited.
 - 1. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in this section.
 - 2. A new business, or a business in a new location awaiting installation of a permanent sign, may utilize an otherwise conforming portable sign for a period of not more than ninety (90) days or until installation of a permanent sign, whichever shall first occur. A permit for such portable sign shall be required. Such portable sign must meet all requirements of the building, electrical and other appropriate codes of the Town. If delay occurs that is clearly beyond the control of the applicant, such period may be extended at the discretion of the Building Inspector.
- D. Sandwich board signs or similar non-anchored, freestanding designs.
- E. No sign or part thereof, used for a period in excess of fourteen (14) days, shall contain or consist of banners, posters, pennants, ribbons, streamers, balloons, inflatables, dirigibles, spinners, or similar moving, fluttering, or revolving devices. Banners designed as an integral part of street lamp posts or other public amenities may be permitted by special use permit to announce special events. Banners, pennants, streamers, balloons, blimps and similar advertising devices are otherwise prohibited. Strings of lights and

colored neon tubes shall, under no circumstances, be used for the purpose of advertising or attracting attention when not part of a sign. Christmas and other holiday decorations and lights, when displayed in season, shall not be considered signs or part of the sign.

- F.** Neon or neon-like signs.
- G.** Animated, moving, oscillating, electronic reader board, such as “time and temperature” signs or otherwise changing signs are prohibited, excluding traditional barber shop poles used for said business. Rotation or other movement of any sign is prohibited with the exception of barber poles.
- H.** Non-accessory advertising signs, including but not limited to billboards, shall be strictly prohibited, except as temporary and off-site directional signs are provided for in this section.
- I.** Any advertising which uses a series of two (2) or more signs placed along a street or highway, carrying a single advertising message, part of which is contained on each sign, shall be prohibited.
- J.** No sign, other than a Town sign or other sign of a public nature, shall be erected or maintained in or on any public property.

3.3.7 Sign Design, Sizing, Color and Placement

- A.** Commercial properties with multiple tenants are required to coordinate the size, placement, color, and design theme of signs and street numbers so as to present a relatively consistent and neat appearance. A sign package for the entire site shall be approved in context of the design of the building or plaza and shall be coordinated so as to present a more uniform size, color and lettering style for a building or multiple tenant development. All applicants shall be required to submit plans for the signage package so that the colors and design may be discussed in context with the design of the elevation of the building (s).
- B.** Signs are encouraged to be designed as individual channel lettering or solid wall signs (not hollow or cabinet) which are constructed of metal or carved from wood whenever possible.
- C.** Commercial sign text or applied channel lettering must be limited to the name of the business and an optional brief description of the nature of the business, business slogan or logo only.
- D.** Sign colors should be muted shades which complement the building colors as approved by the Planning Board. The colors for signs are uniform throughout a property with multiple tenants.
- E.** All signs should be clear and legible. The lettering used should contrast well with the background color and have a width-to-height ratio, which is roughly square. Overly stretched fonts and multicolored text are prohibited unless expressly part of the business logo design.
- F.** Items placed in window and door areas, such as temporary or permanent posters, permitted signs, advertisements, neon or other illuminated window advertisements and notices (not including hours of operation, street address and similar information) should not exceed 15% of the total window area of a given façade.
- G.** Continuous, uninterrupted fascia designs, awnings, canopies or similar elements meant only as a backdrop to sign placements are not permitted.
- H.** Signs or lettering which are mounted on the vertical, horizontal or sloped surfaces of the building roof or extend beyond the roofline or sides of the building are not permitted.
- I.** No wall sign shall project more than fifteen (15) inches from the face of a building.
- J.** No sign shall be attached or placed against a building in such manner as to prevent or impair ingress or egress through any door or window required or designed for access to any building, nor shall any sign obstruct any fire escape or similar emergency exit.
- K.** Installing new signs which cover or obscure architectural features of existing structures is prohibited. Installing new signs which are incompatible with the architectural style, scale, location, materials or color of an existing facade is prohibited.
- L.** Other. Signs cannot be placed any nearer than 15 feet from the edge of any roadway, 10 feet from the edge of a driveway or otherwise obstruct and/or impede the traffic line of sight.
 - 1.** If for any reason the property line is changed at some future date, a free-standing sign shall be

relocated within one hundred eighty (180) days to conform with the minimum setback requirements.

- M. No sign employing red, yellow or green lights, in such a way as to resemble a traffic control signal shall be placed within fifteen (15) feet of a public right-of-way or one hundred (100) feet of a traffic control light, whichever distance is greater. No sign shall use wording such as "stop," "look," "danger," or words of a similar nature which may tend to confuse, mislead or resemble any governmental or duly authorized sign.

3.3.8 Gasoline Service Station Signs

- A. In lieu of a permitted façade mounted wall sign or channel lettering, gasoline service stations are permitted a canopy sign not to exceed 16 square feet in area, inclusive of any colored striping or banding effects along the canopy.
- B. In addition to other permitted signs in this chapter, gasoline service stations are permitted 1 monument sign. Such sign shall be no larger than 8 feet tall, 5 feet long (measured perpendicular to the road) and 1 foot wide (measured parallel to the road). Copy or sign information may only appear on the long sides. Monument signs must be located at or near the primary vehicle entrance to the property no closer than 15 feet from the edge of the road, or otherwise placed so as not to obstruct vehicular sightlines. Such signs shall consist of the business name, brief description or motto, street address, and may include pricing information.

3.3.9 Sign Lighting - Any illuminated sign or related lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain rotating, alternating, or moving light or lights. Signs which are mechanically animated are prohibited as constituting a traffic hazard or nuisance. Lighting of signs is encouraged to be by means of external lighting mounted above or below the sign. All lighting must be generally white or of a muted color with a diffused, non-intermittent light source as approved by the Planning Board. All lighting shall not interfere with the comfort and safety of the general traffic and nearby residences.

- A. Internally lit cabinet signs and/or internally illuminated channel lettering is permitted only when:
 - 1. Approved by super majority vote (majority plus one) of the Planning Board;
 - 2. The lettering or logo itself is the only portion of the sign which is translucent or illuminated while any remaining background or sign area is opaque and does not emit light.
 - 3. The color of the lettering is soft or muted, complimenting or matching building colors and uniform throughout a property with multiple tenants.
- B. Surface applied channel lettering which is opaque, yet illuminated by silhouette or backlight methods is permitted; provided the source of lighting and associated wiring is fully concealed.
- C. Externally illuminated sign lighting must be provided from shielded, downward or upward facing lamps which direct light only around the immediate sign surface. Bare bulbs must not be readily visible from the public way. Externally illuminated signs are encouraged to utilize light-colored lettering on a darker background to reduce glare.
- D. Gasoline Service Station canopy signs may be internally or externally illuminated; however, the canopy roof or its perimeter edge may not be translucent or otherwise illuminated outside of the allowable sign area. See section 3.3.8 on gas station signs.
- E. Illumination levels of internal, external and silhouette lighting measured on or at the surface of the sign face should not exceed two foot candles.
- F. All internally illuminated signs shall be constructed in conformance with the "Standards for Electric Signs (U.L. 48) of the Underwriters Laboratories, Inc." and bear the seal of Underwriters Laboratories, Inc.
- G. If such sign does not bear the Underwriters laboratory Label, the sign shall be inspected and certified by International Association of Electrical Inspectors. All transformers, wires, and similar items shall be concealed. All wiring to free standing signs shall be underground, wherever feasible and practicable.
- H. Sign lighting must be turned off by 11 p.m., or at the close of business, whichever is later.

3.3.10 Permit Requirements

- A.** Except as otherwise provided in this Section, no person shall erect any sign without first obtaining a permit therefore from the Code Enforcement Official. No permit shall be required for a sign to be repainted or repaired in exact duplication of the original, nor shall any permit be required for a change of copy on an existing sign.
- B.** Application for a sign permit shall be made in writing to the Code Enforcement Official on forms prescribed and provided by the Building Inspector.
- C.** A fee shall be charged to the applicant for issuance of a sign permit except as otherwise provided for temporary signs. The fee schedule shall be approved by the Town Board.
- D.** Upon the filing of a complete application for a sign permit and payment of the required fee, the Code Enforcement Official shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the proposed sign is in conformance with all the requirements and provisions of this Local Law and other laws and ordinances of the Town, the Code Enforcement Official shall within seven (7) days issue a sign permit or return the application with reasons for refusal noted thereon.
- E.** If the authorized sign has not been installed within six (6) months from the date of issuance of the sign permit, then said permit shall become null and void but may be renewed within thirty (30) days of the expiration thereof for good as use shown for an additional six (6) months upon payment of an additional fee.
- F.** Design, construction, and placement of the sign shall not deviate in any substantial manner from the plans approved for issuance of the permit.

3.3.11 Construction and Maintenance

- A.** All signs shall meet the following minimum construction and maintenance standards:
 - 1.** All free-standing signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
 - 2.** All signs, including wall mounted and projecting signs, shall be securely anchored and shall not swing or move in any manner.
 - 3.** All signs, finishes, support, and electric work shall be maintained clean, neatly painted, and free from all hazards such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.
- B.** Construal With State Provisions: Signs shall meet all requirements of the New York State Uniform Fire Prevention and Building Code, where applicable.

3.3.12 Removal of Certain Signs

- A.** Any sign existing on or after the effective date of this Section which advertises a business no longer conducted, or service no longer provided on the premises shall be removed by the owner of the premises upon which the sign is located within thirty (30) days after receiving written notice from the Code Enforcement Official to remove said obsolete sign.
- B.** If the Code Enforcement Official shall find that any sign regulated by this Section is unsafe or insecure, or is a menace to the public, removal by the Town may occur when in violation or he may give written notice citing the specific problem to the named owner of the land upon which the sign is erected, who shall remove or repair said sign within fifteen (15) days from the date of said notice.

Section 3.4 Design Standards

[Reserved for Future Use]

Section 3.5 Recommended Design Practices

3.5.0 – Intent

The intent of this section is to help guide and encourage future development proposals within the Town of East Greenbush to adopt design practices which reduce impacts to the local environment. The concepts included here are examples of practices which can be discussed with local planning officials during the various stages of the design review process.

- A. Denser, More Compact Development:** Creating development proposals that use less ground area by clustering buildings together and conserving other areas for green space or undisturbed land buffers. This can be achieved through the use of smaller setback sizes, campus-style planning, and multi-story building heights.
- B. Reduced Impervious Surface Areas:** Designing sidewalks and parking areas to reduce the amount of impervious surface area, limiting stormwater accumulation and runoff.
- C. Smaller Road and Cul-de-Sac Sizes:** Modifying designs to shorten the lengths and/or widths of roadway surface area required to service a development. This decreases the amount and maintenance of utilities required and creates fewer roads to be paved, repaired, and plowed in the winter, reducing maintenance costs.
- D. Pervious Surfaces:** Using or replacing impervious surfaces like concrete or asphalt with pervious aggregate mixtures, allowing rainwater to pass through without accumulation and limiting stormwater accumulation and runoff.
- E. Structured Parking:** Incorporating multi-story parking decks or parking areas within the building's footprint to reduce the amount of land area consumed by development, and in turn limit stormwater accumulation and runoff.
- F. Limited Disturbance:** Working with the existing topography of the site to limit the amount of site area which must be disturbed. This includes limited tree and brush clearing and grading.
- G. Protection of Waterways:** Leaving natural buffer areas between development and any existing waterbodies or watercourses to prevent contamination by pollutants from stormwater runoff and other nearby human development activities.
- H. Open Space Design:** Creating open green space areas designed as part of the development to provide active or passive recreation areas, courts, gardens or parks.
- I. Vegetated Filter Strips:** Incorporating naturally vegetated strips or depressed areas to provide small and localized stormwater storage and filtering from an adjacent developed area.
- J. Open Vegetated Channels:** Using natural drainage paths of a site to convey and treat stormwater runoff from roadways in lieu of curbing and storm gutters, where density, topography, soils, slope, and safety issues permit.
- K. Bioretention or Green Roofs:** Providing stormwater treatment for runoff from impervious surfaces or reduction in impervious roof areas. Localized bioretention areas can be integrated into landscaping areas and traffic islands, and may include rain gardens, rain barrels, stormwater planters or similar localized retention methods.
- L. Complete Streets:** Designing streets that accommodate and prioritize all modes of transportation, including pedestrians, bicyclists, and transit riders, in addition to automobiles.
- M. Accessible Design:** Incorporating accessible design principles into development proposals to ensure that buildings and public spaces are accessible to people of all abilities.
- N. Renewable Energy:** Designing buildings with renewable energy systems, such as solar panels or geothermal heating and cooling, to reduce reliance on non-renewable energy sources and decrease carbon emissions.
- O. Brownfield Remediation:** Remedying any potential contamination or pollution before construction begins when developing on a site with a history of industrial or commercial use.

- P. Mixed-Use Development:** Creating proposals that incorporate a mix of residential, commercial, and/or office space to reduce the need for automobile travel and encourage walking and biking.
- Q. Adaptive Reuse:** Repurposing existing buildings for new uses rather than demolishing them and building new structures, preserving historic structures, reducing waste, and decreasing the environmental impact of new construction.
- R. Low-Impact Development (LID):** Designing developments that use LID techniques to mimic natural hydrologic processes, such as rain gardens, bioswales, and permeable pavement, to manage stormwater on-site and prevent pollution from entering nearby waterways.
- S. Additional Resources** - The NYS Department of Environmental Conservation and the publication "Better Site Design" from the Center for Watershed Protection provide additional suggestions and explanations for many of these design concepts.

Section 3.6 Performance Standards

3.6.1 The following performance standards shall apply in all districts:

- A.** Vibration - No vibration shall be discernible at the lot lines or beyond.
- B.** Smoke - No emission of visible grey smoke of a shade equal to or darker than number two on the Ringelmann Chart, measured at the point of emission.
- C.** Odors - No offensive odor shall be noticeable at the lot line or beyond.
- D.** Fly Ash, Dust - No emission which can cause any damage to health, animals, or vegetables or other forms of property or any excessive soiling.
- E.** Glare - No direct or sky reflected glare shall be visible at the lot line or beyond.
- F.** Liquid or Solid Wastes - No discharge into any present or future disposal system, public or private, or streams, or into the ground, of any materials of such nature or temperature as to contaminate ground water supply.
- G.** Radioactivity - No activities which emit dangerous radioactivity at any point, as covered by Federal Government standards.
- H.** Noise - No continuous or intermittent noises, including hum, music or noise with any noticeable shrillness of a volume or more than the allowable decibel levels listed below is permitted, not including emergency notification horns or sirens which are intended for public safety. All noise levels should be measured at lot lines. In cases where a noise source may be audible from within a different district which has a lower allowable decibel level, the noise must not exceed the allowable level for that district.

Zoning District	Maximum Allowable Decibel Level Measured at Lot Line
All Residential Districts, NMU, PDD	50 db
CMU	60 db
TC, RC	65 db
LI	70 db
WI	75 db

- I.** Fire and Explosion Hazard - No process or storage of material in such manner as to create undue hazard by reason of fire or explosion.
- J.** Breeding of Vermin - No material shall be stored either indoors or outdoors in a manner that facilitates the breeding of vermin.
- K.** Electrical Operations - Electrical operations shall not create disturbances to radio and television reception in the vicinity.
- L.** Light Pollution - Outdoor lighting shall be designed and installed to minimize light pollution and limit glare and light trespass on neighboring properties. Lighting fixtures should be shielded and directed downwards, and the intensity of lighting should be appropriate for the intended use and location. Dark sky standards should be used to minimize light pollution and protect the night sky.
- M.** Water Trespassing - No activities shall intentionally or accidentally take water from a stream, river, lake, or other water source that is owned or controlled by another person, without obtaining the necessary permits or agreements. Furthermore, diversion of stormwater to a stream, river, lake, or property that is owned or controlled by another person without their permission, is considered water trespassing

Section 3.7 Standards for Individual Uses

3.7.1 Gasoline Filling Stations

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

- A.** The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.
- B.** No fuel pump shall be located closer than twenty (20) feet from any side lot line nor closer than twenty-five (25) feet from any street line, measured from the outside edge of the fuel island.
- C.** No gasoline filling station property shall be within 200 feet of a school, public library, theater, church or other public gathering place, park, playground or fire station, ingress or egress ramps to limited access highways as measured in any direction, nor within 200 feet of an abutting residential zone as measured lineally along the fronting street or streets.
- D.** No work shall be done on any motor vehicle outside the confines of a building.
- E.** No structure containing automobiles shall have an opening in the roof, side or rear walls less than fifteen feet from any lot line.
- F.** No gasoline filling station property line shall be located within 1200 feet of an existing or authorized gasoline filling station as measured in any direction.
- G.** A gasoline filling station which has ceased to operate as such for a period of six months shall have its permit revoked.

3.7.2 Public Garages

- A.** The requirements and limitations of Section 3.71 A, B, C, D and E shall apply.

3.7.3 Vehicle Sales, Leasing, Rental, Service, Storage & Repair

- A.** In any district where permitted vehicle sales agencies, used vehicle lots, vehicle rental, parking lots, garages, vehicle laundries, vehicle storage and service establishments and similar uses shall be subject to the following regulations:
 - 1.** The requirements and limitations of Section 3.71 A, B, C, D and E shall apply.
 - 2.** Outdoor storage or display of vehicles or boats shall be permitted only in the side or rear yards.
 - 3.** In all auto body and paint shops, no spray painting or body repair work shall be performed outside the confines of a completely enclosed building.
 - 4.** Service facilities may be accessory to a primary sales/rental use if approved by the Planning Board during Special Use Permit review.
 - 5.** Two gasoline pumps may be permitted with Planning Board approval incidental to the primary use of the premises, but the sale of gasoline to the general public shall not be permitted. Such pumps shall be located at the side or rear of the premises.

3.7.4 Self Storage

- A.** There shall be no outdoor storage of materials or goods.
- B.** All mini-warehouse structures which face or are visible from along a public right-of-way or residential property must have exterior facades clad in brick, stone or similar decorative masonry.
- C.** All other exterior cladding material, including metal siding and roofing, must be of a natural, muted shade or other color as approved by the Planning Board.
- D.** Any perimeter fencing which is visible from along a public right-of-way or residential property must be accompanied by landscaping screening as directed by the Planning Board.

3.7.5 Excavations and Soil Mining

Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create objectionable dust or noise, contribute to soil erosion nor create any kind of noxious or injurious substance or condition or cause public hazard. No topsoil shall be stripped, excavated or removed, for sale or for any use, other than in connection with excavation and grading incidental to construction on the premises from which it is removed.

A. Regulation of actual mining activities is regulated by New York State under Article 23, Title 27 of the Environmental Conservation Law. It is the intent of the Town of East Greenbush to permit excavation and gravel mining operations in the Waterfront Industrial (WI) and Light Industrial District (LI) and to allow existing excavation and mining activities located elsewhere within the Town to continue as permitted (1) by the New York State Department of Environmental Conservation (NYSDEC) and (2) by this chapter insofar as such activities comply with the provisions herein regarding the continuation of prior nonconforming uses and structures.

B. Applicability, Activities Covered by this section include:

1. Mining activities requiring NYSDEC permits, but only to the extent allowed by Article 23, Title 27 of the Environmental Conservation Law; and
2. Excavation and mining, as defined herein or reclamation thereof, not requiring a permit by the NYSDEC, that uses more than 100 cubic yards of material for any purpose other than for reuse on the same site in a successive 12-month period.

C. Exempt activities. Activities exempt from this regulation include:

1. Accepted agricultural practices not otherwise in conflict with this chapter, where soil or other material is to be used for grading, improving or draining and where the soil or other material is to be replaced on the same site;
2. Excavation for the sole purpose of building a pond or lake in which their material is retained on the same site;
3. Activities performed for or by the Town of East Greenbush;
4. Excavation for building construction, sewage disposal systems or underground fuel storage tanks or other activities of limited duration, e.g., swimming pools, graves, which shall be permitted in any district subject to the following:
 - In the event that building construction operation is arrested prior to completion of the building and the building permit thereof is allowed to expire, the premises shall be cleared of any rubbish, building materials, or other unsightly accumulations. Any excavation for a building basement, foundation, utility or otherwise of a depth greater than two feet below grade, shall be filled and the topsoil replaced, or all such excavations shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area. Where necessary, suitable gates will be installed and provided with locks. Such clearing, filling and/or fencing shall be completed not later than the expiration date of the building permit.
5. Excavations for the purposes of installing utilities and building or maintaining roads;
6. Dredging operations under the jurisdiction of the United States Army Corps of Engineers and other governmental entities.

D. Town of East Greenbush special use permits.

1. Mining activities requiring NYSDEC permits. The Planning Board shall approve the special use permit application, provided the following conditions are met:
 - Activities shall comply with all requirements and conditions specified in the NYSDEC permit concerning setback from property boundaries and public rights-of-way, natural or other barriers to restrict access, dust control and hours of operation;

- Activities shall comply with district regulations, area and bulk regulations, and Town-wide standards and with site plan and special use permit requirements, as well as other generally applicable sections of this chapter.
 - Reclamation requirements contained in the NYSDEC permit shall be fully met.
2. Mining activities not requiring NYSDEC permits. The Planning Board shall approve the special use permit application, provided the following conditions are met:
- Application. An applicant for a special use permit or renewal shall obtain a current Mined Land Reclamation Program Applicant's Guide or its equivalent, as may be amended from time to time from NYSDEC and submit all the same required information to the Town of East Greenbush Planning Board. In addition, the application must be in accordance with Article III, Section 55 (Special Use Permits) and Section 72 (Site Plan Review and Approval Procedures). The Planning Board, at its discretion, may waive any application requirements.
 - Standards. The Planning Board, in considering special use permit approval, shall apply the same standards as those applied by the NYSDEC (as contained in the Mined Land Reclamation Program Applicant's Guide) and may place conditions on approval as it may deem appropriate to the application, including setbacks from property boundaries and public rights-of way, natural or other barriers to restrict access, dust control, hours of operation and reclamation requirements. The Planning Board shall also apply the standards set forth in Article III, Section 55 (Special Use Permits).
 - Excavation for soil mining. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating the product of soil mining shall be permitted except in a Waterfront Industrial (WI) District and governed by the performance standards of § 435-34.
 - Renewal, inspection and enforcement. Special use permits for excavation and mining shall be issued for a one-year period and may be renewed for additional one-year periods. Site inspections may be made by the Code Enforcement Official in accordance with the law, by Planning Board members and/or by such experts or official as the Planning Board may designate, as part of the special use permit application or renewal procedure herein. Permits shall be subject to revocation and/or penalties, as provided in Article IV.
 - Revocation of special use permit, in the event of a violation of the conditions of a permit or of the requirements of this section. No permit renewal may be granted if an outstanding violation exists at the time of application for renewal for such permit. Any and all costs related to site inspections shall be charged back to the owner or operator of the site and shall be paid as a condition of special use permit approval by the Planning Board.
 - Final inspection, acceptance of the reclaimed site and final release of the financial security required in Subsection D(2)(h) below may not be earlier than two growing seasons following the end of mining operations and removal of equipment.
 - Insurance. A certificate of liability insurance, naming the Town as co-insured, shall be required by the applicant prior to issuance of the special use permit. The minimum liability coverage shall be in an amount established by the Town Board, or if not specified, shall be in a minimum amount of \$1,000,000 for personal injury, including injury resulting in death, on the property. The liability coverage shall be maintained throughout the term of the permit.
 - Financial security. Financial security, such as a letter of credit or other form of security approved by the Town Board, sufficient to assure compliance with the reclamation conditions herein and to repair extraordinary damage resulting from the operation to Town roads or to upgrade such roads near the property access, shall be reviewed as a part of special use permit approval or renewal. If the Planning Board determines that the financial security shall be

established or changed to reflect changes in the amount of disturbed acreage or to reflect changes in the cost of site reclamation or other costs omitted, the Planning Board shall make such recommendation, with an amount, to the Town Board. The Planning Board shall give special use permit approval only after notice of approval of the performance bond by the Town Board. Said bond shall not be released until the operator has complied with all standards and conditions of this chapter and the special use permit and a written release has been issued by the Town Board.

3.7.6 House Trailers, Mobile Homes and RVs

- A.** House trailers, mobile home parks, and RVs are specifically prohibited in all districts. House trailer and mobile home parks existing in the Town on March 6, 1961, the date of initial adoption of the Town's Zoning Ordinance, may be continued indefinitely but shall not be expanded.
- B.** Individual house trailers and mobile homes are also specifically prohibited in all districts. Individual house trailers and mobile homes legally existing in the Town as of the date of passage of this amendment, June 4, 1986, may be continued in strict accordance with the provisions of Section 8.26 of this Local Law.
- C.** Trailers used for habitable space, subject to a special use permit as an accessory dwelling unit, and obtaining a certificate of occupancy, may be permitted under the following conditions:
 - The accessory dwelling unit meets all the requirements outlined in the special use permit and accessory dwelling regulations of the Town.
 - The owner of the property obtains a valid certificate of occupancy for the accessory dwelling unit in compliance with the Town's building codes and regulations.
 - The use of the trailer as an accessory dwelling unit is limited to a single dwelling unit and shall not be expanded or modified without obtaining further approvals from the relevant authorities.
 - The accessory dwelling unit shall comply with all setback, lot coverage, building coverage, and other applicable requirements of the zoning district in which it is located.
 - Any parking requirements for the accessory dwelling unit shall be provided in accordance with the Town's parking regulations.

