

ROTTERDAM

CHAPTER 116 ENVIRONMENTAL QUALITY REVIEW

Chapter 116

ENVIRONMENTAL QUALITY REVIEW

GENERAL REFERENCES

Subdivision of land — See Ch. 249.

Zoning — See Ch. 270.

§ 116-1. Purpose.

The purpose of this chapter is to implement for the Town of Rotterdam, New York, the SEQRA and 6 NYCRR 617.

§ 116-2. Word usage; definitions.

- A. The terms and words used in this chapter shall have the same meanings as such terms and words are defined in Article 8 of the Environmental Conservation Law and 6 NYCRR 617, unless the context requires a different meaning.
- B. The following terms shall have the meanings indicated:
 - EAF — Environmental assessment form.
 - EIS — Environmental impact statement.
 - RULES AND REGULATIONS — Those set forth in 6 NYCRR 617.
 - SEQRA — The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law and 6 NYCRR 617.
 - TOWN — The Town of Rotterdam, New York.

§ 116-3. Compliance required.

No action, other than an exempt, excluded or Type II action, shall be carried out, approved or funded by any agency, board, body or officer of the Town unless it has complied with SEQRA, 6 NYCRR 617, to the extent applicable and this chapter.

§ 116-4. Environmental assessment form.

- A. An EAF shall be prepared by or on behalf of any agency, board, body or officer of the Town in connection with any Type I action which such agency, board, body or officer contemplates or proposes to carry out directly. For an unlisted action, an EAF in a short or long form may be prepared to facilitate a preliminary determination of environmental significance.
- B. An application for permit or funding of a Type I action shall be accompanied by an EAF and for an unlisted action may be accompanied by a short- or long-form EAF as may be needed to assist the lead agency

in making a preliminary determination of environmental significance. An applicant may prepare a draft EIS to accompany the application in place of the EAF. In lieu of an EAF, the Town Board or the lead agency having authority to adopt its own regulations may adopt a different procedure for reviewing environmental significance of unlisted actions. The lead agency shall make a preliminary determination of environmental significance of the action on the basis of the EAF, draft EIS or with respect to unlisted actions in accordance with its own procedures, as the case may be, and such other information as it requires. Such determination shall be made within 15 days of its designation as lead agency or within 15 days of its receipt of all information it requires, whichever is later. For Type I actions, a determination of nonsignificance shall be noticed and filed as provided in Section 617.12; for unlisted actions, a determination of nonsignificance shall be sent to the applicant and maintained in accordance with Section 617.12. After a determination of nonsignificance, the action, including one involving a permit or funding, shall be processed without further regard to the SEQRA, 6 NYCRR 617 or this chapter.¹

- C. The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental nonsignificance is rendered or, if in lieu of an EAF the applicant prepares a draft EIS, from the date the applicant files a draft EIS acceptable to the lead agency.

§ 116-5. Environmental impact statement.²

If the lead agency determines that an EIS is required, it shall proceed as provided in Sections 617.9, 617.11 and 617.12. Commencing with acceptance of the draft EIS, the time limitation for processing the EIS shall run concurrently with the time limitations applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be held concurrently with any hearing to be held on such application. The draft EIS shall be prepared by the applicant. Failure by the applicant to prepare an EIS acceptable to the lead agency shall, at the option of the lead agency, be deemed an abandonment and discontinuance of the application.

§ 116-6. Determination of lead agency.³

The lead agency shall be determined and designated as provided in Sections 617.6, 617.7 and 617.8, except that in the following Type I and unlisted actions the lead agency shall be as provided herein:

- A. Adoption, amendment or change in zoning regulations not requiring a federal or state agency permit or approval: the Town Board.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Construction or expansion of Town buildings, Town structures or Town facilities within the Town not requiring a federal or state agency permit or approval: the Town Board.
- C. Purchase, sale and lease of real property by the Town not requiring a federal or state agency permit or approval: the Town Board.
- D. Variances not requiring a federal or state agency permit or approval: the Zoning Board of Appeals.
- E. Planned unit development not requiring a federal or state agency permit or approval: the Planning Commission.
- F. Site plan review and/or special exception permit, neither of which requires a federal or state agency permit or approval: the Planning Commission.
- G. Construction or expansion of a nonresidential facility not requiring a federal or state agency permit or approval: the Planning Commission.
- H. Parking lot not requiring a federal or state agency permit or approval: the Planning Commission.

§ 116-7. Designation of clearinghouse.

The Planning Commission shall act as the Town clearinghouse for lead agency determination. Such clearinghouse shall assist agencies and applicants to identify other agencies, including federal and state, that may be involved in approving, funding or carrying out Type I and unlisted actions. The clearinghouse shall also make recommendations on the designation of a lead agency.

§ 116-8. Actions involving federal agencies.

Environmental review of actions involving a federal agency shall be processed in accordance with Section 617.15.

§ 116-9. Critical areas.⁴

Critical environmental areas may be designated by resolution of the Town Board in accordance with Section 617.14(g).

§ 116-10. Additional Type I actions.⁵

The following are deemed Type I actions in addition to those set forth in Section 617.4; any ordinance or local law contained in the Code of the Town of Rotterdam which, when subjected to review in accordance with Section 617.7, Criteria, results in a positive finding that the action involved is Type I.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 116-11. Additional Type II actions.⁶

The following are deemed Type II actions in addition to those set forth in Section 617.5: any ordinance or local law contained in the Code of the Town of Rotterdam which, when subjected to review in accordance with Section 617.7, results in a negative finding and that the action involved is Type II.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ROTTERDAM

CHAPTER 121 EXCAVATIONS AND OPEN WELLS

Chapter 121

EXCAVATIONS AND OPEN WELLS

GENERAL REFERENCES

Flood damage prevention — See Ch. 134.

Subdivision of land — See Ch. 249.

Sewers — See Ch. 230.

Zoning — See Ch. 270.

§ 121-1. Purpose.

It is hereby determined that the existence of open wells, cesspools, basins, sumps and other open excavations constitute a menace to the health and safety of the inhabitants of the Town of Rotterdam and that it is the public interest to provide adequate regulations with respect to such open wells and other excavations.

§ 121-2. Title.

This chapter shall be known and cited as the "Open Well Ordinance."

§ 121-3. Prohibited acts.

It shall be unlawful for any person to construct, maintain or use, either on his own lands or on lands of another, any open well, cesspool, cistern, recharging basin, catch basin, sump or building foundation excavation unless such well and/or other excavation be completely covered, or unless such well or other excavation be surrounded by a board, woven-wire or other solid-type fence five feet in height.

§ 121-4. Exceptions.

This chapter shall not apply to the following:

- A. Agricultural use and/or uses; and excavations, open for not more than 30 days, made for purposes of building construction.

§ 121-5. Penalties for offenses. [Amended 3-12-1986 by L.L. No. 4-1986]

A violation of this chapter or any provision thereof is hereby declared to be a violation and shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

ROTTERDAM

CHAPTER 130 FIRES AND FIRE PREVENTION

Chapter 130

FIRES AND FIRE PREVENTION

GENERAL REFERENCES

Alarms — See Ch. 71.

§ 130-1. Title.

This chapter shall be known as "Fires and Fire Prevention."

§ 130-2. Conflict with state provisions.

Where the provisions of this chapter conflict with any provisions of the Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall apply.

§ 130-3. Applicability.

This chapter shall apply to the territory within the corporate limits of the Town of Rotterdam.

§ 130-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER — The duly appointed Building Inspector/Code Enforcement Officer of the Town of Rotterdam. ¹

COMMISSIONER — The Commissioner of the New York State Department of Environmental Conservation.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION — The New York State Department of Environmental Conservation entrusted with the enforcement of open fires.

FIRE CHIEF — The person holding the Chief Engineer position in any fire district in the Town of Rotterdam.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation and serving of food.

OPEN FIRE — Any outdoor fire or outdoor smoke-producing process from which air contaminants are emitted directly into the outdoor atmosphere.

REFUSE — All waste material, including but not limited to garbage, rubbish, incinerator residue, street sweepings, dead animals and offal.

1. Editor's Note: Amended at time of adoption of Code; (see Ch. 1, General Provisions, Art. I).

RUBBISH — Solid or liquid waste material, including but not limited to paper and paper products, rags, trees or leaves, needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, grease, sludge, oils and other petroleum products, wood, sawdust, demolition material, tires and automobiles and other vehicles and parts for junk, salvage or disposal. "Rubbish" shall not include garbage, incinerator residue, street sweeping, dead animals or offal.

§ 130-5. Open fires.

- A. Pursuant to 6 NYCRR Part 215 it shall be unlawful for any person or corporation to start any open fire in an open area for the purpose of burning garbage, refuse or rubbish associated with either residential or commercial activities.
- B. The Town Board of the Town of Rotterdam may, at will, petition the Commissioner to consider open fires in a designated area within the territorial limits of the Town of Rotterdam. The contents of the petition to the Commissioner shall include:
 - (1) Geographical boundaries.
 - (2) Population density.
 - (3) Meteorological characteristics of such area.
 - (4) Materials to be burned.
 - (5) Proposed control methods.
 - (6) Reasons why burning in an open fire should be allowed in such area.

§ 130-6. Bonfires.

It shall be unlawful to start bonfires in streets or other public places.

§ 130-7. (Reserved)²

§ 130-8. Inspection of public places [Amended 7-9-2003 by L.L. No. 9-2003]

The Fire Chief of each district in the Town of Rotterdam and/or any certified volunteer fireman acting as his deputy is hereby authorized to enter into any public building or buildings, grill, tavern, store or any other structure used for business purposes for the purpose of making any observation or inspection of the premises and report any violation of the provisions of this chapter or the New York State Uniform Fire Prevention

2. Editor's Note: Former § 130-7, Fire scenes, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and Building Code to the Building Inspector/Code Enforcement Officer of the Town of Rotterdam.

§ 130-9. Enforcement. [Amended 7-9-2003 by L.L. No. 9-2003]

The enforcement of the provisions contained within this chapter is hereby designated to the Town Building Inspector/Code Enforcement Officer and/or any police officer of the Town of Rotterdam.

§ 130-10. Penalties for offenses. [Amended 6-12-2013 by L.L. No. 7-2013]

Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction thereof, be punished by a fine of no less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed one year, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed one year, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$2,000 or imprisonment for a period not to exceed one year, or both. Each day of continued violation shall constitute a separate, additional offense.

ROTTERDAM

CHAPTER 154 HOUSING AND BUILDING STANDARDS

Chapter 154

HOUSING AND BUILDING STANDARDS

GENERAL REFERENCES

Unsafe buildings — See Ch. 90.

Plumbing — See Ch. 213.

Fires and fire prevention — See Ch. 130.

Zoning — See Ch. 270.

§ 154-1. Purpose.

The purpose of this chapter is to provide a minimum level of protection from the hazards of fire, inadequate building construction and improper maintenance in residential and nonresidential buildings, both public and private, so as to establish uniform standards to reduce the threat to public health and safety for occupants and users of buildings.

§ 154-2. Adoption of code.

The Town Board of the Town of Rotterdam does hereby adopt by reference, the New York State Uniform Fire Prevention and Building Code, pursuant to Article 18, §§ 370 through 383, of the Executive Law of the State of New York, as enacted by Chapter 707 of the Laws of 1981, effective January 1, 1984. Said code is made a part hereof without the inclusion of the text thereof herein.

§ 154-3. Code enforcement officer. [Amended 7-22-1992 by L.L. No. 15-1992¹]

Said code shall be enforced by the Building Inspector/Code Enforcement Officer, who shall be the chief code enforcement officer, and by the Assistant Building Inspector/Code Enforcement Officer or a duly appointed representative by the Rotterdam Town Board. The Plumbing Inspector is designated as a code enforcement officer for the purpose of enforcing Article 9 of the Uniform Code.

§ 154-4. Powers and duties of officer.

Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the code enforcement officers shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code and other laws, ordinances, rules and regulations applicable to plans, specifications or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein and to the location, use and occupancy thereof.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 154-5. Acting officers.

In the absence of the code enforcement officers or in the case of their inability to act for any reason, the Town Board of the Town of Rotterdam shall have the power to designate a person who is qualified by law to enforce the Uniform Code to act on behalf of the code enforcement officers and to exercise all the powers conferred upon them by this chapter.

§ 154-6. Inspectors.

The Town Board of the Town of Rotterdam may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the code enforcement officers to make such inspections as may be required by the code enforcement officers. The compensation of such inspectors shall be fixed by the Town Board.

§ 154-7. Restrictions on officers.

The code enforcement officers shall not engage in any activity inconsistent with these duties; nor shall they, during the terms of their employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for or in the supervision of the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the Town of Rotterdam, except that this provision shall not prohibit any code enforcement officer or employee from engaging in any such activities in connection with the construction of a building or structure owned by them for their own personal use and occupancy or for the use and occupancy of members of their immediate families and not constructed for sale.

§ 154-8. Review Board; variances.

- A. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the New York State Uniform Code, applications for variances consistent with the spirit of the code may be made to the Regional Board of Review in accordance with Part 440 of the New York Code of Rules and Regulations entitled, "Uniform Code: Board of Review," as promulgated by the New York State Department of State. The code enforcer shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the Town of Rotterdam.
- B. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this chapter or any rule or regulation hereunder which provision is not also required by the New York State Uniform Code, applications for variances consistent with the spirit of such law, rule or regulation may be made to the Rotterdam Zoning Board of Appeals.

§ 154-9. Permits; applications.

- A. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof, or install a solid fuel-burning heating apparatus, chimney or flue in any dwelling unit without first having obtained a permit from the Building Inspector/Code Enforcement Officer of the Town of Rotterdam.²
- B. No permit shall be required for:
- (1) Necessary repairs which do not materially affect structural features;
 - (2) Alterations to existing buildings, provided that the alterations:
 - (a) Cost less than \$10,000;
 - (b) Do not materially affect structural features;
 - (c) Do not affect firesafety features such as smoke detectors, sprinklers, required fire separations and exits;
 - (d) Do not involve the installation or extension of electrical systems; and
 - (e) Do not include the installation of solid-fuel-burning heating appliances and associated chimneys and flues.
- C. The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
- D. The form of the permit and application therefor shall be prescribed by the Building Inspector/Code Enforcement Officer. The application shall be signed by the owner or his authorized agent of the building or work and shall contain at least the following:³
- (1) The name and address of the owner;
 - (2) Identification and/or description of the land on which the work is to be done;
 - (3) A description of use or occupancy of the land and existing or proposed building;
 - (4) A description of the proposed work;
 - (5) The estimated cost of the proposed work;

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (6) A statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations; and
 - (7) The required fee, as affixed by the Rotterdam Town Board and designated in Chapter 126 of the Code of the Town of Rotterdam entitled "Fees." **[Amended 12-9-1992 by L.L. No. 34-1992]**
- E. Such application shall be accompanied by such documents, drawings, plans, including plot plan, and specifications as the applicant shall deem adequate and appropriate for compliance with the local law, or as the Building Inspector/Code Enforcement Officer may require as being necessary or appropriate in his judgment. The applicant may confer with the Building Inspector/Code Enforcement Officer in advance of submitting his application to discuss the Building Inspector/Code Enforcement Officer requirements for the same.⁴
- F. Any plans, including plot plan, or specifications which comprise a portion of the application, whether submitted subsequently upon requirement by the Building Inspector/Code Enforcement Officer, shall be stamped with the seal of an architect or professional engineer or land surveyor licensed in this state, and shall in all respects, comply with § 7209 of the Education Law of the State of New York as the same may be amended from time to time.⁵
- G. The applicant shall notify the Building Inspector/Code Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.⁶
- H. A building permit issued pursuant to this section shall be prominently displayed on the property or premises to which it pertains.
- I. A building permit issued pursuant to this section may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.
- J. It shall be the obligation of the owner to procure the building permit, and failure to do so shall subject him to prosecution as provided in § 154-15.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- K. A building permit issued pursuant to this chapter shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods, provided that:
- (1) The permit has not been revoked or suspended at the time the application for renewal is made;
 - (2) The relevant information in the application is up to date;
 - (3) The renewal fee is paid; and, in addition,
 - (4) A permit may not be renewed after two successive renewals. Upon completion of the third year, a complete review of plans and specifications may be required for the remainder of the work to be completed.

§ 154-10. Certificates of occupancy.

- A. No building erected subject to the Uniform Code and this chapter shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued by the Building Inspector/Code Enforcement Officer upon request of the owner or his agent. No building similarly enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued.⁷
- B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy may be issued, upon request, before the entire work covered by the building permit shall have been completed, provided that such portions as have been completed may be occupied safely without endangering life or the public health and welfare. The temporary certificate of occupancy may be issued for a period of 60 days or portion thereof at the discretion of the Building Inspector/Code Enforcement Officer and may be renewed not to exceed a maximum of 90 days.⁸
- C. No certificate of occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use; compliance with all other Town and other applicable laws, ordinances, rules and regulations,

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

including site plan requirements, variances and special use permit conditions, if any; and upon payment of the appropriate fee.

- D. It shall be the obligation of the owner to procure the certificate of occupancy, and failure to do so shall subject him to prosecution as provided in § 154-15.

§ 154-11. Inspections.

- A. Work for which a building permit has been issued shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning. It shall be the responsibility of the owner to inform a code enforcement officer that the work is ready for inspection and to schedule such inspection.
- B. Existing buildings not subject to inspection under Subsection A of this section shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings, every year; all buildings or structures open to the general public and all other buildings, at intervals consistent with local conditions or by bona fide complaint. Notwithstanding any requirement of this subsection to the contrary, no regular periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

§ 154-12. Correction of violations.

- A. The inspections required by § 154-11 of this chapter must be performed by a code enforcement officer and inspectors, if any, appointed by the Town Board to assist him. A code enforcement officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code or other applicable law, ordinance, rule or regulation found in, on or about any building. Such orders shall be served upon the owner and upon the party responsible for creating the condition in person or by certified or registered mail sent to the owner at the address set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. Any owner and/or the party responsible for creating such condition, who fails to correct the condition within the specified time, shall be subject to a penalty as set forth in § 154-15.
- B. A person subject to inspection under § 154-11 may be required by the chief code enforcement officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the chief

code enforcement officer. Such inspector may be a registered architect, licensed professional engineer or other person whose experience and training has been demonstrated to the satisfaction of the chief code enforcement officer. Such inspector shall certify the results of his inspection to the chief code enforcement officer.

§ 154-13. Recordkeeping.

