

Land Use Management Local Law

Town of Glen

Montgomery County, New York

LAND USE MANAGEMENT LOCAL LAW

The attached Land Use Management Local Law, including Schedule “A,” and a Land Use Map, were adopted by the Town Board of the Town of Glen on [enter date].

Town of Glen
Montgomery County, New York

Town Board 2024

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Councilperson	Russell J. Kelley
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Member	Vacant

Zoning Board of Appeals 2024

Chairperson	Ryan Kelly
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Secretary	Roy Dykeman

Attorney- William J. Mycek, Esq.
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Table of Contents

ARTICLE I - Authority, Title, Purpose, Scope and Separability	5
Section 1.01 Authority.....	5
Section 1.02 Title.....	5
Section 1.03 Purpose.....	5
Section 1.04 Scope	5
Section 1.05 Separability.....	5
Article II - Definitions	6
Section 2.01 General	6
Section 2.02 Definitions	6
Article III- Districts and Boundaries	17
Section 3.01 Establishment of Districts.....	17
Section 3.02 Interpretation of District Boundaries.....	17
Article IV- Use Regulations.....	18
Section 4.01 Rural Residential (RR).....	18
Section 4.02 Hamlet (H)	19
Section 4.03 Commercial (C).....	21
Section 4.04 Industrial (I)	22
Article V - Area and Height Regulations, Lots, Yards and Buildings.....	24
Section 5.01 Regulations in Schedule A	24
Section 5.02 Area Regulations	24
Section 5.03 Height Regulations	25
Article VI - Site Plan Approval and Special Permits	27
Section 6.01 Purpose and Authorization	27
Section 6.02 Developments Requiring Site Plan Review	27
Section 6.03 Procedure	27
Section 6.04 Enforcement.....	29
Section 6.06 Standards for Review	32

Section 6.07 Consultant Review.....	33
Section 6.08 Additional Requirements	33
Section 6.09 Appeals.....	34
Section 6.10 Special Permits	34
Section 6.11 Reserved.....	36
Article VII - Supplementary Regulations	37
Section 7.01 Access to Improved Streets or State Highways.....	37
Section 7.02 Lots in Two Districts	37
Section 7.03 Drive-In Food Services.....	37
Section 7.04 Accessory Building Number, Height and Location	37
Section 7.05 Quarrying/Soil Mining	38
Section 7.06 Junkyards.....	39
Section 7.07 Signs.....	39
Section 7.08 Permanent Building Foundations.....	40
Section 7.09 Sight Distance at Intersections.....	40
Section 7.10 Landscaping Requirements	40
Section 7.11 Corner and Through Lots.....	40
Section 7.12 Flag Lots.....	40
Section 7.13 Environmental Quality Review.....	41
Section 7.14 Exterior Lighting	41
Section 7.15 Mobile Homes	41
Section 7.16 Public Utility Facility Personal Wireless Service Facility.....	41
Section 7.17 Swimming Pools	42
Section 7.18 Adult Oriented Businesses Overlay	42
Section 7.19 Off-Street Loading Facilities	42
Section 7.20 Windmills or Wind Turbines.....	43
Section 7.21 Historical District	43
Section 7.22 Waste Management.....	43
Section 7.23 Wells and Septic Systems.....	43
Section 7.24 Outhouse/Sanitary Privy	44
Section 7.25 Reserved.....	44

Section 7.26 Reserved	44
Section 7.27 Reserved	44
Section 7.28 Reserved	44
Section 7.29 Non-Conforming Uses	44
Section 7.30 Non-Conforming Uses of Buildings	44
Section 7.31 Non-Conforming Use of Land.....	45
Article VIII - Administration	46
Section 8.01 Enforcement.....	46
Section 8.02 Building Permit.....	46
Section 8.03 Certificate of Occupancy	46
Section 8.04 Violations.....	47
Article IX - Zoning Board of Appeals	48
Section 9.01 Creation, Appointment and Organization.....	48
Section 9.02 Powers and Duties.....	48
Article X - Amendments to the Land Use Management Local Law	51
Section 10.01 How Amendments are Initiated.....	51
Section 10.02 Referral of Amendments to Town Planning Board	51
Section 10.03 Hearing on Proposed Amendment.....	51
Section 10.04 Adoption of Amendment	52
Section 10.05 Protest Petition	52
Section 10.06 Reserved.....	52
Article XI - Miscellaneous.....	53
Section 11.01 Periodic Review of Zoning Ordinance	53
Section 11.02 Validity.....	53
Section 11.03 Interpretation.....	53
Section 11.04 When Law Becomes Effective	53
Section 11.05 Reserved.....	53

**TOWN OF GLEN
MONTGOMERY COUNTY, NEW YORK**

A LOCAL LAW regulating and restricting the location, construction, alteration and use of buildings and land in the Town of Glen, Montgomery County, New York, pursuant to the Land Use Management provisions of ARTICLE 16 of the Town Law of the State of New York.

THE TOWN OF GLEN TOWN BOARD, by virtue of the power and authority vested in it by law, does hereby ordain and enact as follows:

ARTICLE I - Authority, Title, Purpose, Scope and Separability

Section 1.01 Authority

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Glen, New York, hereafter referred to as the Town Board, hereby replaces the 2006 Land Use Management ordinance and adopts and enacts as follows:

Section 1.02 Title

This Local Law shall be known and may be cited as the "Town of Glen Land Use Management Local Law".

Section 1.03 Purpose

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of the Town of Glen. These regulations are adopted and intended to achieve the following goals:

- Promote the health, safety, and general welfare of the community consistent with the objectives of Article 16 of the Town Law.
- Preserve and enhance the town's farming operations and agricultural lands.
- Preserve the town's natural environment.
- Employ viable town initiatives to foster economic development.
- Enhance and encourage preservation of the town's historic character.
- Promote local and regional tourism.
- Preserve the town's rural character and open spaces.
- Maintain and enhance the aesthetics of the town.
- Enhance the recreational and cultural opportunities in the town.
- Cooperate with the town's adjacent municipalities and Montgomery County.

Section 1.04 Scope

This Local Law shall apply to the construction, installation, or alteration of any building or structure and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Glen, outside the corporate limits of the Village of Fultonville, unless specifically exempted elsewhere in this Local Law.

Section 1.05 Separability

Should any section or provision of this law, or as amended hereafter, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so declared to be invalid.

Article II - Definitions

Section 2.01 General

For the purpose of this ordinance certain words or terms used herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a corporation as well as an individual.

The word "building" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied."

Section 2.02 Definitions

ACCESSORY BUILDING: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE: A use customary or incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

ADULT ORIENTED BUSINESS: Whenever used in this Local Law, the words "Adult Oriented Business" or "Adult Oriented Businesses" apply to the following types of establishments, and any others which exclude or restrict minors by reason of age.

ADULT BOOKSTORE OR VIDEO STORE: An establishment having as a substantial or a significant portion of its stock-in-trade books, magazines, other periodicals, films, slides or video tapes and which establishment excludes or restricts minors by reason of age.

ADULT ENTERTAINMENT CABARET: A public or private nightclub, bar, restaurant, or similar establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes or restricts minors by reason of age.

ADULT MOTEL: A motel which excludes or restricts minors by reason of age, and which makes available to its patrons in their room's films, slide shows or videotapes, which if presented in a public movie theatre would exclude or restrict minors by reason of age.

ADULT THEATRE: A theatre that customarily presents motion pictures, films, videotapes or slide shows, and that excludes or restricts minors by reason of age.

MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered, including but not limited to massage parlors, sauna baths, and steam baths and which exclude or restricts minors by reason of age. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or massage therapist, licensed masseuse or masseur, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOW: A theatre which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure and excludes or restricts minors by reason of age.

ALLEY: A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

ANIMAL HOSPITAL/VETERINARY CLINIC: A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

APPLICANT: The legal, real property contract vendee, or beneficial owner or owners of a lot or of any land included in the proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

AREA BUILDING: The total ground area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BASEMENT: A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the average grade, and which is not designed or used primarily for year-round living accommodations.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

BED AND BREAKFAST: An establishment in a private dwelling that supplies temporary accommodations to overnight guest for a fee. Meals may or may not be provided. Tourist

homes and inns are included here.

BOARDING OR ROOMING HOUSE: Any dwelling in which more than three persons, either individually or as families are housed or lodged, except those engaged in farm work, for hire with or without meals, and/or any dwelling with ten or less sleeping rooms in which more than three persons, either individually or as families, are housed or lodged, except those engaged in farm work, for hire or otherwise, without separate kitchen facilities, with or without meals. If there are more than ten sleeping rooms, such buildings shall be considered hotels.

BUFFER ZONE: Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING: Any roofed structure intended for the shelter, housing, or enclosure of persons, animals or property. When a building, is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING LINE: A line established by law, usually parallel with a property line, beyond which a structure may not extend.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

CELLAR: That space of a building which has more than half of its height, measured from floor to ceiling, below the average grade.

CELL TOWER: Structure used for cell communications.

CLUSTER HOUSING: Subdivision technique in which detached dwelling units are grouped relatively close together, leaving open spaces as common areas.

COMMERCIAL COMPOSTING: Aerobic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material used for fertilizing and conditioning land.

COMMUNITY PARK OR PLAYGROUND: Land managed by the public and set aside for public use which may or may not have developed recreational facilities, such as playground, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming pools and/or lavatories.

CUSTOM WORKSHOP: A small establishment where manufacturing or handicrafts are carried on.

COMPOSTING FACILITY: Composting facilities are locations where composting of yard clippings or other organic materials occurs using mechanical handling techniques such as physical turning, windrowing, or aeration or using other management techniques.

DAYCARE: Provision of daytime training, supervision, recreation, and often medical services for children of preschool age, for the disabled, or for the elderly.

DOMESTIC ANIMALS: The animals identified by name in the following definitions, other than domestic pets, as well as any of the various animals adapted by humans to live and breed in domestication.

DOMESTIC PETS: Dogs, cats, canaries, parakeets, parrots, and other animals and fowl commonly treated and considered as house pets, housed indoors and not prohibited by state and federal law.

DRIVEWAYS AND PASSAGEWAYS: Private access routes which directly service a parking area or parking spaces not directly serving more than two (2) dwelling units, and not providing a route for through traffic. Minimum driveway widths shall be as follows:

<u>PARKING ANGLE</u>	<u>DRIVEWAY WIDTH</u>
No parking	18'
Parallel 20'	20'
45° one-way	20'
60° one-way	20'
90° one-way	24'

DWELLING, ONE-FAMILY: A detached building, other than a trailer or other temporary structure designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY: A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

DWELLING UNIT: One or more rooms with provision for living, sanitary, and sleeping facilities arranged for the use of one family.

FAMILY: Any number of persons or recognized relationships maintaining a common household, including domestic help.

FARM PRODUCTS PLANT: Any operation which starts with a farm product, including but not limited to vegetables, fruits, milk, beef, pork, lamb, chicken, eggs, turkey etc. and whose end product packages that product in a form suitable for retail market distribution. This definition includes but is not limited to dairies, cheese plants, vegetable/fruit canneries, slaughterhouses, etc.

FARM STAND: A structure used in the sale of agricultural products that are produced on the premises.

FOWL: Chickens, ducks, geese, turkeys, swan, guinea fowl, pea fowl, pheasants, quail, and other fowl similar to the foregoing.

FRONT: That part of a parcel of land or building abutting or facing the principal street or road. In the case of corner lots on two intersecting streets or road the parcel will be considered to have two front yards, one side yard and one rear yard at minimum.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC: A building or part thereof for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles, operated for gain.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include filling station and service station.

GREENSPACE: Area of land with vegetative cover.

HISTORIC BUILDING OR SITE: A building or area which has historic and special public value because of notable architectural or other features relating to the cultural, historic, or artistic heritage of the community.

HOBBY FARM: An agricultural operation grossing under \$10,000 per year under special permitted use.

HOME OCCUPATION: An occupation or profession which is customarily carried on in a

dwelling unit or in a building or other structure accessory to a dwelling unit; and is carried on by a member of the family residing in the dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
2. There shall be no exterior display, nor any exterior sign except a business sign, no exterior storage or materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. The Business Sign shall comply with Section 34 of this Local Law.
3. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. A home occupation includes, but is not limited to art studio; dressmaking; barber shop or beauty parlor; professional office of physician; dentist, lawyer, engineer, architect, accountant; or musical instruction limited to a single pupil at a time.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human ailments.

HOTEL: Facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities. The word "hotel" includes the words "motel", "motel court", "inn", "tourist court", or similar names excluding rooming houses and Bed and Breakfast establishments.

INDUSTRIAL WIND TURBINE: A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop a tower which convert the kinetic energy of wind to generate electricity to supply energy primarily into a grid for sale to the general public or to supply multiple users located off-site on which the energy system is located.

JUNKYARD: A lot, land or structure, or part thereof, used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof; or for the storing or abandonment of two or more unlicensed or unregistered motor vehicles for 30 days or more.

KENNEL: A structure used for the harboring for hire of five or more dogs or cats, more than six months old.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy generation facility, whether a ground-mounted and/or rooftop installation, principally used to convert solar energy to

electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed, and intended to supply energy primarily into a utility grid for sale to the general public or to supply multiple users located off-site on which the energy system is located.

LAUNDERETTE: A business premises serviced by municipal sewerage or a NYSDOH approved system, equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

LIGHT ASSEMBLY PLANT: A use engaged in the creation, predominately from previously prepared materials, of finished products or part, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

LIVING AREA: The sum of the gross horizontal area of the several floors of a building, including areas below grade devoted to residential use. All dimensions shall be measured between exterior faces of walls.

LOADING SPACE: A paved area designed for the parking, loading and unloading of delivery vehicles.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this Local Law and having its principal frontage on a public street or an officially approved place.

LOT AREA: The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135 degrees.

LOT, COVERAGE: That portion of the lot that is covered by buildings or any impervious material, (including all blacktop and concrete areas).

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in

the general direction of the side lot lines.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district, except as noted in Section 16.

MINERAL: any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this Local Law, peat and topsoil shall be considered minerals.

MINING: the extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal, and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

MINOR: A person less than eighteen (18) years of age.

MOBILE HOME: A movable single dwelling unit equipped with a chassis designed for and providing housekeeping, facilities for year-round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment. Includes double wide units.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MODULAR HOME: A prefabricated dwelling unit capable of being delivered to a site in several sections and is indistinguishable in appearance from conventionally built homes.

MOTORIZED SPORTS FACILITY: Racetrack, dragstrip, motocross, snowmobiles.

NAMEPLATE: A plaque or sign for non-business purposes bearing the name of the owner of the residence and no larger than eight (8) square feet.

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME OR HOME FOR THE AGED: A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

OPEN SPACE: Any parcel or area of land or water. Essentially unimproved by buildings.