3.7.7 Drive-In Movies

- A.** Projection screens and parking areas shall be no closer than 50 feet to any street right-of-way line and no closer than 100 feet to any residential property line. Movies shall not be visible to moving traffic on adjacent major streets.
- B.** Vehicular surfaces shall be paved with dustless material.
- C.** Loud-speakers shall be of the individual in-car type.
- D.** Entrance car reservoir space shall be equal to a minimum of five percent of the total parking capacity.

3.7.8 Salvage Yards

- A.** Industry; Salvage Yard: An area of land, with or without buildings, used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other salvaged building materials, as well as the dismantling, demolition, or abandonment of automobiles, vehicles, machinery, or parts thereof. If two or more wrecked or broken-down vehicles or major parts thereof are deposited on a lot for a period of three months or more, the lot shall be deemed to constitute a 'salvage yard'.
- B.** Salvage yards are specifically prohibited in all districts.
- C.** Waste tires are not allowed to be stored in any substantial quantity without an appropriate current permit from the New York State Department of Environmental Conservation.

3.7.9 Cemeteries and Crematories

- A.** No burial or memorial plats or buildings shall be located closer than 50 feet to any residential lot line, except that when a dense evergreen hedge or a wall or fence at least six feet in height, providing complete visual screening from all adjacent residential property is provided, burial or memorial plats of less than six feet in height may be located no closer than 20 feet from any residential lot line.

3.7.10 Accessory Dwelling Units

- A.** A dwelling unit accessory to a private residence may be temporarily permitted upon application for special permits provided that:
 - a)** The residents of the principal residence must be the owners of the home, and not renting.
 - b)** The maximum size of such accessory dwelling unit cannot exceed 1000 square feet.
- B.** A dwelling unit accessory to a premises principally used for office, retail, tourist accommodation, warehouse, or personal service activity may be permitted upon application for special use permits provided that:
 - 1.** The explicit written approval of the Town Fire Inspector shall be obtained for the design, location, access and other safety-related elements of such dwelling unit.
 - 2.** No such dwelling unit shall be permitted over filling stations, stores retailing flammable or fume-producing goods, restaurants or other businesses with kitchens or other facilities producing intense heat, or any other establishment or type of establishment which the Fire Inspector determines to pose a greater-than-average built-in risk.
 - 3.** The dwelling unit shall not be located on the first floor of the building and the dwelling unit shall contain all services for safe and convenient habitation meeting the New York State Uniform Fire Prevention and Building Code and the Sanitary Code.
 - 4.** There shall be no more than one (1) such dwelling unit created or maintained in any single building or on any single premises.
 - 5.** The dwelling unit shall have a separate access to the outside of the building, which must be distinct from the access to uses on the first floor.
 - 6.** Each apartment shall have two (2) designated off-street parking spaces meeting the standards of this Local Law, conveniently located for access to the dwelling unit.
 - 7.** Suitably landscaped, outdoor open space shall be maintained for the use and beneficial enjoyment of the residents of the dwelling unit.
 - 8.** The dwelling unit, or any proprietary or other interest therein, will not be sold to the tenant or any other party, except as part of a sale of the entire building in which the dwelling unit is located.

3.7.11 Waste Recycling & Disposal

- A.** Recycling and materials reuse operations are permitted provided that:
 - 1. The operation will be contained within a fully enclosed building, will not preclude the orderly and reasonable use of adjacent property and the site is particularly suitable for the location of such use in the community.
 - 2. Adequate buffer yards and screening shall be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.
 - 3. Adequate provisions shall be made for the collection and control of stormwater runoff, sewage, refuse and other liquid, solid or gaseous waste which the proposed use will generate.
 - 4. No solid waste will be maintained permanently on site.
 - 5. The applicant shall provide a description of all material to be transferred and processed on the site, in addition to providing a general operating plan as part of the site plan review.
- B.** Landfills – Landfills constitute a prohibited use in all zoning districts.

3.7.12 Marinas

- A.** Marinas and related uses such as sale of marine supplies, services, fuel, equipment or annual membership clubs which are water dependent. The following standards shall apply to all new marina project proposals as well as projects for expansion of existing marinas:
- B.** All new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parklike surroundings, toilet facilities, and marine pump out facilities.
- C.** In evaluating proposals for new marina construction, the Town will favor those proposals which involve alternative ways of providing for the needs of boaters. In order of preference, these alternatives are:
 - 1. Dry stack facilities with the minimum number of wet slips needed to provide efficient operation;
 - 2. Rehabilitation and alteration of existing marinas;
 - 3. Open water facilities;
 - 4. Upland basin marinas through excavation, provided that water quality and other environmental considerations can be maintained; or
 - 5. Any combination of the above four approaches.
- D.** The Planning Board shall require a secured bond or money in escrow that will be sufficient to hire an independent contractor to complete any conditions imposed or to effect any limitations or to restore the project area to its original condition in the event of a failure by the applicant to comply with the conditions or limitations of the special use permit. The amount of bonds or escrow posted shall be as approved by the Planning Board.
- E.** To the extent feasible, marina basins shall be designed for maximum tidal flushing and circulation due to both river/creek currents and the action of wind while maintaining safe levels of wave action within the protected basin. Minimum design criteria to promote a flushing include:
 - 1. Basin and channel depths shall not be deeper than the prevailing depths in the water body to which they connect.
 - 2. Basin and channel depths shall gradually increase toward open water or basin entrances.
 - 3. Openings shall be provided at the opposite ends of enclosed basins to establish flow-through circulation. Only one opening must be navigable. The other opening or openings shall be as large as practicable to promote circulation. Culverts or other enclosed conduits may be used in place of open channels.
 - 4. The configuration chosen shall minimize or prevent the formation of stagnant water zones that tend to collect debris or cause shoaling or flushing problems.

- F.** Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.
- G.** Applicants must demonstrate that there is an adequate water supply to serve all of the project's needs.
- H. Waste Discharge**
 - 1. Sewage pump out facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pump out station for every 100 wet slips, or fraction thereof.
 - 2. Adequate rest room facilities for the exclusive use of marina patrons will be required to discourage any overboard discharge of sewerage from boats and to protect water quality. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.
 - 3. The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.
 - 4. An ample number of signs must be provided to identify the location of public restrooms and of pump out facilities. Signs must also fully explain the procedures and rules governing the use of the pump out facilities. Pump out facilities shall be available to all boaters, regardless of whether they are patrons of the marina.
- I. Stormwater Runoff Reduction**
 - 1. New parking areas shall utilize porous pavements or other approved measures to reduce rainfall runoff. New marina projects must incorporate best management practices in their design, including, but not limited to, the following:
 - a) [1] Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
 - b) [2] Runoff from parking lot maintenance, fueling and washdown areas must be provided and treated in a manner that prevents oils, grease and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
- J.** Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks.
- K.** The underwater positions of piers and docks, including piles, shall not be constructed using creosote-treated lumber.
- L.** All marinas shall institute spill prevention emergency response plans. Automatic cutoffs for hoses in the event of an accident are mandatory.

3.7.13 Airports and Heliports

- A.** The hours of operation shall be limited by the Planning Board to prevent disturbance to nearby residences
- B.** No area to be used by aircraft under its own power on the ground shall be nearer than 200 feet to any lot line. Evidence shall be submitted to the Board that ample safeguards to minimize hazards and disturbances from aircraft noise will be assured at all times of operation from affecting residents and properties in the vicinity.
- C.** Access to areas used by aircraft in motion shall be controlled by fences and gates
- D.** Vending machines, newsstands, governmental installations, airlines and express offices and aircraft repair facilities may be permitted within completely enclosed buildings, except in private operations.
- E.** The storage and sale of aviation gasoline may also be permitted, except in private operations.

3.7.14 Day-Care and Nursery Schools

- A.** Such uses may be a principal use or allowed as accessory uses in conjunction with the following other special permit uses: office and research buildings; hotels, motels and conference centers; retail stores, service and personal service establishments; conference centers or other similar facilities; multi-family residences; health-related facilities; and churches and religious institutions.
- B.** The required outdoor play space shall be adequate in size and location as determined by the Planning Board and shall be fenced and suitably landscaped and buffered. No play area shall be located in a required front yard or landscaped buffer strips.
- C.** Adequate pickup/drop-off areas shall be provided and designed to ensure safe, direct access to the facility as determined by the Planning Board. Said areas shall not conflict with access to required parking.
- D.** Day-care centers shall be licensed, in accordance with the law, prior to operating such facilities.

3.7.15 Dog Kennels (Private, Commercial and Veterinary)

- A.** All animal housing, kennels or runs and related structures shall be placed a minimum of 50 feet from any lot line, 200 feet from any residential lot line, shall be fenced and permanently screened from all surrounding properties with landscaping and other buffers as directed by the Planning Board.
- B.** All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

3.7.16 Swimming Pools

- A.** No swimming pool shall be installed, constructed or maintained within ten (10) feet of any side or rear property line or above ground structure as measured from edge of water. No swimming pools shall be constructed within the front yard.
- B.** Construction of swimming pools shall comply with the New York State Uniform Fire Prevention and Building Code.

3.7.17 Cannabis Retail Dispensaries

- A.** All Cannabis Retail Dispensaries must adhere to the NYS Marijuana Regulation & Taxation Act (MRTA).
- B.** All Cannabis Retail Dispensaries are permitted by special use permit where retail is permitted.
- C.** Cannot be located within 500 feet of a school, day care, municipal building or religious institution.
- D.** Cannot be located within 200 feet of a residential lot line.
- E.** Cannabis may be sold for off-premises consumption only, on-site consumption is not permitted.
- F.** Cannabis may be sold for off-premises consumption during the following hours in East Greenbush:
 - 1.** Weekdays: 8:00 AM - 8:00 PM
 - 2.** Sunday: 12:00 PM - 8:00 PM

3.7.18 Tents and Temporary Structures

- A. Tents and temporary structures including storage containers over 120 square feet for Transient Retail purposes are subject to an operating permit at the rate of \$300 per day.
- B. Persons soliciting, collecting or operating a sale on behalf of any bona fide charitable, agriculture, educational, scientific, emergency, health, religious, municipal, not-for-profit organization shall not be required to pay a fee at the discretion of the Code Enforcement Official.

3.7.19 Keeping of Domestic Fowl (Noncommercial)

- A. The purpose of these regulations is to ensure that the keeping of chickens for noncommercial uses within Residential Districts is conducted in a manner that promotes the health, safety, and welfare of residents and animals, while also preserving the character of residential neighborhoods.
- B. For the purpose of this section, the following definitions apply:
 - **Chicken** - means any domesticated bird of the species Gallus gallus that is kept or maintained for egg-laying or meat production.
 - **Coop** - means any structure, whether permanent or movable, that is designed or used for the housing or shelter of chickens.
 - **Run** - means any enclosed area, whether attached to a coop or separate, that is designed or used for the exercise or containment of chickens
 - **Permit** - means an annual authorization issued by the town of East Greenbush for the keeping of chickens in accordance with these regulations.
 - **Owner** - means any person, group of persons, or legal entity that owns, leases, or otherwise controls the property on which chickens are kept.
 - **Rooster** - means a male chicken that is capable of crowing and fertilizing eggs.
 - **Waste** - means any material, including but not limited to manure, feathers, and bedding, generated by the keeping of chickens that requires disposal.
- C. Minimum Lot Size
 - No more than six (6) chickens may be kept on a lot that is less than one acre in size. For lots that are larger than one acre, the following table shall apply:

Lot Size	Maximum Number of Chickens
Less than 1 acre	6
1 acre to 2 acres	12
2 acres to 3 acres	18
3 acres or more	24

- The lot size shall be determined by the total area of the lot, excluding any areas used for roads, easements, or other non-buildable areas. For all noncommercial keeping of domestic fowl, the number of chickens cannot exceed twenty-four (24) on any lot, regardless of the lot size.
- D. General Requirements and Restrictions
 - The keeping of roosters is strictly prohibited.
 - The outdoor culling of chickens is strictly prohibited.
 - See Agriculture; livestock or dairy for any larger scale commercial operation.

E. Coop and Run Requirements

- All chicken coops and runs shall be kept in good repair and maintained in a clean and sanitary condition at all times.
- Chicken coops shall be designed and constructed to provide adequate ventilation, light, and protection from the elements, and shall be free from sharp edges or other hazards that could injure the chickens.
- Chicken runs shall be designed and constructed to provide adequate space for exercise and contain the chickens in a safe and secure manner, and shall be covered with a sturdy, predator-proof material such as hardware cloth.
- All chicken coops and runs shall be located at least twenty-five (25) feet from any neighboring residence or property line, twenty (20) feet from the primary residence, and shall be screened from view to the extent possible by fencing, landscaping, or other means.
- Chicken coops and runs shall not be located in any front or side yard, or within any required setback area as specified by applicable zoning ordinances or regulations.
- All chicken coops and runs shall be kept free from offensive odors, flies, rats, or other vermin, and any waste generated by the chickens shall be collected and disposed of in accordance with all applicable laws and regulations.
- All chicken coops and runs shall be subject to inspection by the town of East Greenbush Code Enforcement Official at any reasonable time to ensure compliance with these regulations.

F. Permit Requirements

1. No person shall keep or maintain chickens within the town of East Greenbush without first obtaining a permit from the town of East Greenbush Code Enforcement Official or other authorized official.
2. Permit applications shall be submitted on a form provided by the town of East Greenbush, and shall include the following information:
 - a) The name, address, and contact information of the applicant. The applicant must be the property owner.
 - b) The street address and tax map identification number of the property where the chickens will be kept
 - c) The number and breed of chickens to be kept
 - d) A detailed description of the proposed coop and run, including dimensions, materials, and location on the property
 - e) A site plan showing the location of the coop and run on the property, as well as any neighboring residences or property lines within twenty-five (25) feet of the coop and run
 - f) Any additional information or documentation deemed necessary by the town of East Greenbush Code Enforcement Official or other authorized official.
 - g) The town of East Greenbush Code Enforcement Official or other authorized official shall review the permit application and accompanying documentation for compliance with these regulations, and may require additional information or modifications to the proposed coop and run as deemed necessary to ensure compliance.
3. A permit fee of fifty dollars (\$50) shall be paid at the time of application, and shall be non-refundable.
4. Upon approval of the permit application, the permit holder shall display the permit in a conspicuous location on the property where the chickens are kept.
5. Permits shall be valid for a period of one (1) year from the date of issuance, and may be renewed upon application to the town of East Greenbush Code Enforcement Officer or other authorized official.
6. Any violation of these regulations or conditions of the permit may result in revocation of the permit, and may also be subject to additional enforcement action as provided by law.

Section 3.8 Residential Cluster Development

3.8.1 Residential Cluster Development - The Planning Board is authorized to modify applicable provisions of this Local Law as authorized in Section 4.3 of the Town Law in order to enable and encourage flexibility of design and development of land in such a manner as to promote the preservation of the natural and scenic qualities of open lands and to facilitate the adequate and economic use of streets and utilities.

- A. Cluster development may be considered with a minimum site area of ten (10) adjacent acres within the A-OS, R-LD, RT, NR, NMU, and CMU Districts.
- B. The maximum number of dwelling units that may be permitted and approved within a cluster development shall not exceed the number of lots shown on an approvable sketch plat for lot-by-lot development. Lots shown on the sketch plat shall be fully consistent with both the lot area and bulk requirements of the zoning district in which the cluster development is proposed and provide access roads in accordance with the Town's Subdivision Regulations and roadway standards. Platting shall be restricted to those portions of the site considered by the Planning Board to be suitable for residential building development, based upon an analysis of the site's topographic, geologic, and hydrological characteristics. Areas unsuitable for residential building development include constrained land as well as existing easements, rights-of-way, pre-existing development areas and structures, and other limiting factors as determined by the Planning Board.
- C. Where public sewer and water facilities are not provided, the Rensselaer County Department of Health shall review and approve or deny well and septic layouts in cluster developments.
- D. While attached, semi-detached or detached dwelling units are permissible within a cluster development, the following standards apply:

Maximum number of attached units per individual structure	
A-OS, R-LD, and RT	2
NR	4
NMU	6
CMU and all other districts	6 (or as determined by Planning Board)

- E. In order to meet the objectives and intent of this section, there are no formalized lot area, width, or yard dimensions or setback requirements for residential units within cluster developments except for buffer requirements. In no way shall this be interpreted as a density bonus for the siting of additional units beyond the lot-by-lot sketch plat as described in (B) above. Furthermore, the Planning Board may establish minimum separation distances between structures in order to maintain the character of the area and consistency with nearby development patterns.
- F. Maximum structure height shall be restricted to that permitted in each district.
- G. An open space area totaling not less than twenty-five percent (25%) of the total cluster development site shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the cluster development. At least ten percent (10%) of the site's buildable land must be included within this area.
- H. If, in the opinion of the Planning Board, little would be gained from the cluster development open space due to the particular aspects of the proposal or characteristics of the site compared to other opportunities for conservation in the vicinity, the Planning Board may require other off-site amenities to improve the area, such as tie into a local trail system and/or conservation rights to nearby lands.
- I. A reduction in the number of units below the maximum allowable density would not reduce or eliminate any requirements for open space or fees.

- J.** A homeowner's association, deed restriction or similar mechanism, for the long-term ownership and maintenance of open space areas as required in section (g) above shall be provided, subject to the approval of the Town Planning Board. Similar provision, satisfactory to the Town of East Greenbush, shall be made for the long-term ownership and maintenance of roadways, drainage ways, utilities, stormwater, and other improvement features within the cluster development.
- K.** The Planning Board shall require all cluster developments to provide a suitable buffer area to adjacent properties on a case-by-case basis. Buffer areas shall include existing natural vegetation and/or enhanced landscaping for the purposes of screening and be maintained as undisturbed open space per (H) above. To assist the Planning Board in this regard, development plans must include aerial photos or mapping for the property, all lands within 1000 feet of the property lines and the extents of proposed tree removal or land disturbance.

Section 3.9 Home Occupations

3.9.1 In any district, home occupations, as defined in this Local Law, shall additionally conform to the following use limitations:

- A.** A home occupation may only be conducted within a dwelling which is the place of domicile of the principal practitioner of the occupation.
- B.** Not more than two (2) such home occupations may occur on a single residential premises, with paragraphs (C), (E), (G) and (H) below applying to either the single home occupation or aggregate of the two home occupations occurring on the premises.
- C.** The home occupation activity shall occupy no more than five hundred (500) square feet of gross floor area or twenty-five percent (25%) of the gross floor area of the dwelling to which the home occupation use is accessory, whichever is smaller.
- D.** Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
- E.** No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling, except that a single sign, not exceeding two (2) square feet per side in area, shall be permitted per home.
- F.** No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- G.** Not more than one (1) person other than members of the household occupying such dwelling shall be employed in the conduct of the home occupation.
- H.** There shall be permitted no sharing, letting or subletting of space, for use by others in the conduct of their profession, trade, or business.
- I.** Sufficient off-street parking shall be provided as required within Section 3.1 of this Local Law.

Section 3.10 Sexually Oriented Businesses

3.10.1 Intent

It is the intent of this chapter to regulate sexually oriented businesses, to promote the health, safety morals and general welfare of the citizens of the Town of East Greenbush and to establish reasonable and uniform regulations to prevent the continuous deleterious location and concentration of sexually oriented businesses within the Town of East Greenbush. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect for this chapter to condone or legitimize the distribution of obscene materials.

3.10.2 Permitted Locations

- A.** Sexually Oriented Business shall be a permitted use in a Waterfront Industrial (WI) only, provided that;
 - 1.** A sexually oriented business use may not be operated within five hundred (500) feet of:
 - a)** A church, synagogue or regular place of worship
 - b)** A public or private elementary or secondary school or licensed child day-care center
 - c)** A public park
 - d)** Nursery school
 - 2.** A sexually oriented business use may not be operated within two hundred fifty (250) feet of a residence.
 - 3.** A sexually oriented business use may not be operated within five hundred (500) feet of another sexually oriented business use or on the same lot or parcel of land.
 - 4.** A sexually oriented business use may not be operated in the same building, structure or portion thereof containing another sexually oriented business,
- B.** For the purposes of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church or public or private elementary or secondary school or licensed child day-care center or to the nearest boundary of an affected public park or residential lot.
- C.** All sexually oriented business uses shall be conducted in an enclosed building, regardless of location or shall not be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.
- D.** No description in words, phrases, characters, or other form of any specified anatomical area or any specified sexual activity shall be permitted on any display, decoration, sign, window, or other opening.

3.10.3 Compliance required; inspections

- A.** A person may operate a sexually oriented business only within the Waterfront Industrial (WI) in the Town of East Greenbush in accordance with the provisions of this chapter and other applicable laws.
- B.** Prior to the commencement of any sexually oriented business or upon any transfer or ownership or control, the premises must be inspected and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for any sexually oriented business and compliance with this chapter.
- C.** All code enforcement officials shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of the inspection of the premises by such officials.

3.10.4 Non-conforming sexually oriented businesses

- A.** Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of the location or structural configuration requirements of this chapter shall be deemed a non-conforming use. The continuation of the same use of substantially the same character and intensity shall be allowed. The non-conforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually orientated businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the sexually oriented business, which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.
- B.** A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the operation of the sexually oriented business, of a church, public or private elementary or secondary school, public park, within five hundred (500) feet of the adult use business, or a residence within two-hundred fifty (250) feet of the sexually oriented business.

3.10.5 Registration

- A.** No person, firm, corporation or other entity shall lease, rent, maintain, operate, use or allow to be operated or used any business or establishment, any part thereof which contains a sexually oriented business, without first complying with the provision of this section as set forth below.
- B.** In addition to any and all other necessary licenses and permits, no form of adult use shall be allowed to operate nor allowed to continue to operate, until a certificate of registration is filed with the Town Clerk containing:
 - 1.** The address of the premises and confirmation by the CEO that such use is within WI or a preexisting nonconforming use.
 - 2.** The name and address of the owner(s) of the premises and the name and address of the beneficial owner(s) if the property is in a land trust.
 - 3.** The name of the business or the establishment subject to the provisions of this ordinance.
 - 4.** The name, business and home address, business or home phone numbers of all owners of the business or establishment subject to the provisions of this ordinance.
 - 5.** The names, business and home addresses, business or home phone numbers of all those persons having a substantial connection with the business or establishment subject to the provisions of this ordinance. A substantial connection shall be defined as: In a sole proprietorship, an individual who owns, operates, controls or conducts, directly or indirectly, any premises, building, or location upon, which any adult use takes place; In a partnership, limited or general, an individual who shares in any profits or losses of the business or who shares in the ownership of any of the assets of the partnership business; The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually orientated business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
 - 6.** The date of the initiation of the adult use.
 - 7.** The exact nature of the sexually oriented business.
 - 8.** If the premises or the building in which the business containing the adult use is located is leased, a copy of the lease.
- C.** If there occurs any change in the information required for the certificate of registration, the Town Clerk shall be notified of such change, and a new or amended certificate filed within thirty (30) days of such change.
- D.** The processing fee for each certificate of registration or amendment thereto shall be established by the Town Board. Such certificate of registration shall be renewed annually, and the processing fee provided in this section shall be an annual charge.

- E.** No certificate of registration issued under the provisions of this section shall be transferable to any person other than the registrant, nor shall a certificate of registration be transferable for use at any premises, building or location other than that stated in the certificate of registration.
- F.** The Owner, manager or agent of any sexually oriented business shall cause a copy of the certificate of registration issued under the provisions of this section to be prominently displayed on the premises, building or location for which it is issued.
- G.** Any knowingly false statement, or any statement which the registrant or applicant should reasonably have known to be false, which is provided in the certificate of registration, or any document or information supplied therewith shall be grounds for rejection, suspension or revocation of the certificate of registration.
- H.** It shall be deemed a violation of this chapter for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult use without having in force a certificate of registration complying with this section.

3.10.6 Violations

It shall be deemed a violation if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator has:

- A.** Violated or is not in compliance with any section of this chapter.
- B.** Had unlawful gambling occur on the sexually oriented business premises.
- C.** Had the possession, use or sale of a controlled substance occur on the premises.
- D.** Had prostitution occur on the premises
- E.** Had any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct occur on the premises.
- F.** Had any physical contact between a person in a state of nudity (employee, patron or other person), and any other person or person(s) (employee, patron or other person), whether such other person or person(s) are in a state of nudity, seminude, or clothed on the premises of any adult arcade, adult bookstore or video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Section 3.11 Special Use Permits

3.11.1 Review of Applications for Special Use Permits

All special permit uses stated in the "Schedule of Use Regulations" of this Local Law shall be subject to review and approval by the Planning Board in accordance with the standards and procedures included herein. In all cases where this Local Law requires such special use permit authorization by the Planning Board, no Building Permit or Certificate of Occupancy or Use shall be issued by the Code Enforcement Official except upon authorization of and in full conformity with any conditions imposed by the Planning Board.