- A. The chief code enforcement officer shall keep permanent official records of all transactions and activities conducted by the code enforcement officers, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the municipality and notices and orders issued. All such reports shall be public information open to public inspection during normal business hours.
- B. The chief code enforcement officer shall annually submit to the Town Board of the Town of Rotterdam a written report of all business conducted.

§ 154-14. Stop-work orders.

- A. Whenever a code enforcement officer has reasonable grounds to believe that work on any building or structure is proceeding without permit or is otherwise in violation or the provisions of any applicable law, code, ordinance or regulation or is not in conformity with any of the provisions of the application, plans or specifications on the basis on which a permit was issued or is being conducted in an unsafe and dangerous manner, he shall notify either the owner of the property or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.
- B. Such stop-work order shall be in writing on a form prescribed by the chief code enforcement officer and shall state the reasons for the stop-work order, together with the date of issuance. A stop-work order shall be served upon the person to whom it is directed either by personal delivery or by posting the same upon a conspicuous portion of the building where the work is being performed, and sending a copy of the same to the person, firm or corporation by certified mail.

§ 154-15. Penalties for offenses.

- A. Any person, firm or corporation who shall willfully fail to comply with a written order of a code enforcement officer within the time fixed for compliance herewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall violate any of the

applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of a code enforcement officer made thereunder or any person who shall violate any of the provisions of this chapter, the Uniform Code, any rules or regulations adopted pursuant to this chapter or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder shall severally for each and every such violation be guilty of an offense and, upon conviction thereof, be punished by a fine of no less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each day that the prohibited condition(s) or violation continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction. **[Amended 7-9-2003 by L.L. No. 9-2003; 6-12-2013 by L.L. No. 7-2013]**

- B. An action or proceeding in the name of the Town of Rotterdam, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, rule or regulation adopted pursuant to this chapter or any other applicable law, ordinance, rule or regulation or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

ROTTERDAM

CHAPTER 230 SEWERS

Chapter 230

SEWERS

GENERAL REFERENCES

Excavations and open wells — See Ch. 121.

Plumbing — See Ch. 213.

Fees — See Ch. 126.

Subdivision of land — See Ch. 249.

Part 1
[Adopted 12-19-1973 By L.L. No. 10-1973]
Sewer Rent

ARTICLE I
Sewer District No. 2

§ 230-1. Rates. [Amended 3-12-1986 by L.L. No. 4-1986]

Local Law No. 10 for the year 1973 is hereby adopted and the following sewer rents are hereby established in Sewer District No. 2 and extensions, effective January 1, 1974, to be paid by users as follows:

- A. Residential rates. Residential rates shall be annual for each family unit, a family unit being defined as a single-family dwelling, each apartment or flat contained in a multiple-residence dwelling and each apartment or flat contained in a single-family dwelling.
- B. Commercial rates. The rate for commercial establishments utilizing metered water shall be at the rate for each family unit. "Family unit" shall mean every 75,000 metered gallons of water used for the most recent annual rating.

§ 230-2. Payment; late charge.

Said charges shall be payable in advance to the Receiver of Taxes during January of each year and if unpaid by January 31, late charges of 1% per month shall be added to the original obligation until the account shall have been returned to the County of Schenectady as an unpaid sewer rent assessment. The first billing as per said rates shall be made by the Receiver of Taxes when mailing and preparing the January 1974 Town and county tax files.

§ 230-3. Calculation of rates in subsequent years. [Amended 3-12-1986 by L.L. No. 4-1986]

Rates in subsequent years shall be set forth in the annual budgets of Sewer District No. 2 and its extensions when such budgets are adopted. They may vary the rate depending upon the budget expenditures and other anticipated revenues, if any; however, the rate per family unit shall be fixed by dividing the number of family units into the proposed amount to be raised by tax in each year.

Part 2
[Adopted 7-3-1984 By L.L. No. 8-1984; Amended In Its Entirety
Sewer Connection And Use
1-1-2013 By L.L. No. 1-2013]

ARTICLE II Definitions

§ 230-4. Definitions; word usage.

- A. As used in this Part 2, the following terms shall have the meanings indicated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Director in a National Pollutant Discharge Elimination System state with an approved state pretreatment program, and the Regional Administrator of the Environmental Protection Agency in a non-National Pollutant Discharge Elimination System state or National Pollutant Discharge Elimination System state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER —

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.
- (4) The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

AVERAGE — For the purposes of the calculation of the daily indirect discharge of a pollutant in § 230-65, such average will be calculated as the sum of all daily values taken on days when processed wastewater is indirectly discharged divided by the number of days during which sampling events occurred during the pretreatment year of July 1 to June 30.

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act [33 U.S.C. § 317(b) and (c)] which applies to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

CONTROL AUTHORITY — The approval authority, defined above, or the Coordinator, if the Town has an approved pretreatment program under the provisions of 40 CFR Part 403.11.

COOLING WATER — The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COORDINATOR — The Coordinator shall mean the Public Works Coordinator of the Town of Rotterdam, New York, or his or her designee.

DAILY INDIRECT DISCHARGE — The indirect discharge of a pollutant measured during the calendar day or any twenty-four-hour period that the Coordinator determines reasonably represents a calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily indirect discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the indirect daily discharge is calculated as the average measurement of the pollutant over the day.

DEPARTMENT — The Department of Public Works of the Town of Rotterdam, New York.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of New York.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

FLASH POINT LIMITATION OF 140 degrees F. OR 60 degrees C. — Prohibits discharges of pollutants with closed-cap flash point of less than 140° F. or 60° C.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE — Any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE — An indirect discharge is the introduction of pollutants into the Town POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INTERFERENCE — A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and therefore is a cause of a violation of the Town's SPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARDS — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act [33 U.S.C. § 1317 (b) or (c)] which applies

to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARDS — Any regulation developed under the authority of Section 307(b) of the Act¹ and 40 CFR 403.5.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE —

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act² which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on-site construction program:

1. Editor's Note: See 33 U.S.C. § 1317(b).

2. Editor's Note: See 33 U.S.C. § 1317(c).

- [1] Any placement, assembly, or installation of facilities or equipment; or
 - [2] Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NYSDEC — The New York State Department of Environmental Conservation or its duly authorized representative.

PASS-THROUGH — A discharge which exits the publicly owned treatment works into waters of the United States of America in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works facility and/or National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of the violation).

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight to hydrogen ions in grams per liter of solution.

PLUMBING INSPECTOR — The Plumbing Inspector of the Town of Rotterdam or his duly authorized assistants.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT — That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant

properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d) or this Code. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW; however, where wastewater from a categorical standard process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

PROCESS WASTEWATER — Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, by-product, or waste product.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. It also includes sewers, pipes, and other conveyances if they convey wastewater to the POTW.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface and groundwaters are not intentionally admitted.

SIGNIFICANT INDUSTRIAL USER —

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the Town of the POTW treatment plant; or

- (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SPDES — State Pollutant Discharge Elimination System.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or its most recent edition.

STATE — The State of New York.

STORM DRAIN or STORM SEWER — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOWN — The Town of Rotterdam, New York.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provision of Clean Water Act Section 307(a) or other acts.

USER — Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONTRIBUTION PERMIT or WASTEWATER DISCHARGE PERMIT — As set forth in § 230-46 of this Part 2.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation

systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

- B. Word usage. "Shall" is mandatory; "may" is permissive.

ARTICLE III
General Provisions

§ 230-5. Revocation of permits.

Any permit granted by the Coordinator of Public Works, Town-designated engineer or designated agent pursuant to this article may be revoked by him, at any time, should he have knowledge of any violation, on the part of the holder, of any of the provisions of this article or of the rules adopted thereunder. No permit so revoked shall be reissued within six months of the date of its cancellation.

§ 230-6. Driving pipes in streets where sewers are laid.

No person shall drive any water or gas pipe in any street on which sewers are laid.

§ 230-7. Apportionment of special assessment.

- A. Pursuant to the Constitution and general statutes of the State of New York and the Charter of the , ³ special assessments for sanitary sewer improvements shall be apportioned over the area or areas to be served as follows.
- B. Each lot, piece, parcel, plot or tract of land that is to be assessed for special assessment for sanitary sewer improvements shall be divided into units on the following basis:
 - (1) A standard lot shall be a lot with a frontage of 60 feet and a depth of 150 feet. In the case of a lot with less than the aforesaid dimensions, if a building may be erected upon said lot in compliance with the Zoning Law, it shall be considered as a standard lot for special assessment purposes. For undeveloped areas with more than 60 feet of frontage, each multiple of 60 feet shall be considered as a unit for special assessment, except that where the average dimensions of the lots of any street or in any district being assessed are smaller than the dimensions set forth herein, the Assessor shall subdivide such undeveloped areas to conform to the average dimensions of the lots on such streets or in such district. The plotting of such undeveloped areas shall be done in a manner consistent with a plan of possible future development. In the case of lots which have insufficient depth to erect a building and comply with the Zoning Law, the frontage for each unit of special assessment shall be increased to provide sufficient area to allow compliance with the Zoning Law. In the case where a lot or plot is subdivided, the charges for additional sanitary sewer connections shall be fixed by the Town-designated engineer, subject to the approval of the Town Board, and said Town-

designated engineer shall keep a schedule of such charges or rates on file in his office at the Town Hall.

- (2) Corner lots or plots shall be assessed on the street which is first provided with sanitary sewer facilities and shall not again be assessed for sanitary sewer facilities except where a district of special assessment for sanitary trunk sewers is involved or where the lot or plot is subdivided, in which case the charges for additional sanitary sewer connections shall be fixed by the Town-designated engineer, subject to the approval of the Town Board, and said Town-designated engineer shall keep a schedule of such charges or rates on file in his office at the Town Hall.

ARTICLE IV
Purpose and Policy

§ 230-8. Purpose; policy.

- A. Part 2 of this chapter sets forth uniform requirements for indirect contributors into the wastewater collection and treatment system for the Town of Rotterdam and enables the Town to comply with all applicable state and federal laws.
- B. The objectives of this Part 2 are to:
 - (1) Prevent the introduction into the municipal wastewater system of pollutants which will interfere with the operation of the system or contaminate the resulting sludge.
 - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - (4) Provide for equitable distribution of the cost of the municipal wastewater system.
- C. Part 2 of this chapter provides for the regulation of indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

ARTICLE V
Private Disposal Systems

§ 230-9. Use restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 230-10. Public sewer connections.

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at his own expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 2 within 90 days after the date of official notice to do so by the Commissioner of Health, provided that said public sewer is within 100 feet of the property line and abuts any portion of the front, side or rear of said property.

§ 230-11. Authorization of use.

Where a public sanitary or combined sewer is not available under the provisions of § 230-10 hereof, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 230-12. Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Plumbing Inspector as provided in § 213-2, regulating the administration and enforcement of the State Building Construction Code and Plumbing Standards applicable to the Town of Rotterdam.

§ 230-13. Inspection; approval.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector and Coordinator. He shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered.

§ 230-14. Specifications.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the

area of the lot is less than 6,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 230-15. Availability of public sewers.

At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 230-10 hereof, a direct connection shall be made to the public sewer in compliance with this Part 2, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material approved by the Coordinator.

§ 230-16. Sanitary maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.

§ 230-17. Construal of provisions.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer, Building Inspector and/or Code Enforcement Officer.

ARTICLE VI
Building Sewers and Connections

§ 230-18. Permit required for work affecting public sewers.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Plumbing Inspector and Coordinator.

§ 230-19. Costs and expenses; liability.

All costs and expense(s) incident to the installation and connection of the building sewer shall be borne by the owner. The owner and/or the contractor performing the work shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 230-20. Separate facilities for each building.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on any interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 230-21. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this Part 2.

§ 230-22. Construction specifications.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the New York State Building and Plumbing Code or other applicable rules and regulations of the .⁴ In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

§ 230-23. Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building

4. Editor's Note: So in original.

drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 230-24. Connection of unpolluted water.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 230-25. Manner of connection.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

§ 230-26. Notice to make inspection; supervision of connection.

The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Plumbing Inspector, Coordinator, or their representatives.

§ 230-27. Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Highway Superintendent, Town-designated engineer and the Coordinator.

ARTICLE VII
Discharge Standards and Limitations

§ 230-28. Policy statement: unpolluted water.

- A. It is one explicit purpose of these rules, regulations and ordinances to deter, prevent and eliminate, as far as possible, the introduction of unpolluted waters into the Town of Rotterdam sanitary sewer system and all sewers tributary thereto. However, it is recognized that in certain areas the immediate enforcement of these rules, regulations and ordinances against existing subsurface drainage connections would be unfeasible and unreasonable.
- B. This statement shall not be construed to mitigate in any way the enforcement of these rules, regulations and ordinances against the construction of any new sanitary sewers or against any new connections discharging unpolluted waters to the Town of Rotterdam sanitary sewage system, or sewers tributary thereto, or to the alleviation of unreasonable flows of unpolluted waters; nor shall this statement of policy be used as a reason for not making any changes which may be ordered by governmental regulatory agencies.

§ 230-29. Discharge of unpolluted water restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 230-30. Discharge of sewage to natural outlets.

It shall be unlawful to discharge to any natural outlet within the Town of Rotterdam or in any area under the jurisdiction of said Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 2.

§ 230-31. Permitted discharge of unpolluted water.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers approved by the Coordinator and Town-designated engineer. Industrial cooling water or unpolluted process waters may be discharged on issuance of a permit, as described in § 230-46 of this chapter, to a storm sewer or combined sewer.

§ 230-32. Prohibited discharges.

- A. General prohibitions. A user may not introduce, directly or indirectly, into the Town's POTW any pollutant(s) or wastewater which will pass through or cause interference with the operation or performance of the Town POTW. These general prohibitions and the specific prohibitions

below apply to each user introducing pollutants into the Town POTW, whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements (40 CFR 403.5).

B. Specific prohibitions.

(1) Fire or explosion hazards.

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
- (b) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease and garbage with particles greater than 1/2 inch in any dimension. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(3) Other hazards.

- (a) Any wastewater or pollutants having a pH less than 5.5 or greater than 9.5, unless a permit is specifically issued to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW. Pollutants which will cause corrosive, structural damage to the POTW, but in no case discharges with a pH lower than 5.0, unless the works is specifically designed to accommodate such discharges.
- (b) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (c) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to produce toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.⁵
- (5) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. This shall include any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the POTW treatment plant effluent or any other product of the treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment plant cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; ⁶any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act; or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its New York State Pollutant Discharge Elimination System permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
- (9) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.) unless the approval authority, upon request of the Town, approves alternate temperature limits.
- (10) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW treatment plant or is in contravention of permit conditions.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established

5. Editor's Note: See 33 U.S.C. § 1317(a).

6. Editor's Note: See 33 U.S.C. § 1345.

by the Coordinator in compliance with applicable state or federal regulations.

- (12) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° F. and 104° F. (0° C. and 40° C.).
 - (13) Any garbage that has not been properly shredded.
 - (14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (15) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- C. When the Coordinator determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Coordinator shall advise the user of the impact of the contribution on the POTW pursuant to procedures in § 230-77 et seq. of this Part 2.

§ 230-33. Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 2 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 2. The Coordinator shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 230-34. Point of discharge.

No person shall discharge substances directly into a manhole or other sanitary opening in a sanitary sewer, other than through an approved building sewer.

§ 230-35. Holding tank waste.

No person shall discharge any holding tank waste into a manhole or other opening in a sanitary sewer. All holding tank waste discharged within the Rotterdam's POTW system shall be discharged at a facility at locations designated by the Coordinator. Each separate load of holding tank waste shall be registered with the operator of the treatment facility. The user shall pay the applicable charges and fees and shall meet such other conditions as required by the Department. The Department shall have the right to inquire about the type of waste, the approximate volumes and the origin of holding

tank wastes. The transporter of such wastes shall also have a waste haulers permit from the NYSDEC.

§ 230-36. Modification of federal standards.

Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), General pretreatment regulations for existing and new sources of pollution, promulgated pursuant to the Act. The Town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 230-37. Limitations.

A. Concentration and pH limits.

- (1) No user shall discharge wastewater to the sanitary sewer system when any of the pollutant concentrations exceed the limits specified herein. These concentrations shall be applied to wastewater effluents at a point just prior to discharge into the Town's sewer system. With the express written consent of the Public Works Coordinator, users with multiple discharge outfalls may combine waste streams by calculation to report on wastewater characteristics.

Total Concentration Limit

Pollutant	(mg/l)
Arsenic	0.2
Barium	4.0
BEHP	2.8
Beryllium	20
Cadmium	0.1
Chloroform	20
Chromium (hexavalent)	0.2
Chromium (total)	4.0
Copper	0.5
Cyanide	1.6
Lead	0.2
Mercury	0.05

Total Concentration Limit

Pollutant	(mg/l)
Molybdenum	0.5
Nickel	3.5
Oil and grease	200
Phenols	4.0
Selenium	1.6
Silver	0.2
Zinc	2.0

- (2) In addition to the foregoing, pH shall not exceed the discharge limit range of 5.5 to 9.5.

B. No person shall discharge or permit the discharge or infiltration into the Town's sewer system of wastes containing the following pollutants in excess of any of the listed concentrations unless prior approval is granted by the Public Works Coordinator:

- (1) Wastes containing more than 300 milligrams per liter of five-day biochemical oxygen demand.
- (2) Wastes containing more than 350 milligrams per liter of total suspended solids.
- (3) Wastes containing more than 160 milligrams per liter of total organic carbon.
- (4) Wastes containing more than 500 milligrams per liter of chemical oxygen demand.
- (5) Wastewater in volumes constituting greater than 5% of the mean flow influent to the Town's POTW treatment plant.

§ 230-38. Applicability of state standards.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 2.

§ 230-39. Right of revision.

The Town reserves the right to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 230-8 of this chapter.

§ 230-40. Excessive discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the Town or state.

§ 230-41. Approval of connections.

No connection with or opening into any sewer, manhole or appurtenances thereto shall be made without the written approval of the appropriate Town agency. The connection of a building sewer into any Town sewer shall conform to the requirements of the applicable Town regulations.

§ 230-42. New or increased discharges.