PARKING SPACE: The area required for parking one automobile which in this Local Law is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

PERMANENT FOUNDATION: Concrete or stone walls which support the bottom floor and exterior walls of a building and extending below the ground deeper than the average annual frost level, or a reinforced concrete base below the bottom floor of a building of sufficient thickness and having a suitable sub-base to resist shifting and heaving from changes in temperature and moisture conditions in the ground beneath the building.

PERSONAL SERVICE SHOPS: Establishments providing services or entertainment, as opposed to products, to the general public including, but not limited to cleaning and garment services, beauty shops, photography shops, shoe repair, barber shops, funeral services, clothing rental, reduction salons and tanning parlors.

PERSONAL WIRELESS SERVICES: shall mean any person, firm, corporation, or governmental agency, duly licensed/authorized to furnish the public, under governmental regulation, commercial mobile services, wireless telecommunication services, and common carrier wireless exchange access services, including cellular radiotelephone, specialized mobile radio system and personal communication services, which are regulated by the Federal Communications Commissions in accordance with the Communication Act of 1934 (47U.S.C. Sections 151-613 (1988) as it may hereinafter be amended from time to time.

PERSONAL WIRELESS SERVICE FACILITY: Is a facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes an Antenna, Equipment Mounting Structure, and accessory buildings and equipment. For purposes of this Local Law, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility Facility" as specified in this Local Law.

PLANNING BOARD: Planning Boards are given certain advisory powers by State statute simply by virtue of their being created. These "automatic" functions fall into two general categories:

- a) The power to make investigations, maps, and reports on specific issues relating to the planning and development of the municipality. A Planning Board doesn't have to wait to

be asked for an opinion. Within the limit of its budget, it can act on its own in rendering advice.

b) The power to draft and recommend a comprehensive plan to guide the future growth of the Town in an orderly manner.

PROFESSIONAL OFFICE: Offices for a person or persons whose vocation or occupation requires advanced training in liberal arts or science and whose service usually involves nonmanual work.

PUBLIC BUILDING: Any town, county, state or federally owned building(s) or land including but not limited to town halls and highway department garages.

PRIVATE OR PUBLIC UTILITY: Shall mean any person, firm, corporation, or governmental agency, duly authorized to furnish the public, under governmental regulation, electricity, gas, water, sewage treatment, steam, cable television, or related communication service. This definition shall not bestow any special status or standing not already provided by State or Federal Law. This shall not include a major renewable energy facility as set forth in Local Law no.5 of 2022 which shall be regulated pursuant to Local Law no. 5 of 2022.

PRIVATE OR PUBLIC UTILITY FACILITY: A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or governmental agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administrative buildings. This shall not include a major renewable energy facility as set forth in Local Law no. 5 of 2022 which shall be regulated pursuant to Local Law no. 5 of 2022.

RESIDENCE: A structure or portion thereof used as a dwelling unit.

RESTAURANT: A building or portion of a building wherein food and beverages are available for on-site or off-site consumption.

RETAIL FARM MARKET: A structure for the sale of agricultural products either produced on or off the premises.

RETAIL STORE: Any building or permanent structure or portion thereof in which one or more services or one or more articles of merchandise are sold at retail including department stores.

SAWMILL: A facility utilized to process timber into boards, beams and related wood stock for commercial purposes.

SHED: An accessory building which is no larger than 150 square feet.

SIGN: Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school, or religious group or of any civic, charitable, religious, patriotic, fraternal, or similar organization, nor any official traffic control device. Each display surface shall be considered to be a "sign".

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed, only incidentally on the premises, if at all.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "For Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

SIGN, FLASHING: A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this Local Law any revolving, illuminated sign shall be considered a "flashing sign".

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right of way, boundaries, all essential dimensions, and bearings and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW: A review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in the Local Law and as authorized by Town Law.

SMALL-SCALE SOLAR ENERGY SYSTEM: A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, businesses, or other occupants of the premises on which they are erected, i.e. on premises consumption of the power to be produced.

SOLAR COLLECTOR: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR INSTALLATION: Ground-mounted and freestanding solar collectors are permitted as Accessory Structures in all zoning districts and require a Building Permit issued by the Code Enforcement Officer.

SOLAR INSTALLER, QUALIFIED: A person who is on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or is certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP).

SOLAR STORAGE BATTERY: A device that stores energy from the sun and makes it available in an electrical form.

SPECIAL PERMITTED USE / SPECIAL PERMIT: A use of property that may be appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore, is not permitted by right everywhere within such districts. A special permitted use, therefore, is one which is allowable only when facts and conditions specified in the Local Law as those upon which the use is permitted are found to exist.

STABLE, PRIVATE: A principal or accessory building in which horses are kept for private use and not for hire or sale.

STABLE, PUBLIC: A principal or accessory building in which horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET: A public way which affords the principal means of access to abutting property.

STRUCTURE: Any building or other construction, with or without a roof, which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building.

SUB-DIVISION: Division of any parcel or property into 2 or more parcels.

THEATER, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical production on a paid admission basis.

TINY HOME: A permanent residential living structure containing 400 SF or less that is constructed in accordance with the most recent revision to Appendix Q of the International Residential Code and the New York State Uniform Fire Prevention and Building Code.

TOOL AND DIE BUSINESS: The industrial art of manufacturing stamping dies, plastics molds, and jigs and fixtures to be used in the mass production of solid objects.

TOURIST HOME: A dwelling where transient guests are lodged for hire.

TOWN HOUSE: One of several units in a building designed for and occupied exclusively as a residence for not more than one family living independently of any other family, separated from other units by a party wall or walls, and erected on a lot intended to be held in the form of a condominium or in a single and separate ownership from any adjoining units.

TRAILER: A mobile unit designed for camping, recreational travel, or vacation use which is equipped with a chassis and provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

TRAILER CAMP: An area occupied or designed for seasonal occupancy by two or more trailers.

TRUCK TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

VARIANCE: Permission to depart from the literal requirements of the Local Law.

VARIANCE, AREA: A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district, or a departure from any provision of this Local Law except use.

VARIANCE, USE: A variance granted for a use or structure that is not permitted in the zoning district.

WHOLESALE STORAGE OR WAREHOUSE: A building or buildings used as a wholesale distribution center.

WINDMILL: Wind powered devices that convert the energy of wind by means of vanes into mechanical energy. Supplies energy solely for on-site use. Windmill height not to exceed 75 feet to tip of blade in vertical position.

WIND TURBINE: A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop a tower

which converts the kinetic energy of wind to generate electricity. Supplies energy solely for on-site use and not connected to the power grid for commercial sale of electricity. Wind Turbine height not to exceed 75 feet to tip of blade in vertical position.

YARD, FRONT: An open unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the main building projected to the side lines of the lot.

YARD, REAR: A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE: An open unoccupied space on the same lot with a main, building, situated between the sideline of the main building and the adjacent sideline of the lot extending from the front yard to the rear yard. Any lot line not a front line or rear line shall be deemed a side line.

Article III- Districts and Boundaries

Section 3.01 Establishment of Districts

For the purpose of this ordinance, the Town of Glen is divided into the following districts:

Rural / Residential (R-R)
Hamlet (H)
Commercial (C)
Industrial Business Park (IBP)

Said districts are bounded and defined as shown on a map entitled "Zoning Map Town of Glen", hereinafter called the Zoning Map, adopted by the Town Board and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Local Law.

Section 3.02 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- Where the boundary of a district follows a stream or other body of water, said boundary line shall be deemed to be the center line of such stream or body of water unless otherwise indicated.