A. General Standards. In authorizing any special use permit use, the Planning Board shall take into consideration the public health safety, and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. In addition to any specific requirements of this code, the Planning Board shall also take into account the following general objectives for any use requiring Planning Board authorization:

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to the existing of future streets providing access, shall be in harmony with the orderly development of the district.
2. The location, nature, and height of the buildings, walls and fences, and the nature and intensity of intended operations, will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; be located not less than twenty-five (25) feet from street corners or other places of public assembly; and meet similar safety considerations.
4. Adequate provision for safe and accessible off-street parking and loading spaces shall be made.
5. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees over eight (8) inches in diameter to the maximum extent practicable.
6. The character and appearance of the proposed use, buildings, structures, and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reasons of noise, fumes, vibration, or principal lights, than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of East Greenbush.
7. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.

B. Special Use Permit Application Procedure. The Planning Board shall review and act on all special use permit uses in accordance with the procedure specified herein:

1. **Application and Fee.** All applications for special use permits made to the Planning Board shall be in writing, on forms prescribed by the Board, and shall be accompanied by the following:
 - a) A sketch site and/or building plan as applicable, providing sufficient information to permit the Planning Board to review compliance with the general standards discussed in Part (a) of this Article; and
 - b) Payment of the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.

2. Public Notice and Hearing. The Planning Board shall fix reasonable time and place for a public hearing on any such application, of which hearing date the applicant shall be given notice at which hearing he shall appear in person or by agent. The Planning Board shall additionally provide notice as follows:

- a) By publishing at least 10 calendar days prior to the date thereof a legal notice in the official newspaper of the Town. The applicant shall be responsible for payment for this notice.
- b) At least ten (10) days prior to such public hearing, the Planning Board shall have sent by registered mail the notice of such hearing and an explanation of the special use permit sought, to all property owners within 200 feet of the subject property. Such notices shall be sent to the last known address as shown by the most recent Town tax records. The applicant shall be responsible for costs associated with property owner notifications issued in accordance with this section.
- c) If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Planning Board shall also submit at least five (5) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.

3. Required Referrals

- a) A full statement of any application that meets the referral requirements of Section 239 (1) and (m) of the New York State General Municipal Law shall also be referred prior to the public hearing to the Rensselaer County Bureau of Economic Development and Planning.

No action shall be taken by the Board on such application until an advisory recommendation has been received from said Bureau or if thirty (30) calendar days have elapsed since the Bureau received such full statement.

- 4. Decisions.** Every decision of the Planning Board with respect to a special use permit application shall be by resolution, fully stating the decision including any conditions attached thereto. Each such decision shall be filed in the Office of the Town Clerk within ten (10) calendar days thereof.

C. Reimbursable Costs. Reasonable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with review of an application for special use permit approval shall be charged to the applicant. Such reimbursable costs shall be in addition of the fee required in Part (b) herein. Maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established and annually reviewed by the Town Board.

D. Effect of Special Use Permit Approval.

- 1. No building permit shall be issued for any structure covered by this Section until such special use permit has received approval by the Planning Board and a copy of a resolution to that effect has been presented to the Code Enforcement Official.
- 2. No Certificate of Occupancy or Use shall be issued for any structure or use of and covered by this Section until the structure is completed or the land developed in strict accordance with the Planning Board resolution of special use permit approval and other applicable requirements of this Local Law.
- 3. Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which it is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit has been granted.
- 4. The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon determination by the Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. In such cases, a period of sixty

(60) days shall be granted for full compliance by the applicant prior to revocation of the special use permit.

- E. Expiration of Special Use Permit.** A special use permit shall be deemed to authorize only one particular special use, and shall expire if the special permit use is not commenced and diligently pursued within twelve (12) months of the date of special use permit issuance or if the use authorized ceases for more than twelve (12) months for any reason.
- F. Relief from Decisions.** Any person or persons, jointly or severally aggrieved by any decision of the Planning Board under this Section may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the civil Practice laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within thirty (30) days after the filing of the Planning Board decision in the Office of the Town Clerk.

Section 3.12 Non-Conforming Structures and Uses

3.12.1 Non-Conforming Structures and Uses

Except as provided herein, the lawful use or bulk of any structure or land in existence on the effective date of this Local Law may be continued although not in conformity with this Local Law, except as otherwise provided in this Local Law.

- A.** Pre-existing uses, which were lawfully conforming at the time of adoption of this local law, shall be considered pre-existing conforming uses.
- B.** Normal maintenance and repair of a non-conforming building, including the restoration of a structure declared unsafe by proper authority to a safe condition and the repair of a building damaged by fire or other cause, is permitted as long as the degree or extent of non-conformity is not increased or exceeded or no new non-conformity is created.
- C.** A non-conforming structure or use may be changed to a conforming use but shall not thereafter revert to a non-conforming use.
- D.** A non-conforming use may not be changed to another non-conforming use.
- E.** Non-conforming uses shall not be enlarged, and the buildings or premises or portion thereof which such non-conforming uses occupy shall not be altered, unless such enlarged or altered portion shall be changed to accommodate a conforming use and in conformity with the bulk regulations of this Local Law, and once so changed shall not revert to the non-conforming use or condition from which it was changed.
- F.** No non-conforming structure or use damaged by fire or other cause to the extent of more than 50% of the fair market value of the structures shall be repaired or rebuilt or restored to use except as a conforming building or use.
- G.** A non-conforming structure or use which has been abandoned or discontinued for a consecutive period of one year shall not thereafter be used or occupied as a non-conforming building or use.
- H.** Certain non-conforming uses which are considered sufficiently objectionable, undesirable, out of character with the district in which located, and degrading to the value of other buildings and uses permitted in the district, so as to deter the proper and orderly development and general welfare of such district and of the town and which are inconsistent with the purposes and intent of this Local Law and the comprehensive master plan, shall be terminated in accordance with the provisions of Section 4.2 of this Local Law.

3.12.2 Existing Prior Permits, Certificates, and Variances

- A.** If by any reason of an amendment or supplementary provision of this Local Law a non-conforming property is created for which a building permit, certificate of occupancy, variance, or special permit was issued prior to the effective date of such amended or supplementary provision, then the aforementioned permit, certificate, variance, or special permit shall become null and void unless one of the following conditions is met:
 - 1.** all footings have been installed, or
 - 2.** substantial construction or progress in accordance with required conditions has been made and is continuing as of the effective date of such amended or supplementary provisions.

Section 3.13 Erosion, Sediment Control and Stormwater Management

- A. Reference Town of East Greenbush Code Chapter 54 Stormwater Management.

Section 3.14 – Solar Energy

- A. Title. This local law shall be known as the Solar Energy Law for the Town of East Greenbush.
- B. Authority. This local law is adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of East Greenbush to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary, therefore.
- C. Statement of purpose and legislative intent. This local law is adopted to advance and protect the public health, safety, and welfare of the Town of East Greenbush, including:
1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource; and
 2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses, by allowing solar collectors, unless part of a large-scale solar energy system, to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, provided however, that nothing contained in this local law shall be construed to prohibit "collective solar" installations or the sale of excess power through a "net billing," "net-metering," or "bill credit" arrangement in accordance with New York Public Service Law or any other similar state or federal statute; and
 3. Increasing employment and business development in the region by furthering the installation of solar energy systems.

Definitions. For purposes of this local law, and where not inconsistent, terms, phrases, words, abbreviations, and their derivations, shall have the meaning given in this section. The word "shall" is mandatory and not merely directory.

ANSI — American National Standards Institute.

Commissioning — A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Conservation Advisory Council – That certain body known as the East Greenbush Conservation Advisory Council established by the Town Board pursuant to Article 12-F of the New York State General Municipal Law.

CZL or Comprehensive Zoning Law shall mean local law 1 of 2008 entitled “Comprehensive Zoning Law of the Town of East Greenbush,” or as amended.

Designated Farmland — Land designated as Farmland of Statewide Importance, or land designated as Prime Farmland or Prime Farmland If Drained in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses. See also, Town Natural Resources Inventory.

Energy Code — The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

Farmland Of Statewide Importance — Land, designated as Farmland of Statewide Importance in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, which is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that are a part of a county adopted, State certified Agricultural District.

Glare — The effect by reflections of light with intensity sufficient, as determined in a reasonable manner, to cause annoyance, discomfort, nuisance, or loss in visual performance and visibility in any material respects.

Impervious Surface – For the purposes of this local law, see the definition of imperious surface at Section 4.3 of the CZL.

Invasive Species – A species, as defined in 6 NYCRR 575, that is nonnative to the ecosystem under consideration, and whose introduction causes or is likely to cause economic or environmental harm or harm to human health, which harm must significantly outweigh any benefits. Also, species listed in 6 NYCRR 575, as may be updated.

Kilowatt (KW)—A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate at which electricity is used. 1,000 KW is equal to 1 megawatt (MW).

Large-Scale Solar Energy System, Tier 1— Any solar energy system that produces energy for the purpose of offsite sale or consumption and involves solar energy equipment with an area greater than one half an acre but not more than ten acres of land.

Large-Scale Solar Energy System, Tier 2 – Any solar energy system that produces energy primarily for the purpose of offsite sale or consumption and involves solar energy equipment with an area greater than ten acres of land.

Large-Scale Solar Energy System, Co-Use – Any large-scale solar energy system, or roof-mounted solar energy system which produces energy primarily for the purpose of offsite sale or consumption that is situated on a site with other principal uses and involves the installation of solar energy equipment upon existing impervious surfaces.

Megawatt (MW) — A unit of electrical power equal to 1,000,000 watts or 1,000 kilowatts (kW).

Nameplate Capacity - For solar energy systems, starting from the initial installation of the solar energy system, the maximum electrical generating output that the solar energy system is capable of producing on a steady state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the solar energy system.

Nationally Recognized Testing Laboratory (NRTL) — A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

Native Perennial Vegetation — Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species.

NEC – National Electric Code

New York State Accelerated Renewable Energy Growth And Community Benefit Act (94-C PROCESS) — Permitting process administered by the New York State Office of Renewable Energy Siting (ORES) for proposed major solar energy systems with a nameplate capacity equal to or greater than 25,000 kW (25 MW) pursuant Section 94-C of the Executive Law and its implementing regulations. The 94-C process supersedes the permitting authority of this chapter, but ORES will apply the substantive requirements of this chapter unless it finds them unreasonably burdensome in view of the New York State renewable energy targets of the Climate Leadership and Community Protection Act and environmental benefits of the solar energy system. Projects with a nameplate capacity of 20,000 kW (20 MW) but less than 25,000 kW (25 MW) may opt-in to the 94-C process.

NFPA — National Fire Protection Association.

Nonparticipating Commercial Building — Any principal building used for conducting a retail business, motel, hotel, or other sensitive receptor commercial use as determined by the Planning Board that is located on a nonparticipating property.

Nonparticipating Property — Any property that is not a participating property.

Nonparticipating Residence — Any dwelling unit located on a nonparticipating property.

Nys Ag And Markets Solar Energy Project Guidance — The latest revision of the Guidelines for Solar Energy Projects-Construction Mitigation for Agricultural Lands published by the New York State Department of Agriculture and Markets.

Operator — The applicant for the approval of a solar energy system, the owner, lessee, licensee, or other person authorized to install and operate a solar energy system or battery energy storage system on the real property of an owner, and each operator's successors, transferees, assignees, and all parties to which the solar energy system may transfer any or all of its ownership interests or contracts or subcontracts concerning the construction, management, operations and/or maintenance in, and responsibilities of the solar energy system or battery energy storage system.

On-Farm Solar Energy System — A solar energy system located on a farm that is a farm operation, as defined by Article 25-AA of the Agriculture and Markets Law, in an agricultural district, where the solar energy system is designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated do not exceed the anticipated annual total electricity consumed on the farm by more than 110%.

OWNER — The owner of the real property on which a solar energy system or battery energy storage system is located or installed or proposed to be located or installed.

Participating Property — A solar energy system host property or any real property that is the subject of an agreement that provides for compensation to the landowner from the operator (or affiliate) regardless of whether any part of the solar energy system is constructed on the property.

Pollinator—Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Solar Collector — A device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.

Solar Energy System Array — Any number of electrically connected solar panels providing a single electricity producing unit.

Solar Panel — A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Solar Thermal Electric Equipment — Solar energy conversion technologies that convert solar energy to electricity by heating a working fluid to power a turbine that drives a generator.

Solar Thermal System — Solar energy devices that convert solar radiation to usable thermal energy for the transfer of stored heat for heating water or air, consisting of solar collectors, storage tanks, and associated tubing and controls. Solar thermal systems are not regulated as solar energy systems pursuant to this chapter.

UL — Underwriters Laboratory, an accredited standards developer in the US.

Underutilized Previously Developed and/or Disturbed Land – Lands which have been developed, or other degraded lands, such as parking lots, contaminated lands, landfills, and mines.

Utility Provider – An entity owning and/or operating utility facilities consisting, e.g., the lines, facilities and systems for producing, transmitting, or distributing electricity which directly or indirectly serve the public or any part thereof

Uniform Code —The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Solar Energy Equipment — Electrical material, hardware, conduit, or other equipment associated with the production of electricity including solar panels, solar thermal electric equipment, associated wiring, mounting brackets, framing and foundations, accessory structures and buildings, battery energy storage systems, light reflectors, concentrators, and heat exchangers, inverters and other power conditioning equipment, substations, electrical infrastructure, distribution lines and other appurtenant structures and facilities used for or intended to be used for solar energy system.

Solar Energy System — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to the boundaries of any required fencing and any interconnection equipment. Access roads outside the fence shall not be included when calculating solar energy system area. A solar energy system does not include a solar thermal system.

D. Requirements for On-Farm Solar Energy Systems

On-farm solar energy systems are permitted in A-OS, R-LD, RT, NMU, CMU, LI, WI Districts with a building permit as an accessory structure, subject to the following requirements:

1. The location of the solar energy system meets all applicable setback requirements of the zone in which they are located.
2. The height of the ground-mounted solar energy equipment shall not exceed 17 feet at its highest operating position.
3. The total surface area of all solar panels on the lot shall not exceed 4,000 square feet and shall not exceed 5% lot coverage.
4. The solar energy equipment is located in a side or rear yard.
5. Solar energy equipment shall be designed and located in a way so as to prevent reflective glare toward any inhabited buildings on adjacent properties, roads or from impacting aircraft flight path as provided in Federal Aviation Administration guidance.
6. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location,

arrangement, size, design, and general site compatibility of proposed solar energy systems.

7. If a solar energy system is in disrepair or ceases to generate solar energy for more than nine consecutive months, the property owner shall remove the solar energy equipment within 90 days after the end of the nine-month period. In the discretion of the Town, the involved party or parties may be required to post a bond to secure performance under this subsection.
8. Portable solar array (e.g., flower) units with a total panel surface area of 100 square feet or greater must adhere to the same guidelines as ground mounted minor solar energy systems.

E. Approval standards for large-scale solar energy systems

1. The standards found in this subpart are applicable to large-scale solar energy systems permitted, installed, or modified in the Town after the effective date of this chapter, excluding general maintenance and repair. This local law shall also apply to large-scale solar energy systems permitted by the New York State Office of Renewable Energy Siting (ORES) with a nameplate capacity equal to or greater than 25,000 kW (25 MW) pursuant Section 94-C of the Executive Law and its implementing regulations.
2. Except as provided in Subsection B. of this Section, large-scale solar energy systems shall be permitted only in the following zones:

	Large-Scale Solar Energy System, Tier 1	Large-Scale Solar Energy System, Tier 2	Large-Scale Solar Energy System, Co-Use
A-OS Agriculture/Open Space	SUP*	SUP	SUP
R-LD Rural/Low Density Residential	SUP	SUP	SUP
RT Residential Transition	SUP	N/P**	SUP
NMU Neighborhood Mixed Use	N/P**	N/P**	SUP
CMU Commercial Mixed Use	N/P**	N/P**	SUP
LI Light Industrial	SUP	SUP	SUP
WI Waterfront Industrial	SUP	SUP	SUP

**SUP = Allowed by special use permit*

***N/P = Not permitted*

- a) Tier 1 and Tier 2 large-scale solar energy systems are permitted with a special use permit in all districts, as a principal use or as an accessory use, provided that the large-scale solar energy system occupies underutilized previously developed and/or disturbed land.
- b) For the purposes of defining large-scale solar energy system use sub-types, the total area of the large-scale solar energy system site, which can encompass one or more parcels, shall be determinative where a large-scale solar energy system crosses zoning districts and/or municipal boundaries.

3. General Requirements for Large-Scale Solar Energy Systems

- a)** A building permit shall be required for installation of all large-scale solar energy systems.
- b)** All solar energy system installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation, the electrical connections must be inspected by the Town Building Inspector and/or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be approved and inspected by the appropriate utility provider.
- c)** The operator shall notify the Town Building Inspector and the responding fire department at least three business days prior to the initial energization of the solar energy system. Following such notification, the Town Building Inspector, or their designee, shall be permitted by the operator to be present for the initial energization of the solar energy system. Failure to comply with the requirements this provision shall constitute a violation of the building permit.
- d)** Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the responding fire department(s).
- e)** The solar energy system installer shall comply with all licensing and other requirements of the jurisdiction and the state, as determined by the Building Inspector.
- f)** When a battery energy storage system is included as part of the solar energy system it must be installed to meet the requirements of the NYS Building Code and the Town's battery energy storage system local law.
- g)** Issuance of permits and approvals by the Planning Board and/or Town Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

4. Requirements for large-scale solar energy systems.

Large-Scale Solar Energy Systems are only permitted in zoning districts according to Section 7.02, and only following:

- a)** First, the issuance of a special use permit from the Planning Board complying with the specific standards for special use permits set forth in Article 5 Section D, below; followed by
 - b)** Approval of a site plan in accordance with Section 4.3 of the CZL that meets the Site Plan Standards set forth in (5) D), below, and in Section 4.3 of the CZL, and obtaining all other necessary approvals. Large-scale solar energy system applications shall be considered a major site plan.
- ### **5. Large-scale solar energy systems site plan review standards.**
- a)** Permit application. In addition to the requirements for site development plan review of Section 4.3 of the CZL, the application for a solar energy system shall consist of one paper copy, unless otherwise required by the Planning Board, and an electronic (digital) filing that contains at least the following:
 - 1)** Summary. A narrative overview of the large-scale solar energy system, including its nameplate capacity.
 - 2)** Inventory. A tabulation describing the:
 - a)** Number and type of each proposed solar array, including their nameplate capacity.
 - b)** Dimensions and respective manufacturers.
 - c)** Additional structures and/or facilities.
 - d)** Documentation that the project will meet all the requirements of the National Electric Code.
 - 3)** Vicinity map. Identification of the property, or properties, on which the proposed solar energy system will be located.

- 4) Site plan. A plan showing the:
 - 1) Planned location of each solar array.
 - 2) All property lines within 1,000 feet of the property lines of the proposed site.
 - 3) Each array's setback distance from the closest solar energy system boundary.
 - 4) Access road, parking, and turnout locations.
 - 5) Substation(s) and ancillary equipment, buildings, fencing, and structures.
 - 6) Electrical cabling from the solar energy system to the substation(s), and from the substation(s) to where the electricity will leave the site, and associated distribution, transmission, and data lines.
 - 7) One or three line electrical wiring diagram of the proposed system.
 - 8) Cut sheets for all equipment to be used on site, including toxicity testing records for the solar panels proposed to be used and provided by the manufacturer of the solar panels.
 - 9) Conservation areas on or adjacent to the site of the solar energy system and sensitive natural, historic, cultural, scenic, recreation, and other resources as identified during the SEQRA review, including: regulated wetlands; water bodies; riparian buffers and waterbodies, including those subject to the Watercourse Management Overlay provisions at Section 2.8 of the CZL; populations of threatened and/or endangered species (federal or state), or habitat for such species; archaeological sites; designated farmland; existing healthy, native forests consisting of at least one acre of contiguous area; individual existing healthy trees that are at least 100 years old; conservation easements; other significant natural features and scenic view sheds; and existing trails or corridors that connect the site to neighboring areas.
 - 10) A screening and landscaping plan, prepared by a licensed professional landscape architect that shows proposed screening and buffering of all arrays, buildings and other non-array structures on the site or sites. The plan shall include the proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures, and the plan for ongoing vegetation management. The screening and landscaping plan shall include locations, elevations, sight lines, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system.
- 5) Visual impact assessment. An assessment of potential visual impacts upon residential properties, public roads, known important views or vistas, and historic and cultural places, as well as sensitive receptors identified by the Planning Board as part of its review.
 - A) The assessment shall include consideration of recommendations and guiding principles in the following:
 - a. Comprehensive Plan, as may be amended
 - b. Natural Resources Inventory, as may be amended
 - c. East Greenbush Generic Environmental Impact Statement, as may be amended
 - d. NYS Department of Environmental Conservation's Program Policy (DEP-00-2), entitled "Assessing and Mitigating Visual and Aesthetic Impacts," issued July 31, 2000; last revised Dec. 13, 2019, as may be amended;
 - e. Clean Energy, Green Communities: A Guide to Siting Renewable Energy in the Hudson Valley (Scenic Hudson); and Other recognized resources for assessing visual impacts

- B) The visual assessment may include, subject to Planning Board requirements:
- a. A line-of-sight profile analysis;
 - b. A computer-generated model of visual impacts on viewpoints noted in residential properties, public roads, known important views or vistas, and historic and cultural places, including photo simulations of summer and winter conditions, and before and after simulations of proposed landscaping and buffer.
 - c. Additional visual impact analyses from other locations and a digital view shed report or other more enhanced visual assessments, as may be required by the Town Board and/or Planning Board.
- 6) A completed SEQRA Environmental Assessment Form (EAF).
 - 7) Demonstration that the proposed solar energy system complies with the current construction and decommissioning and restoration guidelines established by the NYS Ag and Markets Solar Energy Project Guidance on designated farmland.
 - 8) Agricultural integration plan. For solar energy systems constructed on designated farmland, an agricultural integration plan describing how ongoing agricultural activities will be integrated within the solar energy system, or a demonstration that such plan is not practicable, in which case a vegetation plan for the creation of native pollinator habitat as set forth in NYS Ag and Markets NYS Utility Corridor Pollinator Habitat Guidelines, as may be updated and/or replaced by NYS Ag and Markets.
 - 9) Habitat assessment. A habitat assessment shall be submitted and should be conducted prior to developing any detailed design. The assessment should be prepared according to "Guidelines for Habitat Assessment" prepared by Hudsonia, Inc. 2013, as updated, and carried out by biologists familiar with habitats and biota of the region, and the life history needs of species of conservation concern. The assessment shall identify potential impacts and mitigation measures. For large scale solar energy systems proposed on lands used for agricultural production, the Planning Board may, in its discretion, waive the requirement for a habitat assessment.
 - 10) Construction schedule. A proposed schedule for the completion of the project, including the proposed start date, proposed commencement of land disturbing activities, proposed date of substantial completion, the expected date of final stabilization, the expected date of connection to the power grid, and the expected date on which operation of the solar energy system shall commence.
 - 11) Drainage and stormwater management. An erosion, sediment control, and stormwater management plan prepared to Town MS4 and NYSDEC standards, including the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, latest edition, if applicable, in accordance with Section 3.13 of the CZL.
 - 12) Emergency services. A fire protection and emergency response plan, created in consultation with the responding fire department(s) having jurisdiction over the site of the solar energy system.
 - 13) Leases/agreements/easements. A demonstration that the operator has obtained title to or a leasehold interest in the facility site, including ingress and egress access to a public street, or is under binding contract or option to obtain such title or leasehold interest, or can obtain such title or leasehold interest, subject to Town Attorney review.
 - 14) Lighting and parking, as appropriate.
 - 15) Noise. A study of the noise impacts of the construction and operation of the solar energy system demonstrating compliance with the approval standards for noise provided herein, in accordance with Section 3.6 (Performance Standards) of the CZL, and the latest NYSDEC policy for Assessing and Mitigating Noise Impacts. Existing background noise levels shall be taken before there is any modeling of projected noise levels.