- A. Written approval by the Coordinator is required for all new discharges from industrial users or any planned significant changes to the user's operations or system added to the Town sewer system. The Coordinator reserves the right to deny or condition new or increased contributions of wastes or changes in wastewater constituents and characteristics, to require an industrial user to obtain an industrial wastewater discharge permit as specified in § 230-46, to require the development of a schedule of compliance for an industrial user for the installation of technology required to meet pretreatment standards and requirements and/or to require the industrial user to submit to the Department self-monitoring reports. Any industrial facility expansion, production increase, or other modifications which result in new, different, or increased discharges of pollutants must be reported to the Department at least 90 days prior to any such discharge.
- B. Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Department an application in the form prescribed by the Town at least 90 days prior to connecting to or contributing to the Town. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, the following information:
 - (1) A description of all activities, facilities and plant processes directly related to sewer discharges. This description shall include all those materials which are or could reasonably be expected to be discharged, including hazardous materials as defined by regulations promulgated under the Federal Resource Conservation and Recovery Act (42 U.S.C. § 6901).

§ 230-43. Hauled wastewater.

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Town and at such times as are established by the Town. Such waste shall not violate § 230-32 or any other requirements

established by the Town. The Town may require septic tank waste haulers to obtain wastewater discharge permits.

- B. Haulers of industrial wastes shall obtain wastewater discharge permits. The Town may require generators of hauled industrial waste to obtain wastewater discharge permits. The Town also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.
- C. Industrial waste haulers may discharge loads only at locations designated by the Town. No load may be discharged without prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with applicable standards. The Town may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

§ 230-44. Notification of discharge of hazardous waste.

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Coordinator, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 230-42. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of § 230-48M.

- B. An existing user must submit the above notification no later than at the time it submits its next renewal application after the effective date of this provision.
- C. Dischargers are exempt from the requirements of Subsection A of § 230-44, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(c). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(c), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any new regulations under Section 3001 of RCRA⁷ identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town, the EPA Regional Waste Management Waste Division Coordinator, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- E. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- F. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable federal or state law.

7. **Editor's Note:** See 42 U.S.C. § 6921.

ARTICLE VIII
Industrial Wastewater Discharge

§ 230-45. Authority of Coordinator.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers containing any substances or possessing characteristics enumerated in this Part 2 or which, in the judgment of the Coordinator, may have a deleterious impact on the POTW, POTW treatment plant, receiving waters, POTW treatment plant process residuals or which may otherwise create a hazard to health or life or constitute a public nuisance, the Coordinator may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge;
 - (4) Require payment to cover the added cost of handling and treating the wastes; and/or
 - (5) Require the discharger to apply for an industrial waste discharge permit.
- B. If the Coordinator permits the introduction of said wastes into the POTW, whether following pretreatment or an alternative discharge program, the design and installation of the plans and equipment, or implementation of the discharge program, shall be subject to the review and approval of the Coordinator and subject to the requirements of all applicable codes, ordinances and laws.

§ 230-46. Permit required.

- A. It shall be unlawful to discharge, without a state or Town permit (as applicable), to any natural outlet within the Town of Rotterdam or in any area under the jurisdiction of said Town and/or to the POTW any wastewater except as authorized by the Coordinator in accordance with the provisions of this Part 2.
- B. Each industrial user whose wastewater flow and/or wastewater strength is different from that of domestic waste (defined as having a concentration of any parameter in excess of those listed in § 230-37B of this Part 2) or discharges EPA priority pollutants, NYSDEC substances of concern or any other substance which the Coordinator deems to be of concern must obtain an industrial waste discharge permit prior to connection or discharge to the Town POTW. Each industrial user, as determined by the Coordinator, currently connected must obtain an industrial waste permit within 180 days after the effective date of this Part 2.

§ 230-47. Application for permit.

- A. Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Department an application in the form prescribed by the Coordinator at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, the following information:
- (1) The legal name, address and location of the person, corporation or legal entity responsible for subject establishment.
 - (2) The name, address and location of subject establishment.
 - (3) The name and telephone number of the person to contact regarding both industrial waste characteristics and the permit application, if different than Subsection A(1) preceding, and the SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (4) Wastewater constituents and characteristics, including but not limited to those mentioned in this Part 2 as determined by a laboratory certified by the State of New York; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(c) of the Act and contained in 40 CFR Part 136, as amended.
 - (5) The time and duration of contribution.
 - (6) The average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (7) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
 - (8) A description of all activities, facilities and plant processes directly related to sewer discharges. This description shall include all those materials which are or could reasonably be expected to be discharged based upon:
 - (a) Hazardous materials as defined by regulations promulgated under the Resource Conservation and Recovery Act (42 U.S.C. § 6901).
 - (b) New York State regulations for solid waste management facilities (6 NYCRR Part 360) and accompanying guidelines.
 - (c) Priority pollutants as defined by the Clean Water Act.
 - (d) New York State substances of concern.
 - (e) Materials deemed to be of concern to the Town of Rotterdam's POTW.

- (f) Any other applicable federal, state or local statute, regulation or ordinance.
- (g) The most recent versions of the regulations in Subsection A(8)(a) through (f) preceding, as applicable.
- (9) Where known, the nature and concentration of any pollutants in the discharge, which are limited by any , ⁸ state or federal pretreatment standards, a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (10) If additional pretreatment and/or O&M will be required to meet the pretreatment standards and the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions may apply to this schedule:
 - (a) The schedule may contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred to in Subsection A(10)(a) shall exceed nine months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Coordinator, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Coordinator.
- (11) Each product produced by type, amount, process or processes and rate of production.
- (12) The type and amount of generic raw materials processed (average and maximum per day).

(13) The number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

(14) Completion of NYSDEC industrial chemical survey.

- B. The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue an industrial waste discharge permit, subject to terms and conditions provided herein.

§ 230-48. Permit conditions.

Industrial waste discharge permits shall be expressly subject to all provisions of this Part 2 and all other applicable local laws, regulations, charges and fees established by the Town. The conditions of the industrial waste discharge permit may contain the following:

- A. Effluent limitations or other appropriate limitations when toxic substances are present in the user's wastewater discharge.
- B. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedules.
- C. Requirements for submission of reports for conditions of noncompliance.
- D. Requirements for submission of technical reports or discharge reports.
- E. Pretreatment requirements.
- F. Requirements for installation and maintenance of inspection and sampling facilities.
- G. Schedules for compliance with this Part 2 and other applicable Town and local laws.
- H. Limits on the average and maximum wastewater constituents, flow rates and time of discharge.
- I. Requirements for maintaining and retaining plant records, relating to wastewater discharge, to be limited to three years unless specified in the industrial waste discharge permit and affording the Town access thereto and copying thereof.
- J. Requirements for notification of the Coordinator of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- K. The computation and requirement for payment of the industrial waste surcharge or any other applicable fees or charges.

- L. Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.
- M. Periodic compliance reports.
 - (1) All significant industrial users shall, at a frequency determined by the Town but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed by an authorized representative of the user.
 - (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (3) All monitoring and analyses are to be done in accordance with § 230-59 and 40 CFR 403.12(g).
 - (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town, using the procedures prescribed in § 230-59 of this Part 2, the results of this monitoring shall be included in the report.

§ 230-49. Duration of permit; renewal; modification.

- A. Industrial waste discharge permits shall be issued for a specified period of time, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date.
- B. In order to renew a permit, the permittee shall have paid all fees relating to this Part 2 according to the schedules set in this Part 2 and submitted an up-to-date industrial waste questionnaire and other information as required by the Coordinator no later than 120 days prior to the expiration of the existing permit.
- C. The terms and conditions of the permit may be subject to modification and change by the Department during the life of the permit as limitations or requirements as identified in this Part 2 are modified or changed. The permittee shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 230-50. Application for modification of permit.

A permittee requesting any modification of a permit shall do so at least 90 days prior to the date the permittee plans to implement the modification. Application to the Coordinator for modification shall include any information as may be deemed necessary by the Town to evaluate the modification application.

§ 230-51. Transfer of permit.

Industrial waste discharge permits are issued to a specific user for a specific operation. A permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the prior approval of the Coordinator. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Coordinator. If the operations and processes are to remain the same, the permit may be approved by the Coordinator for the new owner. A new industrial waste discharge permit application shall be made by the new owner and facility if any other changes are made other than the control of ownership.

§ 230-52. Suspension, revocation or modification of permit.

Industrial waste discharge permits may be modified, suspended or revoked where the Coordinator finds, after a hearing held in conformance with the procedures set forth in this Part 2:

- A. A violation of any term of the permit or any order or determination of the Coordinator promulgated under this Part 2 or other applicable Town local laws;
- B. That the permit was obtained by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring; or
- E. Failure of the permittee to report significant changes in operations or wastewater constituents and characteristics.

§ 230-53. Monitoring facilities.

- A. Users who discharge, who propose to discharge or who, in the judgment of the Coordinator, could discharge now or in the future wastewater with constituents and characteristics different from that produced by a domestic premises shall be required to install a monitoring facility.

- B. When, in the judgment of the Coordinator, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Coordinator may require that separate monitoring facilities be installed for each discharge. In addition, a user may be compelled to install a monitoring facility to determine compliance with federal standards.
- C. Monitoring facilities are to be constructed at a common location into which all flows from the user are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the user shall construct and maintain, at the user's expense, in lieu of one common monitoring facility two or more monitoring facilities as required by the Coordinator.
- D. Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by the user. If sampling and metering equipment is also required by the Department, it shall be provided, installed, operated and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the department personnel, such as a gate secured with a department lock. There shall be ample room in or near such facility to allow accurate sampling and composition of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user. In the event that no special monitoring facility is required, sampling shall be conducted at a point or points selected by the Coordinator.

§ 230-54. Inspection and sampling.

- A. The Coordinator and other authorized employees of the Department, designated agents or representatives of the Town and employees of the EPA and NYSDEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain compliance with this Part 2. The Department shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that, upon presentation of suitable identification, personnel from the Department will be permitted to enter without delay for the purposes of performing their specific responsibilities.
- B. No representative is authorized to require information concerning an industrial process, except to the extent necessary to ascertain the

kind and source of discharge to sewers. While on private property, the representatives shall observe all established safety rules applicable to the premises. The Town shall indemnify a property owner against loss or damage to the owner's property and against third-party claims caused by representatives of the Town while upon the property, except for loss or damage or third-party claims caused by the negligence of the owner or the owner's failure to maintain safe conditions.

§ 230-55. Pretreatment.

- A. Where necessary, in the opinion of the Coordinator, users shall make wastewater acceptable under the limitations established by this Part 2 and by Section 307 of the federal Act⁹ before discharging into the Town sewer system. Any facilities required to pretreat wastewater to a level acceptable to the Department shall be provided and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Coordinator for review and shall be approved by the Coordinator before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Part 2. All subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Department. When pretreatment regulations are adopted by EPA or NYSDEC for any industry, then that industry must immediately conform to the EPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by EPA or NYSDEC in accordance with Section 307 of the Federal Act. Additionally, such industries shall comply with any other stringent standards necessitated by local conditions as determined by the Town.
- B. The Town may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the Town's pretreatment program;
 - (2) Fees for monitoring, inspections and surveillance procedures, including the cost of collection and analysis of a user's discharge, and reviewing monitoring reports submitted by users;
 - (3) Fees for reviewing accidental discharge procedures and construction plans and inspections;
 - (4) Fees for responding to accidental discharges;
 - (5) Fees for consistent removal by the Town of pollutants otherwise subject to federal pretreatment standards;

9. Editor's Note: See 33 U.S.C. § 1317.

- (6) Fees for wastewater discharge permit applications, including the cost of processing such applications;
 - (7) Fees for filing appeals; and
 - (8) Other fees the Town may deem necessary to carry out these requirements.
- C. These fees related solely to the matters covered by this Part 2 are separate from all other fees chargeable by the Town.

§ 230-56. Accidental discharge.

- A. Each user shall provide protection from accidental and slug discharges of prohibited materials or other wastes regulated by this Part 2 or plans to minimize such occurrences should they occur. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Coordinator for review and shall be approved by the Department before construction of the facility. At least once every two years, the Town shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Town may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Town may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Town of any accidental or slug discharge, including any discharge that would violate a prohibition under § 230-32B, with procedures for follow-up written notification within five days of discharge; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, the building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- B. Users shall notify the Department immediately upon discharging wastes in violation of this Part 2 due to:
 - (1) Breakdown of pretreatment equipment.

- (2) Accidents caused by human error or negligence or mechanical failure.
- (3) Other causes, such as acts of nature.
- C. Such notification will enable countermeasures to be taken by the Department to minimize damage to the Town sewers, treatment facilities, treatment processes and receiving waters.
- D. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Part 2.
- E. The Coordinator shall be notified within five days of the date of occurrence by a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrences.
- F. Such notification will not relieve users of notice, as described in Subsection B preceding, or of liability for any expense, loss or damage to the sewer system, treatment facility or treatment process or for any fines imposed on the Department on account thereof under Section 309 of the federal Act¹⁰ or any liability for civil or criminal penalties.

§ 230-57. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs and from the Town's inspection and sampling activities shall be available to the public unless the user specifically requests that it be kept confidential. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. Only information that meets the requirements established in 40 CFR Part 2 will be treated as confidential.

§ 230-58. Special arrangements.

No statement in this Part 2 shall be construed as preventing any special agreement between the Coordinator and any industrial concern whereby an industrial waste of unusual constituents or characteristics may be accepted by the Coordinator for treatment subject to the proper payment by the industrial user. Under no circumstances shall a special agreement circumvent federal categorical pretreatment standards.

§ 230-59. Analytical procedures.

All measurements, tests and analyses of the constituents and characteristics of waters and wastes to which reference is made in this Part 2 shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater, Methods for Chemical Analysis

10. Editor's Note: See 33 U.S.C. § 1319.

of Water and Waste of the EPA and the latest version of 40 CFR Part 136, Analysis of Pollutants.¹¹

§ 230-60. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Plumbing Inspector and/or the Coordinator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Inspector and/or the Coordinator and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 230-61. Fees.

- A. The fees authorized by § 230-55 shall be as follows:
- (1) The annual fee for an industrial waste discharge permit shall be \$200.
 - (2) Every industry receiving an industrial waste discharge permit shall be assessed the direct costs incurred by the Town for analysis conducted on behalf of the industry to ensure compliance. These costs will be in accordance with the most recent fee schedule by the accredited laboratory chosen by the Town.
 - (3) The fee per 1,000 gallons of septic tank sewage shall be determined by the Coordinator.
- B. Nothing contained in this section shall be construed as limiting the Coordinator's authority to regulate or reject wastes as defined in all applicable codes, ordinances and laws.

§ 230-62. Reports and records.

- A. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, including submittals sent by facsimile, the date of receipt of the report by the Town or its pretreatment operator shall govern.
- B. Records of information obtained pursuant to any monitoring activities required by this Part 2 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements shall be retained and made available for inspection and copying. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the

11. Editor's Note: See 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants.

analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town or where the user has been specifically notified of a longer retention period by the Town.

ARTICLE IX
Industrial Waste Surcharge

§ 230-63. Surcharge established.

In addition to any other fees, charges, sewer rents or taxes provided by law, the owner or tenant of any parcel of real property connected with the sewer system by any means may be subject to payment of an industrial waste surcharge for use of the wastewater treatment works for discharging industrial wastes or other wastes accepted for admission into the system. The industrial waste surcharge shall consist of, but not be limited to, the following charges:

- A. Operation and maintenance charges.
- B. Debt service charges.

§ 230-64. Industrial wastewater.

For purposes of imposition of the industrial waste surcharge, industrial wastewater shall be defined as any waste with constituent characteristics exceeding those listed in § 230-37B of this Part 2.

§ 230-65. Computation.

The surcharge shall be computed by the Coordinator using the following surcharge formulas and shall apply to industrial users as defined in § 230-64.

- A. For operation and maintenance charges:

$$OMC = \frac{(A)}{100} X_o \frac{(V)}{Q} + C_o \frac{(CI)}{CP} + T_o \frac{(TI)}{TP} + Y_o \frac{(BI)}{BP} + Z_o \frac{(SI)}{SP} + U$$

- B. For debt service charges:

$$DSC = \frac{(D)}{100} X_c \frac{(V)}{Q} + C_c \frac{(CI)}{CP} + T_c \frac{(TI)}{TP} + Y_c \frac{(BI)}{BP} + Z_c \frac{(SI)}{SP} + U$$

- C. Where:

OMC = Industry share of the annual operation and maintenance charges.

A = Annual operation and maintenance cost of the treatment facility.

V = Average daily volume discharged by the industrial user.

Q = Average daily flow of treatment facility influent.

CI = Average COD of daily indirect discharge for sample(s) taken during the pretreatment year of July 1 to June 30 (pounds per day).

- CP = Average daily COD (pounds per day) of treatment facility influent.
- BI = Average BOD5 of daily indirect discharge for sample(s) taken during the pretreatment year of July 1 to June 30 (pounds per day).
- BP = Average daily BOD5 (pounds per day) of treatment facility influent.
- TI = Average TOC of daily indirect discharge for sample(s) taken during the pretreatment year of July 1 to June 30 (pounds per day).
- TP = Average daily TOC (pounds per day) of treatment facility influent.
- SI = Average suspended solids of daily indirect discharge for sample(s) taken during the pretreatment year of July 1 to June 30 (pounds per day).
- SP = Average daily suspended solids (pounds per day) of treatment facility influent.
- Xo = Percent of operation and maintenance costs attributable to flow.
- Co = Percent of operation and maintenance attributable to COD.
- To = Percent of operation and maintenance attributable to TOC.
- Yo = Percent of operation and maintenance attributable to BOD.
- Zo = Percent of operation and maintenance attributable to suspended solids.
- DSC = Industry share of annual debt service of treatment facility.
- D = Annual debt service cost of treatment facility.
- Xc = Percent of local capital cost attributable to flow.
- Cc = Percent local capital costs attributable to COD.
- Tc = Percent local capital costs attributable to TOC.
- Xc = Percent local capital costs attributable to BOD.
- Zc = Percent local capital costs attributable to suspended solids.
- U = Cost attributable to any other parameters for which the treatment facility was designed to remove, such as but not limited to phosphorus and nitrogen.

D. Industrial waste surcharge.

- (1) The total industrial waste surcharge (IWS) will be based upon the industry share of the operation and maintenance charges and annual debt service less the adjusted share of any sewer rent payments made by the user. The adjusted share of sewer rent (ASR) for operating and maintaining and/or the capital costs of the POTW shall be calculated using the following formula:

$$ASR = SR [(A + D)/SF]$$

Where: A and D have the meanings set forth in Subsection C hereof; SR shall equal the annual amount of any sewer rent charges paid by the user; and SF shall equal the total annual sewer fund operating budget as established by the Town (as may be adjusted by the Coordinator to account for anomalies).

- (2) The IWS will be calculated using the following formula:

$$IWS = (OMC + DSC) - ASR$$

Where: OMC and DSC shall have the meanings set forth in Subsection C hereof.