Article IV- Use Regulations

The principal permitted uses of each zoning district are permitted as of right. All special permitted uses require both special permit review and site plan review. Uses not listed for a specific zoning district are prohibited from that district and would therefore require a use variance.

Section 4.01 Rural Residential (RR)

In the Rural Residential (RR) district no building or premises shall be used, and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. One Family Dwelling
2. Two Family Dwelling
3. Farm and Accessory Buildings and Uses (to include Hobby Farms)
4. Mobile Home, including double wide
5. Nursery
6. Community Park or Playground
7. Accessory Use and Building
8. Home Occupation
9. Windmill or wine turbine (accessory use only)
10. Restaurant
11. Bakery
12. Garage (public and non-public)
13. Historic Building Site
14. Small Scale Solar Energy System (Accessory Use)
15. Organic Fertilizer Manufacturing (Composting, accessory use only)

B. Permitted Uses by Special Permit- See Section 9

1. Multiple Family Dwelling including Townhouse
2. Cluster Housing
3. Bed and Breakfast Establishment
4. Boarding or Rooming House
5. Church
6. Parish House, Convent
7. Public or Parochial School or College
8. Nursing, Convalescent or Home for the Aged
9. Adult Residential Center
10. Daycare
11. Launderette
12. Retail Store

13. Golf Course, Country Club, or Other Sporting Facilities
14. Commercial Recreation
15. Public Building
16. Animal/veterinary Hospital
17. Kennel (5 or More Animals)
18. Boarding Stable
19. Funeral Home
20. Crematorium
21. Firehouse / Emergency Services
22. Self-Storage
23. Radio, TV Transmitter or Receiving Tower with Building
24. Radio, TV Transmitter or Receiving Tower without Building
25. Car Wash
26. Public or Private Utility Facility with Building
27. Public or Private Utility Facility without Building
28. Personal Wireless Service facility (Cell Tower)
29. Farm Products Plant
30. Topsoil Operation
31. Earth, Sand, Gravel or Mineral Excavation
32. Gas or Oil Extraction
33. Agricultural Lime Manufacturing
34. Rock Quarry Operation
35. Advertising Sign
36. Airport / Heliport
37. Motorized Sports Facility
38. Bio-fuel production and storage
39. Hotel
40. Gaming Facility
41. Sawmill
42. Townhouse
43. Picnic Grove
44. Fish and Game Club
45. Large-Scale Solar energy systems

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine

Section 4.02 Hamlet (H)

In the Hamlet District (H) no Building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. One Family Dwelling
2. Two Family Dwelling
3. Community Park or Playground
4. Farm and Accessory Use or Building (to include Hobby Farms)
5. Fire Station, Municipal Building
6. Historic Building or Site
7. Accessory Uses or Building
8. Home Occupation
9. Small Scale Solar Energy System (Accessory Use)

B. Permitted Uses by Special Permit- See Section 9

1. Church
2. Parish House, Convent
3. Public or Parochial School or College
4. Hotel
5. Gasoline Station
6. Multi Family Dwelling including townhouse
7. Bed and Breakfast Establishment
8. Retail Store
9. Personal Service Shop
10. Bank
11. Custom Workshop
12. Museum
13. Laundrette
14. Restaurant
15. General Store
17. Professional Office, Studio
18. Antique Store
19. Mobile Home, including double widest
20. Bakery

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine
4. Large-Scale Solar Energy System

Section 4.03 Commercial (C)

In the Commercial District (C) no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. Bed and Breakfast Establishment
2. Personal Service Shop
3. Retail Store
4. Museum
5. Custom Workshop
6. Radio, Television or Household Appliance Sales or Service
7. Funeral Home
8. Antique Shop
9. Animal/Veterinary Hospital
10. Feed, Lumber, Seed or Fertilizer Building
11. Carwash
12. Fire Station or Municipal Building
13. Cabinet, Electrical, Heating, Plumbing or Air Conditioner Shop
14. Mobile Home as part of a Farm Operation,
15. Community Park or Playground
16. Retail Bakery
17. Historic Building or Site
18. Laundry or Dry-Cleaning Plant
19. Farm and Accessory Uses or Building (to include Hobby Farms)
20. One Family Dwelling
21. Accessory Use or Building
22. Home Occupation
23. Light Industrial Manufacturing, Fabrication or Assembly Facility
24. Garage (public and nonpublic)
25. Restaurant
26. Two Family Dwelling
27. Small Scale Solar Energy System (Accessory Use)

B. Permitted Uses by Special Permit- See Section 9

1. Gasoline Station
2. Professional Office, Studio
3. Bank
4. Public Utility Facility
5. Hotel
6. Public Garage
7. Restaurant

8. Fuel Sales and Storage
9. Automobile, Boat, Farm Implement, Tool or Mobile Home Sales or Rental
10. Indoor Storage of Non-Liquid, Non-Gaseous Fuel
11. Bowling Alley
12. Multi Family Dwelling (two family dwelling)
13. Adult Oriented Business
14. Tavern
15. Windmill or Wind Turbine
16. Biofuel production and/or storage
17. Leather Mill
18. Marina
19. Large-Scale Solar Energy Systems

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine

Section 4.04 Industrial (I)

In the IBP Industrial Business Park District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. Warehousing, Storage and Distribution
2. Light Industrial Manufacturing, Fabrication or Assembly Facility
3. Manufacturing or Assembly of Electronic Devices or Instruments
4. Printing or Publishing Plant
5. Tool, Die, Pattern or Machine Shop
6. Small Scale Solar Energy System (Accessory Use)
7. Research and Development Center
8. Transportation Services, Including Automobile and Truck Rentals and Public Garages
9. Professional Offices
10. Accessory use or building associated with approved primary use
11. Farm and Accessory Use or Building

B. Permitted Uses by Special Permit- See Section 9

1. Manufacture or Processing Dairy or Other Food Products
2. Communication Towers
3. Vehicle Wash

4. Bulk Storage of inflammable and non-hazardous liquids
5. Public or Private Utility Facility with Building
6. Animal/Veterinary Hospital, Commercial Kennel
7. Public Building/Firehouse/Emergency Services
8. Commercial Laundry Facility
9. Retail Store to Retail Establishment which does not sell gasoline or diesel fuel
10. Sawmill/Wood Product Processing
11. Crematorium
12. Large Scale Solar Energy System

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip to blade in vertical motion
3. Industrial Wind Turbine
4. Slaughterhouse
5. Manufacture or Storage of Explosives and Fireworks
6. Manufacture or Storage of Hazardous or Toxic Materials
7. Temporary/Long-term storage intended for landfill materials
8. Auto Wrecking Yards or Scrap Metal Storage

Article V - Area and Height Regulations, Lots, Yards and Buildings

Section 5.01 Regulations in Schedule A

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A and in the additional regulations of Article VI, and supplementary regulations of Article VII Schedule A accompanies, and is hereby made a part of this Local Law.

Section 5.02 Area Regulations

1. Lots of Less Than Required Dimensions -

- 1.a. Any lot with an area or a width less than that required in the district in which said lot is located may be used for any permitted principal use in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this local law and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

2. Reduction of Lot Area -

- 2.a. The minimum yards and open spaces, including lot area per family, required by this ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this Local Law.

3. Corner Lots - On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.

4. Visibility at Street Corners - On a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines. Intersections with county or state road shall be in accordance with corresponding transportation department regulations and restrictions imposed by this Local Law.