- 16) Traffic study. An analysis and modelling of the construction and decommissioning processes with regard to the transportation network may be required by the Planning Board.
- 17) Signage plan.
- 18) Security plan. Design plans and narrative verifying that the solar energy system is:
 - a) Located, fenced, or otherwise secured so as to prevent unauthorized access inside the planted buffer.
 - b) Installed in such a manner that it is accessible only to persons authorized to operate it or perform service on it, and is inaccessible to non-authorized individuals.
- 19) Construction management plan. A construction/deconstruction plan that includes a traffic control plan (subject to state and local approval, as appropriate); delivery and parking areas; delivery routes; permits required; hours of operation; noise mitigation (e.g., construction hours); dust mitigation; and road monitoring and maintenance. Anticipated construction methods for foundation installation should be described for all solar equipment.
- 20) A signed and executed New York State standardized interconnection contract from the utility provider acknowledging that it will be connected to the utility grid in order to sell electricity to the public utility.
- 21) Operation and maintenance plan. An operation and maintenance plan describing continuing solar energy system maintenance and property upkeep, such as mowing and trimming. Such plan will provide for the inspection, and replacement (i.e., by the following growing season, if necessary), of landscaping and trees that are part of the approved landscaping plan to ensure compliance with the landscaping plan requirements. The plan shall also include:
 - a) Storm and other severe weather event follow-up, and other actions that shall be taken to keep the solar energy system operating quietly, efficiently, and not polluting land, water, and air.
 - b) Plans to ensure proper operation of inverters, inverter filters and associated electrical equipment, including checks for electrical pollution.
 - c) Preventive maintenance inspections at least every six months or as otherwise specified by the Town during site plan review. Operators shall make every effort to conduct inspections after hail, wind, or other severe weather event likely to result in damage to the solar energy system. A wind event is defined as severe wind, which would be wind over 40 miles per hour for one hour or wind gust 58 miles per hour or greater. Each inspection shall consider solar panel condition, metal fatigue, fastener condition, leakage, and other potential failures that might impact public health and safety or the environment.
 - d) Landscaping management plan. A plan shall specify how the owners and operators will implement, maintain and replace, if necessary, the approved landscaping plan and screening methods. The plan shall address plantings and landscaping for both the screening elements and the landscaping within the large scale solar energy system boundary. Regular herbicide applications are discouraged. If any mowing is necessary for future maintenance, timing should be coordinated so as not to disrupt critical timing of pollinator migrations and breeding birds that rely on vegetation for a food source and safety cover. The plan shall identify timing of mowing in relation to these objectives. Plans which use grazing animals for management are encouraged. Narrative shall be included in the application to justify a plan not incorporating grazing animals as part of the management strategy.
 - e) A responsible entity associated with each operation and maintenance plan action.
 - f) Quarterly inspections of the integrity of security systems.

- g) Provision for an annual safety inspection of the solar energy system by the Town Building Inspector or designee.
 - h) A yearly report provided to the Building Inspector showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change in ownership of the solar energy system and/or the land upon which the system is located, and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The annual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the refiling of the security required under Section 7.06(A), the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large-scale solar energy system. The Building Inspector may require an adjustment in the amount of the surety to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties of Section 4.1 of the CZL.
 - i) All required reports shall be provided to the Town of Building Inspector within 30 days of the inspection.
- 22) A decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the large-scale solar energy system. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
- a) Removal of all above-ground solar energy equipment, structures and restoration of areas previously used for agricultural production, according to recommendations by the owner, the Soil and Water Conservation District, the Town Engineer, the Department of Agriculture and Markets, and/or other qualified entity; removal of concrete piers, footers, or other supports to a depth of 48 inches below the soil surface; and removal of access roads, unless otherwise specified by the owner and subject to approval during site plan review. For solar energy systems constructed on designated farmland, the restoration of the designated farmland pursuant to the decommissioning guidelines of the New York State Agriculture and Markets Solar Energy Project Guidance.
 - b) Restoration of the surface grade and soil after removal of equipment.
 - c) Revegetation of restored soil areas with native or agricultural seed mixes, excluding any invasive species.
 - d) A time frame for the execution of the decommissioning plan work.
 - e) Anticipated life of the solar energy system.
 - f) The disconnection of the solar energy system from the utility power grid.
 - g) Stabilization or revegetation of the site as necessary to minimize erosion.
 - h) Estimated decommissioning costs, including contingency costs of at least 50% (in current dollars), consistent with the then-current NYSERDA guidance, or based on a detailed engineering assessment, and certified by a New York State-licensed professional engineer.
 - i) The verifiable means by which it can be determined that the solar energy system has not delivered electricity to the grid for any consecutive thirty day period.
 - j) The plan to dispose or recycle all waste generated from the decommissioning of the solar energy system pursuant to local, state, and federal solid waste regulations.
 - k) Method for ensuring that funds will be available for decommissioning and restoration as set forth in the decommissioning surety requirements of (6) of this chapter.

- 23) Ancillary materials. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town of East Greenbush to ensure compliance with this local law, the CZL, and SEQRA.
 - 24) Conservation Advisory Council referral. The application shall be referred to the Town CAC upon submission to the Town Board and Planning Board. The CAC shall conduct its application review and related activities in accordance with local law 2 of 2020 and its established procedures.
 - 25) Changes. Throughout the permit application review process, the operator shall promptly notify the Town Board, Planning Board, and CAC of any changes to the information contained in the permit application. Changes that do not materially alter the initial site plan may be administratively accepted by the Planning and Zoning Department, the Town's designated engineer, or other Office, as may be designated by the Town Board.
 - 26) The Town may require additional information deemed necessary to assess compliance with this local law based on the specific characteristics of the property or other project elements as determined on a case-by-case basis as part of the Planning Board review.
- F. Solar energy system application review escrow account, application fee, and reimbursement for Town oversight expenses.**
- a) The operator shall pay to the Town of East Greenbush a nonrefundable application fee in accordance with Section 4.3 of the CZL and the Town Land Development Application. The nonrefundable permit application fee shall be set by the Town Board and may be reviewed annually by the Town Board.
 - b) The Town may require that an account be established and funded by the operator to cover reimbursable expenses in accordance with the CZL, including Section 3.13.18 and Section 4.3.
 - c) The operator shall reimburse the Town of East Greenbush for all oversight expenses (the "oversight expenses") incurred by the Town relating to the solar energy system, from application through decommissioning. These oversight expenses include (but are not limited to) amounts required for building permits, licensing, relicensing, decommissioning, inspections, administration, engineering, required expert health and wildlife evaluations, handling complaints, and legal costs. "Legal costs" include reasonable attorney fees for the Town of East Greenbush in the event that an action is commenced by the Town to enforce provisions of this chapter for the solar energy system.
 - d) A reimbursement account will be funded by the operator for the reimbursement of these oversight expenses for the life of the solar energy system. The operator will replenish any funds used by the Town of East Greenbush within 30 calendar days of being sent written notification (and explanation) of withdrawals of said funds. Failure to maintain the reimbursement account at a minimum balance, equal to one year of anticipated oversight expenses as estimated by the Town of East Greenbush Town Board, Planning Board, Town Engineer, and Town Attorney, within 30 days of being given notice shall be cause for revocation of the solar energy system permit(s) issued by the Town.
 - e) Once the operator believes that they have satisfactorily complied with the decommissioning conditions specified in this chapter, they shall send the Town of East Greenbush written notification. The Town then will verify, to their satisfaction, that all decommissioning conditions have been complied with. If there is material noncompliance, the Town will so notify the operator. Upon confirmation by the Town that the requirements of the decommissioning plan have been met, the Town will return all reimbursement account funds to the operator, less related expenses incurred by the Town of East Greenbush.

G. Site plan approval design standards. In addition to site plan requirements under Section 4.3 of the CZL, prior to issuance of final site plan approval by the Town for a solar energy system, the following requirements shall be met:

- a) **Setbacks.**
 - a) Except as otherwise approved by the Planning Board pursuant to this Subsection C(1), all large-scale solar energy systems shall comply with the setback requirements set forth in Appendix A. Such minimum setbacks for a solar energy system shall be measured from the fencing surrounding the solar energy system that is nearest to the relevant property line, building or highway rights-of-way. Landscape buffers for screening, access roads, and collection lines may be placed in the setback area.
 - b) The setback requirements for large-scale solar energy systems, co-use shall be as specified in the CZL for the district in which the system, or portion thereof, will be located.
 - c) The Planning Board may require a greater setback from the requirements of Subsection C(1)(a)(i), (ii), (iii), and (iv) if the Planning Board finds that, in consideration of such factors as the subject property's natural characteristics and proposed mitigation including, but not limited to, topography, existing and proposed vegetative buffers, the proximity to the nonparticipating residence, the presence of participating properties on adjoining parcels separated by a Town road, and whether the site is underutilized previously developed and disturbed land, that:
 - 1) There will be a visual impact from the road, or the adjacent nonparticipating residence from the solar energy system.
 - 2) There will be an adverse impact on the road or on the adjacent nonparticipating residence from the construction, maintenance, and operation of the solar energy system.
- b) **Height.** The height of the solar-related equipment shall not exceed 15 feet. Height is measured from the lowest adjacent grade to the highest point of the structure at maximum tilt, including any attachments, such as a lightning protection device. The Town Board may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated. Towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure, by the utility provider, or necessitated by applicable code to cross certain structures (e.g. pipelines).
- c) **The screening and landscaping plan must include the required buffering and plantings within the solar energy system.**
 - a) **Buffers.** The plan should demonstrate that the landscaped buffer will provide year- round screening so that, to the maximum extent practicable, the solar energy equipment is not visible from roadways and adjacent nonparticipating properties. The vegetation plantings shall be planted within 25 feet of the fencing surrounding the perimeter of the solar energy system. In lieu of plantings, berms or existing vegetation may be used to satisfy all or a portion of the required landscaped screening. If the buffer utilizes vegetative planting, the plantings shall consist of native and noninvasive plant species to promote habitat for wildlife, and foraging habitat beneficial to game birds, song birds, and pollinators. Plantings should be deer-resistant. Buffers shall consist of a diverse selection of native tree and shrub species to create a hedgerow or other appropriate habitat structure. Evergreen tree plantings may be required to properly screen portions of the site. Plantings shall be no more than eight feet apart and at least four feet tall at time of planting. The buffer shall obtain a height of at least 10 feet within five growing seasons. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method. The vegetation management plan shall ensure that any landscaping and trees that die off will be replaced by the following growing season with the approved plantings from the screening and landscape plan.

- b) Solar energy system plantings. Within the solar energy system (i.e., within the fence) the plan must provide for ground cover and other plantings consisting of native, pollinator friendly plants. Within a reasonable time period after 12-months of seeding, an evaluation shall be conducted to ensure target species are establishing and any invasive species of plants are removed.
- c) Invasive species. Invasive species shall not be planted as part of the landscape buffer or solar energy system plantings.
- d) Power collection. All on-site utility, distribution, and transmission lines are, to the maximum extent practicable, to be placed underground.
- e) Agricultural resources. Any large-scale solar energy systems located on parcels containing designated farmland shall be located on no more than 50% of the designated farmland present on the parcel. If contiguous participating properties containing large-scale solar energy systems are present, the collective parcels shall be treated as one parcel for the purposes of the designated farmland location requirement of this subsection.
- f) All large-scale solar energy systems shall be required to comply with an approved agricultural integration plan, or the creation of native pollinator habitat as set forth in NYS Ag and Markets NYS Utility Corridor Pollinator Habitat Guidelines, as may be updated and/or replaced by NYS Ag and Markets.
- g) To the maximum extent practicable, large-scale solar energy systems located on designated farmland shall be constructed and decommissioned in accordance with the construction requirements of the New York State Agriculture and Markets Solar Energy Project Guidance.
- h) Preservation. Existing on-site vegetation shall be preserved to the maximum extent practicable. The removal of existing non-invasive trees greater than 6 inches in diameter at breast height (DBH) shall be minimized to the maximum extent possible. To verify compliance with this requirement, the Town Board and/or Planning Board may require that all trees 6" DBH and greater be individually mapped and depicted on the site plan. Clear-cutting of all native and non-invasive trees in a single contiguous area exceeding 20,000 square feet shall be prohibited except where necessary in order to construct an access road outside the fence.
- i) Site disturbance, including, but not limited to, grading, soil removal, excavation, soil compaction, and tree removal shall be minimized to the maximum extent practicable. The siting of a large-scale solar energy system shall take advantage of natural topography and vegetative screening. The facility should be located at a lower elevation on the property if practicable. Forested sites shall not be deforested to construct a large-scale solar energy facility.
- j) Architectural compatibility. All appurtenant structures, including, but not limited to, equipment shelters, battery energy storage and general facilities, transformers and substations, shall be architecturally compatible with each other and to the maximum extent possible, shielded from the view of persons not on the parcel by existing vegetation or plantings and/or joined or clustered to reduce visual impacts. These structures shall consist of, to the extent reasonably possible, materials, colors and textures that blend the facility into the surround property and scenery. Structures should be designed to be architecturally compatible with each other, and if possible, shielded from view by existing vegetation or plantings and/or joined or clustered to reduce visual impacts.
- k) Fencing. All large-scale solar energy systems shall be enclosed by fencing a minimum of six feet high and a maximum of eight feet high, to prevent unauthorized access., or of a height as otherwise required by the National Electric Code. Perimeter fencing shall allow for the movement of small wildlife by using fixed-knot woven wire or other wildlife friendly fencing. Barbed wired fencing is prohibited. Fencing for mechanical equipment, including a structure for storage batteries, may be 7-feet high and otherwise be constructed in compliance with the National Electrical Code. This section shall supersede other height requirements contained in the CZL.

- l) Utility connections. Utility lines and connections for a large-scale solar energy system shall be installed underground, unless otherwise determined by the Town Board for reasons that may include poor soil conditions, topography of the site, and consideration of the utility provider's engineering requirements. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- m) Glare. All large-scale solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, roads or from impacting aircraft flight path as provided in Federal Aviation Administration guidance. Exterior surfaces of roof- and ground-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure. The applicant shall demonstrate that any glare produced does not have significant adverse impact on neighboring properties or roadways.
- n) Lighting of solar energy systems shall be consistent with state and federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward, shall incorporate full cutoff fixtures to reduce light pollution, and shall be Dark Sky-compliant unless otherwise determined by the Town Board and/or Planning Board.
- o) Access and parking. A road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, trails, or other accessways, public or private, shall be made. The amount of land clearing and disturbance needed to construct the road and parking shall be minimized to the maximum extent practical. There shall be two parking spaces or the number of parking spaces needed to accommodate the maximum number of anticipated maintenance personnel to be present at the large-scale solar energy system at one time, whichever is greater, to be used in connection with the maintenance of the large-scale solar energy system. Such parking spaces shall not be used for the permanent storage of vehicles.
- p) Noise levels from the large-scale solar energy system will comply with the noise limits for solar energy facilities contained in the New York Office of Renewable Energy Siting regulations at 19 NYCRR 900-6.5(b) by implementing the design required by 19 NYCRR 900-2.8 except that the standards applicable to existing nonparticipating residences shall also be met for existing participating residences.
- q) Signage. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Non-prohibited signage shall be designed and placed in accordance with governing regulations and/or according to Town requirements. Warning signs with the operator's and owner's contact information shall be placed on the entrance and perimeter of the property and of the large-scale solar energy system at locations acceptable to the Planning Board. Solar Energy Equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar energy equipment except:
 - a) Manufacturer's or installer's identification;
 - b) Appropriate warning signs and placards. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations;
 - c) Signs that may be required by an authority having jurisdiction agency; and
 - d) Signs that provide a twenty-four-hour emergency contact phone number and warning of any danger.
- r) Surface area. The total surface area of the solar energy equipment system shall not exceed 60% of the total parcel area. If contiguous participating properties containing solar energy systems are present, the collective parcels may be treated as one parcel for the purposes of the surface area requirements of this subsection.

- s) Stormwater management. The installation of new impervious surface is discouraged. The design shall incorporate to the maximum extent practicable permeable pavements, green infrastructure, and other low-impact design elements. A stormwater management maintenance agreement shall be required for any required permanent post-construction stormwater management facilities. Stormwater management must conform to Town MS4 and NYSDEC standards, including but not limited to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, latest edition, if applicable.
 - t) Wildlife habitat and movements conservation. Existing trees, wetlands, or other vegetation that link open areas should be preserved as wildlife cover. The operator shall identify a wildlife movement corridor for wildlife to navigate through the large-scale solar energy system, which proposed wildlife corridor shall be shown on the site plan. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- H. Standards for Planning Board's large-scale solar energy system special use permit application decision. In addition to the site plan approval standards of Section 3.11 Special Use Permits of the CZL, approval of the special use permit application requires that the Planning Board find:
- a) That the proposed large-scale solar energy system protects adjacent land uses, will not adversely affect the existing character of the neighborhood in which the large-scale solar energy system would be located, and will not adversely affect surface waters, wildlife and wildlife movement, forests, wetlands, and other important natural resources on the site.
 - b) The proposed large-scale solar energy system is in harmony with local laws of the Town and complies with the design standards and other requirements of this chapter and applicable safety and safety-related codes and requirements.
 - c) The operation of the large-scale solar energy system would not create significant adverse impacts to human health and the environment.
 - d) The visual assessment demonstrates that the large-scale solar energy system will not have a detrimental effect on the public's use, enjoyment or view of a significant place, view, scenic roadway, or historic structure, nor the Town's rural character, as appropriate.
 - e) No large-scale solar energy system shall be located within a reasonable radius of an existing or permitted large-scale solar energy system.
- I. The large-scale solar energy system approval shall include appropriate conditions to mitigate adverse impacts of the solar energy system, including, but not limited to:
- a) Compliance with the approved landscaping plan, vegetation management plan, and operations and maintenance plan.
 - b) Prior to the issuance of a building permit, the operator shall provide a copy of all necessary titles to or leasehold interests in the facility, including ingress and egress access to public streets, and such deeds, easements, leases, licenses, or other real property rights or privileges as are necessary for all interconnections for the facility.
 - c) Initial site-specific training must be provided for the Building Inspector, fire department, emergency response, East Greenbush Police Department, and Rensselaer County emergency management system. Subsequent annual training to be similarly provided in the discretion of the above parties. Expenses for such training shall be covered by the operator.
 - d) The decommissioning plan shall run to the benefit of the Town of East Greenbush and be executed by the operator as well as the owners and such signatures shall be notarized in a format that allows the plan to be recorded at the Rensselaer County Clerk. This document shall be recorded as an irrevocable deed restriction indexed against the property upon which the solar energy system is to be constructed.
 - e) Large-scale solar energy system construction-related damage. The operator of any permitted large-scale solar energy system shall, repair or replace all real or personal property, public or private, damaged as a result of the large-scale solar energy system construction.
 - f) Site access shall be maintained to a level acceptable to the local fire department and emergency medical services. All means of emergency shut down and/or disconnection of the large-scale solar energy system shall be clearly marked.

- g) The operator shall be responsible for the cost of maintaining the large-scale solar energy system and any access road(s), unless accepted as a public way.
- h) The operator shall identify a responsible person with contact information for public inquiries from the commencement of construction of the large-scale solar energy system until the completion of the decommissioning plan. Changes to the identity of the responsible person shall be submitted no later than the time all required reporting is due.
- i) The operator is responsible to provide the Town of East Greenbush with a current written list of all chemicals used for maintenance and operation of the solar energy system (e.g., pesticides, herbicides, cleaners). This list shall include quantity and frequency of application of each of these chemicals. This list shall be provided as part of the application; any modifications to the list once the system is in operation shall be set forth in the annual report required under Section 7.05(A)(21). The operator shall be liable for a civil penalty of not more than \$500 for each day or part thereof during which violation of the requirements of this subsection continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town of East Greenbush.
- j) The operator shall secure and maintain public liability insurance from the commencement of construction of the solar energy system until the completion of the decommissioning plan, as follows:
 - a) Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence (\$2,000,000 aggregate), which shall specifically include the Town of East Greenbush and its officers, employees, board members, attorneys, agents and consultants as additional named insured.
 - b) Umbrella coverage: \$5,000,000.
 - c) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with at least a Best's rating of "A."
 - d) The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town of East Greenbush with at least 30 days' prior written notice in advance of cancellation.
 - e) Renewal or replacement policies shall be delivered to the Town of East Greenbush at least 15 days before the expiration of the insurance that such policies are to renew or replace.
 - f) No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town of East Greenbush a copy of each of the policies or certificates representing the insurance in the required amounts.
 - g) A certificate of insurance that states that it is for informational purposes only and does not confer sufficient rights upon the Town of East Greenbush shall not be deemed to comply with this chapter.

J. Modification of Requirements

- a) Modification of requirements for large-scale solar energy systems. Except as provided for in Subsection B of this Section, where the Planning Board finds that a proposed large-scale solar energy system would comply with the spirit of Section 7.05, or that compliance with Section 7.05 would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of Section 7.05 may be modified by specific Resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of Section 7.05 and other Town requirements. Any such modification of specific requirements stated within Section 7.05, except for modifications solely related to procedure, shall be preceded by recommendation to, and concurrence by, the Town Board.

- b) Modification and/or waiver of requirements for large-scale solar energy system as co-use. The Planning Board may upon making findings of fact as to their specific applicability to a proposed co-use large-scale solar energy system, modify and/or waive the requirements of this section. Said findings of fact shall include, but not be limited to, discussion of the proposal in relation to the requirements of this section with regard to the nature of the site, the neighborhood in which the site is located, the degree to which the co-use large-scale solar energy system promotes the purpose and intent of this chapter, and other relevant information used in making its determination. The intent of this provision is to provide a more streamlined process for co-use large scale solar energy systems.

K. Decommissioning and removal.

a) Security for decommissioning.

- 1) The operator shall place with the Town of East Greenbush an acceptable letter of credit, performance bond, or other form of security reasonably acceptable to the Town Attorney and Town Engineer that is sufficient to cover the cost of implementing the decommissioning plan. The amount of the letter of credit or other security shall be in the amount of 150% of the estimated cost of implementing the approved decommissioning plan. The estimated cost of implementing the decommissioning plan will be certified by a licensed professional engineer and reviewed by the Town Engineer. The financial security shall include an auto extension provision, be non-terminable, and be issued by an A-rated institution solely for the benefit of the Town.

The salvage value of the solar energy equipment shall not be accounted for in the estimated cost of implementing the decommissioning plan. The financial security shall be updated every third year thereafter specifying changes to the estimated cost of implementing the decommissioning plan. No other parties, including the owner and/or landowner shall have the ability to demand payment under the letter of credit or surety bond.

- 2) The Town of East Greenbush shall use this security to assure the faithful performance of the decommissioning plan. The full amount of the security shall remain in full force and effect until the decommissioning plan has been fully implemented.
- 3) The security for implementing the decommissioning plan shall not be released until the Town Engineer has confirmed that the approved decommissioning plan has been fully implemented and is satisfied that any road damage identified during and after decommissioning that is caused by the operator and/or one or more of its contractors or subcontractors has been repaired or reconstructed to the satisfaction of the NYSDOT, Rensselaer County, and/or Town of East Greenbush Department of Public Works at the operator's expense. In addition, the operator shall pay for all costs related to work of the NYSDOT, Rensselaer County, and/or Town of East Greenbush Department of Public Works (as appropriate) inspection prior to receipt of the release of the surety. Upon written certification that decommissioning has been completed, the owner and/or landowner may petition the Town Board to terminate the letter of credit, surety bond, or other required financial security. Upon request by the operator and/or the owner/landowner, the Town Engineer and Building Inspector shall recommend to the Town Board that the financial security be released. The Town Board shall have the sole discretion to release the security.

b) Decommissioning and removal.