- (3) If the ASR exceeds the sum of the OMC and the DSC, there will be no IWS imposed and no reimbursement of SR.
- (4) Notwithstanding the foregoing, in calculating the IWS for users located outside the territorial limits of the Town, the amount of the ASR to be deducted from the sum of the OMC + DSC may not exceed the projected ASR for that user's facility if it were located within the territorial limits of the Town.

§ 230-66. Basis for determination.

The industrial waste surcharge shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of the user which may include, but are not limited to, flow rate, biochemical oxygen demand, total suspended solids, chemical oxygen demand and total organic carbon. The wastewater constituents and characteristics used to calculate the industrial waste surcharge will be those listed in § 230-37B of this Part 2, as well as those determined by the Coordinator. Any data provided by the user may be used in addition to the data obtained by the Coordinator.

§ 230-67. Volume determination.

In applying the surcharge formulas, the Coordinator may represent flow discharged into the sewer system by:

- A. The amount of water supplied to the premises as shown on the water meter or water records if the premises are metered;
- B. The volume of wastewater discharged into the sewer system as determined by the measurements and samples taken at a monitoring facility installed by the owner of the property served by the sewer system;
- C. Allowances for water not discharged to the sewer system will be made at the discretion of the Coordinator; or

- D. A figure determined by the Coordinator by any combination of the foregoing or by any other equitable method.

§ 230-68. Determination of pollutant concentration.

- A. The pollutant concentration of any wastewater shall be determined from the analysis of representative samples taken prior to discharge into the Town sewers, taken by representatives of the Coordinator at sampling stations as described in § 230-53 of this Part 2 at any period or time or of such duration and in such a manner as the Coordinator may elect, or at any place or manner mutually agreed upon between the user and the Coordinator. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharge during an average or typical working day. This concentration may be derived according to the best judgment of the Coordinator.
- B. The analysis of samples taken shall be performed in a laboratory of the Department or a laboratory designated by the Coordinator. The industrial waste surcharge and/or the acceptability of the wastes shall be determined from said analysis.
- C. All surcharges shall be based on the analysis of the wastes from any plant or premises related to the total volume of wastes determined under § 230-67 of this Part 2. The average value of the concentrations of pollutants measured during a calendar year shall be used in calculating the industrial waste surcharge.
- D. Whenever the wastes discharged from a premises to a public sewer might be expected to show appreciable periodic variation during the year due to manufacturing process or production variation due to seasonal changes, the Coordinator may average the results of the two or more series of analysis taken to reflect these variations and thereby determine an average pollutant concentration.

§ 230-69. Resampling of pollutant concentration.

In the event that the pollutant concentration of the waste discharged from the premises to a public sewer as determined under § 230-68 of this Part 2 is disputed by a user, a program of resampling and flow measurement with subsequent analytical determination may be instituted as follows:

- A. The person must submit a request for resampling and flow measurements of the wastes to the Coordinator.
- B. A consultant or agency of recognized professional standing in the employ of the user must confer with representatives of the Coordinator in order that an agreement may be reached as to the various factors which must be considered on a new sampling and flow measurement program.
- C. The consultant or agency of recognized professional standing employed by the user shall conduct a resampling and reanalysis program under

the direction of the Coordinator for at least two twenty-four-hour periods.

- D. The results of the resampling and the reanalysis shall be considered to be the current analysis of the wastes discharged to the sewer system and shall be used for determining the acceptability of the sampling and analysis results in question. The new results may be used in place of the results in question or in addition to other data collected by the Department for determining the industrial waste surcharge and/or compliance with this Part 2.
- E. All costs of sampling, analysis and flow measurement are to be paid by the user.

§ 230-70. When due; delinquency penalty.

- A. Industrial waste surcharge fees, industrial waste discharge permit fees and any related fees shall be due within 60 days of issuance, except that if such day shall fall on a Saturday, Sunday or public holiday, the payment shall be due on the first business day following. The payment may be paid to the Coordinator of Finance of the Town of Rotterdam within a period of 15 days after it is due and payable without any charge.
- B. Any such fee which is not paid within the grace period set forth in Subsection A preceding shall be deemed delinquent and shall bear the same rate of penalty or interest as that imposed on delinquent taxes on real property within the Town, as well as cancellation of service by the Coordinator. The Town shall collect such penalties and interest on such delinquent fees.

§ 230-71. Liens.

Industrial waste surcharge fees, industrial waste discharge permit fees and any related fees shall be liens against real property within the Town to the extent set forth in § 452 of the General Municipal Law.

§ 230-72. Collection of delinquent surcharge.

The Town may enforce the collection of such fees as are described in § 230-70 of this Part 2 pursuant to § 452 of the General Municipal Law.

§ 230-73. Disposition of surcharges.

Pursuant to § 453 of the General Municipal Law, revenues derived from such fees as are described in § 230-70 of this Part 2 shall be credited to the special fund known as the "Sewer Rent Fund." Disbursement therefrom shall be made pursuant to such section of the General Municipal Law.

ARTICLE X
Permit Suspension Procedure

§ 230-74. Enforcement.

- A. The Town is hereby authorized to enforce all pretreatment requirements necessary to ensure compliance with the terms and conditions of the Town of Rotterdam State Pollutant Discharge Elimination System permit issued by the NYSDEC pursuant to the Act.
- B. The enforcement response plan, as approved by the United States Environmental Protection Agency, is hereby adopted as the official enforcement response plan for the Town of Rotterdam with respect to its ordinances affecting water, wastewater and sewer usage.

§ 230-75. Search warrants.

If the Town has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part 2, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Part 2 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of a search warrant in accordance with New York State Criminal Procedure Law § 690.35.

§ 230-76. Remedies nonexclusive.

The remedies provided for in this Part 2 are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's Enforcement Response Plan. However, the Town may take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user.

§ 230-77. Harmful discharges.

- A. The Town may suspend the wastewater treatment service and/or an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the Town to violate any condition of its SPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take steps as deemed necessary, including immediate severance

of the sewer connection to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment. In such case as severance or termination of the sewer connection is required, any and all expense connected therewith shall be borne by the owner and chargeable against the property at which such service was terminated. The service shall remain terminated until all charges relating to the termination have been paid. The Town shall reinstate the industrial wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

§ 230-78. Notice of violation.

Whenever the Coordinator finds that any user has violated or is violating this Part 2, the industrial wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within 15 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Coordinator by the user.

§ 230-79. Hearing.

- A. The Coordinator may order any user who causes or allows any unauthorized discharge to enter the POTW to show cause before a Sewer Complaint Review Board why the proposed enforcement action should not be taken. The Board shall consist of the Supervisor of the Town of Rotterdam, the Coordinator and the Town-designated engineer. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least 15 days before the hearing. Service may be made on any agent or officer of a corporation. A show-cause hearing shall not be a bar against, or prerequisite for, the Town taking any other action against the user.
- B. Whenever, because of danger to the public health, safety or welfare, it appears prejudicial to the public interest to delay action for 15 days, the Coordinator may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than 15 days, and the Coordinator shall provide an opportunity to be heard within 15 days after the date the order is served.
- C. The Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the Department of Public Works to:

- (1) Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.
- D. The Board, or its designee, shall not be bound by laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. Proceedings will follow the New York State Administrative Procedures Act.
- E. The Town Attorney may prefer charges, attend hearings, present the facts and take any and all proceedings in connection therewith.
- F. At a hearing, the respondent may appear personally, shall have the right of counsel and may cross-examine witnesses against him and produce evidence and witnesses in his behalf.
- G. A record, or summary thereof, of the proceedings of said hearings shall be made and filed with the Department. If requested to do so by any interested party concerned with said hearing, the full stenographic notes of the testimony presented at said hearing shall be taken and filed. The stenographer shall, upon the payment of his fees allowed by law therefor, furnish a certificate transcript of the whole or any part of his notes to any party to the action requiring the same.
- H. Unless precluded by law, disposition may be made of any hearing by stipulation, agreed settlement, consent order, default or other informal method. Within 10 days of the notice specified in § 230-78, the user may request a prehearing conference with the Town's representative for an informal disposition of any or all charges.
- I. Upon request made by any party upon the Department within a reasonable time but prior to the time for commencement of judicial review of its giving notice of its decision, determination, opinion or order, the Board or its representative shall prepare the record, together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party as he may request. Except when any law provides otherwise, the Department is authorized to charge not more than its cost for the preparation and furnishings of such record or transcript or any part thereof or the rate specified in the contract between the agency and a contractor if prepared by a private contractor.
- J. Upon application of any affected user, the Town may modify or amend any determination after a hearing.

ARTICLE XI
Enforcement and Penalties

§ 230-80. Administrative sanctions.

- A. Any person who violates any of the provisions of or who fails to perform any duty imposed by this Part 2 or any order or determination of the Coordinator promulgated under this Part 2 or the terms of any permit issued thereunder shall be liable to the Town for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in Article X of this chapter. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town Attorney at the request of the Coordinator in the name of the Town in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Coordinator before the matter has been referred to the Town Attorney, and where such matter has been referred to the Town Attorney, any such penalty may be released or compromised, and any action commenced to recover the same may be settled and discontinued by the Town Attorney with the consent of the Coordinator.
- B. In addition to the power to assess penalties as set forth in Subsection A above, the Coordinator shall have the power, following a hearing held in conformance with the procedures set forth in Article X of this chapter, to issue an order suspending, revoking or modifying the violator's permit and enjoining the violator from continuing the violation. Any such order of the Coordinator shall be enforceable in an action brought by the Town Attorney at the request of the Coordinator in the name of the Department in any court of competent jurisdiction.
- C. Any civil penalty or order issued by the Coordinator pursuant to this section shall be reviewable in a proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules (CPLR), if commenced within 60 days after service in person or by mail of a copy of the determination or order upon the Attorney of Record of the applicant and of each person who has filed a notice of appearance, or the applicant in person if not directly represented by an attorney. When the Town finds that a user has violated, or continues to violate, any provision of this Part 2, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time.
- D. In addition to the powers set forth in Subsections A, B and C above, the Coordinator shall have the power to issue administrative orders, including but not limited to cease and desist orders, consent orders, show cause orders and compliance orders. The Coordinator shall also have the power to levy administrative fines and have the power to enter

into consent decrees with any party, subject to the approval of the Town Attorney.

§ 230-81. Criminal sanctions.

- A. Any person who willfully violates any provision of this Part 2 or any final determination or order of the Coordinator made in accordance with Article X of this chapter shall, in addition, be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000. Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- B. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 2, or industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 2 shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,000. Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- C. No prosecution under this section shall be instituted until after final disposition of an appeal or review if any, provided by § 230-80C.
- D. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be subject to recovery of costs for damages.

§ 230-82. Civil liability.

Any person violating any of the provisions of this Part 2 shall, in addition, be civilly liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation. The Town may recover fines and penalties imposed by any regulatory agency on the Town that can be reasonably attributed to the user discharges of any person to the wastewater collection or treatment system. The Town may also recover from any responsible party any reasonable attorneys' fees, court costs, other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any damages incurred by the Town.

§ 230-83. Injunction.

The Town Attorney, on his or her own initiative or at the request of the Coordinator, shall have the right to seek equitable relief in the name of the

Town to restrain the violation of, or to compel compliance with, this Part 2 or any order or determination issued thereunder by the Coordinator.

§ 230-84. Summary abatement.

- A. Notwithstanding any inconsistent provisions of law, whenever the Coordinator finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in irreversible or irreparable damage to the public sewer system and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Coordinator may, without prior hearing, order such user, by notice, in writing, wherever practicable or in such other form as in the Coordinator's judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity; or, where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Coordinator may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 days, the Coordinator shall provide the user an opportunity to be heard in accordance with the provisions of Article X of this chapter.
- B. The Coordinator, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare or preserve the public sewer system.

§ 230-85. Affirmative defenses.

- A. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions at § 230-32 and the specific prohibitions in § 230-32B(2), (3)(b) and (c), (5), and (9) where the user can demonstrate that:
 - (1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and
 - (2) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed for each pollutant in the user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or if a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference, the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance

with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

- B. When the Town determines that a user(s) is contributing to the POTW any of the substances set forth at § 230-37 in such amounts as to interfere with the operation of the POTW, the Town shall advise the user(s) of the impact of the contribution on the POTW pursuant to procedures in § 230-77 et seq. of this Part 2.

§ 230-86. Performance bonds.

The Town may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance.

§ 230-87. Liability insurance.

The Town may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

§ 230-88. Water supply severance.

Whenever a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. Such severance of any water service shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to Subdivisions 3-a, 3-b and 3-c of § 89-b and § 116 of the Public Service Law.

§ 230-89. Public nuisances.

A violation of any provision of this Part 2, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Town. Any person(s) creating a public nuisance shall be subject to the provisions of § 230-80 et seq. governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

§ 230-90. Publication of users in significant noncompliance.

The Town shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standard or requirement. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent danger to the public or to the environment or has resulted in the Town's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), including a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

§ 230-91. Severability.

If any provision of this Part 2 is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

ROTTERDAM

CHAPTER 266 VEHICLES AND TRAFFIC

Chapter 266
VEHICLES AND TRAFFIC

GENERAL REFERENCES

Automobile junkyards — See Ch. 173.

Snowmobiles — See Ch. 240.

Noise — See Ch. 188.

Taxicabs — See Ch. 257.

ARTICLE I
General Provisions

§ 266-1. Definitions; interpretation.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.
- B. Interpretation.
- (1) Official time standard. Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.
 - (2) Measurements. Any linear measurements specified for various orders, rules and/or regulations contained in or adopted and/or issued pursuant to this chapter shall be deemed to be approximate, and such measurements, and the order, rule and/or regulation to which they pertain, shall not be affected or altered in any way by the widening of a street, by the construction of curbs, gutters or sidewalks or by any other action which might tend to obliterate the point from which such measurements were originally made. Unless otherwise indicated, measurements shall be made from the nearest curbline of the street(s) referred to in a location description or, if there is no curbline, from the nearest pavement edge.

§ 266-2. Authority to install traffic control devices.

The Department of Public Works shall install and maintain traffic control devices when and as required under the provisions of this chapter to make effective the provisions of this chapter and may install and maintain such additional traffic control devices as the Town Board may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

§ 266-3. Highway markings.

The system of traffic markings upon the New York State highways are hereby made applicable to the Town roads in the Town of Rotterdam. Said markings, when placed upon Town roads, shall have the same meaning and effect as similar markings upon state roads in this town, and violations of such markings upon said Town roads shall be subject to the same penalties as violations of such markings on state roads.

§ 266-4. Penalties for offenses. [Amended 2-22-1995 by L.L. No. 1-1995; 7-9-2003 by L.L. No. 10-2003]

Fines for violations of this chapter shall be assessed according to the following schedule:

Violation	Fine
Abandoned Vehicle	\$50.00
Blocking Traffic	\$25.00
Blocking Driveway	\$25.00
Blocking Fire Hydrant	\$50.00
Handicapped	\$125.00
Interstate Road	\$25.00
No Parking Zone	\$25.00
Snow Emergency	\$50.00
Wrong Direction	\$25.00
Angle Parking	\$25.00
Crosswalk Parking	\$25.00
Fire Department Entrance	\$50.00
Fire Lane	\$50.00
Median Parking	\$25.00
Sidewalk Parking	\$25.00
Traffic Control Device-30 feet	\$25.00
Other	\$25.00

§ 266-5. Repealer.

All prior local laws, ordinances, orders, rules and regulations, or parts of such, of this Town regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance, order, rule and/or regulation hereby repealed prior to the taking effect of this chapter.

§ 266-6. Severability.

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 266-7. When effective.

- A. Except those parts, if any, which are subject to the approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any orders, rules and/or regulations adopted and/or issued hereunder shall take effect as provided by law.

- B. Any part or parts of this chapter and any orders, rules and/or regulations adopted and/or issued hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Department of Transportation.

ARTICLE II
Traffic Regulations

§ 266-8. Traffic control signals.

Traffic control signals shall be installed, maintained and operated at the intersections and locations described in Schedule I (§ 266-41).

§ 266-9. One-way streets.

The streets or parts of streets described in Schedule II (§ 266-42) are hereby designated as one-way streets during the periods indicated, and vehicles shall proceed along those streets or parts of streets only in the direction indicated during the periods indicated.

§ 266-10. Prohibited turns at intersections.

Turns of the kind designated (left, right, all) are prohibited at any of the locations described in Schedule III (§ 266-43).

§ 266-11. U-turns.

The turning of vehicles so as to proceed in the opposite direction (otherwise known as a "U-turn") is hereby prohibited on any of the streets or parts of streets described in Schedule IV (§ 266-44).

§ 266-12. Prohibited turns on red signal.

In accordance with the provisions of § 1111(d)(2) of the Vehicle and Traffic Law, a right turn on a steady red signal is prohibited at the locations designated in Schedule V (§ 266-45).

§ 266-13. Stop intersections.

The intersections described in Schedule VI (§ 266-46) are hereby designated as stop intersections, and stop signs shall be erected as indicated.

§ 266-14. Yield intersections.

The intersections described in Schedule VII (§ 266-47) are hereby designated as yield intersections, and yield signs shall be erected as indicated.

§ 266-15. Speed limits.

The maximum speed at which vehicles may proceed on or along any streets or highways within the Town is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule VIII (§ 266-48) shall be as indicated in said schedule.

§ 266-16. School speed zones.

The speed limit for vehicles proceeding on or along those streets or parts of streets designated as school speed zones, described in Schedule IX (§ 266-49), shall be as indicated in said schedule. The school speed limits shall be effective only during school days between the hours of 7:00 a.m. and 6:00 p.m.

§ 266-17. Exclusion of certain vehicles; route system for certain vehicles.**A. Exclusion of certain vehicles.**

- (1) All vehicles in excess of the indicated maximum gross weights are hereby excluded from the streets and highways, or parts thereof, described in Schedule X (§ 266-50).
- (2) All commercial vehicles in excess of four tons are hereby excluded from the streets and highways or parts thereof described in Schedule XXIII (§ 266-63). **[Added 7-10-2002 by L.L. No. 14-2002]**
- (3) The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property or the operation of picking up and discharging school children on their particular street by school buses along the highways from which such vehicles and combinations are otherwise excluded.

B. Route system for certain vehicles.

- (1) A route system, upon which all vehicles having a total gross weight in excess of eight tons are permitted to travel and operate, shall consist of the highways designated in Schedule XI (§ 266-51A).
- (2) A route system, upon which all vehicles in excess of five tons are permitted to travel and operate, shall consist of the highways designated in Schedule XI (§ 266-51B).