5. Transition Yard Requirements -

- 5.a. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.
- 5. b. Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in a Commercial District, there shall be provided along such abutting line or lines in the Commercial District a side or rear yard equal in depth to that required in the more restricted district, and in addition, a planting buffer at least 10 feet wide, having evergreen vegetative screening and/or opaque fencing at least 8 feet high may be required by the Town Planning Board in an easement in any Commercial District.

6. Projecting Architectural Features, Terraces, Porches, Fire Escapes -

- 6. a. The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.
- 6.b. A paved terrace shall not be considered as part of a building in the determination of yard size or lot coverage, provided that such terrace is without a roof and without walls, parapets, or other form of enclosure exceeding six feet in height.
- 6.C. In determining the percentage of building coverage or the size of yards for the purpose of this ordinance, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

7. Walls, Fences and Hedges - The yard requirements of this ordinance shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by the Town Local Law, provided that in any Residence District such fence, wall or hedge shall be no closer to any front lot line than two feet, and shall comply with visibility at street corners as provided in this Article.

Section 5.03 Height Regulations

1. Chimneys, Spires, etc. - The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks or other storage tanks/silos and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended, and are subject to planning board, review, and approval.

No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure which extends above the roof limitations.

Article VI - Site Plan Approval and Special Permits

Section 6.01 Purpose and Authorization

The purpose of site plan approval and special permit approval is to ensure compliance with the objectives of this Local Law, thereby promoting public health, safety, and general welfare. This section of the Town of Glen Land Use Management Local Law is enacted under the authority of Section 274-a of the Town Law of the State of New York to protect the health, safety, convenience, and general welfare of the inhabitants of the Town. This Section regulates the development of structures and sites in a manner, which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The power to approve, or approve with conditions, or deny site plans and special permits as required by this article is rested in the Planning Board. All site plan and special permit applications shall comply with the adopted, current requirements and procedures of the Planning Board.

Section 6.02 Developments Requiring Site Plan Review

All development projects in all districts other than agricultural in the Rural Residential District require site plan review. In addition, all special permits require site plan review by the planning board:

Section 6.03 Procedure

- 1.** Prior to the submission of a formal site plan, a pre-submission conference shall be held wherein the applicant shall meet in person with the Zoning Enforcement Officer to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town's requirements in matters relating to the development of the site.
- 2.** Within six (6) months following the pre-submission conference, five (5) copies of the site plan and any related information shall be submitted to the Zoning Enforcement Officer, accompanied by a fee in accordance with the schedule of fees of the Town of Glen, payable to the Town Clerk. If the application is not submitted within this six-month period, another resubmission conference may be required. An Environmental Assessment Form, as required by the State Environmental Quality Review Act, shall also be submitted with the application.
- 3.** The Zoning Enforcement Officer shall certify on each site plan or amendment whether or not the application is complete in accordance with the requirements of this section, and whether the plan meets the requirements of all zoning ordinance provisions other than those of this section, such as setbacks, number of parking spaces, etc. The Zoning Enforcement Officer

shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

4. Following certification of a complete application, the Zoning Enforcement Officer shall forward the application to the Planning Board no later than ten (10) days prior to its next meeting.

5. The Planning Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said complete application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. In addition, the applicant shall give notice in writing by certified mail, return receipt required to all property owners of the land immediately adjacent to, extending five hundred feet (500') there from, and directly opposite thereto, extending five hundred feet (500') from the street frontage of the land in said application. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with such Post Office receipts as have been received as of the date of such hearing.

6. The Planning Board shall make a determination of significance of the proposed site plan according to SEQR. The time limitations of section 19 part 8 shall not apply until the conclusion of the SEQR process.

7. Whenever any Site-Plan involved real property in an area described in Section 239-m of the General Municipal Law, said Site Plan shall be referred to the County Planning Board, which Board shall report its recommendations to the Town Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval. The concurring vote of a majority plus one of the Town Planning Board shall be necessary to override County Planning Board recommendations of approval with modification or disapproval. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Town Planning Board acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within seven (7) days after final action.

8. The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the receipt of a complete site plan application shall either:

- 8.a.** Approve the site plan if the Board finds that the plan meets the requirements of this ordinance and any other applicable rules and regulations; or
- 8.b.** Condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be set forth in writing by the Board; or
- 8.c.** Disapprove the site plan, the reasons for such action to be set forth in writing by

the Board.

Failure by the Planning Board to act within the required time shall be deemed approval. Should the Planning Board need additional time to consider the application; they may do so only with the consent of the applicant. Said agreement shall be recorded in the meeting minutes.

9. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of an original plan.

Section 6.04 Enforcement

1. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Zoning Enforcement Officer may suspend any permit or license when work is not performed as required.

2. Any Special Permit issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to the Town Law shall be included within the one-year time limit.

3. The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing. Such standards and guidelines shall not become effective until adopted by the Town Board following a public hearing.

Section 6.05 Submission Requirements

1. The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan except in accordance with Section 6.05, part 2, below.

2. The Planning Board may waive any of the requirements of Section 6.05, parts 3 or 4 and parts thereof, prior to the submission of a formal site plan, when such requirements are not material to the project under review.

3. Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one inch (1") equals twenty feet (20') or less, on standard 24" X 36" sheets, with continuation on 8 1/2 x 11" sheets as necessary for written information.

4. Items required for submission include -

- 4.a.** Name of the project, boundaries, location maps showing site's location in the Town, date, north arrow and scale of the plan. This title block shall be located in the lower right-hand corner of the Site Plan.
- 4.b.** Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, or landscape architect.
- 4.c.** Name and address of all owners of record of abutting parcels and those within five hundred feet (500') of the property line.
- 4.d.** All existing lot lines, easements, and rights-of-way. Include areas in acres or square feet, abutting land uses, and the location and size of structures within five hundred feet (500') of the site.
- 4.e.** The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
- 4.f.** The location of all present and proposed public and private way, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
- 4.g.** The location, height, intensity, and bulk type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- 4.h.** The location, height, size, materials, and design of all proposed signage.
 - 4.1.** The location of all present and proposed utility systems including the following:
 - 4.1.1.** Sewage or septic systems
 - 4.1.2.** Water supply system
 - 4.1.3.** Telephone, cable and electrical systems
 - 4.1.4.** Storm drainage system including existing and proposed drainage lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.

The Planning Board may also require soil logs, soil profile analysis (deep hole test pits), percolation tests and storm water run-off calculations for large developments or developments in environmentally sensitive areas.

- 4.j.** Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. There shall be pre and post drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in runoff from the site. The use of ponds, dry wells, etc. shall be used, but all sites shall have zero increase in runoff so as not to disturb neighboring properties.
- 4.k.** Existing and proposed topography at five-foot (5') contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Benchmark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Indicate areas within site where ground removal or filling is required and give its approximate volume in cubic yards.
- 4.l.** A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features, including size and type of plant material, and erosion control measure. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
- 4.m.** Zoning district boundaries within two hundred feet (200') of the site's perimeter shall be drawn and identified on the plan.
- 4.n.** Traffic flow patterns within the site, entrances and exits, loading and unloading area, curb cuts on the site and within two hundred feet (200') of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- 4.n.1.** The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level.
- 4.n.2.** The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
- 4.n.3.** The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

- 4.o.** For new construction or alterations to any existing building, a table containing the following information must be included:
 - 4.o.1.** Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - 4.o.2.** Maximum number of employees.
 - 4.o.3.** Maximum seating capacity, where applicable.
 - 4.o.4.** Number of parking spaces existing and required for the intended use.
 - 4.o.5.** Dimensions, materials, and designs of all structures
 - 4.p.** Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structures) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.
- 5.** An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted with the site plan to ensure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), to identify the potential environmental, social, and economic impacts of the project.