- 1) A large-scale solar energy system that fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a period of 12 consecutive months shall be deemed to be abandoned. The Town Board may, after holding a public hearing on notice to the owner and operator of the system and site owner, determine that the system shall be decommissioned on an approved time schedule. The decommissioning and removal of a large-scale solar energy system shall consist of:

- a) Physical removal of the large-scale solar energy system from the lot to include, but not be limited to, all aboveground and below-ground equipment, structures and foundations, fences, electric transmission lines and components, roadways and other physical improvements to the site;
 - b) Restoration of the ground surface and soils to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties and in accordance with New York State Agriculture and Markets Solar Energy Project Guidance;
 - c) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations, and certification of proper removal and disposal as required by the NYS Department of Environmental Conservation or other government agency;
 - d) Stabilization and revegetation of the site with native seed mixes and/or plant species (excluding invasive species) to minimize erosion and in accordance with New York State Agriculture and Markets Solar Energy Project Guidance.
 - e) For areas previously used for agricultural production, removal of concrete piers , footers, or other supports to a depth of 48 inches below the soil surface; and removal of access roads, unless otherwise specified by the owner and subject to approval during site plan review. Restoration performed shall be according to the NYS Ag and Markets Solar Energy Project Guidance, by recommendations of the owner, the Soil and Water Conservation District, the Town Engineer, the Department of Agriculture and Markets, and/or other qualified entity
- 2) Decommissioning and removal by the Town. If the large-scale solar energy system owner and/or landowner fail to decommission and remove an abandoned facility in accordance with the requirements of this section, the Town may enter upon the property to decommission and remove the system.
- a) Procedure.
 - i. Upon a determination by the Town Board that a large-scale solar energy system has been abandoned, the Building Inspector shall notify the system owner and operator, and property owner by certified mail: a) in the case of a facility under construction, to complete construction and installation of the facility within 180 days; or b) in the case of a fully constructed facility that is operating at a rate of less than 10% of its rated capacity, to restore operation of the facility to no less than 80% of rated capacity within 270 days, or the Town will deem the system abandoned and commence action to revoke the special use permit and require removal of the system.
 - ii. Being so notified, if the system owner, landowner and/or permittee fails to perform as directed by the Building Inspector within the 270 day period, the Building Inspector shall notify the system owner, landowner and permittee, by certified mail, that the large-scale solar energy system has been deemed abandoned and the Town intends to revoke the special use permit within 60 days of mailing the notice. The notice shall also state that the permittee may appeal the Building Inspector's determination of abandonment to the Planning Board and request a public hearing.
 - iii. The appeal and request for hearing shall be made and received by the Building Inspector within 60 days of mailing notice. Failure by the permittee to submit an appeal and request for hearing within the sixty-day period shall result in the special use permit being deemed revoked as stated herein.
 - iv. In the event the permittee appeals the determination of the Building Inspector and requests a hearing, the Planning Board shall schedule and conduct the hearing within 60 days of receiving the appeal and request. In the event a hearing is held, the Planning Board shall determine whether the large-scale solar energy system has been abandoned, whether to continue the special

use permit with conditions as may be appropriate to the facts and circumstances presented to the Planning Board, or whether to revoke the permit and order removal of the large-scale solar energy system

- v. Upon a determination by the Building Inspector or Planning Board that a special use permit has been revoked, the decommissioning plan must be implemented and the system removed within one year of having been deemed abandoned, or the Town may cause the removal at the owner and/or landowner's expense. If the owner and/or landowner fail to fully implement the decommissioning plan within one year of abandonment, the Town may collect the required security and use said funds to implement the decommissioning plan.
- b) Removal by the Town and reimbursement of Town expenses. Any costs and expenses incurred by the Town in connection with any proceeding or work performed by the Town or its representatives to decommission and remove a large-scale solar energy system, including legal costs and expenses, shall be reimbursed from the financial surety posted by the system owner or landowner as provided in Section 7.07(A) of this local law. Any costs incurred by the Town for decommissioning and removal that are not paid for or covered by the required surety, including legal costs, shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become part of the taxes to be levied and assessed thereon, and shall be enforced and collected, with interest, by the same officer and in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town.

L. Permit timeframe; abandonment.

- a) Permit time frame. The special use permit and site plan approval for a solar energy system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced. In the event construction has not commenced in accordance with the final site plan, as may have been amended and approved, as required by the Town Board and/or the Planning Board, the Town Board may extend the time to complete construction for up to two consecutive extensions each of 12 months. If the owner and/or operator fails to commence construction and/or obtain a building permit after 48 months, the approvals shall expire. If the owner or operator fails to perform substantial construction within 36 months of commencement of construction, the Town may notify the owner or operator to implement the decommissioning plan. In such instance, the decommissioning plan must be completed within 150 days of notification by the Town.
- b) Upon notification by the operator, made to the Building Inspector by certified mail, of the proposed date of discontinued operation of the solar energy system, or by cessation of activity of a constructed facility for a period of one year, the Town may notify the operator that the operator must implement the decommissioning plan within 150 days.
- c) If the owner or operator of the facility fails to fully implement the decommissioning plan within the required time frame, the Town may, at its discretion, implement the decommissioning plan and may recover all of the expenses incurred for such activities from the defaulted owner or operator, or, at the Town's sole discretion, from any financial security made with the Town as set forth herein. The operator and the owner of the real property on which the solar energy system is located shall be jointly and separately liable for all costs and expenses of the Town incurred during and relating to the removal of the solar energy system pursuant to the decommissioning plan. Notwithstanding the foregoing, the Town shall first attempt to secure payment for such costs and expenses from the security made with the Town as set forth herein. In the event the costs incurred by the Town to implement the decommissioning plan are not obtained from the security, the Town shall next attempt to secure payment for such costs and expenses from the operator; however, in the event the Town is not made whole following reasonable attempts to collect such costs and expenses from the operator of the installation, the Town reserves all rights to pursue payment for such costs and expenses from

the owner of the real property on which the installation in question is located. Such costs shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes. Legal counsel of the Town shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to the cost of such work, 9% interest per annum, plus a penalty of 9% of the amount due plus attorney's fees and costs incurred by the Town for the removal work and filing the claim.

- d) With the consent of the owner, the Building Inspector, with the concurrence from the Town Engineer and the Planning Board, may allow the operator to implement the decommissioning plan while allowing the landscaping to remain.

M. Nonconformance.

- a) If a building-mounted large-scale solar energy system is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be permitted, so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this law.
- b) If a building-mounted large-scale solar energy system is to be installed on a building or structure on a nonconforming property that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted, so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this local law.

N. Project ownership; transfer.

- a) If the operator changes, the special use permit and/or site plan approval shall remain in effect, provided that the successor operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. The new operator shall notify the Building Inspector and the Town Board of such change within 30 days of the change. The new operator must provide such notification to the Building Inspector and the Town Board in writing. The special use permit and all other local approvals for the solar energy system shall become void if a new operator fails to provide written notification to the Building Inspector in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this chapter.

O. PILOT Agreement.

- a) Where the large-scale solar energy system is designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated exceed the anticipated annual total electricity consumed on the property by more than 110%, the operator shall be required to enter into an agreement for a payment in lieu of taxes (PILOT) with the Town pursuant to Real Property Tax Law §487. This PILOT agreement shall be drafted by the Town Attorney in consultation with the Town Assessor and Town Supervisor.
- b) No building permit shall be issued or construction commenced for a solar energy system requiring a PILOT until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the Rensselaer County Clerk.
- c) The PILOT shall run to the benefit of the Town of East Greenbush and be executed by the operator and the owners of the real property upon which the solar energy system is to be located and such signatures by notarized in such a way that allows the PILOT agreement to be recorded at the Office of the Rensselaer County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the Rensselaer County Clerk as a lien on the property and indexed against the property/properties upon which the solar energy system is to be constructed. The intent of the above provisions is so that should the operator of the solar energy system default with regard to such PILOT agreement, that such obligation will become the responsibility of the then owner of the property upon which the solar energy system is sited and that failure to satisfy the terms of such agreement will permit the Town of East Greenbush to enforce such agreement as against the owner.

- d) Community host agreement. Prior to issuance of a building permit for the solar energy system, the operator for which a large-scale solar energy system with a nameplate capacity of over 1MW is to be developed shall enter into a community host agreement with the Town for payment by the operator to the Town of an agreed upon monetary amount or provision of a specific public improvement or improvements that shall act to offset the potential adverse impacts that may be associated with a solar energy system.

Large-Scale Solar Energy System Setback Requirements pursuant to Section 7(5)(c)(1)

Large-Scale Solar Energy System, Tier 1				
	Front	Side	Rear	Non-Participating Residential or Commercial Building
A-OS Agriculture/Open Space	100'	100'	100'	250'
R-LD Rural/Low Density Residential	100'	100'	100'	250'
RT Residential Transition	100'	100'	100'	250'
NMU Neighborhood Mixed Use	100'	100'	100'	250'
CMU Commercial Mixed Use	50'	50'	50'	250'
LI Light Industrial	50'	50'	50'	250'

Large-Scale Solar Energy System, Tier 2				
	Front	Side	Rear	Non-Participating Residential or Commercial Building
A-OS Agriculture/Open Space	100'	100'	100'	250'
R-LD Rural/Low Density Residential	100'	100'	100'	250'
RT Residential Transition	100'	100'	100'	250'
NMU Neighborhood Mixed Use	100'	100'	100'	250'
CMU Commercial Mixed Use	50'	50'	50'	250'
LI Light Industrial	50'	50'	50'	250'

Section 4 - General Administration

Section 4.1 – Enforcement

4.1.1 ENFORCEMENT OFFICE

This Local Law shall be enforced by the Enforcement Official who shall be appointed by the Town Board of East Greenbush. The Town Board may fix the salary or remuneration of such Enforcement Official and provide for the payment thereof.

4.1.2 Rules, Regulations, and Forms

The Enforcement Official shall have the authority to make, adopt, and promulgate such written rules, regulations, and forms as they may deem necessary for the proper enforcement and administration of this Local Law and to secure the intent thereof. Such rules, regulations, and forms shall not be in conflict with the provisions of this Local Law or any ordinance of the Town of East Greenbush nor shall they have the effect of waiving any provisions of this Local Law or any law, ordinance, or regulation. Such rules, regulations, and forms shall have the same force and effect as the provisions of this Local Law and be subject to the same penalties for violations thereof. Such rules, regulations, and forms shall be submitted to the Town Board by the Enforcement Official, which shall move to approve, reject, or modify such rules, regulations, or forms within 30 days after submission. Failure to so move shall be construed to constitute approval thereof. Said rules, regulations and forms as approved by the Town Board shall be on file and available to public view.

4.1.3 Entry and Inspection

Upon obtaining all necessary permissions, the Enforcement Official shall have the right to enter upon, examine, and inspect -- or to cause to be entered, examined and inspected -- any building or property at any time for the purpose of carrying out his duties and to determine compliance with the provisions of this Local Law. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the Enforcement Official.

4.1.4 Violations

Whenever in the opinion of the Enforcement Official, after proper examination and inspection, there appears to exist a violation of any provision of this Local Law, or of any rule the Enforcement Official shall serve written notice of violation/ order to remedy upon the appropriate person responsible for such alleged violation.

A. Notice of Violation

1. Such notice of violation shall inform the recipient of:

- a) the nature and details of such violation;
- b) recommended remedial action which if taken will effect compliance with the provisions of this Local law and with rules and regulations adopted thereto;
- c) the date of compliance by which the violation must be remedied or removed; and
- d) the right to a hearing before the Enforcement Official in accordance with Section 4.1.3-D.

B. Extension - The Enforcement Official may extend the date of compliance specified in a notice of violation after written application, if in their opinion there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

C. Emergency Action - If in the opinion of the Enforcement Official a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, morals or welfare of occupants of a building or to other persons, they may take direct action on their own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Enforcement Official shall keep on file an affidavit stating with fairness

and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover the costs.

- D. Request for Hearing** - Any person served with a notice of violation in accordance with Section 4.1.3 and who denies the violation or is allegedly aggrieved by the required action necessary for compliance, may within ten days after service of notice made a request in writing for a hearing before the Enforcement Official stating the reasons why such hearing is requested.
- E. Abeyance** - Compliance with a notice of violation shall not be required while a hearing is pending.
- F. Hearing** - Within ten days after receipt of a request for a hearing, the Enforcement Official shall acknowledge receipt in writing and set a time and place for such hearing not later than 30 days after date request was received. Hearings may be postponed beyond 30 days by the Enforcement Official for just cause, and notice of postponement shall be served. The person requesting the hearing shall be required to show cause or give evidence why he should be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.
- G. Findings** - After consideration of all testimony given at the hearing held in accordance with Section 4.1.3-F, the Enforcement Official shall sustain, withdraw, or modify the notice of violation as originally served. If such notice is sustained or modified, the Enforcement Official shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original notice of violation or modified remedial action specified at the hearing.
- H. Certificate of Zoning Compliance** - On reinspection following the expiration of the date of compliance as specified in the notice of violation, if the violation has been remedied or removed in accordance with the specified remedial actions and there is no longer a violation of any provision of this Local Law, then a Certificate of Zoning Compliance shall be issued by the Enforcement Official.
- I. Legal Action by the Town for Non-Compliance** - On reinspection following the expiration of the date of compliance as specified in the notice of violation or as extended in accordance with Section 4.1.3-B, if the remedial action specified has not been carried out and there is still in existence in the opinion of the Enforcement Official a violation or a provision of this Local Law, then the Enforcement Official shall immediately refer the matter to the Town Attorney who may proceed in Town court to prosecute the violation or who may upon Town Board approval, institute appropriate legal action to restrain, prevent, enjoin, abate, remedy, or remove such violation and to take whatever other legal action is necessary to compel compliance with this Local Law.
- J. Legal Action by Taxpayers for Non-Compliance** - If the Enforcement Official fails or refuses to refer a violation of this Local Law to the Town Attorney for legal action in accordance with Section 4.1.3-I within a ten-day period following written request by any taxpayer so to proceed, then any three or more taxpayers of the Town of East Greenbush may institute appropriate legal action in a proper court to restrain, prevent, enjoin, abate, remedy, or remove such violation.
- K. Failure to Apply for Building Permit or Certificate of Occupancy** - Any person who fails to apply for a building permit or Certificate of Occupancy as required by, and in accordance with, this Local Law and who proceeds to construct, erect, relocate, alter, extend, or structurally change a building or part thereof or who subsequently proceeds to occupy or use or change the use of land shall be required to file application and plans and pay the fee as provided in this Local Law and in addition shall be required to pay an inspection fee for alterations and a fee in accordance with 4.1.4-F for new construction. The Code Enforcement Official shall inspect or cause to be inspected such building or land and shall issue either a notice of violation in accordance with Section 4.1.3 or a Certificate of Occupancy in accordance with Section 4.1.5.
- L. Penalties** - Any person who shall violate, or cause to be violated, or assist in the violation of any provisions of this Local Law shall be subject to conviction for an offense and be subject to a fine or imprisonment for not more than ten days, or both, for each and every violation.
 - 1. Each week that such violation continues shall constitute a separate offense. The term "person" as used in this section shall include an owner, occupant, mortgagee, tenant, vendee in possession, assignee of rents, receiver executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of a building, property, or part thereof.

4.1.5 Building Permits - Zoning Requirements

All persons proposing to construct, erect, or relocate, alter, repair, extend, remove, demolish, or structurally change any building, structure, or portion thereof, shall apply to the Code Enforcement Official for a building permit on an appropriate form.

- A. Construction Design Requirements** – Any construction or structural renovation work larger than 576 square feet, or which has a construction cost greater than \$10,000 must provide construction drawings of the proposed work stamped by an architect or structural engineer licensed to practice in New York State by the Department of Education in order to be eligible for a Building Permit.
- B. Application of Building Permit** - A building permit application shall be submitted stating the use and occupancy, accompanied by a sketch plan drawn to scale. The plan shall include dimensions, location on the lot or in the building of proposed construction, erection, relocation, alteration, repair, extension, removal, demolition or structural change. The plan must show the relation to existing structures and the proposed grading, drainage and sediment control coverage.
- C. Approval** - The Code Enforcement Official, after determining that such proposed work, use and occupancy are in compliance with all provisions of this Local Law and the rules and regulations adopted thereunder, may approve any such application and issue a building permit in connection therewith. An order from the Board of Appeals excepting the applicant from any provisions of this Local Law shall be acceptable in lieu of compliance with said provisions. The Code Enforcement Official shall return to the applicant one copy of such application and plans, endorsed as approved.
- D. Disapproval** - The Code Enforcement Official, after determining that such proposed work, use and occupancy are not in compliance with all provisions of this Local Law and the rules and regulations adopted thereunder, shall disapprove such application and shall return to the applicant one copy of such application and plans endorsed as disapproved with the reasons stated in writing and submitted along with the application for a building permit.
- E. Prior Approval** - If approval is required by the Board of Appeals, Planning Board, Rensselaer County Department of Health or other agency for any such proposed work, such approval shall be obtained in writing and submitted along with the application for a building permit.
- F. Fees** - An application for preliminary site plan review and approval shall be accompanied by payment of a fee in accordance with the fee schedule established and annually reviewed by the Town Board. For a listing of fees for different permits, contact the Town Hall.
- G. Expiration** - Every building permit issued is good for six (6) months but can be renewed for another period of 6 months and shall become void after one calendar year immediately following the date of issuance, and any further work on any premises after the expiration date or extension period of such building permit has passed shall constitute a violation of this Local Law. Prior to such expiration date, the applicant may either apply to the Code Enforcement Official for a new building permit or for an extension of the expiration date of the original building permit.
- H. Extension** - The Code Enforcement Official may for just cause extend the expiration date of any building permit for a reasonable time period and may attach reasonable conditions to such extension relating to the work involved or situations that exist as a result of the work.
- I. Rescission** - The Code Enforcement Official may for just cause rescind a building permit which he has issued.
- J. Stop Orders** - Whenever the Code Enforcement Official has reasonable ground to believe that work on any building or structure is being conducted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, they shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon the person to whom it is directed either by delivering it personally to them, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail.

K. Inspection - The Code Enforcement Official shall inspect or cause to be inspected any building, structure, or portion thereof after completion of any work for which a building permit was issued and be assured that all plans as approved are complied with before issuing a Certificate of Occupancy in accordance with Section 4.1.5.

L. Appeals - Any person allegedly aggrieved as a result of an action or failure to act by the Code Enforcement Official in regard to a building permit under this Local Law shall have recourse to the Board of Appeals or may seek relief in accordance with Section 4.2.6.

4.1.6 Certificate of Occupancy - Zoning Requirements

A. All persons desiring permission to do any of the following shall apply to the Code Enforcement Official for a Certificate of Occupancy on the appropriate form:

1. to occupy and use a building or structure or part thereof following construction, erection, relocation, alteration, repair, extension, removal, demolition, or structural changes, wholly or in part; or
2. to change the use of an existing building or a part thereof; or
3. to occupy and use vacant land, or to change the use of land, for any uses other than those consisting principally of tilling the soil;

B. Application for Certificate of Occupancy - Any such application for a Certificate of Occupancy shall be made in duplicate in accordance with rules established by the Building Inspector.

C. Approval - The Code Enforcement Official may issue a Certificate of Occupancy for any of the reasons stated in Section 4.1.5 after determining by inspection that (1) such reason complies with this Local Law and other applicable laws, ordinances, and regulations, or (2) the premises comply with the plans, specifications, and conditions for which a building permit was issued.

D. Additional Data and Documents - Every applicant for a Certificate of Occupancy shall list the data and documents submitted with his application for a building permit, or in case none was required he shall submit such additional data and documents as is required by rules established by the Building Inspector.

E. Entitlement - The issuance of a Certificate of Occupancy by the Code Enforcement Official shall entitle and authorize the applicant to occupy and use, initially and continuously, or to change the use of, building and land in accordance with Section 4.1.5.

F. Validity - A Certificate of Occupancy shall remain valid only for those specific conditions of use and occupancy in effect at the time of issuance or for which said certificate was issued, subject to the requirements for non-conforming uses.

G. Disapproval - In case the Code Enforcement Official shall refuse to issue a Certificate of Occupancy, their reasons shall be stated in writing on the applications and one copy shall be returned to the applicant.

Fees - Every application for a Certificate of Occupancy shall be accompanied by the required fee.

Appeal - Any person allegedly aggrieved as a result of an action or failure to act by the Code Enforcement Official under this Local Law in regard to a Certificate of Occupancy shall have recourse to the Board of Appeals or may seek relief in accordance with Section 4.2.6

Section 4.2 Zoning Board of Appeals

4.2.1 General Provisions

- A. Establishment** - There is hereby established a Board of Appeals pursuant to Town Law which shall consist of five members appointed by the Town Board who shall designate one member as Chairman. A member of the Board of Appeals shall not at the same time be a member of the Town Board or the Planning Board. The Town Board may fix the compensation of such members and provide for the payment thereof. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.
- B. Term of Appointment** - The term of five members shall expire as follows:
- One member.....5 years, succeeded by a 5 year term.
One member.....4 years, succeeded by a 5 year term.
One member..... 3 years, succeeded by a 5 year term.
One member.....2 years, succeeded by a 5 year term.
One member.....1 year, succeeded by a 5 year term.
- If two additional member seats are appointed, they shall be appointed for two and four years respectively at the expiration of which their successors shall be appointed for terms of five years. A vacancy occurring otherwise than by expiration of term shall be filled by the Town Board by appointment for the unexpired term.
- C. Rules of Procedure, By-laws, Forms** - The Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Local Law. Such rules, by-laws and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this Local Law or any other ordinances, laws or regulations of the Town of East Greenbush. Such rules, by-laws, and forms, and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by the Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws, and forms within 30 days after submission. Failure of the Town Board to so move shall be construed to constitute approval thereof.
- D. Staff** - The Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriation made by the Town Board and then available for that purpose.

4.2.2 Authority

- A.** The Board of Appeals is governed by and shall act in strict accordance with procedures specified by Town Law, this Local Law, and its own duly-adopted rules, by-laws, and forms, and shall perform the following functions:
1. Decide any question properly brought before it involving the interpretation of any provision of this Local Law;
 2. Hear and decide appeals from any decision, determination, act, or failure to act of the Enforcement Official, and all matters properly referred to it by the Enforcement Official ;
 3. Grant variances to provisions of this Local Law in accordance with Section 4.2.4.
- B. Public Hearing notice.**
- The Board of Appeals shall after due notice hold a public hearing on every appeal or application for a variance referred or taken to said Board or upon which it is required to pass, in accordance with this Local Law and the Town Law.
 - The Board of Appeals shall have published a notice of each such hearing in a newspaper of general circulation in the Town of East Greenbush at least 10 days prior to such hearing. The applicant shall be responsible for payment for this notice.

- C. Property Owner Notification.** At least seven days prior to such public hearing, the Board of Appeals shall have sent by registered mail the notice of such hearing and an explanation of the variance sought to all property owners within 200 feet of the subject property. Such notices shall be sent to the last known address as shown by the most recent Town tax records. The applicant shall be responsible for costs associated with Property Owner notifications issued in accordance with this section.
- D. Findings and Conclusions** - After such public hearing and after considering the application, the Board of Appeals shall either grant or deny the variance and shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the granting or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use as described and represented by the applicant.
- E. Reporting and Filing and Decisions, Permits, and Variances** - Every official and final decision of the Board of Appeals shall be by written resolution, each of which shall contain a full record of its findings in the particular case, and each of which shall be filed in the Office of the Town Clerk together with all pertinent documents. The Board of Appeals shall notify the Town Board and the Planning Board in writing of each variance issued or granted under provisions of this Local Law.
- F. Re-Hearing and Reversal** - Upon motion initiated by any member and adopted by majority vote of members present, but not less than a majority of all members, the Board of Appeals may vote to give notice and hold one re-hearing to review any order, decision, or determination previously made. After such re-hearing, the Board upon the concurring vote of all members present, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision, or determination reviewed will not be subject to prejudice thereby, may reverse, modify, or annul its original order, decision, or determination.

4.2.3 Interpretation

- A.** The Board of Appeals shall, upon proper request, interpret any provision of this Local Law about which there is uncertainty, lack of understanding or misunderstanding, ambiguity, or disagreement and shall determine the exact location of any zoning district boundary about which there may be uncertainty or disagreement.
- B.** Every request for an interpretation shall be made in the form and manner prescribed by rules of procedure adopted by the Board of Appeals and shall set forth exactly the interpretation which is claimed or sought.

4.2.4 Variances

- A.** The Board of Appeals shall receive applications for and have the power to grant a variance in the applications of any of the provisions of this Local Law to a particular property, relating to the area, bulk, construction, or alteration of buildings, or any part thereof, in such a way that the spirit of this Local Law shall be observed and maintained; public health, safety, and welfare secured; and substantial justice done.

1. Application

Application for such variance may be made on an appropriate form by any property owner in the Town of East Greenbush allegedly aggrieved by the strict application of any of the provisions or requirements of this Local Law or who may desire to deviate therefrom.

2. Statement by Applicant

Such application shall clearly state the specific provisions of this Local Law from which variance is sought, the special circumstances which allegedly justify such variance, and the interpretation or ruling which is desired.

3. Criteria for Granting Variance

a) Use variances

- i) The 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.
- ii) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.

In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - that the alleged hardship has not been self-created.
- iii) The 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 and the health, safety and welfare of the community.

b) Area variances.

- i) 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.
- ii) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - whether the requested area variance is substantial;
 - whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- iii) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Conditions

In granting any variance, the Board of Appeals may prescribe any conditions that it deems necessary or desirable.

5. Fee

Each application to the Board of Appeals for variance shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.

4.2.5 Review of Applications for Special Use Permits

See section 3.11.

4.2.6 Appeals

- A.** Any persons allegedly aggrieved by a decision, determination, act, or refusal to act the Code Enforcement Official may file an appeal with the Board of Appeals.
- B.** All appeals shall be made in the form and manner prescribed by rules of procedure adopted by the Board of Appeals and shall state the decision, determination, act, or failure to act of the Code Enforcement Official from which the appeal is taken.
- C.** The Board of Appeals may reverse, affirm, wholly or partly, or may modify any order requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in any case referred to it, and to that end shall have all the powers of the Enforcement Official from who the appeal is taken.
- D.** The concurring vote of the majority members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Enforcement Official or to decide in favor of the applicant any matter upon which such Board is required to pass.
- E.** Any appeal from a decision of the Enforcement Official properly filed with the Board of Appeals, shall stay all proceedings in furtherance of the action appealed from, unless the Enforcement Official certifies to the Board of Appeals that by reason of facts stated in the certification, a stay would, in their opinion, cause imminent peril to life and property.