ARTICLE III
Parking, Standing and Stopping

§ 266-18. Applicability.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

§ 266-19. Manner of parking.

- A. Wherever a space shall be marked off on any street for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.
- B. Except where angle parking is authorized, every vehicle stopped, standing or parked upon a highway where there are no adjacent curbs shall be so stopped, standing or parked parallel with the edge of the roadway headed in the direction of lawful traffic.

§ 266-20. No parking at any time.

The parking of vehicles is prohibited at all times in those streets or parts of streets described in Schedule XII (§ 266-52).

§ 266-21. No parking certain hours.

The parking of vehicles is hereby prohibited in the locations described in Schedule XIII (§ 266-53) during the hours indicated.

§ 266-22. Limited time parking.

The parking of vehicles is hereby prohibited in the locations described in Schedule XIV (§ 266-54) for a longer period of time than that designated, during the hours indicated.

§ 266-23. Overnight parking.

Overnight parking (between the hours of 10:00 p.m. and 7:00 a.m.) shall be prohibited in those areas designated in Schedule XV (§ 266-55).

§ 266-24. Standing prohibited.

The standing of vehicles is hereby prohibited in the locations described in Schedule XVI (§ 266-56) during the hours indicated.

§ 266-25. Stopping prohibited.

The stopping of vehicles is hereby prohibited in the locations described in Schedule XVII (§ 266-57) during the hours indicated.

§ 266-25.1. Parking restrictions on certain lots. [Added 12-22-1986 by L.L. No. 26-1986]

Pursuant to Article 41, § 1660-a, of the Vehicle and Traffic Law of the State of New York and written request of MYMAR Associates, owner, the Town Board of the Town of Rotterdam hereby designates the prohibiting, regulating and restraining the stopping, standing or parking of trucks, car carriers, tractors, trailers, tractor/trailers or similar vehicles during the day or night (24 hours) on the entire premises of the former A & P Supermarket Building located at the intersection of Curry Road (Route No. 7) and Hamburg Street (Route No. 146), excluding customers and/or authorized delivery vehicles, and the installation of no-parking or other appropriate signs are hereby authorized for prohibiting, regulating and restraining the stopping, standing or parking of trucks, car carriers, tractors, trailers, tractor/trailers or similar vehicles upon said premises, and the Rotterdam Police Department shall be authorized to enforce this section.

§ 266-26. Angle parking. [Amended 4-27-2016 by L.L. No. 4-2016]

Angled parking of a vehicle upon any of the streets or parts thereof described in Schedule XVIII (§ 266-58) shall only be at the angle designated, only within the painted white stall lines and shall not obstruct the view of motorists.

§ 266-27. Parking of certain vehicles.**A. Off-street parking.**

(1) Pursuant to Article 41, § 1660-a, of the Vehicle and Traffic Law of the State of New York and at the written request of Triester International who is the owner of the Curry Road Shopping Center, the Town Board hereby designates the prohibiting of the parking of tractor-trailers, day or night, on the entire premises of the Curry Road Shopping Center located on Curry Road, excluding customers and authorized vehicles for deliveries at the rear of the center stores. Installation of no-parking or other appropriate signs are hereby authorized for the prohibiting, regulating and restraining of the stopping, standing or parking of tractor-trailers in said shopping center, and the Rotterdam Police Department shall be authorized to enforce this section.

(2) Customers and authorized vehicles for delivery at the rear of the center stores are excluded from complying with this section.

B. Parking of commercial vehicles. [Amended 12-22-1999 by L.L. No. 25-1999]

(1) Legislative intent. The Town Board of the Town of Rotterdam finds that the parking of commercial vehicles weighing in excess of three tons, unladen weight, on the public highways in residential areas

of the Town constitutes a hazard to the use of such highways by vehicular and pedestrian traffic and is inharmonious with the character of the neighborhood and generally is offensive to the aesthetics thereof. The purpose of this subsection is to prohibit such vehicles from parking on public highways, in designated zoning districts, in the interest of safety and welfare.

- (2) Parking prohibited. No person, firm, corporation or other legal entity shall cause, allow, permit or suffer any commercial vehicle (excluding mobile homes) weighing in excess of three tons, unladen weight, registered in their name or operated by them or their agent to be parked in any manner or place upon a public street or in the street right-of-way in an Agricultural, One-Family Residential, Two-Family Residential or Multiple-Family District, except if such vehicle is actively assisting in an emergency, such as a fire or traffic accident, or the vehicle is in the process of being loaded or unloaded.

§ 266-28. Bus stops.

- A. The locations described in Schedule XIX (§ 266-59) are hereby designated as bus stops, and the parking or standing of vehicles other than buses is hereby prohibited in such locations.
- B. The locations described in Schedule XX (§ 266-60) are hereby designated as school bus zones, and the stopping, standing or parking of vehicles other than school buses is hereby prohibited during school hours.

§ 266-29. Taxi stands.

The locations described in Schedule XXI (§ 266-61) are hereby designated as taxi stands, and the standing or parking of vehicles other than taxis is hereby prohibited in such locations. Taxis using such stands shall not be left unattended and shall be subject to all other vehicle and traffic regulations of the town.

§ 266-30. Fire lanes.

The locations described in Schedule XXII (§ 266-62) are hereby designated as fire lanes, and the parking of vehicles is hereby prohibited in such locations.

§ 266-30.1. Restrictions on certain bridges. [Added 9-14-1988 by L.L. No. 8-1988]

- A. Bridge which spans the Poentic Kill [Bridge Number (BIN) 2-20302].
 - (1) Prohibiting the operation of all vehicles weighing in excess of three tons, registered maximum gross weight, on a bridge which spans across the Poentic Kill located on Old Mariaville Road and being the

second bridge located in a northerly direction and approximately 2,500 feet from the southerly intersection of Mariaville Road and Old Mariaville Road as identified by the New York State Department of Transportation as Bridge Number (BIN) 2-20302.

- (2) A one-way single lane zone shall be established upon said bridge, and signs therefor shall be installed regulating vehicular traffic moving in either direction and designating that said traffic shall travel in only one direction at a time.
- (3) Stop zones shall be established and stop signs shall be installed at the northerly and southerly approaches and 20 feet distant from said bridge.
- (4) Emergency vehicles are excluded from complying with this section prohibiting the operation of all vehicles weighing in excess of three tons upon said bridge.
- (5) Signs are hereby authorized to be erected at the approaches and upon said bridge, and said signs shall conform to the Manual of Highway Signs published by the New York State Department of Transportation.

ARTICLE IV
Handicapped Parking

§ 266-31. Statutory authority.

Pursuant to Chapter 838 of the Laws of 1977 of the State of New York,¹ the Town Board of the Town of Rotterdam hereby establishes and adopts guidelines for determining eligibility for handicapped parking permits and establishes a Review Board of Appeals to hear and determine any appeals from the denial, suspension, refusal or revocation for handicapped parking permits issued by or applied for to the Town Clerk of the Town of Rotterdam, previously designated and authorized as the issuing agent for such permits.

§ 266-32. Guidelines established; source.

The guidelines for handicapped parking permits and the Review Board of Appeals to hear and determine appeals upon denial of an application for a permit or upon a suspension or revocation of a permit are as follows and are as prepared by the Office of Advocate for the Disabled of the State of New York.

§ 266-33. Review Board of Appeals.

The Review Board of Appeals is hereby established to provide a due process procedure in the event of a denial, suspension or revocation of a handicapped parking permit, and said Review Board shall consist of the following persons:

- A. The Health Officer of the Town of Rotterdam.
- B. The Chairman of the Health Committee of the Town of Rotterdam.
- C. One other designated person residing in the Town of Rotterdam to be appointed by the Town Board and to serve at the pleasure of the Town Board of the Town of Rotterdam.

§ 266-34. Guidelines enumerated.

Guidelines, notice and application for handicapped parking permits are attached hereto as follows:

- A. Definitions. As used herein, the following terms shall have the meanings indicated:

HANDICAPPED PERSON — For the purpose of § 1203-a of the Vehicle and Traffic Law (Chapter 838 of the Laws of 1977):

- (1) Any person who has any one or more of the following impairments, disabilities or conditions which are permanent in nature:

- (a) Limited or no use of one or both lower limbs.

1. Editor's Note: See Vehicle and Traffic Law § 1203-a.

- (b) A neuromuscular dysfunction which severely limits mobility.
- (c) A pulmonary or cardiovascular condition which limits mobility or severely limits the individual's activities in the open air.
- (2) A person whose physical or mental impairment or condition is other than those specified above but is of such nature as to impose unusual hardships in utilization of public transportation facilities, and such condition is certified by a physician duly licensed to practice medicine in this state as constituting an equal degree of disability (specifying the particular condition) so as to prevent such person from getting around without great difficulty.
- (3) A child with any one or more of the impairments or conditions listed above.

B. Notice; conditions of application.

- (1) There shall be a suspension, revocation or refusal to issue or renew any permit if the issuing agent determines that any applicant or parent or guardian of any applicant:
 - (a) Has made a material false statement in the application.
 - (b) Has used or permitted the use of the permit contrary to conditions set forth in the permit.
 - (c) Has failed to comply with or observe any of the conditions of the application and/or the permit.
- (2) The applicant or parent or guardian of such applicant shall notify the issuing agent of any change of address or disability within 10 days after such change, and the issuing agent shall cancel such permit upon failure to give such notice.
- (3) Upon denial of an application for a permit or upon a suspension or revocation of a permit, the issuing agent shall grant a hearing to an applicant therefor within 10 days after written request is received for such hearing. The applicant may be heard in person or by counsel. The hearing on said objections or charges shall be at such time and place as the issuing agent may designate. Notice requesting such hearing must be filed with the issuing agent no later than 30 days following notification of disapproval, termination or suspension.
- (4) Within 21 days after receipt of a completed application, the applicant will be notified whether the application has been approved or disapproved. If disapproved, a statement setting forth the reasons for disapproval will be provided.
- (5) Applications must be fully completed and properly executed. All questions must be answered and medical certification must

accompany the application. Incomplete applications or failure to attach the medical certification will result in disapproval.

- (6) Applications and other notices shall be mailed or delivered personally to the issuing agent as follows:

Issuing Agent: Town Clerk

Town of Rotterdam Town Hall

1100 Vinewood Avenue

Rotterdam, New York 12306

- C. The application form for handicapped parking permits is on file in the office of the Town Clerk.

§ 266-35. Unauthorized parking. [Added 2-22-1995 by L.L. No. 1-1995; amended 2-26-1997 by L.L. No. 4-1997]

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

ACCESSIBLE ROUTE — A clearly marked path a minimum of 36 inches in width connecting a handicap parking space to an accessible entrance.

HANDICAP PARKING SPACE — A parking space for persons with disabilities clearly marked on pavement and identified with a permanent sign showing the international symbol of accessibility which complies with ANSI A117.1. Dimensions for handicap parking spaces shall be a minimum of 96 inches in width and have an adjacent access aisle a minimum of 60 inches in width. Van-accessible parking spaces shall have an access aisle a minimum of 96 inches in width.

- B. Unauthorized parking prohibited. The parking or standing of a motor vehicle clearly marked for use by the handicapped on any lands and premises in the Town of Rotterdam is prohibited except by a person to whom there has been issued and who holds a valid special parking permit issued pursuant to the State of New York Vehicle and Traffic Law or issued pursuant to the Code of the Town of Rotterdam by the Rotterdam Town Clerk, who is the designated issuing agent for the Town of Rotterdam. The parking or standing of a motor vehicle in any adjoining handicapped access aisle or access route to a handicapped parking space on any lands in the Town of Rotterdam is prohibited by all vehicles, including those vehicles used by a handicapped person to whom a valid special parking permit has been issued by the Rotterdam Town Clerk.
- C. All permanent handicapped parking signs that have been erected on lands located in the Town of Rotterdam pursuant to the requirements of the Americans with Disabilities Act (ADA) signed into law on July 26, 1990, and any amendments hereto, which permanent signs have

been knocked down, removed or destroyed, must, upon written notice by the Town of Rotterdam, be re-erected in their proper place within 10 days from the receipt of said notice by the property owner or lessee responsible for said permanent handicapped signs. Pavement markings delineating handicapped parking spaces and accessible routes as defined above that are missing, illegible, indistinguishable, or not in conformity with the New York State Building Code must, upon written notice from the Town of Rotterdam, be repainted, replaced, or repaired within 30 days from the receipt of said notice. **[Amended 9-10-2003 by L.L. No. 18-2003]**

- D. Penalties for offenses. Any violation of the provisions of § 266-35B, Unauthorized parking prohibited, shall subject such violator to a civil penalty of \$125 for each violation. Any violation of the provisions of § 266-35C (handicapped parking sign) shall subject such violator to a penalty of \$125. **[Amended 9-10-2003 by L.L. No. 18-2003]**
- E. Towing of violating vehicle. In addition to the penalties provided in § 266-35D of this chapter, whenever a motor vehicle is parked or left unattended in a prohibited area as defined in § 266-35A of this chapter, such motor vehicle may be removed and stored by the Town of Rotterdam or any officer, employee or agent thereof. The owner of such motor vehicle shall be liable to the Town of Rotterdam or its officer, employee or agent for the reasonable costs of such removal and storage not exceeding the sum of \$200, payment of which is required prior to the release of such motor vehicle.
- F. Provisions of this article shall be enforced by the Building Inspector Code Enforcement Officer. **[Added 9-10-2003 by L.L. No. 18-2003]**

ARTICLE V

Pedestrian Crossing Zones

§ 266-36. Crossing zones.

Crossing zones shall be established in those areas designated in Schedule XXIV (§ 266-64).

ARTICLE VI
Removal and Storage of Vehicles

§ 266-37. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SNOW EMERGENCY — The time period during or after any three-inch snowfall and prior to the plowing of a street by or at the direction of the Highway Department of the Town of Rotterdam.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

§ 266-38. Impounding of vehicles.

Any vehicle parked or abandoned on any highway within the Town of Rotterdam during a snow storm, flood, fire or other public emergency, or found unattended where it constitutes an obstruction to traffic, or any place where stopping, standing or parking is prohibited, may be removed by the Police Department or by the Town Highway Department.

§ 266-39. Storage and charges.

After removal of any vehicle, as provided in this article, the Police Department or the Town Highway Department, whichever authority may have effectuated said removal, may provide for the storage of such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem same upon payment of all expenses and charges actually and necessarily incurred for such removal and storage.

§ 266-40. Notice of removal.

The Highway Department shall, without delay, report the removal and the disposition of any vehicle removed by the Department as provided in this article, to the Police Department, and it shall be the duty of said Police Department to ascertain to the extent possible the owner or person in charge of any vehicle removed and stored pursuant to this article and to notify said person of the removal and disposition of such vehicle and the amount which will be required to redeem the same.

ARTICLE VII
Schedules

§ 266-41. Schedule I: Traffic Control Signals.

In accordance with the provisions of § 266-8, traffic control signals shall be installed, maintained and operated at the following intersections and locations:

Intersection (Location)

(Reserved)

§ 266-42. Schedule II: One-Way Streets.

In accordance with the provisions of § 266-9, the following described streets or parts of streets are designated as one-way streets in the direction indicated:

Name of Street	Direction	Hours	Limits
Bernard Street [Added 8-13-1997 by L.L. No. 11-1997]	West	—	From North Wescott Road to its inter-section with Bernard Street Extension
Earl Street [Amended 8-27-1980 by L.L. No. 10-1986; 4-27-2016 by L.L. No. 4-2016]	West	—	Vischer Avenue to Draper Avenue
Hamburg Street	North	—	Route 146 to Chrisler Avenue
Hudson Street [Amended 8-10-1988 by L.L. No. 4-1988]	East	—	Cramer Avenue to Draper Avenue
Kent Street [Added 3-24-1999 by L.L. No. 4-1999; repealed 6-9-1999 by L.L. No. 10-1999]			

Name of Street	Direction	Hours	Limits
Laura Street [Added 4-23-2014 by L.L. No. 6-2014]	East	—	To Pauline Avenue
Oak Street	East	Sundays, 7:00 a.m. to 5:00 p.m.	Guilderland Avenue to Floral Avenue
Stanton Street [Amended 8-27-1986 by L.L. No. 16-1986; 4-27-2016 by L.L. No. 4-2016]	East	—	Draper Avenue to Vischer Avenue

§ 266-43. Schedule III: Prohibited Turns at Intersections.

In accordance with the provisions of § 266-10, turns of the kind designated below are prohibited at any of the following locations:

Name of Street	Direction	Prohibited	Hours	Location
Hamburg Street	North	Left	—	Lower level of Hamburg Street and Route 146
Route 146	North	Right	—	Route 146 and lower level of Hamburg Street

§ 266-44. Schedule IV: U-Turns.

In accordance with the provision of § 266-11, U-turns are prohibited at any of the following locations:

Name of Street	Location
	(Reserved)

§ 266-45. Schedule V: Prohibited Turns on Red Signal.

In accordance with the provisions of § 266-12, a right turn at a steady red signal is prohibited at any of the following locations:

Sign Facing Traffic on Direction of Travel	At Intersection of
	(Reserved)

§ 266-46. Schedule VI: Stop Intersections.