Section 6.06 Standards for Review

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Pursuant to Section 6.05, Part 3, detailed design guidelines and performance standards may be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

- 1. Legal** - Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York State, and all applicable rules and regulations of State and Federal agencies.
- 2. Traffic** - Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- 3. Parking** - Provision for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.
- 4. Public Services** - Reasonable demands placed on public services and infrastructure.

5. **Pollution Control** - Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface water and groundwater. This includes minimizing soil erosion both during and after construction.
6. **Nuisances** - Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
7. **Existing Vegetation** - Minimize the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
8. **Amenities** - The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
9. **Town Character** - The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.
10. **Safety** - the control of recognized hazards to achieve an acceptable level of risk.

Section 6.07 Consultant Review

In its review, the Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Highway Superintendent, other local and county officials, and the Town's private design consultants. In addition, the Town may also consult with representatives of federal and state agencies, the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation, and the NYS Department of Health. If a consultant is retained by the board during the review process the developer shall agree to pay his/her fees. An estimate of his/her fees shall be provided at the beginning of the project. The developer will be required to pay one-third at this time, another third at the time of the public hearing and a final third before a decision is rendered by the Board.

Section 6.08 Additional Requirements

The Planning Board may require such additional provisions and conditions that appear necessary for the advancement of the public environment. Such shall include but shall not be limited to the following:

1. **Reimbursable Costs** - Reasonable costs incurred by the Planning Board for private consultation fees or other extra ordinary expense in connection with the review of a proposed

site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in the Town Schedule of Fees for site plan review.

2. Performance Guarantee - No Certificate of Occupancy shall be issued until all improvements shown on the final site plan are installed or a performance guarantee, a letter of credit or a certificate of deposit has been posted for improvements not yet completed. Such performance guarantee, letter of credit or certificate of deposit shall be posted in accordance with procedures specified within the Town Law relating to subdivisions. Additional requirements relating to performance guarantees shall be established by the Town Board. The amount and sufficiency of such performance guarantee shall be established by the Planning Board after consultation with the Code Enforcement Officer, Attorney(s) for the Town and the Planning Board's designated consultants, or other competent persons.

3. Inspection of Improvements - The Zoning Enforcement Office shall be responsible for the overall inspection of site improvements, including coordination with the Town's private consultants, as may be appropriate on multi-family residential, commercial, and industrial projects.

Section 6.09 Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning review of a site plan may bring a proceeding to review in a manner provided by Article Seventy-Eight of the Civil Practice Laws and Rules in a court of record.

Section 6.10 Special Permits

On application and after public notice and hearing by the Planning Board said Board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this Local Law requires such a permit. In authorizing the issuance of a special permit, the Planning Board shall take into consideration the public health, safety, and general welfare and shall prescribe appropriate conditions and safeguard to ensure the accomplishment of the following objectives, unless otherwise provided all special permits shall be valid for a period as determined by the Planning Board.

1. Objectives of the special Permit Process

- 1.a.** That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
- 1.b.** That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly

development of adjacent properties in accordance with the zoning classification of such properties.

- 1.c.** That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district:
 - 1.c.1.** The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood and use of adjacent land and buildings or diminish the value thereof.
 - 1.c.2.** The location and height of buildings and structures, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development.

2. Procedure

Since all special permits require site plan review, the procedure for a special permit shall be the same as specified for a site plan review. Section 6.03 except that a public hearing is mandatory. Site plan and special permit review should be conducted jointly to save time, effort, and repetition of information.

3. Conditions and Safeguards

In authorizing the issuance of a special permit, it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this ordinance. The Planning Board may require that special permitted uses be periodically renewed. Such renewal shall be granted allowing due public notice and hearings and may be withheld only upon determination that such conditions as may have been prescribed by the Board 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 60 days will be granted the applicant for full compliance prior to the revoking of the said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located providing that:

- 3.a.** The provision in this Local Law under which such exception was issued is still in effect.
- 3.b.** Such exception was issued in conformity with the provisions of this ordinance.
- 3.c.** Such use shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

4. Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board may bring a proceeding to review of the Planning Board decision in a manner provided by Article Seventy-Eight of the Civil Practice Laws and Rules in a court of record.

Section 6.11 Reserved

Article VII - Supplementary Regulations

Section 7.01 Access to Improved Streets or State Highways

In any district, a lot to be used for building purposes shall have direct frontage on an improved street, or highway, or on a street in a subdivision plot approved by the Planning Board.

Section 7.02 Lots in Two Districts

Where a district boundary line divides a lot in one ownership at the time of adoption of said district line, the regulation for either district may be used up to 100 feet into the other district provided the lot has the minimum required frontage on a street.

Section 7.03 Drive-In Food Services

Any drive-in food service building shall be located 60 feet or more from any public right-of-way. Such businesses, where persons are served in automobiles, shall not be closer than 200 feet to a Residential District. Arrangements of ingress and egress of vehicles, lights, fences and screening shall be approved by the Planning Board in such a way as not to interfere with uses in the Residential District.

Section 7.04 Accessory Building Number, Height and Location

1. **Number** - On any lot intended or used primarily for residential purposes, an accessory building such as a private garage for use in connection with the principal dwelling is permitted.
2. **Height** - Maximum height of accessory buildings shall be 25 feet, except that there shall be no height limitation on barns, silos, and other farm structures.
3. **Location** - Private garage accessory buildings in Rural Residential Districts, which are not attached to a principal building, may be erected within the rear yard in accordance with the following requirements:
 - 3.a. Rear Yard - Five feet from side or rear property line, except when abutting an alley, then 10 feet.
 - 3.b. Side Yard - Street side of corner lot same as for principal building.
 - 3.c. Not closer to a principal or accessory building than 10 feet.
 - 3.d. In any district, accessory buildings other than private garages shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than 10 feet.

4. Attached Accessory Building in Residence District - When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this ordinance that are applicable to the principal building. The maximum lot coverage shall include all principal and accessory buildings.

Section 7.05 Quarrying/Soil Mining

1. Any quarry or soil mining operation which will extract 1000 tons or more of material within any twelve consecutive months shall operate only under a valid mining permit issued pursuant to the New York State Mined Land Reclamation Law and related regulations. No further mining permit from the Town shall be required.

2. Any commercial quarrying or soil mining operation which is not subject to the requirements of the New York State Mined Land Reclamation Law and related regulations shall apply to the Zoning Board of Appeals for a Special Use Permit pursuant to Article VII of this law. The issuance of such Special Use Permit shall be subject to the following requirements:

3. A time schedule for completion of either the entire operation, or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval as part of the Special Use Permit Application.

4. An operations plan, including the number and types of trucks and other machinery to be used on the site, shall be submitted for approval as part of the Special Use Permit Application.

5. A restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed shall be submitted for approval as part of the Special Use Permit Application.

6. A performance bond to assure complete restoration and rehabilitation shall be posted in an amount satisfactory to the Planning Board.

7. A buffered area of not less than two hundred (200) feet shall be established between the operation and any residential land use within 1000 feet and shall be planted with evergreen trees so as to screen the operation from public view.

8. Such Special Use Permit shall be restricted to an active working area not to exceed ten (10) acres and a time limit not to exceed five (5) years. In any district, the mining of more than one thousand tons of minerals from the earth within twelve successive calendar months shall require a New York State Department of Environmental Conservation (DEC) permit and approval. Local review by the Planning Board is not required. The Town Board will be sent a copy of the applicant's proposal and may make suggestions on ingress, egress, and hours of operation, but final decisions are that of the DEC.