Section 4.3 Planning Board

4.3 Planning Board

4.3.0 Authority

- A.** Pursuant to §271 of the New York State Town Law, the Town of East Greenbush Town Board is authorized by local law, and hereby creates a planning board consisting of seven members and has, by resolution, appointed the members of such board and designated the chairperson thereof. In the absence of a chairperson the planning board may designate a member to serve as chairperson. The town board may, as part of the local law creating said planning board, provide for the compensation of planning board members. In making such appointments, the town board may require planning board members to complete training and continuing education courses in accordance with any local requirements for the training of such members.
- B. Appropriation for planning board.** The town board is hereby authorized and empowered to make such appropriation as it may see fit for planning board expenses. In a town containing one or more villages, or parts thereof, such charges and expenses less fees, if any collected, shall be a charge upon the taxable property of that part of the town outside of said villages and shall be assessed, levied and collected therefrom in the same manner as other town charges. The planning board shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefor by the town board for such planning board.
- C. Rules and regulations.** The planning board may recommend to the town board regulations relating to any subject matter over which the planning board has jurisdiction under this article or any other statute, or under any local law or ordinance of the town. Adoption of any such recommendations by the town board shall be by local law or ordinance.
- D. Report on referred matters; general reports.** The town board may by resolution provide for the reference of any matter or class of matters, other than those referred to in subdivision thirteen of this section, to the planning board before final action is taken thereon by the town board or other office or officer of said town having final authority over said matter. The town board may further stipulate that final action thereon shall not be taken until the planning board has submitted its report thereon, or has had a reasonable time, to be fixed by the town board in said resolution, to submit the report.
1. The planning board may review and make recommendations on a proposed town comprehensive plan or amendment thereto. In addition, the planning board shall have full power and authority to make investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the town as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefore.

E. Membership

1. **Town board members ineligible.** No person who is a member of the town board shall be eligible for membership on such planning board.
2. **Terms of members first appointed.** The terms of members of the board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board.

One member.....7 years, succeeded by a 7 year term.
 One member.....6 years, succeeded by a 7 year term.
 One member.....5 years, succeeded by a 7 year term.
 One member.....4 years, succeeded by a 7 year term.
 One member..... 3 years, succeeded by a 7 year term.
 One member.....2 years, succeeded by a 7 year term.
 One member.....1 year, succeeded by a 7 year term.

3. **Terms of members now in office.** Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.
4. **Increasing membership.** The town board may, by local law increase a five member planning board to seven members. Additional members shall be first appointed for single terms as provided by resolution of the town board in order that the terms of members shall expire in each of seven successive years and their successors shall thereafter be appointed for full terms of seven years. No such additional member shall take part in the consideration of any matter for which an application was on file with the planning board at the time of his or her appointment.
5. **Decreasing membership.** A town board which has seven members on the planning board may by local law or ordinance, decrease the membership to five, to take effect upon the next two expirations of terms. However, no incumbent shall be removed from office except upon the expiration of his or her term, except as hereinafter provided.
6. **Vacancy in office.** If a vacancy shall occur otherwise than by expiration of term, the town board shall appoint the new member for the unexpired term.
7. **Removal of members.** The town board shall have the power to remove, after public hearing, any member of the planning board for cause. Any planning board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the town board by local law.
8. **Chairperson duties.** All meetings of the planning board shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
9. **Service on other planning boards.** No person shall be disqualified from serving as a member of the town planning board by reason of serving as a member of a village or county planning board.

F. Alternate members.

1. The Town Board hereby establishes alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of illness or unavailability. Alternate members of the planning board are appointed by resolution of the town board, for terms established by the Town Board.
2. The chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate on an application or matter before the Board because of illness or unavailability. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.
3. All provisions of this section relating to planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

4.3.1 Site Plan Review and Approval Procedures

A. Definition and Purpose

Prior to the issuance of a Building Permit or Certificate of Occupancy or Use in any district, except for a one- or two-family dwelling, and related accessory uses or a general farming or nursery use permitted by right in its District, the Code Enforcement Official shall require the preparation of a site plan.

- i. The Code Enforcement Official, at their discretion, may require the preparation of a Site Plan for any change in occupancy and/or use of any site where there are existing violation(s) and/or non-conformance to a previously approved site plan or which does not have an approved site plan.
- ii. Repairs and alterations within an existing shopping center which renovate or change the interior layout of the building(s) shall be prepared, signed and stamped by a Licensed Architect or Engineer. The Code Enforcement Official, at their discretion, may require the preparation of a Site Plan if it is determined that the interior changes result in a change in occupancy and/or use.
- iii. Replacement of existing underground gasoline and petroleum tanks shall be prepared, signed, stamped and supervised by a Licensed Engineer. The Code Enforcement Official, at their discretion, may require the preparation of a Site Plan if it is determined that the replacement of these underground utilities include additional site modifications.

The Code Enforcement Official shall refer the site plan to the Planning Board or Town Board for its review and recommendations in accordance with the standards and procedures set forth in this Section.

No earthwork, clearing, site grading, tree or shrub removal or building demolition shall take place prior to obtaining site plan approval when required.

B. Major and Minor Classification

Any proposal requiring Site Plan Review shall be classified as a Major or Minor Site Plan. Any site plan that includes the construction or modification of a building or buildings equal to or greater than 4,000 sqft of Gross Building Area is classified as a Major Site Plan. Any site plan that includes the construction or modification of a building or buildings less than 4,000 sqft of Gross Building Area is classified as a Minor Site Plan.

Any proposal classified as a Major Site Plan is subject to review and approval by the Town Board, following formal recommendation from the Planning Board. The Town Board may approve, approve with conditions or deny an application for major site plan approval.

Any proposal classified as a Minor Site Plan is subject to review by the Planning Board. The Planning Board may approve, approve with conditions or deny an application for minor site plan approval.

C. Site Plan Review Procedure

1. The following site plan review procedures shall apply to major and minor site plan applications.
2. **Sketch Plan.** A sketch plan conference between the Planning Board and the applicant shall be held to review the basic site design concept and generally determine the information to be required on the Preliminary Major or Minor Site Plan. For Major Site Plan Review the applicant is required to make an introductory presentation to the Town Board before Sketch Plan review by the Planning Board.
 - a) At the Sketch Plan conference the applicant should provide, to the extent applicable, the following:
 - i. A statement or rough sketch describing what is proposed.

- ii. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof. Such area map shall be oriented to the nearest street or road intersection and indicate some existing features nearby for orientation purposes, such as intersections, signs or other visual landmarks.
- iii. A map of site topography at no more than five (5) feet contour intervals. If general site grades exceed five (5) percent or portions of the site have susceptibility to erosion, flooding, or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation should additionally be provided.

b) At the sketch plan conference, the Planning Board may take one of the following actions:

- i. Determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this Article, with such determination restricted to applications including the establishment of permitted uses within existing complying structures or the limited modifications of existing conforming uses and complying structures, wherein no substantial site improvements and no substantial building additions are either required or proposed;
- ii. Determine that the project does require full review under this Article, based upon its scope and/or land use, site and building design characteristics, and advise the applicant of preliminary site plan requirements in accordance with Part (b) of this Article; or
- iii. Require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.

3. Application for Preliminary Site Plan Approval. An application for preliminary site plan approval shall be made to the Planning Board and shall be accompanied by information drawn from the following checklist in Table 4.3-A, as determined necessary by the Planning Board or Town Board at the sketch plan conference.

Table 4.3 A - Preliminary Site Plan Checklist	
1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;	
2. North arrow, scale, and date;	
3. Boundaries of the property plotted to scale;	
4. Existing watercourses, including any classified as federal or state wetlands by US Army Corps of Engineers (USACOE) and the New York State Department of Environmental Conservation (NYSDEC) as designated water classes "AA" through "D" and their corresponding overlay boundary	
5. A Stormwater Pollution Prevention Plan (SWPPP) consistent with §3.13 Erosion, Sediment Control and Stormwater Management shall be required for Site Plan approval. The SWPPP and approved Site Plan shall meet the performance, design criteria and standards set forth in §3.13;	
6. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board or Town Board;	
7. All existing trees in the areas scheduled for development which have a caliper of 8" or greater. Such trees and associated groundcover should attempt to be preserved and designed as part of the site plan whenever possible in lieu of removal or replacement with new plantings;	
8. Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;	

9. Provision for pedestrian access;
10. Location of outdoor storage, if any;
11. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
12. Description of the method of sewage disposal and location, design and construction materials of such facilities;
13. Description of the method of securing public water and location, design and construction materials of such facilities;
14. Location of fire and other emergency zones, including the location of fire hydrants;
15. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
16. Location, size and design and construction materials of all proposed signs;
17. Location and proposed development in all buffer areas, including indication of existing vegetative cover;
18. Location and design of outdoor lighting facilities;
19. Designation of the amount of building area proposed for retail sales and similar commercial activity;
20. General landscaping plan and planting schedule;
21. Other elements integral to the proposed development, as considered necessary by the Planning Board or Town Board, including identification of any federal, State or County permits required for the project's
22. Required Fee. An application for preliminary site plan review and approval shall be accompanied by payment of a fee in accordance with the fee schedule established and annually reviewed by the Town Board.

4. Review of Preliminary Site Plan. The Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

a) Review Criteria

- i. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls;
- ii. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
- iii. Location, arrangement, appearance and sufficiency of off-street parking and loading;
- iv. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- v. Adequacy of stormwater and drainage facilities;
- vi. Adequacy of water supply and sewage drainage facilities;
- vii. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's adjoining lands, including the maximum retention of existing vegetation;
- viii. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation;

- ix. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
- x. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants; and
- xi. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

b) Consultant Review. The Planning Board may consult with the Code Enforcement Official, Fire Commissioners, Commissioner of Public Works, other local and county officials, and its designated private consultants, in addition to representatives of Federal and State agencies including, but not limited to, the Natural Resources Conservation Service, the State Department of Transportation, the NYS Office of Parks, Recreation and Historic Preservation, the State Department of Environmental Conservation and the U.S. Army Corps of Engineers.

c) Public Hearing. The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board or Town Board, such public hearing shall be advertised in a newspaper of general circulation in the Town at least ten (10) days before the public hearing.

d) Required Referral. Prior to taking action on the preliminary site plan, the Planning Board or Town Board shall refer the site plan, where applicable, to the County Bureau of Planning for advisory review and a report in accordance with Section 239-M of the General Municipal Law.

e) Planning Board or Town Board Action on Preliminary Site Plan. Upon receipt of an application for preliminary site plan review the Planning Board or Town Board shall act on it as soon as practicable. The Planning Board's or Town Board's action shall be in the form of a written statement to the applicant stating whether the preliminary site plan is recommended for approval, disapproval or approval with modifications.

The Planning Board's or Town Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, of which conformance with said modifications shall be considered a condition for a recommendation of approval. If the Preliminary Site Plan is recommended for disapproval, the statement will contain the reasons for such findings. In such a case, the Planning Board or Town Board may recommend further study of the site plan and resubmission to the Planning Board or Town Board after it has been revised or redesigned.

5. Procedure for Final Detailed Site Plan Review.

a) Approval of Preliminary Site Plan. After receiving a recommendation for approval, with or without modifications, from the Planning Board or Town Board on a preliminary site plan, the applicant shall submit final detailed site plan to the Planning Board or Town Board for a recommendation of approval. If more than six (6) months has elapsed since the time of the Planning Board's or Town Board's action on the Preliminary Site Plan and if the Planning Board or Town Board finds that conditions have changed significantly in the interim, the Planning Board or Town Board may require a resubmission of the Preliminary Site Plan for further review and possible revision prior to accepting the proposed final site plan for review.

- I. The final detailed site plan shall conform substantially to the preliminary site plan originally recommended for approval. It should incorporate any modifications that may have been recommended by the Planning Board or Town Board in its preliminary review. All such modifications shall be clearly indicated by the applicant on the appropriate submission.

- II. The following additional information shall accompany an application for final detailed site plan review:
 - a. Record of application for and approval status of all necessary permits from State and County officials;
 - b. Detailed sizing and final material specification of all required improvements; and
 - c. An estimated project construction schedule.

b) Planning Board or Town Board Action of Final Detailed Site Plan. Application for final site plan review shall be made to the Planning Board or Town Board.

- I. **Approval.** For Major Site Plan review the Planning Board may make its recommendations to the Town Board as to whether to approve or disapprove said site plan. Upon recommending approval of the final site plan the Planning Board shall endorse its recommendation for approval on a copy of the final site plan and shall forward such a copy to the Town Board. Approval of Major Site Plan is under the authority of the Town Board. For Minor site plan review the Planning Board upon the completion of its review as per this section, may approve, disapprove or approve with conditions.
- II. **Disapproval.** For Major Site Plan, upon recommending disapproval of a final site plan, the Planning Board shall so inform the Town Board. The Town Board has the authority to approve, disapprove or approve with conditions the major site plan. For Minor Site plan, the Planning Board shall also notify the applicant in writing of its decision and its reason for disapproval.

c) Action by Town Board or Planning Board. The Town Board or Planning Board shall advise the Code Enforcement Official in writing as to whether or not a Building Permit or Certificate of Occupancy or use may be issued to the applicant upon stamping of the final site plan by the Planning Board Chair and satisfaction of all applicable conditions of approval, codes, laws, rules, regulations, and payment by the applicant of all fees and reimbursable costs due to the Town. All Final approved site plan shall be signed by the Planning Board Chair.

d) Non-Reimbursable Costs. Costs incurred by the Planning Board or Town Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, as provided by the fee schedule established and annually reviewed by the Town Board. Such non-reimbursable costs shall be in addition to the fee required in part Table 4.3-A herein.

D. Performance Guarantee.

- a) As a condition to the approval of any site plan the applicant may be required to post a performance bond, or in lieu thereof sufficient monies, to insure the completion and the proper performance of the improvements with the Town Clerk. For approved Major Site Plans. The Planning Board may recommend to the Town Board the amount of said performance bond or the monies to be posted with the Town Clerk. The Town Board shall thereafter determine the adequacy of the amount sufficient to cover the cost of the improvements required. For Minor Site Plan, the Planning Board shall determine the amount of said performance bond or the monies to be posted with the Town Clerk.
- b) Such a performance bond shall be approved by the Town Attorney as to form, sufficiency, surety and manner of execution.
- c) Such performance bonds shall run for a term to be fixed by the Town or Planning Board, but in no case for a longer term than three (3) years.
- d) If the Planning Board or Town Board shall decide at any time during the term of the performance bond that certain improvements are no longer warranted, or that some improvements have been installed, the bond may be reduced or increased by an appropriate amount to cover the estimated

cost of the incomplete improvements or the additional improvements required by the Planning or Town Board.

- e) In the event that any improvements have not been installed as required by the Planning or Town Board within the term of such performance bond, the Town Board may thereupon declare such bond to be in default and collect the sum remaining payable thereunder; and upon receipt of the proceeds thereof, the Town shall install the improvements covered by such bond which are commensurate with the extent of the development of the subject site plan that has taken place, but not exceeding in cost the amount of such proceeds.
- f) If the Town Board, Planning Board, or an appropriate Town officer appointed by it, shall find upon inspection that any of the required improvements have not been constructed in accordance with the site plan and conditions approved and specified by the Planning or Town Board, then the applicant and the bonding company (if any) shall be severally and jointly liable for the costs of completing said improvements as originally specified by the Town .
- g) Such performance bonds shall be released to the applicant only upon certification to the Planning or Town Board that all required improvements have been satisfactorily completed.

E. Modifications to Approved Site Plans

Any site plan modification proposed involving the construction of an addition or new building or buildings having greater than 4,000 sqft of Gross Building Area is classified as a Major Site Plan Modification, subject to the procedures set forth for Major Site Plan review in of these regulations, i.e. Town Board review.

Any other modifications are classified Minor Site Plan Modifications, subject to the procedures set forth for Minor Site Plan review in 4.3.1 – B of these regulations, i.e. Planning Board review.

F. General Provisions

- a) **Inspection of Improvements.** the Planning Board's or Town Board's designated engineer, or as otherwise determined by the Planning Board or Town Board, shall be responsible for the overall inspection of site improvements, including coordination with the Commissioner of Public Works and other officials and agencies, as appropriate.
- b) **Integration of Procedures.** Whenever the particular circumstances of a proposed development require compliance with either the special use procedure in this Local Law or the requirements of the Town Land Subdivision Regulations, the Planning Board or Town Board shall attempt to integrate, as appropriate, site plan review as required by this Section with the procedural and submission requirements for subdivision and special use permits.
- c) **Waiver.** Where because of unusual circumstances of shape, topography, or other physical features of the area or because of the nature of adjacent property, extraordinary hardship may result from strict compliance with these regulations, the Planning Board or Town Board may waive certain requirements of these regulations in connection with the site plan review so that substantial justice may be done and the public interest secured. The Planning Board is its recommendation to the Town Board may provide comments pertaining to the waivers being considered where applicable.
- d) **Effect of Approval.** After site plan approval, the property must be developed in accordance with the approved site plan. Failure to develop the property in accordance with the approved site plan and its conditions is a Violation of this Ordinance.

G. Expiration and Extension

Extension of site plan approval, unless other provisions are specifically set forth by the approving agency in connection with its approval of a site plan, if the application for a building permit for the development has not commenced within twenty four (24) months of the date of the issuance of site plan approval; or if a Certificate of Occupancy or Certificate of Compliance is not requested within thirty six (36) months from the date of approval, such approval shall expire unless an extension has been granted by the approving agency following a written request by the applicant. An application for an extension of site plan approval shall not

be considered a new site plan application. In addition, site plan approval shall expire if the construction shall cease for more than twelve (12) months, except when a waiver has been granted by the approving agency. (previously called Site Plan Sunset Clause)

4.3.2 Exemptions from Existing Site Plan Review and Approval Procedures

- A.** Repairs and alterations within an existing footprint which does not change and/or impact any of the following as determined by the Code Enforcement Official :
 - 1. The State Code Classification for Occupancy Use as defined by the NYS Uniform Fire Prevention and Building Construction Code.
 - 2. Classification of Use as defined by the Town of East Greenbush Zoning Ordinance.
 - 3. Site features, as determined by the Code Enforcement Official, including, but not limited to traffic flow and volume, parking requirements, site lighting and site safety, removal and/or reduction of site landscaping and green areas, etc.
- B.** Alterations and repairs as intended above shall include, but not be limited to, work of the following type and nature:
 - 1. Window and door replacements which do not require structural modifications of any type or nature.
 - 2. Roof repairs and replacements.
 - 3. Maintenance, repair, and replacement of exterior finishes and/or veneers, including siding, painting, new veneer, etc.
 - 4. Minor renovation of buildings to install curtain walls, counters, cabinets, workstations, service or process equipment, etc., when such renovations do not require structural modifications of any type or nature.
 - 5. Renovation and/or retrofit of building systems and utilities, including, but not limited to, lighting, replacement of heating and air conditioning equipment, etc.
 - 6. Repair or replacement of underground gasoline and petroleum tanks, except where such replacement also includes additional site modifications, including, but not limited to, relocation and/or replacement of dispensing pumps and islands, installation of canopies, changes in location of underground tanks, etc.
 - 7. Other alterations and repairs not specifically listed above may be exempted upon the written approval of both the Code Enforcement Official and the Town Designated Engineer.

The Code Enforcement Official, at their discretion, may require the preparation of a Site Plan for any change in occupancy and/or use of any site where there are existing violation(s) and/or non-conformance to a previously approved site plan.

- C.** The Code Enforcement Official, at their discretion, may require the preparation of a Site Plan for any change in occupancy and/or use on a site which does not have an approved site plan.
- D.** Repairs and alterations within an existing shopping center which renovate or change the interior layout of the building(s) shall be prepared, signed and stamped by a Licensed Architect or Engineer.
- E.** Replacement of existing underground gasoline and petroleum tanks shall be prepared, signed, stamped and supervised by a Licensed Engineer.

4.3.3 Review of Applications for Special Use Permit

The Planning Board shall review applications for special use permits.

4.3.4 General Reports

The Planning Board shall have full power and authority to make such investigations, maps, and reports, and recommendations in connection therewith as relate to the planning, zoning, and development of the Town, provided the Planning Board shall not exceed the appropriation for its expenses.

Section 4.4 Amendments

4.4.1 General Provisions

A. Amendments by Town Board

The Town Board from time to time on its own motion or on petition by taxpayers -- or on recommendation of the Planning Board, after public notice and hearing as prescribed by Town Law -- may amend, supplement, modify, or repeal in whole or in part this Local law or the boundary of any district established by this Local Law. Zoning law and map changes must be referred to the Rensselaer County Bureau of Economic Development and Planning as required under Section 239 m of the New York State General Municipal Law.

B. Advisory Report by Planning Board

Any such proposed change in text or zoning district boundary shall first be referred to the Planning Board which shall submit a written report to the Town Board prior to the public hearing thereon by the Town Board. The Planning Board shall submit its advisory report in writing to the Town Board and shall favorably recommend adoption of an amendment or change in this Local law or in a district boundary only if:

1. such change does not conflict with the general purposes, goals, and intent of this Local Law; and
2. such change is consistent with the Comprehensive Master Plan.

The Planning Board shall submit to the Town Board its advisory report within 30 days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within 30 days shall be deemed to be a favorable recommendation.

C. Amendments by Planning Board

In accordance with Section 278 of the Town Law, the Planning Board is empowered to make reasonable changes in this Local Law simultaneously with the approval of a subdivision plat. Such changes shall not create a greater average density of coverage of the land than is permitted in the district or each of the districts wherein the plat lies. Furthermore, such changes shall safeguard the appropriate use of adjoining land and protect the public welfare. Upon approval of such plat and filing with the Rensselaer County Clerk or Registrar, such changes shall amend and become part of this Local Law, shall be similarly subject to change and subject to review by court in accordance with Section 4.4.2 and the Town Law.

D. Changes in Zoning District Boundaries

An amendment to this Local Law involving a change in zoning district boundaries shall become effective only when such change has been duly adopted, drawn on the Official Zoning Map, and the proper entry recorded thereon in accordance with Section 2.2.

E. Effective Date

An amendment or change in this Local Law shall take effect upon filing as prescribed by law.

4.4.2 Public Notice and Hearing

A. Public Hearing

No such change in text or zoning district boundary of this Local Law shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.

B. Newspaper Notice of Hearing

At least ten (10) days prior to the date of such public hearing, a notice of the time and place shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.

C. Written Notice of Change or Amendment

At least ten (10) days prior to the date of said public hearing written notice of such change or amendment affecting property within 500 feet of the boundaries of any city, village, town, county, or state park or parkway shall be given in the case of a city, village, or town to the respective clerk, and in the case of a county to the clerk of the board of supervisors or other person performing like duties, and in the case of any state park or parkway to the regional state park commission having jurisdiction. Such city, village, town, county, state park, or parkway shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right of review by a court as provided in Article 78 of the Civil Practice Act. Written notice of a proposed change or amendment affecting property shown on the Official Zoning Map as a protectively zoned area of a housing project authorized under the Public Housing Law shall be given to the Housing Authority erecting or owning the project and to the government providing financial aid for assistance thereto, at least ten (10) days prior to the date of public hearing.

4.4.3 Protest

A. A protest against a proposed change or amendment to this Local Law must be signed by:

1. the owners of 20% or more of the area of the land included within such proposed change; or
2. the owners of 20% or more of the land immediately adjacent to but within 100 feet of the proposed change; or
3. the owners of 20% or more of the land directly opposite the street from the proposed change, extending 100 feet from the streetfrontage.

Such change or amendment thus protested shall require the favorable vote of three-fourths of the members of the Town Board to become effective.

4.4.4 Fee

Every petition for a change or amendment to this Local Law shall be accompanied by a fee in accordance with the fee scheduled established and annually reviewed by the Town Board. This fee is to help defray the cost of advertising, technical studies or professional assistance which the Town may incur as part of the process.

Section 4.5 Terminology & Index

Accessory; Dwelling Unit -- An independent living facility with provisions for cooking, eating, sanitation and sleeping located within an existing owner-occupied, one- family dwelling (attached) or in a separate accessory structure on the same lot as the main dwelling (detached). Such dwelling unit may only be intended for non-commercial use. {14,25,30,77-78}

Accessory Building or Structure -- A structure, the use of which is customarily incidental and subordinate to that of the principal building and which is not attached thereto and is located on the same lot or premises. Accessory structures are not for the purpose of human habitation and include such buildings as garages, garden or tool sheds, barns, and playhouses and such elements as dish antennae and solar collectors. {6, 14-16, 18-19, 21, 23, 46, 96, 140, 146, 149}

Accessory; Retail or Services -- Customary supportive uses such as day care centers, eating and drinking establishments, located within or attached to, and accessory to, a permitted use. {33}

Accessory Sign -- See "Sign". {62}

Accessory Use -- A use or occupancy which is customarily incidental and subordinate to the principal use, occupancy or tenancy, and located on the same lot or premises, whether such accessory use is conducted in a principal or accessory building. {11, 17, 19-20, 22, 24, 26-27, 29-30, 32-33, 35, 37, 39, 44-45, 80, 97, 124, 141, 143, 144, 149}

Adult Arcade -- Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically; electrically or mechanically controlled still or motion-picture machines, projectors or other image- producing devices are maintained to show wages images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. {88, 134, 146}

Adult Bookstore -- A commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following: {88, 134, 146}

A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations, which depict or describe specified anatomical areas.