In accordance with the provisions of § 266-13, the following described intersections are designated as stop intersections:

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Adams Street*	Both	Bee Street
Alexander Drive	Both	Wollner Lane
Alheim Drive [Added 5-13-1992 by L.L. No. 10-1992]	West	O'Brien Avenue
Alheim Drive* [Amended 3-8-1989 by L.L. No. 3-1989]	Both	Outer Drive
Amsterdam Avenue	Both	Deforest Street
Amsterdam Avenue	Both	Marlette Street
Amsterdam Avenue [Added 5-28-1997 by L.L. No. 9-1997]	Both	Vandervere Street
Angelina Road [Added 10-22-2003 by L.L. No. 19-2003]	Northeast	Peter Road
Angelina Road [Added 5-14-2008 by L.L. No. 5-2008]	West	St. Jude Drive
Angers Avenue [Added 6-8-1988 by L.L. No. 3-1988]	North	Wedgewood Avenue
Arbor Avenue	Both	Tulip Street
Argo Boulevard [Added 5-10-1989 by L.L. No. 11-1989]	West	Clement Road
Arlene Street [Added 12-13-1995 by L.L. No. 6-1995]	West	Roberta Road
Aster Street [Added 1-27-1993 by L.L. No. 2-1993]	East	Fern Avenue
Augustine Avenue [Added 8-26-1992 by L.L. No. 25-1992]	Both	Cleveland Avenue
Augustine Avenue* [Amended 10-14-1998 by L.L. No. 15-1998]	Both	Irene Street
Autumn Run [Added 9-13-1995 by L.L. No. 4-1995]	South	Country Walk Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Autumn Run [Added 10-22-2003 by L.L. No. 19-2003]	Both	Deer Path
Barber Drive [Added 6-27-1990 by L.L. No. 14-1990]	West	Fayette Drive
Barton Avenue* [Amended 5-11-1994 by L.L. No. 6-1994]	Both	Cleveland Avenue
Barton Avenue	Both	Irene Street
Barton Avenue* [Added 9-11-1991 by L.L. No. 13-1991]	Both	Laura Street
Bayberry Road	Both	Merritt Drive
Bayberry Road	Both	Puritan Drive
Bayberry Road [Added 9-13-2000 by L.L. No. 15-2000]	South	Crestwood Drive
Becker's Crossing [Added 9-13-1995 by L.L. No. 4-1995]	North	Country Walk Road
Bee Street*	Both	Adams Street
Bee Street [Added 9-10-1997 by L.L. No. 13-1997]	North	Draper Avenue
Bernard Street*	Both	Paul Avenue
Bernard Street*	Both	Trinity Avenue
Bernard Street [Added 8-9-1989 by L.L. No. 15-1989]	Both	Vincent Avenue
Bernard Street [Added 3-8-1989 by L.L. No. 3-1989]	Both	Vinewood Avenue
Bernard Street [Added 3-8-1989 by L.L. No. 3-1989]	Both	Wallace Street
Bernard Street [Repealed 8-13-1997 by L.L. No. 11-1997]		
Bernard Street	East	Sunrise Boulevard
Bernard Street	West	Wallace Avenue
Bernice Street* [Added 12-8-1993 by L.L. No. 25-1993]	Both	Careleon Road
Bernice Street* [Added 9-13-2000 by L.L. No. 11-2000]	Both	Chepstow Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Bernice Street* [Added 8-12-1992 by L.L. No. 21-1992]	Both	Wavell Road
Bernice Street [Added 2-25-1987 by L.L. No. 2-1987]	South	Clement Road
Bertone Drive [Added 9-10-2008 by L.L. No. 9-2008]	North	Miles Standish Road
Bertone Drive [Added 9-10-2008 by L.L. No. 9-2008]	South	Brentwood Lane
Bill Road	West	Devendorf Road
Bluff Road [Added 11-24-1999 by L.L. No. 19-1999]	Northeast	Valleyview Avenue
Bluff Road	South	Gordon Road
Bonnyview Road	West	Scotch Ridge Road
Brentwood Lane [Added 11-14-1990 by L.L. No. 23-1990]	East	Memory Lane
Bruce Lane [Added 3-11-1992 by L.L. No. 6-1992]	South	Clement Road
Bruce Lane	South	Palazini Drive
Bruce Lane [Added 8-12-1987 by L.L. No. 9-1987]	West	Patton Drive
Bruno Street	East	Broadway
Bryant Avenue	South	Highbridge Road
Burdeck Street	Both	Princetown Road
Burdeck Street	Both	Schermerhorn Road
Burnett Street	North	Princetown Road
Butler Street	Both	Clement Road
Butler Street* [Amended 9-13-1995 by L.L. No. 4-1995]	Both	Peyton Road
Butler Street* [Amended 9-13-1995 by L.L. No. 4-1995]	Both	Wavell Road
Butler Street	North	Wavell Road (westerly intersection)
Cady Avenue	Both	Van Cortland Street
Caldicott Road* [Added 5-23-1990 by L.L. No. 10-1990]	Both	Clement Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Caldicott Road* [Added 7-13-2005 by L.L. No. 14-2005]	Both	Ireland Road
Caldicott Road* [Added 5-11-1994 by L.L. No. 7-1994]	Both	Peyton Road
Caldicott Road	North	Wavell Road
Campbell Road	North	Highbridge Road
Cardiff Road* [Added 4-22-1992 by L.L. No. 7-1992]	Both	Peyton Road
Cardiff Road [Added 2-25-1987 by L.L. No. 2-1987]	North	Clement Road
Careleon Road* [Amended 12-8-1993 by L.L. No. 25-1993]	Both	Bernice Street
Careleon Road [Added 2-28-1990 by L.L. No. 7-1990]	Both	Clement Road
Careleon Road* [Added 2-28-1990 by L.L. No. 7-1990]	Both	Peyton Road
Careleon Road* [Amended 10-11-2000 by L.L. No. 19-2000]	West	Patton Drive
Carlton Street [Added 9-10-2003 by L.L. No. 16-2003]	Both	Fordham Avenue
Caroline Avenue* [Amended 1-28-1988 by L.L. No. 2-1988]	Both	Marengo Street
Caroline Avenue [Added 4-9-2003 by L.L. No. 7-2003]	Northeast	Edgewood Avenue
Caroline Drive [Added 10-9-1991 by L.L. No. 14-1991]	East	Wendy Court
Cassella Road [Added 10-22-2003 by L.L. No. 19-2003]	North	Peter Road
Chapel Street	West	Chrisler Avenue
Chepstow Road* [Amended 9-13-2000 by L.L. No. 11-2000]	Both	Bernice Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Chepstow Road* [Added 5-23-1990 by L.L. No. 10-1990]	Both	Clement Road
Chepstow Road [Added 8-26-1992 by L.L. No. 23-1992]	Both	Peyton Road
Chepstow Road	West	Patton Drive
Cindy Crest Drive [Added 2-27-2013 by L.L. No. 4-2013]	East	Brian Crest Court
Claremont Street* [Added 10-28-1987 by L.L. No. 11-1987]	Both	Mercer Avenue
Clement Road	Both	Bernice Street
Clement Road* [Added 5-28-1986 by L.L. No. 10-1986]	Both	Caldicott Road
Clement Road	Both	Cardiff Road
Clement Road*	Both	Careleon Road
Clement Road*	Both	Chepstow Road
Clement Road	North	Edith Lane
Clement Road [Added 8-26-1992 by L.L. No. 24-1992]	North	Wavell Road
Clement Road	South	Argo Boulevard
Clement Road [Added 2-9-2005 by L.L. No. 3-2005]	Southwest	Bruce Lane
Cleveland Avenue* [Added 5-11-1994 by L.L. No. 6-1994]	Both	Barton Avenue
Cleveland Avenue* [Amended 4-27-1994 by L.L. No. 4-1994]	Both	Van Dyke Avenue
Clyde Avenue	Both	Marengo Street
Clyde Avenue (three-way stop) [Added 4-9-2003 by L.L. No. 7-2003]	Northeast	Edgewood Avenue
Colonial Drive [Added 11-13-2013 by L.L. No. 12-2013]	South	Miles Standish Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Colonial Drive [Added 9-13-2000 by L.L. No. 12-2000]	North	Priscilla Lane
Community Road	East	Highbridge Road
Community Road	West	Devendorf Road
Continental Road	East	Mayflower Drive
Continental Road	East	Merritt Drive
Continental Road	West	Merritt Drive
Continental Road [Added 10-12-2005 by L.L. No. 19-2005]	West	Mullen Drive
Country Brook Court	Both	Route 406 known as "Gifford Church Road"
Country Walk Road [Added 5-13-1992 by L.L. No. 9-1992]	West	Fuez Road
Country Walk Road [Added 10-22-2003 by L.L. No. 19-2003]	North	Autumn Run
Country Walk Road [Added 10-22-2003 by L.L. No. 19-2003]	Both	Deer Path
Cox Avenue	North	Melrose Street
Cramer Avenue	Both	Plunkett Avenue
Cramer Avenue	South	Denver Avenue
Crawford Road	Both	Gregg Road
Crawford Road	Both	Pattersonville Rynex Corners Road
Crestwood Drive	Both	Merritt Drive
Crestwood Drive* [Amended 4-9-2003 by L.L. No. 7-2003]	Both	Puritan Drive
Crestwood Drive [Added 9-13-2000 by L.L. No. 16-2000]	West	Memory Lane
Crystal Avenue [Added 9-13-1995 by L.L. No. 4-1995]	Both	Ferguson Street
Currybush Road	Both	Putnam Road
Dawn Drive [Added 6-26-1991 by L.L. No. 5-1991]	Northeast	Horizon Boulevard

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Day Road [Added 10-22-2003 by L.L. No. 19-2003]	Northeast	Peter Road
Day Spring Court [Added 10-13-2010 by L.L. No. 11-2010]		Puritan Drive and Stacey Crest Drive
Debbie Drive [Added 10-9-1991 by L.L. No. 14-1991]	East	Wendy Court
Debbie Drive [Added 6-26-1991 by L.L. No. 5-1991]	West	Donald Drive
Deer Path [Added 12-8-1993 by L.L. No. 27-1993]	North	Autumn Run
Deer Path [Added 10-13-1993 by L.L. No. 20-1993]	South	Autumn Run
Deer Path [Added 8-25-1993 by L.L. No. 15-1993]	South	Country Walk Road
Deforest Street	Both	Amsterdam Avenue
Deforest Street*	Both	Elizabeth Street
Deforest Street*	Both	Ferguson Street
Deforest Street	Both	Fiero Avenue
Deforest Street	Both	Greenpoint Avenue
Deforest Street*	Both	O'Brien Avenue
Deforest Street	Both	Rensselaer Avenue
Deforest Street*	Both	Stuart Street
Deforest Street* [Amended 11-24-1986 by L.L. No. 23-1986]	Both	Tower Street
Deforest Street [Added 8-12-1987 by L.L. No. 9-1987]	East	Patton Drive
Delaware Avenue	Both	Caroline Avenue
Delaware Avenue	Both	Clyde Avenue
Delaware Avenue [Added 9-14-1988 by L.L. No. 7-1988]	Both	Granville Avenue
Delaware Avenue [Added 11-22-1989 by L.L. No. 19-1989]	Both	Wellington Avenue
Denver Avenue	Both	Plunkett Avenue
Denver Avenue [Added 8-8-1990 by L.L. No. 16-1990]	North	Draper Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Devendorf Road*	Both	Peter Road
Devendorf Road	North	Highbridge Road
Dolan Drive, that portion which runs parallel to the Niagara Mohawk Power Corporation right-of-way	Both	Dolan Drive, that portion which runs northeast and southwest
Donald Drive [Added 6-26-1991 by L.L. No. 5-1991]	Northeast	Debbie Drive
Dorsett Street	North	Norfolk Avenue
Dorsett Street	South	Wedgewood Avenue
Dover Drive [Added 7-24-1991 by L.L. No. 8-1991]	Both	Norfolk Avenue
Dover Drive	East	Suffolk Avenue
Dube Street [Added 4-9-2003 by L.L. No. 7-2003]	West	Outer Drive
Duff Bambury Court [Added 6-26-2013 by L.L. No. 9-2013]	Both	Al Constantino Drive
Earl Street [Repealed 9-24-1986 by L.L. No. 20-1986]		
Earl Street [Added 9-24-1986 by L.L. No. 20-1986; amended 4-27-2016 by L.L. No. 4-2016]	West	Draper Avenue
Echo Drive [Added 10-12-1988 by L.L. No. 10-1988]	West	South Wescott Road
Edgewood Avenue (three-way stop) [Added 4-9-2003 by L.L. No. 7-2003]	Both	Clyde Avenue
Edgewood Avenue* [Amended 9-12-1990 by L.L. No. 17-1990]	Both	Melrose Street
Edgewood Avenue*	Both	Myrtle Avenue
Edgewood Avenue	Both	Summer Street
Edith Lane [Added 5-10-1989 by L.L. No. 11-1989]	East	Clement Road
Edith Lane	North	Patton Drive
Elizabeth Street* [Added 1-24-1990 by L.L. No. 3-1990]	Both	DeForest Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Elizabeth Street	Both	Vandervere Street
Elmlawn Avenue [Added 11-8-1989 by L.L. No. 18-1989]	East	Parklawn Avenue
Evergreen Avenue*	Both	Aster Street
Evergreen Avenue [Added 8-25-1993 by L.L. No. 17-1993]	Both	Lilac Street
Evergreen Avenue	Both	Tulip Street
Evergreen Avenue [Added 7-23-2014 by L.L. No. 8-2014]	Both	Palma Avenue
Evergreen Avenue	South	Pansy Street
Fabian Drive	Both	Garden Street
Fairlane Road [Added 9-10-2008 by L.L. No. 9-2008]	North	Hollywood Avenue
Fayette Drive	West	Fort Hunter Road
Ferguson Street*	Both	Deforest Street
Ferguson Street	Both	Marlette Street
Ferguson Street*	Both	Vandervere Street
Fern Avenue [Added 1-27-1993 by L.L. No. 2-1993]	Both	Aster Street
Fern Avenue*	Both	Palma Avenue
Fern Avenue [Added 8-26-1992 by L.L. No. 26-1992]	Both	Tulip Street
Fern Avenue*	North	Lilac Street
Fern Avenue	South	Pansy Street
Fiero Avenue*	Both	Deforest Street
Fifth Street [Repealed 9-10-1986 by L.L. No. 19-1986]		
Fifth Street* [Added 9-10-1986 by L.L. No. 19-1986; amended 12-8-1993 by L.L. No. 26-1993]	Both	Second Avenue
Fifth Street [Added 9-10-1986 by L.L. No. 19-1986]	North	Fourth Avenue
First Avenue	Both	Fifth Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
First Avenue* [Added 9-10-1986 by L.L. No. 19-1986]	Both	Fourth Street
First Avenue [Added 5-13-1992 by L.L. No. 8-1992]	Both	Second Street
First Avenue* [Added 9-10-1986 by L.L. No. 19-1986]	Both	Third Street
Floral Avenue	Both	Aster Street
Floral Avenue	Both	Lilac Street
Floral Avenue	Both	Oak Street
Floral Avenue	Both	Willow Street
Floral Avenue [Added 9-10-2008 by L.L. No. 9-2008]	South	Miles Standish Road
Flower Road	West	Crane Street
Floyd Street	Both	Palma Avenue
Floyd Street	Both	Paul Avenue
Floyd Street*	Both	Trinity Avenue
Ford Avenue [Added 7-14-2016 by L.L. No. 6-2016]	Both	Melrose Street
Ford Avenue	North	Marengo Street
Ford Avenue* [Added 4-9-2003 by L.L. No. 7-2003]	Northeast	Edgewood Avenue
Ford Avenue	South	Maida Lane
Ford Avenue	South	Princetown Road
Fordham Avenue* [Added 7-22-1992 by L.L. No. 17-1992]	Both	Dodge Street
Fordham Avenue*	Both	Westside Avenue
Fordham Avenue	Both	Woodlawn Street
Ford Street* [Amended 10-6-1986 by L.L. No. 21-1986]	Both	Rotterdam Street
Ford Street	North	Princetown Road
Fourth Avenue [Added 9-10-1986 by L.L. No. 19-1986]	Both	Fourth Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Fourth Avenue [Added 8-12-1992 by L.L. No. 20-1992]	South	Sixth Street
Fourth Street*	Both	First Avenue
Fourth Street [Added 6-11-1997 by L.L. No. 10-1997]	Both	Second Avenue
Fourth Street* [Added 9-10-1986 by L.L. No. 19-1986]	Both	Third Avenue
Fourth Street [Added 2-25-1987 by L.L. No. 2-1987]	North	Fourth Avenue
Franklin Street	Both	Roosevelt Street
Fred Road [Added 10-22-2003 by L.L. No. 19-2003]	Southwest	Peter Road
Garden Street	Both	Fabian Drive
Garden Street [Added 6-23-1993 by L.L. No. 11-1993]	Southeast	Dahlia Street
Gates Drive [Added 5-26-1993 by L.L. No. 10-1993]	East	Gates Drive
George Endries Drive [Added 2-25-1987 by L.L. No. 2-1987]	South	Fourth Avenue
Gladstone Street [Added 10-14-1987 by L.L. No. 10-1987]	East	McKinley Avenue
Glenmist Court [Added 6-26-1991 by L.L. No. 5-1991]	Southwest	Horizon Boulevard
Glenville Street	Both	Kelly Street
Glenville Street* [Added 11-14-2001 by L.L. No. 13-2001]	Both	Turnbull Street
Gordon Road	Both	Putnam Road
Granville Avenue [Added 9-14-1988 by L.L. No. 7-1988]	Both	Marengo Street
Granville Avenue [Added 8-10-1988 by L.L. No. 4-1988]	North	Edgewood Avenue
Granville Avenue [Added 8-10-1988 by L.L. No. 4-1988]	South	Kenmore Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Gray Street* [Added 11-15-1998 by L.L. No. 16-1998]	Both	Thew Street
Greenlawn Avenue [Added 8-9-1989 by L.L. No. 14-1989]	Southwest	Barton Avenue
Greenlawn Avenue [Added 9-26-2012 by L.L. No. 4-2012]	East	Oaklawn Avenue
Greenpoint Avenue*	Both	Deforest Street
Greenpoint Avenue	Both	Marlette Street
Greenpoint Avenue*	Both	Vandervere Street
Gregg Road (Upper)	West	Rynex Comers Road
Groveland Avenue [Added 11-24-1999 by L.L. No. 23-1999]	South and north	Viewland Avenue
Harlem Street	North	Westside Avenue
Harlem Street [Added 9-8-1999 by L.L. No. 12-1999]	Southeast	Consaulus Avenue
Harold Street*	Both	Roosevelt Street
Hendricks Street [Amended 3-8-1989 by L.L. No. 3-1989]	Both	Vischer Avenue
Hendricks Street [Added 9-10-1997 by L.L. No. 13-1997]	South	Draper Avenue
Hewett Street [Added 9-10-2008 by L.L. No. 9-2008]	North	Shirlwood Drive
Highbridge Road	East	Kings Road
Highbridge Road	West	Campbell Road Extension
Highbridge Road	West	East Campbell Road
Horizon Boulevard [Added 2-9-2005 by L.L. No. 3-2005]	Both	Glenmist Court
Horvath Street [Added 2-11-1987 by L.L. No. 1-1987]	East	Inner Drive
Horvath Street [Added 9-26-2007 by L.L. No. 12-2007]	North and south	Inner Drive
Howell Street	Both	Miller Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Howell Street* [Added 7-28-1993 by L.L. No. 13-1993]	Both	Stoodley Place
Hudson Street [Added 9-10-1997 by L.L. No. 13-1997]	North	Draper Avenue
Inner Drive [Amended 3-8-1989 by L.L. No. 3-1989]	West	Outer Drive
Ireland Drive	Both	Caldicott Road
Ireland Road [Added 9-13-1995 by L.L. No. 4-1995]	North	Butler Street
Ireland Road* [Added 7-13-2005 by L.L. No. 14-2005]	Both	Caldicott Road
Irene Street* [Added 10-14-1998 by L.L. No. 15-1998]	Both	Augustine Avenue
Irene Street	Both	Van Dyke Avenue
Irene Street [Added 8-9-1989 by L.L. No. 14-1989]	Northeast	Barton Avenue
Isabella Street [Added 9-8-1999 by L.L. No. 11-1999]	East	Scrafford Lane
Jerry Avenue	East	Campbell Road Extension
Jerry Avenue [Added 7-28-1993 by L.L. No. 14-1993]	Southwest	Eugene Drive
John Alden Lane	East	Helderberg Avenue
Juracka Parkway* [Amended 9-27-2006 by L.L. No. 12-2006]	Both	Miles Standish Road
Juracka Parkway [Added 10-13-1999 by L.L. No. 15-1999]	North	Continental Road
Kelly Street [Added 11-8-1989 by L.L. No. 18-1989]	Both	Glenville Street
Kelly Street*	Both	Rotterdam Street
Kelly Street	North	Princetown Road
Kenmore Avenue	Both	Cox Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Kent Street [Added 11-23-1988 by L.L. No. 11-1988]	East	Adams Street
Kent Street [Repealed 3-24-1999 by L.L. No. 4-1999]		
Kent Street [Added 6-9-1999 by L.L. No. 10-1999]	North	Draper Avenue
Knox Drive	East	Eugene Drive
Laura Street	Both	Augustine Avenue
Laura Street* [Added 9-11-1991 by L.L. No. 13-1991]	Both	Barton Avenue
Laura Street* [Added 6-8-1994 by L.L. No. 10-1994]	Both	Van Dyke Avenue
Lawn Avenue	Both	Aster Street
Lawn Avenue*	Both	Tulip Street
Lawn Avenue	North	Lilac Street
Lawn Avenue	South	Pansy Street
Lawndale Avenue* [Amended 1-10-1996 by L.L. No. 1-1996]	Both	Sunrise Boulevard
Leonard Street	East	Spruce Street
Lilac Street* [Amended 8-25-1993 by L.L. No. 17-1993]	Both	Evergreen Avenue
Lilac Street*	Both	Fern Avenue
Lilac Street*	Both	Remsen Street
Lilac Street [Added 10-11-2000 by L.L. No. 18-2000]	East	Beverly Street
Lilac Street*	West	Palma Avenue
Long Avenue [Added 6-8-1988 by L.L. No. 3-1988]	North	Central Avenue
Long Avenue [Added 8-12-1992 by L.L. No. 22-1992]	South	Shereen Court
Long Meadow Lane [Added 12-8-1993 by L.L. No. 27-1993]	North	Autumn Run
Long Meadow Lane [Added 10-13-1993 by L.L. No. 20-1993]	South	Autumn Run
Lorraine Avenue	North	Wedgewood Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Lucy Road [Added 10-22-2003 by L.L. No. 19-2003]	Northeast	Peter Road
Lucy Road [Added 5-14-2008 by L.L. No. 5-2008]	West	St. Jude Drive
Maida Lane [Added 4-9-2003 by L.L. No. 7-2003]	Northeast	Edgewood Avenue
Mall Exit Road* [Added 10-11-2000 by L.L. No. 19-2000]	East	Patton Drive
Manas Drive [Added 10-12-1988 by L.L. No. 10-1988]	Northwest	Van Wormer Road
Manor Court [Added 9-26-2007 by L.L. No. 13-2007]	East	Garrison Avenue
Marengo Street	Both	Amsterdam Avenue
Marengo Street* [Added 1-28-1988 by L.L. No. 2-1988]	Both	Caroline Avenue
Marengo Street	Both	Elizabeth Street
Marengo Street	Both	Ferguson Street
Marengo Street* [Added 9-14-1988 by L.L. No. 7-1988]	Both	Granville Avenue
Marengo Street	Both	Greenpoint Avenue
Marengo Street*	Both	Myrtle Avenue
Marengo Street	Both	Rensselaer Avenue
Marengo Street	Both	Wellington Avenue
Marengo Street* [Amended 7-8-1992 by L.L. No. 12-1992]	Both	Woodbridge Avenue
Martin Street [Added 8-13-1997 by L.L. No. 12-1997]	South	Roosevelt Street
May Avenue [Added 8-12-1987 by L.L. No. 9-1987]	Both	East Campbell Road
May Avenue [Added 9-10-2003 by L.L. No. 16-2003]	Northwest	McKinley Avenue
Mayflower Drive [Added 5-22-1991 by L.L. No. 3-1991]	Both	Miles Standish Road
Mayflower Drive* [Added 7-8-1992 by L.L. No. 13-1992]	Both	Priscilla Lane