Section 7.06 Junkyards

See Local Law #2 Adopted 1993.

Section 7.07 Signs

Signs shall comply with the following regulations:

- 1.** In the Rural Residential and Hamlet districts non-illuminated and non-advertising signs are permitted as follows:
 - 1.a.** One business sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises.
 - 1.b.** One sign not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to the sale, lease, or rental, of the land or building.
 - 1.c.** One temporary sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to construction, repairs or alterations to the property.
 - 1.d.** Institutional or religious announcement sign, not to exceed sixty-four (64) aggregate feet in area.
 - 1.e.** The above signs can be located in any required yard provided that the sign is setback at least fifteen (15) feet from the road right-of-way.
 - 1.f.** Two farm product signs, each not exceeding sixty-four (64) aggregate feet in area, array be displayed on the property, but only when such products are on sale.
- 2.** In Rural Residential (RR), Commercial (C), and Industrial Business Park (IBP), non-flashing, non-advertising signs are permitted as follows:
 - 2.a.** A business sign or signs directing attention to a business or profession conducted, or a commodity, service or entertainment offered or sold on the premises shall be permitted. Such sign can be two sided with a maximum of thirty-two (32) square feet on each side. The size of the sign may increase if the road frontage, on which the sign is displayed, is over five hundred (500) feet. For each additional five hundred (500) feet of road frontage, the sign may increase twenty-five (25) square feet on each side with a maximum total of one hundred (100) square feet on each side. No such sign shall project into or over the public right-of-way. In the case of a retail store or other group of related buildings, in addition to the general sign, each individual unit may display an identification sign affixed flat

against the building. Said sign may be a maximum of ten (10) percent of the vertical square feet of the side of the building it is attached to.

- 2.b.** If illuminated, the source of light shall not be visible.
- 2.c.** Non-illuminated real estate signs, not over sixteen (16) square feet in aggregate area, advertising the sale, rental, or lease of the premises on which they are located are permitted.

Section 7.08 Permanent Building Foundations

All dwellings, including One-family, Two-Family, Multiple-Family, Board or Rooming Houses, Mobile Homes, Tiny Homes, and Modular homes shall be placed upon a permanent foundation, except for temporary mobile homes allowed by special permit from the Planning Board.

Section 7.09 Sight Distance at Intersections

No obstructions to vision, such as shrubbery, brush, trees, earth, signs, or structures, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.

Section 7.10 Landscaping Requirements

- 1.** Where any permitted non-residential land use, multiple-family development or mobile home park abuts an existing residential parcel or vacant parcel where residential development could occur, a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.
- 2.** Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover.

Section 7.11 Corner and Through Lots

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designated by the applicant as to which will be the rear yard, and which will be the side yard.

Section 7.12 Flag Lots

- 1.** The access strip of land shall be a minimum of 75 feet wide and a maximum of 300 feet long.

2. The minimum lot area, lot width and lot depth requirements shall be met exclusively of the land contained in the access strip.
3. Minimum front, side and rear setback requirements shall be met, excluding the narrow access strip.
4. No more than one flag lot shall be served by a single access strip.
5. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
6. Access strip shall not be a right-of-way but shall be owned in fee title by the owner of the flag parcel.
7. No more than 10 percent of the lots in a new residential subdivision approved after the date of the adoption of these zoning revisions shall be flag lots.

Section 7.13 Environmental Quality Review

The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.

Section 7.14 Exterior Lighting

In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination to adjacent properties.

Section 7.15 Mobile Homes

See Local Law.

Section 7.16 Public Utility Facility Personal Wireless Service Facility

Public utility substations and similar structures, shall comply with the following:

1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards.

3. There shall be no equipment visible from surrounding property.
4. Public Utility Services' line poles and attendant lines will be allowed, as necessary, in all districts.

Section 7.17 Swimming Pools

1. Accessory to Single Family Dwellings

Swimming pools, whether permanent or portable, having depth of at least two (2) feet, shall meet the front, rear, and side setback requirements.

2. Accessory to Residential Developments

Swimming pools accessory to residential developments, whether clustered single-family dwellings, seasonal dwelling, camps, or multi-family dwelling, shall be of permanent construction and shall be located not closer than 10 feet to any lot line and closer than 10 feet to any dwelling unit and shall meet the setback of the existing house.

3. Non-Residential

Swimming pools that are part of non-residential uses, whether commercial or non-commercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institution, shall be of permanent construction and shall be located not closer than the setback requirements for the district in which it is located.

4. Fencing

Fencing of swimming pools shall comply with the New York State Uniform Fire Prevention and Building Construction Code requirements.

Section 7.18 Adult Oriented Businesses Overlay

See Local Law #3 - Adopted 1989.

Section 7.19 Off-Street Loading Facilities

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Loading requirements apply to individual occupancy and are exclusive of driveways, aisles, and other necessary circulation areas. For uses not specified, the Board of Appeals shall establish loading requirements, after recommendation of the Planning Board

Loading space requirements for certain uses are specified in the following table. For uses not specified, the Planning Board and the Zoning Board of Appeals shall establish loading requirements. Loading requirements apply to each occupancy and are exclusive of driveways, aisles, and other necessary circulation areas.

Table of Off Street Loading	
Off Street Loading Use	Spaces Required
All Commercial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
All Industrial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Institution	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hospital	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hotel	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor

Section 7.20 Windmills or Wind Turbines

A wind turbine is a device that converts kinetic energy from the wind, also called wind energy, into mechanical energy in a process known as wind power. Windmills/wind turbines are often used to produce electricity or pump water. Windmills/wind turbines shall be allowed as an accessory use for an allowed primary use or approved special use, power generated shall be utilized on site and not sold commercially, with a maximum height of 75 feet to tip of blade in vertical position and shall maintain a setback of 2.5 times the height from the property lines.

Section 7.21 Historical District

See overlay within Hamlet (H) District.

Section 7.22 Waste Management

See Appendix C for Local Law #1a Adopted 1998.

Section 7.23 Wells and Septic Systems

Minimum property setbacks for wells and septic systems are 50 feet from property line. The septic system includes all portions of the system including the leach field.

Section 7.24 Outhouse/Sanitary Privy

Privy construction requires a watertight concrete vault.

Privies must be professionally pumped out by a NY Licensed septic tank pumper before the contents get within 12 inches of the top of the concrete vault. The contents must be disposed of off-site. The spreading of sewage sludge is prohibited in the Town of Glen, see local law number 1, 1998.

Section 7.25 Reserved

Section 7.26 Reserved

Section 7.27 Reserved

Section 7.28 Reserved

Section 7.29 Non-Conforming Uses

The lawful use of any land or building existing at the time of adoption of this Local Law may be continued although such use does not conform to the provisions of this Local Law. Any such building may be reconstructed or structurally altered, and the non-conforming use thereby changed, provided the following conditions prevail:

Section 7.30 Non-Conforming Uses of Buildings

- 1. Reconstruction or Alteration** - A non-conforming building may not be reconstructed or altered during its life to exceed fifty (50) percent of its fair value, unless such building is changed from a non-conforming use to a conforming use as defined by this Local Law, except that a mobile home which is a pre-existing non-conforming use may be replaced with a new or larger mobile home, provided that such exchange is made within 30 days, after the owner has obtained a building permit to make the exchange.
- 2. Restoration** - A building, non-conforming as to use, which has been damaged by fire or other causes to the extent of seventy-five (75) percent of its fair value, and has not been repaired or reconstructed for the same non-conforming use within a period of twelve (12) months, shall not be repaired or reconstructed except in conformance with the regulations of the District in which such building is located.