B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be defined as an "adult bookstore" or "adult video store" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

Adult Cabaret -- A nightclub, bar, restaurant or similar commercial establishment which regularly features: {88, 134, 146}

A. Persons who appear in a state of nudity.

B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

C. Films, motion pictures, videocassettes, slide or other photographic reproductions, which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult Motion Picture Theater -- A commercial establishment where for any form of consideration films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. {134}

Adult Theater -- A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. {88, 146}

Adult Uses -- Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult video stores, escort agencies, nude model studios and sexual encounter centers. {87-88}

Adult Video Store -- See "Adult Bookstore"

Agriculture; horticulture and farming, general -- General farming operations including the cultivation of crops, a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants. {9, 17, 19, 20, 22, 32, 37, 39, 134}

Agriculture; livestock or dairy -- The raising, feeding or breeding of livestock or poultry, including dairy farming. {9, 17, 19, 20, 22, 32, 37, 39, 82, 134}

Agriculture; farm stand or market -- A structure or outdoor market not exceeding 100 square feet, where products grown or produced on the premises by the operator of the market may be sold and purchased. {9, 17, 19, 20, 37, 39, 134}

Alteration -- As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities or in building equipment, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Normal repair and maintenance are not considered to be alterations. {5, 7, 42, 62, 79, 85, 115-117, 119, 124, 130, 137}

Animal; Boarding, Commercial Kennel -- Any premises on which any number of dogs are kept for the purpose of sale or for boarding, training, normal care or breeding, and for which a fee is charged or other compensation provided. {9, 17, 19-20, 26, 37}

Animal; Boarding, Horse Farm or Stables -- Premises on which two or more horses not the property of the proprietor are boarded, or on which horses are maintained commercially for hire, exhibition or sale. Any establishment where horse are kept for riding, training, driving or stable for compensation or incidental to the operation of any club, ranch or similar establishment. {9, 17, 19-20, 26, 37}

Animal; Boarding, Private Stable -- Premises on which two or more horses not the property of the proprietor are boarded, and including horses of the proprietor not maintained for commercial purposes; is accessory to a farm or dwelling. {11, 17, 19-20, 35, 37, 39}

Animal; Boarding, Private Kennel -- Any premises on which there are kept five (5) or more dogs more than six months old, not including the keeping of animals in a veterinarian clinic. {9, 11, 17, 19-20, 26, 37, 80-81}

Animal; Boarding, Veterinary Services -- An establishment for the care of dogs and other domestic animals by practitioners of the sciences of veterinary medicine, including on-site boarding. {9, 17, 19-20, 26, 37, 80-81}

Apartment -- A multiple dwelling in which dwelling units are leased or rented to tenants. {30, 49, 65, 78, 126}

Applicant -- The landowner or the agent, optionee, contract purchaser, attorney or other person authorized to act for the landowner in submitting an application under the Local Law. {21, 41, 42, 45, 46, 48, 51, 53, 57, 60, 66, 67, 69, 76, 78, 79, 83, 88, 90, 91, 95, 105, 116-121, 124-129}

Area and Bulk (Regulations or Standards) -- The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot. {13-16, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37, 39, 44, 75, 83, 150}

Assisted Living Home -- Assisted living residences, as defined by the NYSDOH, are residential programs that provide housing, personal care services, and assistance with activities of daily living (ADLs) to individuals who are medically stable but may require some assistance with tasks such as bathing, dressing, medication management, and mobility. Also known as a Skilled Nursing Facility, Independent Living, Continuing Care Facility, Residential Care Facility or Life care. Separate and distinct from "Nursing Home" or "Senior Housing". {10, 20, 22, 24, 26, 29, 32, 35, 37, 139, 142}

Automotive; sales, new or used -- Sales, rental or leasing of new or used cars, trucks, boats or other large motorized equipment or vehicles such as tractors or construction vehicles. {9, 29}

Automotive; service, wash or storage -- General automotive services including oil, brake, muffler or tire replacement, engine or body work, car washing, inspections, etc. Storage of automobiles does not include salvage or junk yard operations. {9, 29, 39}

Automotive; gas station -- The supplying or selling of gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. May include accessory facilities for limited motor vehicle service such as lubrication, washing and minor repairs and/or a convenience retail store of up to 1,000 square feet. Does not include a liquefied petroleum filling station. {9, 29, 32, 50, 68}

Bank - A bank is a financial institution that offers a variety of financial services to its customers, such as accepting deposits, making loans, providing investment and wealth management services, and offering other financial products and services, such as credit cards, mortgages, and insurance. Banks are typically licensed and regulated by government authorities and must comply with various laws and regulations that govern their operations, such as the Federal Reserve Act, the Bank Secrecy Act, and the Dodd-Frank Wall Street Reform and Consumer Protection Act. {50}

Basement -- The space of a building which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building. {75, 138}

Boarding; Inn or bed & breakfast -- A dwelling having a resident host on premises in a private single-family or two-family home in which at least three (3) and not more than ten (10) rooms are provided for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. {10, 17, 19, 20, 22, 24, 26, 29}

Boarding; dormitory -- A multiple dwelling which provides sleeping accommodations and domestic facilities and services for a group of college, university or secondary school students. {11, 17, 19, 21, 22, 25, 27, 30, 33, 138, 139}

Boarding; motel -- A multiple dwelling or any part thereof which contains living and sleeping accommodations for transient occupancy, in which no public restaurant is maintained and no other commercial services are offered and typically provides access to individual sleeping rooms from an external corridor from an outside parking area. {10, 26, 29, 80, 95, 134, 136, 138, 144, 146}

Boarding; hotel -- A multiple dwelling or any part thereof which contains living and sleeping accommodations for transient occupancy, which include one (1) or more accessory dining rooms or restaurants and typically provide access to individual sleeping rooms from an internal corridor. Includes Inns, hotel resorts or hotel camp complexes. {9, 24, 26, 29, 32, 33, 80, 95, 136, 139, 144}

Building -- A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to person, animals, property or business activity. See "Structure".

Building Coverage -- The amount of land covered or permitted to be covered by a building or buildings, measured in terms of a percentage of the total lot area. Such coverage is to be measured on a horizontal plane at mean grade level and excludes uncovered porches, terraces, and steps. {17, 19, 20, 22, 46, 77, 135}

Building, Detached -- A building entirely surrounded by open space on the same lot. {49, 84, 133, 137}

Building Footprint -- The amount of land area covered by a building or buildings, measured in terms of square feet. Such coverage is to be measured on a horizontal plane at mean grade level and excludes uncovered porches, terraces, and steps. {51, 52, 71, 130}

Building, Principal -- A building in which is conducted the main or principal use of the lot on which said building is located. {6, 14, 19, 21, 23, 95, 133, 138, 146, 150}

Building, Semi-Detached -- A building attached by a party wall to another building of the same type on another lot but having one side yard. {13, 84, 137}

Building Height -- The vertical distance measured from the average elevation of the finished grade of the building to the highest point of the roof. For flat and mansard roofs, the highest point of the roof is considered. However, for other types of roofs, such as gable or hip roofs, the building height is measured to the mean height between the eave (the lower edge of the roof) and the ridge (the highest point where two roof slopes meet). {2, 12 -14, 16, 17, 18, 19, 21, 23, 25, 27, 30, 31, 33, 64}

Building Inspector -- A town employee appointed by the Town Board in accordance with Civil Service standards and charged with the responsibility of administering and enforcing this Local Law, as well as the New York State Uniform Fire Prevention and Building Code and Energy Conservation Construction Code. See also Code Enforcement Official. {98, 101, 102, 109-112}

Cannabis - All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. {4, 81, 136, 141}

Cannabis flower - the flower of a plant of the genus Cannabis that has been harvested, dried, and cured, prior to any processing whereby the plant material is transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis flower excludes leaves and stem. {136}

Cannabis product or adult-use cannabis product - means cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer. {136}

Campground -- Any parcel of land or water or both on which are located two or more cabins, tents, shelters, houseboats, yachts, or other accommodations of a design and character suitable for seasonal or other temporary living purposes, including a summer colony, resort, and day camp, but not including a trailer park, bed & breakfast, hotel or motel. {10, 17, 19, 20, 22, 26, 29, 32, 35, 37, 143}

Central Water -- For purposes of this Local law, a water supply system serving five (5) or more dwelling units and approved by the Town of East Greenbush and the Rensselaer County Health Department for either private or public operation. {136}

Cemetery -- The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried, and may include facilities for storing ashes of human remains that have been cremated or the internment of the dead in sealed crypts or compartments, but may not include a structure for the purpose of the cremation of human remains. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37, 39}

Certificate of Occupancy -- A document issued by the Town Code Enforcement Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and can be used in compliance with all the applicable State and Town laws, ordinances and regulations. {47, 57, 77, 89, 90, 92, 115, 117, 124, 128, 129}

Civic; religious facility -- A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37, 39}

Civic; cultural facility -- Building and land used for the purposes of educational entertainment including museums, libraries, art galleries, performing art theatres, institutional philanthropic use and public meetings. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37, 39}

Civic; public facility or government office -- Building or lands used for common civic institutions such as municipal offices, public safety stations, and similar uses. {10, 24, 26, 29, 32, 35, 37, 39}

Cluster Development -- A development pattern in which uses are grouped or "clustered" through a density transfer within a particular development, rather than spread evenly throughout a parcel as in conventional lot-by-lot development. See Section 281 of the Town Law. {40, 83-84}

Code Enforcement Official -- Position titles may include: Building Inspector, Assistant Building Inspector, Code Enforcement Official, Fire Marshal, Building Safety Inspector, Zoning Enforcement Officer and also includes Stormwater Management Officer in accordance with Chapter 342. {6, 7, 24, 29, 47, 52, 69, 76, 82, 83, 89, 115-118, 120, 121, 124, 128, 130, 136}

Commercial Vehicle, Light -- A vehicle of less than one ton capacity carrying a permanently-affixed sign exceeding one square foot in area or lettering of a commercial nature. {52, 66}

Commercial Vehicle, Heavy -- A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain, or carrying a permanently-affixed sign exceeding one square foot in area or lettering of a commercial nature. {52, 66}

Constrained Land -- Generally used for the calculation of residential density. Includes wetlands, ponds, streams, flood plains or slopes in excess of fifteen percent (15%). {83}

Court, Inner -- An open, uncovered, unoccupied space surrounded on all sides by the exterior walls of a building or structure or by such walls and an interior lot line of the same premises. {15}

Court, Outer -- An open, uncovered, unoccupied space which has as least one side opening on a legal open space. {14-15}

Crematorium -- A structure for the purposes of the cremation of human remains. {10, 20, 22, 32, 37, 39}

Density -- The ration of lot area per family or dwelling unit on a lot. {6, 17, 19-22, 24, 26, 29, 32, 39, 43, 44, 47, 84, 131, 136}

Developable Area -- The lot area less the area of lot containing streams, ponds, wetlands, or areas of slope greater than fifteen percent (15%). {43, 44, 57}

Development -- Any activity other than normal agricultural, conservation or forest management activity which materially affects the existing condition of land or improvements, including but not limited to:

- B. Removal of trees or other natural cover;
- C. Substantial excavation or deposit of earth or other fill, including alteration in the banks of any stream or body of water;
- D. Construction, reconstruction, alteration, or demolition of any improvement;
- E. Dumping or garbaging of any object or material whether mobile, liquid or solid;
- F. Commencement of any use of the land or improvements and any change in the type or intensity; and
- G. Commencement of any noise, light smoke, or other emission and any change in its type of intensity.

District (or Zoning District) -- An area, section, or zone of the Town described on the Zoning Map contained within this Local law, and within which uniform requirements regulate the use of land and the height, bulk, density, and setback of structures.

Double Frontage Lot -- A lot which fronts upon two streets which do not intersect at the boundaries of the lot. Also known as a "Through Lot". {13, 14}

Dwelling -- Building containing not more than two dwelling units occupied exclusively for residential uses. {11, 14, 17, 19, 20, 22, 24-30, 32, 33, 35, 37, 39, 49, 57, 65, 77, 78, 83-85, 95, 124, 126, 133, 135, 137, 138, 139, 141, 145, 148, 149}

Dwelling, One-Family -- A detached building containing, and arranged for, one dwelling unit only. A building containing and arranged for two (2) dwelling units shall not be deemed a one family dwelling on the basis that a doorway or pierced wall exists between the two units. {9, 30, 53, 124}

Dwelling, Two-Family -- A detached or semi-detached building containing, and arranged for, two dwelling units only or a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. (Note that this definition includes the Duplex Dwellings.) {9, 30, 53, 124}

Dwelling, Multiple -- (a) Building containing three (3) or more dwelling units. (b) Building containing living, sanitary and sleeping facilities occupied by one or two families and more than four lodgers residing with either or both such families. (c) Building with one or more sleeping rooms, other than a one-or two-family dwelling, used or occupied by permanent or transient paying guests or tenants. (d) Building with sleeping accommodations for more than five persons used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses. (e) Building used or occupied as an old age home. (f) Community residence. {65, 126, 134, 135}

Dwelling, Row or Attached -- See "Townhouse". {13}

Dwelling Unit -- A building or entirely self-contained portion thereof containing complete housekeeping (living, cooking, sanitary and sleeping) facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit." A boarding house, dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a dwelling unit. {4, 11, 17, 19, 20, 22, 24-30, 32, 33, 35, 37, 39, 49, 77, 78, 83, 84, 95, 133, 134, 135, 137, 138, 139, 141, 149}

Dwelling Unit, Attached -- A dwelling unit that shares common, or party, walls with at least one other dwelling unit. {84}

Dwelling Unit, Detached -- A dwelling unit that does not share a common wall, roof, floor or any other structural component with another dwelling unit. {84}

Easement -- A grant of the use of a strip of land by the public or by a corporation for specific purposes. {8, 14, 16, 43, 44, 82, 83, 99, 100, 107, 125, 138}

Enforcement Official -- See "Code Enforcement Official". {6, 7, 24, 29, 47, 52, 69, 76, 82, 83, 89, 114-118, 120, 121, 124, 128, 130, 136}

Escort -- A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. {88}

Escort Agency - A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip or other consideration. {88}

Family -- One or more people occupying a dwelling unit as a single housekeeping unit. More than five persons, exclusive of domestic servants, not related by blood, marriage, or adoption shall not be considered to constitute a "family." {9, 15, 17, 19, 20, 22, 24-30, 32, 35, 49, 52, 53, 57, 80, 93, 124, 133, 135, 137, 138, 139, 144}

Fence -- A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without or intended to be used as a visual screen and should be differentiated from a trellis or similar device. {54, 56, 57, 59, 60, 75, 77, 80, 81, 89, 96, 101, 104, 105, 109, 126}

Flag Lot -- A lot in a flag shape composed of a strip of land referred to as the flag access driveway, or flagpole that leads to leading to a larger, generally rectangular building area, or flag, to be used for development. {15-16}

Floor Area -- The sum of the gross horizontal areas of all floors of the building or buildings on a lot, having a clear height of not less than six feet measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, including cellar and basement areas. The floor area shall not include: roof overhangs projecting less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building. {30, 33, 46, 47, 85, 138, 139, 144}

Floor Area Ratio -- The total aggregate floor area of all buildings on a lot divided by the area of such lot. {46, 138}

Front or Façade -- Of a building means the outer surface of the principal building most nearly parallel with the right-of-way from which a sign will be viewed. Facade includes the plane area between principal building corners from the ground to roof line. {25, 30, 60, 62, 63, 64, 67, 68, 74, 146, 150}

Frontage, Lot -- That side of the lot coincides with the street line. A corner lot shall be considered to have two (2) such frontages. {5, 13-14, 15, 16, 25, 30, 31, 40, 46, 58, 59, 60, 62, 63, 132, 137, 138, 141}

Garage, Public -- Any garage, other than a private garage, available to the public and operated for gain for the storage of motor vehicles. Includes the following uses: Parking; off street or garage, Parking; off street or garage, commercial vehicles and Structure; commercial garage or shed. {74}

GFA -- Gross Floor Area -- the total amount of gross square footage of habitable space within the building. {30, 50, 85}

Grade, Finished -- The elevation at which the finished surface of the surrounding lot, either natural or upon completion of any change in contour, intersects the walls and supports of a structure. {64}

Greenspace -- An outdoor area of land which can be either Natural Open Space or Designed Open Space. See "Open Space". {57}

Gross Building Area -- The total square footage of a building within the exterior walls including where applicable the sum area of all floors of the building. {124, 129}

Habitable Space -- Space occupied by one or more persons for living, sleeping, eating or cooking. This includes bedrooms, living rooms, kitchens, dining rooms, and other similar spaces. {14, 25, 77}

Health / Medical; Hospital or Clinic, Inpatient -- A facility for the treatment and care of human ailments primarily designed with inpatient bed facilities, and shall include sanitariums, mental health facilities and community residences. {10, 24, 26, 29, 32, 35, 37}

Health / Medical; Offices or Clinic, Outpatient -- A facility for the treatment and care of minor human ailments primarily designed without any inpatient bed facilities, such as medical offices, dentists, and laser eye surgery centers. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37}

Health / Medical; Nursing or Assisted Living Home -- See "Nursing Home" or "Assisted Living Home". {10, 20, 22, 24, 26, 29, 32, 35, 37}

Home Occupation -- Any limited personal, professional service or business use conducted within a dwelling which use is clearly incidental and secondary to the use of the premises for residential purposes and does not change the residential character thereof. Such use shall be fully consistent with the use limitations established within Section 3.4 of this Local Law. {11, 17, 19, 21, 22, 25, 27, 30, 33, 35, 37, 39, 64, 65, 85}

Homeowner's Association -- A community association, including a condominium association, which is organized in a residential development in which individual owners have a shared interest in and responsibility for open space or facilities. {84}

Household -- The person or persons occupying a dwelling unit or a family living together in a single dwelling unit with common access to and use of all living and eating areas within the dwelling unit, distinguished from a boarding house, dormitory, or hotel. {85, 145}

House Trailer -- See "Mobile Home". {77, 141, 144}

Industry; light, assembly and fabrication -- An establishment or activity primarily engaged in manufacturing, production or assembly which does not involve, on the premises, the use of heat, noise, or odor generating/producing processes, which are detectable off-site. Includes the manufacture of clothing. {11, 36, 38, 39}

Industry; light, general non-nuisance -- Light, non-nuisance assembly and fabrication uses which include manufacturing of precision products such as optical goods, business machines, instruments, cameras, clocks, watches, musical instruments or any similar use otherwise not specifically listed which the Town finds to have a limited or negligible effect upon the character of the vicinity with regards to traffic, emission of noise, vibration, odor, smoke, dust, or glare. {11, 30, 33, 36, 37, 39}

Industry; light, research and development lab – A use engaged in research and development, testing, assembly, repair and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, high technology electronics, industrial or scientific products and instrumentation, and computer hardware and software which may include engineering and product development. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use. {11, 36, 38, 39}

Industry; light, printing and publishing – Printing and publishing offices with on-site printing operations greater than 2000 s.f. or which require regular truck deliveries or pick-ups of the printed materials. {11, 27, 30, 36, 38, 39}

Industry; retail, food product manufacturing – Industry which includes the on-site manufacturing and retail sales of products produced on the premises. {12, 33, 36, 38, 39}

Industry; machinery repair or storage garage – Industry which primarily includes a garage for the repair or storage of large machinery such as a bus, railroad, truck or ship. {12, 36, 38, 39}

Industry; extractive operations or soil mining – Commercial or municipal excavation, mining or earth, soil, gravel storage functions intended to be in operation longer than a six month period. {12, 36, 38, 39}

Industry; recycling and materials reuse -- A publicly or privately operated fully-enclosed facility that receives recyclable materials for the purpose of sorting, handling, batching and baling prior to transferring to another facility. {12, 35, 38, 39, 78}

Impervious Surface -- Any hard-surfaced, human-made area on a site, or the material itself which prevents, impedes or slows infiltration or absorption of storm water or rain water directly into the ground at the rate of absorption of vegetation-bearing soils, including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, asphalt, concrete, gravel, and other surfaces that cover naturally occurring terrain. {5, 35, 71, 94, 106}

Landfill -- A disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure and which is not a land spreading facility, a surface impoundment, or an injection well. {78, 96}

Laneway -- A public or private road typically designed as a narrow service entrance or alleyway access to multiple adjacent properties for the purposes of shielding vehicles, garage doors, trash facilities and similar utilitarian functions at the rear of the site and out of view from the front. {14}

Land-Disturbing Activity -- Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, or in road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Any change of the land surface including removing vegetative cover, excavation, filling, grading and the construction of any structure, but not including the agricultural activities such as planting, growing, cultivating, and harvesting of crops; growing and tending of gardens; harvesting of trees using forestry best management practices. {140}

Light, Full Cutoff -- A light distribution where no light is permitted at or above a horizontal plane located at the bottom of a luminaire. There will be little to no light at the angles that are usually associated with glare. {60, 106}

Light, High Pressure Sodium (HPS) -- A HID light source that typically provides high efficacy, but poor color. Color rendering is better with HPS than LPS, but the source is still considered to be yellow by most people. {61}

Light, Low Pressure Sodium (LPS) -- Considered a single-color light source (appears to be yellow in color and causes most other colors to be seen as gray or brown). {61}

Light, Mercury Vapor -- A High Intensity Discharge (HID) light source that typically provides long lamp life, but poor color and low efficacy compared to other HID sources. {61}

Light, Metal Halide -- A High Intensity Discharge (HID) light source that typically provides good color and high efficacy. {140}

Lot -- A parcel of land having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards.

Lot Area -- The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way. {13, 16, 83, 84, 135, 137, 141}

Lot, Corner -- A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees. {13, 138}

Lot Coverage -- The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, and other impervious surfaces on the lot. {6, 24, 26, 29, 32, 35, 37, 39, 46, 77, 96, 111, 141}

Lot, Flag -- A lot so shaped and designed that it only has access to a public right-of-way by means of a narrow strip of land, while the majority of lot area is set back behind another lot. {15-16}

Lot, Frontage -- The portion of a front lot line which directly abuts a street or public right-of-way, measured along the path, straight or curvilinear, of the property line. {5, 13-14, 15, 16, 25, 30, 31, 40, 46, 58, 59, 60, 62, 63, 132, 137, 138, 141}

Lot Line -- Line dividing one premises from another, or from a street or other public space. {6, 8, 13, 73, 74, 77, 78, 80, 81, 137, 150}

Lot, Parent -- The original lot size and configuration prior to subdivision.

Lot of Record -- A legally-existing lot at the time of adoption of this Local Law duly filed and recorded in the Rensselaer County Clerk's Office as either an individual parcel of land or part of an approved subdivision. {15}

Marijuana -- see Cannabis. {81}

Mixed Use -- The development of a tract of land (one parcel or more than one combined parcels as a cohesive development project) with two or more different, compatible uses integrated into the design and layout such as but not limited to primary residential and primary non-residential uses (such as office, retail, public, or entertainment) on the same development site in a compact form. Such a development should be planned as a complementary whole, and functionally integrated to the use of shared vehicular and pedestrian movement, access and accessory uses. A mixed use development should be compatible and protective of any neighboring residential context. {9, 24, 29}

Mixed Use Occupancy -- A building, structure or certain parcel premises that provides for a mix / combination of different but compatible uses. For example, a mixed-use building may contain a residential dwelling unit(s) above the ground floor of non-residential use such as an institutional, civic, office, commercial or retail use. A mixed-use structure that proposes to include a residential occupancy component must meet current New York State building and development codes for safe habitation.

Mobile Home -- A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is more than 400 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Includes house trailer but not "Modular (Manufactured) Home nor recreational vehicle." {77, 139, 144}

Mobile Home Park -- A property consisting of a tract of land maintained by an operator for mobile homes and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling or vacationing and who are provided services or facilities necessary for their use of the property. {77, 144}

Modular (Manufactured) Home – Any building comprised of two or more components, each of which substantially was assembled at a manufacturing facility off-site and are capable of being transported to the home site, which when combined on a foundation constitutes a *dwelling unit* which is indistinguishable in appearance from a conventionally built home, including but not limited to a sloped roof and permanent foundation. Should be distinguished from “*Mobile Home*”.

Non-Complying (Building or Structure) -- A building or structure legally existing on the effective date of this Local Law or any applicable amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present district regulations for any prescribed structure or building requirement, such as front, side or rear yards, building height, building areas or lot coverage, lot area per dwelling unit, dwelling units per building, number of parking and loading spaces, etc. {92}

Non-Conforming Lot -- A lot the area, or dimension, of which was lawful prior to the adoption, revision or amendment of this Local Law, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Non Conforming Use -- A use, whether of a building, sign or tract of land, or combination of these, legally existing on the effective date of this Local Law, which does not conform to the present use regulations of the district in which it is located, but which is continuously maintained after the effective date of these regulations. {87, 92, 117}

Nude Model Studio -- Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. {88}

Nudity -- The appearance of a human bare buttocks, anus, genitals or full female breast. {88, 133, 134}

Nursery -- A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail on the premises to the general public. {124, 134}

Nursing Home -- A residential facility type of care for people who require constant nursing care and have significant deficiencies with activities of daily living. Also known as a Rest Home, Separate and distinct from “Senior Housing” and “Assisted Living Home”.