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
McKinley Avenue [Added 6-8-1994 by L.L. No. 11-1994]	North	George Endries Drive
Meghan Boulevard [Added 9-8-2004 by L.L. No. 9-2004]	South	Country Walk Boulevard
Melrose Street	Both	Broadway
Melrose Street	Both	Caroline Avenue
Melrose Street	Both	Clyde Avenue
Melrose Street* [Added 8-10-1988 by L.L. No. 4-1988; amended 9-12-1990 by L.L. No. 17-1990]	Both	Edgewood Avenue
Melrose Street	Both	Granville Avenue
Melrose Street*	Both	Woodbridge Avenue
Melrose Street [Added 7-14-2016 by L.L. No. 6-2016]	West	Ford Avenue
Memory Lane [Added 10-24-2007 by L.L. No. 16-2007]	North	Bertone Drive
Memory Lane [Added 9-13-2000 by L.L. No. 17-2000]	South	Cindy Crest
Mercer Avenue* [Added 10-28-1987 by L.L. No. 11-1987]	Both	Claremont Street
Mercer Avenue	South	Highbridge Road
Merritt Drive [Added 12-13-2000 by L.L. No. 22-2000]	South	Crestwood Drive
Miles Standish Road* [Added 9-27-2006 by L.L. No. 12-2006]	Both	Juracka Parkway
Miles Standish Road	Both	Merritt Drive
Miles Standish Road	Both	Puritan Drive
Miles Standish Road [Added 9-26-2018 by L.L. No. 8-2018]	East	Santa Lane
Miles Standish Road	West	Helderberg Avenue
Miles Standish Road [Added 9-26-2018 by L.L. No. 8-2018]	West	Silversmith Lane

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Miller Avenue* [Amended 10-12-2005 by L.L. No. 20-2005]	Both	Howell Street
Miller Avenue [Added 10-12-2005 by L.L. No. 20-2005]	East	Campbell Road
Miller Avenue [Added 10-10-2007 by L.L. No. 14-2007]	Southeast	Stoodley Place
Mohawk Drive	North	Alexander Drive
Morton Street [Added 9-10-1997 by L.L. No. 13-1997]	South	Draper Avenue
Mt. Stuart Road [Added 3-24-1993 by L.L. No. 6-1993]	Both	Chism Street
Mullen Drive [Added 10-12-2005 by L.L. No. 18-2005]	South	Miles Standish Road
Myrtle Avenue	Both	Delaware Avenue
Myrtle Avenue	Both	Edgewood Avenue
Myrtle Avenue*	Both	Marengo Street
Myrtle Avenue	Both	Melrose Street
Myrtle Avenue	South	Princetown Road
Nahant Street [Added 10-11-2000 by L.L. No. 18-2000]	East	Beverly Street
Netherlands Boulevard [Added 2-26-1992 by L.L. No. 4-1992]	East	Helderberg Avenue
Nicky Drive [Added 9-13-1995 by L.L. No. 4-1995]	West	Fordham Avenue
Norfolk Avenue	Both	Dover Drive
North Crest Court [Added 10-22-2003 by L.L. No. 20-2003]	South	Vista Boulevard
Notre Dame Street [Added 3-22-1989 by L.L. No. 5-1989]	Both	Westside Avenue
Oakdale Avenue [Added 5-13-1998 by L.L. No. 6-1998]	North	Lawndale Avenue
Oaklawn Avenue*	Both	Roselawn Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
O'Brien Avenue* [Added 10-12-1988 by L.L. No. 10-1988]	Both	Deforest Street
O'Brien Avenue [Added 10-28-1987 by L.L. No. 11-1987]	East	Rabbetoy Street
Old Duanesburg Road	East	Burdeck Street
Old Fort Avenue [Added 10-6-1986 by L.L. No. 22-1986]	—	Kellar Avenue
Old Mariaville Road	Both	North Thompson Street
Old Mariaville Road [Added 3-26-1986 by L.L. No. 5-1986]	Both	Putnam Road
Outer Drive* [Added 3-8-1989 by L.L. No. 3-1989]	Both	Alheim Drive
Outer Drive	North	Deforest Street
Owen Road [Added 6-27-1990 by L.L. No. 14-1990]	West	Fayette Drive
Owen Road	West	Fort Hunter Road
Palazini Drive [Added 11-13-2002 by L.L. No. 19-2002]	West	Spry Lane
Palma Avenue [Added 5-11-1994 by L.L. No. 8-1994]	North	Bernard Street
Palma Avenue*	South	Fern Avenue, Remsen Street, Lilac Street
Palm Avenue [Added 4-26-1989 by L.L. No. 7-1989]	Both	Tulip Street
Palmer Avenue	South	Highbridge Road
Pansy Street	Both	Lawn Avenue
Parker Street [Added 5-14-1986 by L.L. No. 7-1986]	Both	Fordham Avenue
Parklawn Avenue* [Added 11-8-1989 by L.L. No. 18-1989]	Both	Roselawn Avenue
Patricia Lane [Added 9-13-1995 by L.L. No. 4-1995]	North	Argo Boulevard

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Patton Drive* [Added 10-11-2000 by L.L. No. 19-2000]	Both	Careleon Road and Mall Exit Road
Patton Drive	Both	Deforest Street
Paul Avenue*	Both	Bernard Street
Paul Avenue	Both	Floyd Street
Paul Avenue* [Added 10-22-2003 by L.L. No. 19-2003]	Both	Scott Street
Paul Avenue	South	Remsen Street
Pauline Avenue [Added 5-11-1994 by L.L. No. 6-1994]	Both	Cleveland Avenue
Pauline Avenue	Both	Irene Street
Pauline Avenue	Both	Laura Street
Peter Road*	Both	Devendorf Road
Peter Road	East	Highbridge Road
Peter Road	West	Kings Road
Peyton Road* [Added 7-28-1993 by L.L. No. 12-1993; amended 5-11-1994 by L.L. No. 7-1994]	Both	Caldicott Road
Peyton Road* [Amended 3-8-1989 by L.L. No. 3-1989]	Both	Cardiff Road
Peyton Road* [Added 2-28-1990 by L.L. No. 7-1990]	Both	Careleon Road
Peyton Road [Added 11-14-1990 by L.L. No. 22-1990]	Both	Chepstow Road
Peyton Road* [Added 9-13-1995 by L.L. No. 4-1995]	North	Butler Street
Phillips Road	South	Princetown Road
Pinelawn Avenue [Amended 3-8-1989 by L.L. No. 3-1989]	South	Roselawn Avenue
Plunkett Avenue	Both	Cramer Avenue
Plunkett Avenue	North	Draper Avenue
Polsin Drive* [Added 12-13-2000 by L.L. No. 21-2000]	Both	Sherman Street
Polsin Drive	South	Highbridge Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Princetown Road	Both	Burdeck Street
Princetown Road	East	Thompson Street
Princetown Road	West	Putnam Road
Priscilla Lane	Both	Juracka Parkway
Priscilla Lane* [Amended 7-8-1992 by L.L. No. 13-1992]	Both	Mayflower Drive
Priscilla Lane	Both	Puritan Drive
Priscilla Lane [Amended 3-8-1989 by L.L. No. 3-1989]	West	Helderberg Avenue
Priscilla Lane [Added 11-24-1999 by L.L. No. 21-1999]	West	Merritt Drive
Puritan Drive* [Added 4-9-2003 by L.L. No. 7-2003]	Both	Crestwood Drive
Puritan Drive* [Added 9-8-1993 by L.L. No. 19-1993]	Both	Miles Standish Road
Puritan Drive [Amended 3-8-1989 by L.L. No. 3-1989]	South	Continental Road
Putnam Road	East	Campbell Road
Rabbetoy Street	Both	Amsterdam Avenue
Rabbetoy Street	Both	Fiero Avenue
Rabbetoy Street	Both	Rensselaer Avenue
Rabbetoy Street [Added 3-8-1989 by L.L. No. 4-1989]	East	Greenpoint Avenue
Rabbetoy Street	West	O'Brien Avenue
Remsen Street*	East	Fern Avenue, Palma Avenue and Lilac Street
Remsen Street	West	North Westcott Road
Rensselaer Avenue [Added 12-27-1989 by L.L. No. 22-1989]	Both	Deforest Street
Rensselaer Avenue	Both	Marlette Street
Revere Street [Added 10-11-2000 by L.L. No. 18-2000]	East	Beverly Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Riggi Avenue* [Added 7-28-1993 by L.L. No. 13-1993]	Both	Stoodley Place
Risoli Lane	North	Mary Lane
Roadway behind Tops Diner [Added 12-8-1993 by L.L. No. 28-1993]	East	Wallace Avenue
Roberta Road [Added 9-13-1995 by L.L. No. 4-1995]	North	Argo Boulevard
Roberta Road	West	Outer Drive
Robinwood Avenue [Added 10-24-1990 by L.L. No. 20-1990]	Both	Wildwood Avenue
Rocco Street [Added 12-23-1987 by L.L. No. 14-1987]	North	Alheim Drive
Roosevelt Street*	Both	Harold Street
Roosevelt Street*	Both	Taylor Street
Roosevelt Street	East	Franklin Street
Roselawn Avenue*	Both	Oaklawn Avenue
Roselawn Avenue*	Both	Parklawn Avenue
Roselawn Avenue*	Both	Westside Avenue
Roselawn Avenue	East	Cedarlawn Avenue
Rotterdam Street* [Added 10-6-1986 by L.L. No. 21-1986]	Both	Ford Street
Rotterdam Street* [Added 11-8-1989 by L.L. No. 18-1989]	Both	Kelly Street
Rotterdam Street* [Added 4-11-1990 by L.L. No. 8-1990]	Both	Turnbull Street
Rotterdam Street [Added 10-14-1987 by L.L. No. 10-1987]	East	Burnett Street
St. Anna Drive [Added 5-14-2008 by L.L. No. 5-2008]	West	St. Jude Drive
St. Lucille Lane [Added 9-13-2000 by L.L. No. 13-2000]	Southwest	Kirvin Lane

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Santa Lane [Added 9-10-2008 by L.L. No. 9-2008; and 9-13-2017 by L.L. No. 2-2017]	North	Miles Standish Road
Santa Lane	South	Merritt Drive
Schermerhorn Road	Both	Putnam Road
Schermerhorn Road	South	Campbell Road
Scott Street	Both	Palma Avenue
Scott Street* [Amended 10-22-2003 by L.L. No. 19-2003]	Both	Paul Avenue
Scott Street	Both	Trinity Avenue
Scott Street	West	North Westcott Road
Sean Drive [Added 1-27-1993 by L.L. No. 3-1993]	North	Tower Avenue
Second Avenue [Added 12-8-1993 by L.L. No. 26-1993]	Both	Fifth Street
Second Avenue [Added 7-24-1991 by L.L. No. 7-1991]	Both	Third Street
Second Avenue [Added 6-11-1997 by L.L. No. 10-1997]	South	Fourth Street
Second Street [Added 9-10-1986 by L.L. No. 19-1986]	Both	First Avenue
Serafini Drive	Both	Anthony Drive
Serafini Drive	East	Forth Hunter Road
Shardon Court [Added 11-24-1999 by L.L. No. 20-1999]	Northeast	Country Walk Road
Shelly Court [Added 6-26-1991 by L.L. No. 5-1991]	Southwest	Debbie Drive
Sherman Street [Added 2-12-1992 by L.L. No. 3-1992]	Both	Mercer Avenue
Sherman Street* [Added 12-13-2000 by L.L. No. 21-2000]	Both	Polsin Drive
Sherman Street	South	Highbridge Road

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Sherwood Road	North	Highbridge Road
Sherwood Road	South	Community Road
Shirlwood Drive	Both	Memory Lane
Shirlwood Drive [Added 12-13-2000 by L.L. No. 22-2000; amended 9-10-2008 by L.L. No. 9-2008]	East	Merritt Drive
Silversmith Lane [Added 9-10-2008 by L.L. No. 9-2008]	North	Continental Road
Silversmith Lane [Added 9-10-2008 by L.L. No. 9-2008]	South	Miles Standish Road
Simone Road	West	Schermerhorn Road
Sixth Street [Added 8-12-1992 by L.L. No. 19-1992]	Both	Third Avenue
Sixth Street [Added 8-12-1992 by L.L. No. 19-1992]	East	Fourth Avenue
Sixth Street [Added 9-10-1986 by L.L. No. 19-1986]	South	Campbell Road
Spring Blossom Lane [Added 8-25-1993 by L.L. No. 16-1993]	West	Deer Path
Springdale Way [Added 6-26-1991 by L.L. No. 5-1991]	Southwest	Horizon Boulevard
Springdale Way [Added 10-22-2003 by L.L. No. 20-2003]	North	Vista Boulevard
Spry Lane	Both	Patton Drive
Spry Lane	South	Outer Drive
Stacey Crest [Added 9-13-2000 by L.L. No. 14-2000]	South	Cindy Crest
Stank Road	East	Dunnsville Road
Stanton Street [Added 9-24-1986 by L.L. No. 20-1986; 4-27-2016 by L.L. No. 4-2016]	East	Vischer Avenue
Stanton Street [Repealed 9-24-1986 by L.L. No. 20-1986]		