3. Discontinuance - When a non-conforming use has been discontinued for a period of twelve (12) months, any future use of such building shall conform to the regulation for the District in which it is located.

4. Changes - A non-conforming use may not be changed to another non-conforming use under the provisions of this Section.

5. Completion of Building - Any building lawfully under construction at the time of enactment of this Local Law may be completed.

Section 7.31 Non-Conforming Use of Land

The non-conforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of adoption of this Local Law. A non-conforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of adoption of this Local Law. If a non-conforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

Article VIII - Administration

Section 8.01 Enforcement

The Town Board shall designate an Officer to enforce this Local Law. The Enforcement Officer shall in no case grant any building permit where the proposed erection, alteration, relocation, or use would be in violation of any provision of this law. The Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit or certificate of occupancy required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this Local Law or as directed by the Board of Appeals under the provisions of ARTICLE XII.

Section 8.02 Building Permit

- 1.** No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change, in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Enforcement Officer.
- 2.** No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated, or altered and such other information of this Local Law. Each application shall state the purpose for which the structure of land is to be used and a general description of the type of construction. A working drawing of any proposed building shall be filed with the application for a building permit.
- 3.** The Enforcement Officer shall act upon all applications for building permits within a reasonable time not to exceed 10 days, and shall, within such period, issue or refuse to issue such permits. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reason for said refusal. The building permit fee shall be set by the Town Board. The fees charged shall be reviewed periodically.
- 4.** A building permit shall be issued for a period of one year and may be renewed for two additional years.
- 5.** No building permit shall be issued for lots in an approved subdivision except as provided for in the subdivision regulations.

Section 8.03 Certificate of Occupancy

No land shall be used or no building occupied, prior to the issuance of a certificate of occupancy by the Code Enforcement Officer. Under such rules as may be established by the Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of a building

may be issued by the Enforcement Officer. For previously existing construction, the Enforcement Officer may, on request, issue such certificate if he determines that the use of the building in question meets the requirements of the Local Law.

A certificate of occupancy shall be issued only if the proposed use and construction of the building or land conforms to the provisions of this ordinance and to the plot plan, purpose, and description of which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application, with Saturdays, Sundays and legal holidays being the exception.

The Enforcement Officer shall deny a certificate of occupancy if any violation of the State or County Health regulations is discovered. The issuance of a Certificate of Occupancy shall not be construed as a representation by the Town that the premises comply with such health Regulations, but solely that no violations have been found.

Section 8.04 Violations

Any person, firm or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the proper enforcement of any of the provisions of these regulations shall, upon conviction, be deemed guilty of a violation, punishable by a fine of \$350.00, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week an offense that is continued shall be deemed a separate violation of these regulations.

If any building or structure is erected, constructed, reconstructed, altered, converted, or maintained; or any building, structure or land is used; or any land is divided into lots, blocks, or sites. In violation of this Local Law, the Town Board or the Zoning Enforcement Officer may institute an action or proceeding in the Town Justice Court or In the County Court, Montgomery County, to prevent such unlawful conduct; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about subject premises. In any such action by the Town Board or the Zoning Enforcement Officer, any person found to have violated the ordinance shall be liable to the Town.

Article IX - Zoning Board of Appeals

Section 9.01 Creation, Appointment and Organization

A Zoning Board of Appeals is hereby created. The Zoning Board of Appeals chooses its own Chair, to be ratified by the Town of Glen Full Board.

Section 9.02 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed as by statute and by this Local Law, which are more particularly specified as follows:

- 1. Interpretation:** Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Local Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- 2. Appeals for Variances:** The Zoning Board of Appeals shall hear requests for variances. Not all requests for variances need include a denial from the Zoning Enforcement Officer. New State laws passed in 1993 allow applicants with proposed subdivisions or site plans which lack minimum area, frontage, or setback requirements to appeal directly to the Zoning Board of Appeals.
- 3. Area variances:** Area variances may be granted were setback, frontage, lot size, density or yard requirements of this Local Law cannot be reasonably met. In making decisions, the Zoning 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 Zoning Board of Appeals shall also consider the following:
 - 3.a.** Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.
 - 3.b.** Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
 - 3.c.** Whether the requested area variance is substantial.
 - 3.d.** Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - 3.e.** Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance. The Zoning Board of Appeals, in the

granting of area variances, shall grant the minimum variance that it deems necessary and adequate and yet at the same time which will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Use Variance: Use variances may be granted by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulation. No such variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The applicant shall demonstrate to the Zoning Board of Appeals that:

- 4.a.** Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
- 4.b.** 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.
- 4.c.** That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4.d.** That the alleged hardship has not been self-created.

5. Procedure

- 5. a.** All applications for variances shall be in writing on forms established by the Zoning Board of Appeals and are available from the Zoning Enforcement Officer.
- 5.b.** Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.
- 5.c.** Upon receipt of the completed application, the Zoning Board of Appeals shall:
 - 5.c.1.** Schedule a public hearing within 62 days.
 - 5.c.2.** Arrange publication of notice of public hearing in the Town's official newspaper.
 - 5.c.3.** Notify the applicant of the date of the public hearing at least 15 days in advance of such hearing.
 - 5.c.4.** All use variances submitted to the Zoning Board of Appeals shall be referred to the Planning Board for review as to the conformance with the objectives of the Comprehensive Plan. No decision shall be made by the Zoning Board of Appeals until the Planning Board review has been completed and a report has been issued. If the Planning Board fails to

issue its report within 30 days, the Zoning Board of Appeals shall assume that a favorable report has been issued.

5.c.5. Refer application to the County Planning Board as required by General Municipal Law Section 239, if required.

5.c.6. Determine whether a Draft Environmental Impact Statement should be required.

The applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicant's parcel. The Zoning Board of Appeals shall render a decision within 62 days of the close of the Public Hearing. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision must be sent to the County Planning Board. All decisions made by the Zoning Board of Appeals shall be by resolution, each of which will contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number under one or another of the following headings: Interpretations, Use Variances and Variance Variances; together will all documents pertaining thereto. The Zoning Board of Appeals shall notify the Town Board of each variance granted under the provisions of this Local Law.

Article X - Amendments to the Land Use Management Local Law

Section 10.01 How Amendments are Initiated

Such regulations, restrictions and boundaries may from time to time be amended. Such amendment shall be effected by a simple majority vote of the town board, except that any such amendment shall require the approval of at least three-fourths of the members of the town board in the event such amendment is the subject of a written protest, presented to the town board and signed by:

- a. the owners of twenty percent or more of the area of land included in such proposed change; or
- b. the owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one hundred feet therefrom; or
- c. the owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.

The provisions of the previous section relative to public hearings and official notice shall apply equally to all proposed amendments.

Section 10.02 Referral of Amendments to Town Planning Board

All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Town Planning Board shall submit its report within forty-five (45) days after receiving a referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment.

Section 10.03 Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request.

Section 10.04 Adoption of Amendment

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Ordinance except as described in Section 10.04 Protest Petition.

Section 10.05 Protest Petition

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three fourths of the Town Board.

Section 10.06 Reserved

Article XI - Miscellaneous

Section 11.01 Periodic Review of Zoning Ordinance

From time to time, at intervals of not more than five (5) years, the Planning Board shall reexamine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity, or the general welfare.

Section 11.02 Validity

The validity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

Section 11.03 Interpretation

In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this law are at conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive, or that imposing the high standard shall govern.

Section 11.04 When Law Becomes Effective

Section 11.05 Reserved