Occupancy -- Use of a building, structure, or premises. {5, 6, 13, 47, 57, 60, 77, 86, 89, 90, 92, 115-117, 124, 128, 129, 130, 133, 135, 136, 141, 142, 143, 144, 148}

Open Area, Required -- That area of a lot which shall be a properly maintained combination of natural (not artificial) lawn, trees, shrubs, and other plant material, and may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents, occupants and owners of the development. Required Open Area shall not include roadways, parking lots, buildings, retention basins and similar features. Also known as “minimum open space.” {14, 52}

Open Space, Designed -- A professionally-designed, quality, useable outdoor amenity as part of a development project design that is available for unstructured, passive recreation, including pedestrian circulation patterns, and includes landscaping consisting at least of grassy areas and trees. Such a greens area should provide a distinctive design purpose that complements and is fully integral to the project’s building and structure patterns and layout and overall character. Designed open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents, occupants and owners of the development, but shall not include roadways, parking lots, retention basins and similar features. {71, 84}

Open Space, Natural -- Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Owner -- Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building or lands. {13, 43, 65, 66, 69, 76, 77, 82, 88, 90, 95, 97, 102, 109-112, 116, 119, 134, 150}

Parent Parcel -- A land parcel, legally existing on the date of adoption of this ordinance, which is subdivided into smaller parcels. The smaller parcels created would all share the same parent, which was the original area of land. {15, 16}

Parking, Off Street or Garage -- Land which is open or semi-enclosed by structures and which is used to provide four (4) or more off-street parking spaces, typically for privately owned vehicles. {11, 17, 19, 20, 22, 24, 26, 27, 29, 33, 35, 37, 39, 138}

Parking, Commercial Vehicles -- A parking area dedicated for the sole use of commercial owned vehicles, and not intended for private vehicles or general parking. {10; 11, 27, 29, 32, 33, 35, 37, 39, 66, 138, 148}

Parking Space, Off Street -- A space, not less than one hundred eighty (180) square feet excluding driveways or access drives, which is out of the public right-of-way and is available and adequate for the parking of one motor vehicle. {6, 25, 28, 30, 49, 50, 51, 52, 53, 56, 78, 85, 89, 126, 142, 144}

Party (Fire) Wall -- A wall shared by two buildings or used to separate units within a building. {135, 149}

Performance Guarantee -- Any financial security, in accordance with the requirements of this Local Law, which may be accepted by the Town as a guarantee that improvements required as part of an application for development are satisfactorily completed. {128}

Permitted Use -- A specific use to which land, lots, buildings, or structures may be used, occupied, or maintained under this Local Law as a matter of right. {15, 17, 19-22, 24, -27, 29, 30, 32, 33, 35-39, 43, 45, 46, 86, 89, 120, 125, 133}

Person -- An individual, proprietorship, corporation, association or other legal entity. {7, 43, 66, 69, 73, 83, 85-88, 90, 91, 95, 98, 107, 114-117, 122, 123, 125, 132, 134, 138-140, 142, 143, 145, 146}

Pervious -- Permeable or porous surface which allows water to pass through it. {49, 51, 52, 71, 80}

Planned Development -- A structure or group of structures and lands designed for either a single use or mixed- use occupancy, and intended to be maintained and operated as a unit in single ownership or controlled by an individual, partnership, corporation, cooperative or association, and which has certain facilities in common such as open space and recreation areas, utilities and parking facilities, which development has been created under and is fully consistent with Article VI of this Local Law. {43-48}

PODs (portable on demand storage) - See "Storage Container." {14, 148}

Pre-existing NON-Conforming Use -- A use which lawfully existed prior to the adoption of these regulations which is no longer a permitted use at that location, but which shall be permitted to continue as a conforming use by right of grandfather clause. {92}

Premises -- A lot, plot, or parcel of land, together with all structures and uses thereon. {25, 30, 52, 64-66, 69, 74, 75, 78, 81, 85-88, 92, 93, 116, 117, 133, 134, 135, 137-146, 148}

Prohibited Use -- Any use which is not listed as a special, or accessory use in the Schedule of Use Regulations shall be considered a prohibited use under this Local Law. {6, 78}

Recreation; Commercial Amusements -- Permanent or temporary structures or events for traveling carnivals, amusement parks, driving ranges, batting cages, mini-golf, bowling alleys, paintball courses, video arcades and similar recreational activities. {6}

Recreation; Public, Outdoor Park or Campground -- Publicly accessible outdoor amenities such as a campground, nature trail, nature preserve, baseball or football field, basketball or tennis court, pool or swimming hole and similar outdoor recreational play areas or recreational club. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37}

Recreation; Golf Course or Range -- Includes clubhouse, accessory restaurant, bar or retail pro shop. {10, 17, 19, 20, 22}

Recreation; Marina -- Any premises containing one or more piers, wharves, docks, moorings, bulkheads, buildings, slips or basins and used primarily for the docking, mooring, storage and servicing of boats for compensation. Such premises may include associated clubhouse, offices and incidental sale of marine supplies and food. {10, 39}

Recreation; Outdoor Assembly or Amphitheatre – An outdoor public area designed for the purposes of congregation for special events such as music or concert pavilions, theater performances, drive in theaters, music or similar activities. {10, 24, 26, 29}

Recreation; Indoor Assembly or Auditorium – Places of indoor assembly such as movie theaters, concert halls, but not including religious facilities. {10, 19, 20, 24, 26, 29, 32, 35, 37}

Recreation; Private, Veteran/Fraternal or Social Club – An organization of persons who meet periodically to promote some nonprofit social, educational, athletic, service or recreational objective and who cater exclusively to members and their guests, with no vending, merchandising or commercial activities conducted except as required generally for the membership and purposes of the club. {10, 17, 19, 20, 22, 24, 26, 29, 32, 35, 37}

Recreational Vehicle (RV)--- Any device or vehicle which is used for recreational purposes. For purposes of this chapter, the definition of "recreational vehicle" shall include but not limited to campers, travel trailers, popup campers, pickup campers, motor homes, boats, boat trailers, snow vehicles, racing vehicles, cycle trailers, utility trailers or similar vehicles or equipment. Does not include "mobile home" nor "house trailer." {141}

Redevelopment -- To demolish existing buildings or to increase the overall floor area existing on a property; or both, irrespective of whether a change occurs in land use. To expand, create an addition or create a major change in the exterior of the building, structure or parking facilities of a site. To restore and improve a site that has been substantially altered in a previous activity. {32, 39, 51, 53}

Residential -- Relating to a building, or any part of a building or group of residential buildings, which contain living and sleeping accommodations for permanent occupancy; "residences," therefore, include all one-family, two- family, boarding, fraternity and sorority houses. "Residences" shall not, however, include the following:

- A. Transient accommodations, such as hotels, motels and hospitals;
- B. That part of a building containing both residences and other uses which is used for any non-residential uses, except those accessory uses customarily incidental to residences.

Residential Recreation Facility – Recreational land or facility designed as part of and integral to a residential development. {11, 17, 19, 20, 22, 24, 26, 29}

Resort -- A building or group of buildings, whether detached or in connected units, containing individual guest units consisting of a room arranged or designed to be available for use as sleeping quarters for transients on a daily rental basis or for vacationers or other persons on a weekly rental basis, provided that one such unit may connect directly with not more than one other such unit. Each unit shall have a door opening on the exterior of the building or on a common hallway leading to the exterior. A "resort motel" may include such accessory uses as a beach cabana, private dock, dining room, restaurant or swimming pool, conference and meeting facilities, or an accessory convenience shop, office or personal service facility, provided that such facility or shop is located within the building without any external sign or display and off-street parking facilities. The term "resort motel" shall not be construed to include "transient motel" or "mobile home park." {135, 136}

Restaurant; A business enterprise primarily engaged in the retail sale of food and beverages which are consumed by patrons largely on the premises, which may include a bar with drink service as secondary to the amount of floor area and sales generated by the food sales. {10, 24, 26, 27, 29, 32, 33, 40, 50, 64, 78, 133, 135, 143, 149}

Indoor, Fully Enclosed – any restaurant fully enclosed within a building.

With Drive-Thru or Curb Service – any restaurant with drive thru, drive-up or curb service design.

With Outdoor Seating – any restaurant, bar or tavern with some, or all, of the customer seating is provided outside of the building on a porch or patio. For the purposes of restricting outdoor seating as a use in certain areas, it is only intended to protect against neighborhood noise levels that would be generated by night-time establishments or where alcohol is served, and is not intended to apply to curb service or daytime establishments.

Restaurant; Bar or Tavern -- A business enterprise primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, which may include food service as secondary to the amount of floor area and sales generated by the drink sales. {10, 24, 27, 29, 32}

Retail; - A commercial activity characterized by direct, on-premises sale of goods or services to a private consumer, including on premise manufacturing, processing and preparation customarily associated with department stores, food markets and similar establishments, wholesale sales on site such as retail discount clubs and mail order operations. {10-12, 24-27, 29, 30, 32, 33, 35-39, 50, 78, 80, 81, 95, 126, 133, 135, 139-145, 148-150}

single tenant -- A structure occupied by a single retail tenant, with no footprint size limitation.

multi-tenant shopping center -- A group of two (2) or more retail establishments sharing a common site and having either common walls or a common roof structure, with no footprint size limitation.

<15,000 s.f. -- The footprint of any one retail tenant cannot exceed 15,000 square feet.

with drive-thru -- Retail structures such as fast food, pharmacy or similar businesses are permitted which include vehicle drive-thru service.

landscaping/gardening with outdoor display -- Retail structures are permitted with an outdoor display area for plants, trees and other landscape related items which require or are designed for outdoor exposure.

with on-site manufacturing and sales -- Small scale, non-nuisance on-site manufacturing is permitted provided all items produced are intended for sale on the premises.

Row House -- See "Townhouse". {13}

Industry; Salvage Yard -- An area of land with or without buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more wrecked or broken down vehicles or the major parts thereof for three months or more shall be deemed to make the lot a "salvage yard." {77}

Schedule of Use Regulations -- The controls which enumerate the permitted principal, permitted accessory and special uses within each of the districts established by this Local Law. {89}

Seminude -- A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portion of the body covered by supporting straps or devices. {88}

Senior Housing -- Dwellings specifically designed to house people eligible for Senior Housing, defined as one of the following: a) A Single person 62 years of age or older; b) two or three persons, all of who are sixty-two years of age or older; c) a married couple in which one spouse is 62 years of age or older; d) one child residing with a parent who is 62 years of age or older provided that the child is over the age of 18; e) the surviving spouse of a person 62 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death, and f) if there is no child in residence, on adult 18 years of age or older residing with a person 62 years of age or older, provided that the adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State.

Some senior housing may have communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents. Senior housing units should be differentiated from assisted living facilities and continuing care or retirement communities. {9, 20, 22, 24, 26, 29, 32, 49, 134, 142}

Services; Personal Care -- Business activities carried on directly between individuals within the following categories: (a) business functions auxiliary to production and distribution (e.g. real estate, insurance, bookkeeping), and (b) labor that does not produce a tangible commodity (e.g. beauty/barber shops, musical and dance instructions, repair and maintenance of personal property, not including vehicles, tools, household appliances and equipment). Personal service shall not include uses necessitating the harboring of animals. {10, 24, 26, 29, 32, 35, 37, 39}

Services; Professional Office -- Offices for the practice of licensed professionals such as doctor, dentist, architect, engineer, lawyers, accountant, etc., as well as general business offices, newspaper offices, etc. {10, 24, 26, 29, 30, 32, 33, 35, 37, 39, 65}

Setback -- The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or other such improvement on a lot, except necessary driveways. {13, 14, 16, 18, 19, 21, 23, 24, 29, 40, 41, 46, 52, 56, 68, 71, 75, 76, 77, 82, 84, 96, 99, 103, 104, 111, 113, 137, 147}

Sexual Encounter Center -- A business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration: {88}

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or

B. Activities between male and female persons of the same sex when one (1) or more of the persons is in a state of nudity or seminude.

Sexually Orientated Business -- An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center. {87}

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, including illuminated window signs, displaying an advertisement, announcement, notice of name, and shall include any declaration, display, representation, illustration of insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the actual public. Signs also include any architectural devices, design or treatment such as painting, striping, lighting or similar methods designed for the purposes of attracting the attention of the public in a manner similar to advertising, and the Planning Board has the authority to regulate in kind.

Sign, Accessory -- Any sign related to a business or a profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. {62}

Sign, Canopy -- A sign which is mounted on an overhanging projection or shelter which extends beyond the principal building. {68}

Sign, Cabinet -- A sign box which is hollow, typically for the purposes of containing lighting sources so that the exterior face of the sign is illuminated from inside. {68}

Sign; Channel Lettering -- Sign text or graphics which are comprised of 3-dimensional letters or shapes which are individually applied to the surface of a façade to spell out the sign copy or message. Channel lettering may be hollow "cabinet lettering" to accommodate light sources inside to illuminate each letter from within. {62, 63, 67, 68}

Sign, Double Faced -- A sign designed to be viewed from two (2) directions and which at no point is thicker than twenty-four (24) inches measured from the exterior surface of each face and the two (2) faces of such sign are either parallel or the angle between the faces is thirty (30) degrees or less.

Sign, Free Standing -- 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 types. {63, 64, 65, 68}

Sign, Externally Illuminated -- Any sign illuminated by electricity, gas, or other artificial light from the exterior of the sign, and includes reflective and phosphorescent light. {68}

Sign, Internally Illuminated -- Any sign illuminated by electricity, gas, or other artificial light from the interior of the sign, and includes reflective and phosphorescent light. {65, 66, 68}

Sign, Silhouette Illuminated -- Any sign illuminated from behind individual opaque letters which are surface applied to the façade, so that the letters themselves are not illuminated, but the profile of the letters and/or the wall surface behind the letter glow. Also known as a backlit sign. {68}

Sign, LED -- Light Emitting Diode {61}

Sign, Non-Accessory -- Any sign, including but not restricted to billboards, 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. {67}

Sign, Portable -- Any 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. A frequent characteristic of a portable sign is that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. {66}

Sign, Projecting -- A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of wall, and a sign which is perpendicular to the face of such wall. {63, 69}

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

Sign, Sandwich -- A movable, ground sign for advertising of a business, that is not secured or attached to the ground or surface upon which it is located. It is typically constructed in such a manner as to form an "A-frame" or tent-like shape, hinged or not hinged at the top, each angular face held at an appropriate distance by a supporting member. {66}

Sign, Surface Area -- The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display. The structure supporting a sign shall not be included unless the structure is designed in a way to form an integral background for the display. Only one side of a double-faced sign shall be included as surface or areas of such a sign. {69}

Sign, Temporary -- Any sign not intended for permanent installation, such as portable signs, emblems, banners, political, real estate and signs at construction sites. {62, 65, 66, 69}

Sign, Wall -- A sign which is attached to the wall of a building with the face in the plan parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall. {55, 59, 60}

Sign, Window -- A sign maintained or painted upon a window or which is inside a structure, within three (3) feet of the window surface and intended to be visible from a parking lot or roadway. {62, 63, 67, 68}

Sign Setback -- The minimum distance required between any property line or driveway and any portion of a sign or sign structure. {68}

Sign Structure -- The support, 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 of the sides or the projection thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure. {64, 67}

Single Ownership -- Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than thirty (30) years, regardless of any division of land into parcels for the purpose of financing. {16, 143}

Site Plan -- The map or drawing and all related information submitted for review by the Planning Board in accordance with the requirements and procedures specified in Section 5.32 of this Local Law. {4, 13, 14, 25, 28, 30, 33, 35, 36, 38, 40, 41, 47, 49, 51, 53-57, 60, 75, 76, 83, 96, 98, 101-103, 105, 106, 109, 111, 112, 116, 124-130, 148}

Special Use / Special Use Permit -- A use which is deemed desirable for the public welfare within a given district or districts, but which is potentially incompatible with other uses provided therein. The use shall be therefore subject to approval by the Zoning Board of Appeals and to conditions set forth for such use, as well as other applicable provisions of this Local Law. {4-6, 9, 28, 66, 74-79, 81, 89-91, 97, 98, 106, 107, 110-112, 120, 129, 130}

Specified Anatomical Areas -- The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. {133, 134, 142}

Specified Sexual Activities -- Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic legion, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A, B and C above.

State of Nudity -- See "Nudity" {88, 133, 134, 142, 146}

Storage Container -- Large, standardized metal shipping container, including PODs designed for transporting and storing goods. Typically made of steel or aluminum and come in various sizes, ranging from 10 to 40 feet in length. They often have doors at one or both ends and can be modified with features such as ventilation, insulation, windows, and shelving. Storage containers are often used as a secure and weather-resistant way to store equipment, tools, inventory, or personal belongings.

Storage; outdoors, merchandise in stock -- The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. {11, 25, 30, 35, 37, 39}

Storage; indoors, merchandise in stock --The keeping, in an enclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. {11, 24, 27, 29, 33, 35, 37, 39}

Storage; self storage rental facility -- A structure or structures in which materials, goods or equipment are stored within separate storage units having individual external access, for storage of personal property. Self- storage operations with several separate structures shall all be considered together to form one primary structure for the purpose of site plan review by the Planning Board. {10}

Storage; wholesaling / warehousing, off site -- The commercial storage or retail or wholesale goods for the purposes of shipping or retail sales not on the premises. {11, 27, 29, 32, 35, 37, 39}

Storage; wholesale/distribution center, 3 truck bays -- A warehouse or distribution center with no more than 3 loading docks or truck bays. {11, 27, 32, 35, 37, 39}

Storage; wholesale/distribution center, 3+ truck bays -- A warehouse or distribution center with 3 or more loading docks or truck bays. {11, 35, 37, 39}

Storage; fuel or other hazardous materials -- The above ground storage or commercial quantities of fuel or other hazardous or explosive materials. {11, 35, 37, 39}

Stormwater -- The flow of water that is generated from a rainfall event or snowmelt. {54, 71-73, 78, 80, 84, 93, 100, 106, 125, 126, 136}

Story -- Portion of a building which is between one floor level and the next higher floor level or the roof. {24, 25, 30, 31, 58, 71, 100}

Street -- A street improved to the satisfaction of the Planning Board, which is one of the following: {4-8, 10, 11, 13-17, 19, 20, 22, 24-33, 35-40, 43, 49-53, 56, 58, 59, 62-68, 71, 74, 77, 78, 83, 85, 89, 100, 107, 125, 126, 132, 135, 137-142, 150}

- A. An existing Town, County, or State highway or street;
- B. A street shown on an approved subdivision final plat;
- C. A street shown on a map filed with the County Clerk (in accordance with Section 280 a of the Town Law) prior to Planning Board authorization to review subdivisions;
or
- D. A street shown on the Town Official Map.

A street includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, pedestrian ways, parking areas and other areas.

Street Line -- The dividing line between a lot and a street right-of-way. {53, 74, 138, 140, 150}

Structure -- A static construction, or assembly, or materials, the use of occupancy of which requires a fixed location on the ground or attachment to an object having such fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, swimming pools, gasoline pumps, billboards, signs, and mobile dwellings. {4, 11, 13-17, 19, 20, 22, 24-31, 33, 35-42, 44-47, 49, 51-53, 57, 64, 67, 71, 72, 74, 75, 80-81, 83, 84, 86, 89, 90, 92, 95, 96, 98, 99, 102, 104-107, 109, 111, 116, 117, 125-127, 133-149}

Structure; commercial garage or shed – Accessory building or structure used for the storage of commercial vehicles or equipment. {11, 25, 27, 30, 33, 35, 37, 39, 139}

Structure; customary garage, shed or greenhouse -- Customary residential storage shed, garage, greenhouse or similar structure – satellite dish, solar panels etc. {11, 17, 19, 20, 22, 25, 26, 30, 35, 37, 39}

Structure; customary farm building – Accessory building typically associated with regular farming operations for the storage or processing of foods, animals or farm equipment. {11, 17, 19, 20, 22, 27, 39}

Structure; temporary – A temporary static construction or assembly of materials that is intended for short-term use and does not require a permanent fixed location. Temporary structures may include tents, canopies, temporary stages, event booths, and similar temporary installations. {81}

Swimming Pool -- Any outdoor pool, tank, depression, or excavation for the specific purpose of swimming that causes the retaining of water to a greater depth than eighteen (18) inches and having a water surface area greater than one hundred (100) square feet. {75, 81, 144, 148}

Townhouse -- A dwelling unit in a building containing at least three connected dwelling units divided by common vertical party walls, with private entrances to each dwelling. A townhouse may include dwelling units owned in fee simple or in condominium or cooperative ownership or any combination thereof. {49, 138, 145}

Transient Retail Business - A retail or wholesale business conducted in a temporary structure or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation. {81}

Transport; Public Transit Passenger Station -- Establishment primarily engaged in providing local or regional transportation services to the public such as train station, taxi station, bus station, limousine or similar methods, but not including repair facilities. {11, 27, 33, 35, 37, 39}

Transport; Airport, Public – The use of land, or building, or structure for facilitating the landing and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing, accessory uses may include ticket offices, restaurants, bars confections, luggage checking and parcel shipping facilities. {11, 80}

Transport; Airport, Private Airstrip – Airport for the uses of private aircraft, without any commercial facilities. {11, 17, 19, 33, 35, 37, 80}

Use -- The purpose for which land or a structure is arranged, designed, or intended, or for which either land or a structure is or may be used, occupied or maintained.

Utility; public service – A structure or right of way necessary to serve areas within the community, excluding business office, repair or storage of equipment, wastewater treatment plants, water storage and related accessory improvements. {11, 17, 19, 20, 22, 24, 27, 29, 33, 35, 37, 39}

Utility; small above ground structure -- Water or sewer pump stations, electric or telephone distribution boxes, switching or relay stations, transformers and similar enclosed utility structures. {11, 17, 19, 20, 22, 24, 27, 29, 33, 35, 37, 39}

Utility; transmitting or communications tower -- Television, radio, wireless or other transmitting towers. {11, 17, 19, 20, 22, 24, 27, 29, 33, 35, 37, 39}

Utility; municipal works yard or structure -- Municipal business office, equipment storage or repair, wastewater treatment plants, water storage or similar facility. {11, 17, 19, 20, 22, 24, 27, 30, 33, 35, 37, 39}

Use, Principal -- The main or primary purpose or purposes for which land and/or structure(s) is designed, arranged, or intended or for which such land or structure(s) may be occupied or maintained under this Local Law. {19, 21, 23, 44, 80, 94, 97, 133, 135}

Variance -- A modification of the use and/or area and bulk regulations of this Local Law in an individual case where, due to specific facts and conditions peculiar to a particular property, literal application and strict enforcement would result in undue and unnecessary hardship or practical difficulty that would deprive the owner of reasonable use of the land or structures. Such unnecessary hardship or practical difficulty shall not be construed to include more inconvenience or a desire to make more money. {6, 13, 92, 118-120}

Vehicle -- New or used car, truck, boat, motorcycle, snowmobile, RV, tractor, construction or farm equipment or similar motorized equipment. {10, 11, 14, 16, 27, 29, 32, 33, 35, 37, 39, 50, 52, 53, 56, 64, 66, 68, 74, 77, 106, 135, 137-145, 148}

Wholesale – Establishments engaged in the sale of commodities in quantity, usually for resale or business use, primarily to retailers, other businesses, industries and institutions. {11, 27, 32, 35, 37, 39, 144, 148, 149}

Yard -- An open space on the same lot, plot or parcel of land, with a building or building group lying between the closest point of the front rear, or side wall of a building and the nearest lot line, which is, exclusive of trees, shrubs, and natural rock formations, unoccupied and fully open to the sky, except as otherwise provided by the specific provisions of this Local Law. {4, 6, 11, 13-, 14, 16, 17, 19, 20, 22, 24-26, 29-33, 35, 37, 39, 41, 52, 53, 56, 58, 74, 75, 78, 80-82, 84, 96, 135, 140, 141, 145}

Yard, Front – The area of ground extending across the full width of a parcel measured between the side yard lines, the depth of which is the minimum horizontal distance between the street line and the façade of the main building. {13, 14, 16, 25, 31, 52, 53, 80, 81}

Yard, Rear – The area of ground extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building. {13, 14, 52, 56, 74, 96, 141}

Yard, Side -- The area of ground extending between any property line other than the street line or the rear lot line and the nearest building facade, and between the required front and rear yard. {13, 14, 52, 56, 82, 135}

Zoning Map -- The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this Local Law. {7, 8, 46, 131, 132, 137}