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Stoodley Place* [Amended 7-28-1993 by L.L. No. 13-1993]	Both	Riggi Avenue and Howell Street
Stoodley Place	South	Jerry Street
Stuart Street* [Added 1-24-1990 by L.L. No. 3-1990]	Both	Deforest Street
Summer Street [Added 4-9-2003 by L.L. No. 7-2003]	West	Woodbridge Avenue
Sunrise Boulevard* [Added 1-10-1996 by L.L. No. 1-1996]	Both	Lawndale Avenue
Sunrise Boulevard*	Both	Vinewood Avenue
Swampscott Street	Both	Willow Street
Taylor Street*	Both	Roosevelt Street
Theodore Road [Added 10-22-2003 by L.L. No. 19-2003]	Northeast	Peter Road
Thew Street* [Added 9-9-1998 by L.L. No. 13-1998; amended 11-15-1998 by L.L. No. 16-1998]	Both	Gray Street/Barton Avenue
Third Avenue [Added 9-10-1986 by L.L. No. 19-1986]	Both	Fifth Street
Third Avenue* [Added 9-10-1986 by L.L. No. 19-1986]	Both	Fourth Street
Third Avenue [Added 11-27-1991 by L.L. No. 16-1991]	Both	Second Avenue
Third Avenue	South	Sixth Street
Third Street* [Added 9-10-1986 by L.L. No. 19-1986]	Both	First Avenue
Tony Drive (both ends) [Added 9-8-2004 by L.L. No. 9-2004]	East	Meghan Boulevard
Tower Street [Added 11-24-1986 by L.L. No. 23-1986]	Both	Deforest Street
Tower Street	Both	VanderVere Street
Trinity Avenue*	Both	Bernard Street
Trinity Avenue*	Both	Floyd Street

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Trinity Avenue	South	Remsen Street
Trinity Avenue [Added 4-11-2018 by L.L. No. 5-2018]	Both	Scott Street
Tulip Street*	Both	Lawn Avenue
Tulip Street	West	Fern Avenue
Turnbull Street*	Both	Glenville Street
Turnbull Street* [Added 4-11-1990 by L.L. No. 8-1990]	Both	Rotterdam Street
Turnbull Street	North	Princetown Road
Tuscany Manor [Added 4-23-2014 by L.L. No. 7-2014]	Both	Al Constantino Drive
Valentine Drive	West	Fort Hunter Road
Valleyview Avenue	West	Gordon Road
Van Cortland Street [Added 11-27-2002 by L.L. No. 21-2002]	Both	Cady Avenue
VanderVere Street [Added 11-27-1991 by L.L. No. 17-1991; repealed 5-28-1997 by L.L. No. 9-1997]		
VanderVere Street*	Both	Ferguson Street
VanderVere Street* [Added 10-24-2012 by L.L. No. 7-2012]	Both	Greenpoint Avenue
VanderVere Street [Added 11-27-1991 by L.L. No. 17-1991]	Both	Rensselaer Avenue
VanderVere Street* [Added 12-23-1987 by L.L. No. 13-1987]	Both	Tower Street
VanderVere Street [Added 11-27-1991 by L.L. No. 17-1991]	West	Fiero Avenue
Van Dyke Avenue [Amended 4-27-1994 by L.L. No. 4-1994]	Both	Cleveland Avenue
Van Dyke Avenue* [Amended 5-11-1994 by L.L. No. 6-1994]	Both	Laura Street
Viewland Avenue [Added 7-11-2001 by L.L. No. 7-2001]	East	Valleyview Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Viewland Avenue	West	Gordon Road
Viewpointe Drive [Added 6-26-1991 by L.L. No. 5-1991]	South	Horizon Boulevard
Vinewood Avenue* [Added 9-12-2001 by L.L. No. 11-2001]	Both	Sunrise Boulevard
Vista Boulevard [Added 10-22-2003 by L.L. No. 20-2003]	West	Dunnsville Road
Vista Boulevard [Added 2-25-1998 by L.L. No. 3-1998]	Southeast	Viewpointe Drive
Wagner Street	North	Van Cortland Street
Wagner Street	South	Chapel Street
Wagner Street	West	Hudson Street
Walnut Avenue	Both	Aster Street
Walnut Avenue	Both	Lilac Street
Walnut Avenue	Both	Willow Street
Wavell Road* [Added 9-13-1995 by L.L. No. 4-1995]	South	Butler Street
Wavell Road	West	Patton Drive
Wedgewood Avenue	Both	Best Avenue
Wedgewood Heights [Added 3-22-1989 by L.L. No. 5-1989]	Both	Westside Avenue
Wellington Avenue [Added 11-25-1987 by L.L. No. 12-1987]	Both	Delaware Avenue
Wellington Avenue	Both	Melrose Street
Wemple Lane	North	Dunnsville Road
Wendy Court [Added 5-10-1989 by L.L. No. 10-1989]	East	Gates Drive
West Hill (entrance road)	South	Putnam Road
Westside Avenue*	Both	Fordham Avenue
Westside Avenue* [Added 11-8-1989 by L.L. No. 18-1989]	Both	Roselawn Avenue
White Birch Court [Added 2-11-1987 by L.L. No. 1-1987]	West	Helderberg Avenue

Stop Sign on	Direction of Travel	At Intersection of
*Four-way stop		
Wildwood Avenue	South	Robinwood Avenue
William Street	South	East Campbell Road
Willow Street [Added 10-11-2000 by L.L. No. 18-2000]	East	Beverly Street
Wollner Lane	South	Alexander Drive
Woodbridge Avenue* [Added 7-8-1992 by L.L. No. 12-1992]	Both	Marengo Street
Woodbridge Avenue* [Added 11-27-1991 by L.L. No. 15-1991]	Both	Melrose Street
Woodlawn Street [Added 8-26-1992 by L.L. No. 27-1992]	Both	Fordham Avenue

§ 266-47. Schedule VII: Yield Intersections.

In accordance with the provisions of § 266-14, the following described intersections are designated as yield intersections:

Yield Sign on	Direction of Travel	At Intersection of
Alexander Drive [Added 5-22-1991 by L.L. No. 3-1991]	Both	Riverview Drive
Arlene Street [Repealed 12-13-1995 by L.L. No. 6-1995]		
Barber Drive [Repealed 6-27-1990 by L.L. No. 14-1990]		
Benjamin Place	Both	Antonia Drive
Bluff Road [Repealed 11-24-1999 by L.L. No. 19-1999]		
Claremont Avenue	Both	Mercer Avenue
Clement Road [Repealed 5-28-1986 by L.L. No. 10-1986]		

Yield Sign on	Direction of Travel	At Intersection of
Continental Road [Repealed 10-12-2005 by L.L. No. 19-2005]		
Delaware Avenue [Repealed 9-14-1988 by L.L. No. 7-1988]		
Dudley Road	North	Devendorf Road
Eugene Drive [Added 3-25-1987 by L.L. No. 3-1987]	North	Campbell Road
Eugene Drive	North	Stoodley Place
Evergreen Avenue [Repealed 7-23-2014 by L.L. No. 8-2014]		
Fifth Street [Repealed 9-10-1986 by L.L. No. 19-1986]		
First Avenue [Repealed 9-10-1986 by L.L. No. 19-1986]		
Fourth Street [Repealed 9-10-1986 by L.L. No. 19-1986]		
Gina-Marie Court [Added 10-14-1987 by L.L. No. 10-1987]	South	George Endries
Jenie Court [Added 6-26-1991 by L.L. No. 5-1991]	Northeast	Donald Drive
Jerry Avenue [Repealed 7-28-1993 by L.L. No. 14-1993]		
Kenmore Avenue	West	Wellington Avenue
Lilac Street	East	Beverly Street
Lilac Street	East	Rosewood Avenue
Manas Drive [Repealed 10-12-1988 by L.L. No. 10-1988]		
Marie Lane [Added 12-23-1987 by L.L. No. 14-1987]	North	Alheim Drive

Yield Sign on	Direction of Travel	At Intersection of
Marie Lane [Added 12-23-1987 by L.L. No. 14-1987]	South	Palazini Drive
Marlette Street	East	Fiero Avenue
May Avenue [Added 10-14-1987 by L.L. No. 10-1987; repealed 9-10-2003 by L.L. No. 16-2003]		
McKinley Avenue [Added 10-14-1987 by L.L. No. 10-1997; repealed 6-8-1994 by L.L. No. 11-1994]		
Melrose Street [Repealed 7-14-2016 by L.L. No. 6-2016]		
Mullen Drive [Repealed 10-12-2005 by L.L. No. 18-2005]		
Old Mariaville Road [Repealed 3-26-1986 by L.L. No. 5-1986]		
Owen Road [Repealed 6-27-1990 by L.L. No. 14-1990]		
Palmer Avenue	North	Polsin Drive
Peyton Road	Both	Caldicott Road
Peyton Road [Repealed 2-28-1990 by L.L. No. 7-1990]		
Peyton Road [Repealed 11-14-1990 by L.L. No. 22-1990]		
Rabbetoy Street [Repealed 3-8-1989 by L.L. No. 4-1989]		
Riggi Avenue	South	Eugene Drive
Rocco Street [Added 12-23-1987 by L.L. No. 14-1987]	South	Inner Drive

Yield Sign on	Direction of Travel	At Intersection of
Rotterdam Street [Repealed 4-11-1990 by L.L. No. 8-1990]		
Second Street [Repealed 9-10-1986 by L.L. No. 19-1986]		
Sherman Street [Repealed 2-12-1992 by L.L. No. 3-1992]		
Sherman Street [Repealed 12-13-2000 by L.L. No. 21-2000]		
Sterling Road	East	South Westcott Road
Summer Street [Repealed 4-9-2003 by L.L. No. 7-2003]		
Swampscott Street	Both	Lilac Street
Swampscott Street	North	Beverly Street
Timmy Court [Added 6-26-1991 by L.L. No. 5-1991]	West	Donald Drive
Tollgate Lane [Added 8-12-1992 by L.L. No. 18-1992]	North	Manas Drive
Van Cortland Street [Added 9-13-2000 by L.L. No. 10-2000]	West	—
Vandervere Street [Repealed 11-27-1991 by L.L. No. 17-1991]		
Wellington Avenue [Repealed 11-25-1987 by L.L. No. 12-1987]		
Wellington Avenue [Added 5-22-1991 by L.L. No. 3-1991]	Both	Edgewood Avenue
Westside Avenue	West	Oaklawn Avenue

§ 266-48. Schedule VIII: Speed Limits.

In accordance with the provisions of § 266-15, speed limits are established and indicated upon the following streets or parts of streets:

Speed Limit

Name of Street	(mph)	Location
Alheim Drive [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Broadway	35	From Schenectady City line to Route No. 7 known as "Curry Road"
Burdeck Street	35	From Mariaville Road to Duanesburg Road
Burdeck Street	35	From Mariaville Road to Schermerhorn Road
Campbell Road	40	From its westerly intersection with Route 5-S to its termination at the point of intersection with Schermerhorn Road
Crawford Road	40	From the Town boundary line to Route 5-S
Chrisler Avenue	40	At the base of ramp leading into Interstate Highway 890
Currybush Road	40	From the Town boundary to Mariaville Road
Dube Street [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Getz Road [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Helderberg Avenue [Amended 6-10-1987 by L.L. No. 6-1987]	30	From the northerly boundary of the Thruway bridge to Countyline Road
Helderberg Avenue [Amended 6-10-1987 by L.L. No. 6-1987]	30	From the Schenectady City line to Route 7 known as "Curry Road"
Horvath Street [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Howe Avenue	25	From Denver Avenue to Broadway
Inner Drive [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Kellar Avenue	35	From Duanesburg Road to Old Mariaville Road

Speed Limit

Name of Street	(mph)	Location
Marie Lane [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Outer Drive [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Palazini Drive [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Pangburn Road	40	From the Town boundary line to Currybush Road
Princetown Road	35	From Thompson Street to Putnam Road
Putnam Road [Added 3-26-1986 by L.L. No. 5-1986]	35	From Route 159 south-westerly along Upper Putnam Road to its intersection with Route 159 at Rynex Corners Road
Putnam Road	35	From West Campbell Road to Route 159
Roberta Road [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Rocco Street [Added 2-11-1987 by L.L. No. 1-1987]	25	Entire length
Schermerhorn Road	40	From the point of termination of Campbell Road to the D & H Railroad Spur highway crossing
Scotch Ridge Road	40	From the Town boundary line to Pangburn Road
Thompson Street	35	From the D & H Railroad tracks to the intersection of Burdeck Street
Watt Street	30	From Henry Street to 500 feet beyond the intersection of Wallard Avenue

§ 266-49. Schedule IX: School Speed Zones.

In accordance with the provisions of § 266-16, speed limits are established as indicated upon the following streets or parts of streets designated as school speed zones:

Name of Street	Speed Limit (mph)	Location
Draper Avenue [Repealed 4-27-2016 by L.L. No. 4-2016]		
Earl Street [Repealed 4-27-2016 by L.L. No. 4-2016]		
Ford Avenue	15	For a distance of 300 feet both sides north and south within school boundaries
Hamburg Street	15	From William Street to Stoodley Place
Helderberg Avenue [Added 2-14-2018 by L.L. No. 2-2018]	20	From a point located 150 feet north of the intersection of Helderberg Avenue and Crestwood Drive, to a point located 300 feet south of the intersection of Helderberg Avenue and Warrior Way
Howell Street	15	For a distance of 300 feet on Howell Street in both directions from Miller Avenue
Miller Avenue	15	Entire length from Stoodley Place to H.L. Bradt School
Stanton Street [Repealed 4-27-2016 by L.L. No. 4-2016]		
Stoodley Place	15	From Eugene Drive to approximately 300 feet north of Miller Avenue
Vischer Avenue [Repealed 4-27-2016 by L.L. No. 4-2016]		

§ 266-50. Schedule X: Exclusion of Certain Vehicles.

In accordance with the provisions of § 266-17, all vehicles in excess of the indicated maximum gross weights are hereby excluded from the following:

Name of Street	Maximum Weight (tons)	Location
Amsterdam Avenue [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Argo Boulevard [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Arlene Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Bayberry Road	8	Entire length
Bernice Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Butler Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Cady Avenue [Added 6-14-1989 by L.L. No. 13-1989]	8	From its terminus to a point 225 feet north of Chrisler Avenue
Caldicott Road [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Campbell Road Extension	8	From Highbridge Road south to its terminus
Cardiff Road [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Careleon Road [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Caroline Avenue	8	Entire length
Chapel Street [Added 6-14-1989 by L.L. No. 13-1989]	8	From Hamburg Street to a point 270 feet north of Chrisler Avenue
Chepstow Road [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Cox Avenue	8	Entire length
Crestwood Drive	8	Entire length

Name of Street	Maximum Weight (tons)	Location
Crystal Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
DeForest Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Devendorf Road	8	Entire length
Dolan Drive	8	Entire length
Draper Avenue	8	Entire length
East Campbell Road	8	Entire length
Edgewood Avenue	8	Entire length
Elizabeth Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Ferguson Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Fiero Avenue [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
First Avenue	8	Entire length
Ford Avenue	8	Entire length
Franklin Street ² [Amended 2-26-1997 by L.L. No. 3-1997; 12-19-2001 by L.L. No. 17-2001]	2	Entire length
Greenpoint Avenue [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Harold Street ³ [Amended 2-26-1997 by L.L. No. 3-1997; 12-19-2001 by L.L. No. 17-2001]	2	Entire length
Highbridge Road	8	Entire length
Hollywood Avenue	8	Entire length

2. Editor's Note: According to L.L. No. 17-2001, school buses and service vehicles for the purpose of local residential pickup and delivery are excluded from this restriction

3. Editor's Note: According to L.L. No. 17-2001, school buses and service vehicles for the purpose of local residential pickup and delivery are excluded from this restriction.

Name of Street	Maximum Weight (tons)	Location
Houlton Avenue	5	Entire length
Howell Street	8	Entire length
Hudson Street [Added 6-14-1989 by L.L. No. 13-1989]	8	From its terminus to a point 200 feet north of Chrisler Avenue
Keator Drive	8	Entire length
Kings Road	8	Entire length
Knox Drive	8	Entire length
Lawndale Avenue [Added 7-10-1991 by L.L. No. 6-1991]	8	From the intersection of Sunrise Boulevard to the point of intersection with the B-1 Retail Business District, approximately 150 feet west of Guilderland Avenue
Leonard Street [Added 7-23-1986 by L.L. No. 15-1986]	4	Entire length
Marion Avenue	4	From Chrisler Avenue to the city line
Marlette Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Martin Street [Added 2-26-1997 by L.L. No. 3-1997]	5	Entire length
Mary Lane	6	From Burdeck Street through its terminus at a cul-de-sac or turnaround in Glen Mary Manor
May Avenue	5	Between East Campbell Road and Hamburg Street
Melrose Street	8	Entire length
Miles Standish Road	8	Between Merritt Drive and Guilderland Avenue
Miles Standish Road	8	Between Merritt Drive and Helderburg Avenue
Myrtle Avenue	8	Entire length

Name of Street	Maximum Weight (tons)	Location
Oakdale Avenue [Added 7-10-1991 by L.L. No. 6-1991]	8	From the intersection of Lawndale Avenue to the intersection of Vinewood Avenue
O'Brien Avenue [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Old Mariaville Road	10	From Putnam Road east to Mariaville Road
Palm Avenue [Added 9-10-1986 by L.L. No. 18-1986]	4	From Tulip Street to the dead end of Palm Avenue
Patton Drive [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Paul Avenue	8	Entire length
Peter Road	8	Entire length
Phillip Street	8	Entire length
Princetown Road [Added 5-9-1990 by L.L. No. 9-1990]	6	From Phillips Road to Putnam Road
Priscilla Lane	8	Entire length
Putnam Road	6	From West Campbell Road to Mariaville Road
Rensselaer Avenue [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Risoli Lane	6	From Duanesburg Road to Mary Lane
Robinwood Avenue	8	From Rt. 7, Curry Road, south to dead end
Roselawn Avenue/Laura Street	8	From Guilderland Avenue to Cedarlawn Avenue
Schermerhorn Road	4	Entire length
Spruce Street [Added 7-23-1986 by L.L. No. 15-1986]	4	Entire length
Sterling Road	6	Entire length
Stoodley Place	8	Entire length

Name of Street	Maximum Weight (tons)	Location
Stuart Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Summer Street	8	Entire length
Sunrise Boulevard [Added 4-26-1989 by L.L. No. 8-1989]	8	Entire length
Taylor Street ⁴ [Amended 2-26-1997 by L.L. No. 3-1997; 12-19-2001 by L.L. No. 17-2001]	2	Entire length
Tower Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	From Altamont Avenue to Marlette Street
Trinity Avenue	8	Entire length
Vandervere Street [Amended 10-23-2002 by L.L. No. 16-2002]	4	Entire length
Vincent Avenue	8	Entire length
Vinewood Avenue [Added 7-10-1991 by L.L. No. 6-1991]	8	From the intersection of Sunrise Boulevard to the by point of intersection with the B-1 Retail Business District, approximately 150 feet west of Guilderland Avenue
Wagner Street [Added 6-14-1989 by L.L. No. 13-1989]	8	From Chapel Street to Cady Avenue
Wallace Avenue	8	Entire length
Wellington Avenue	8	Entire length
Westside Avenue	8	From Oaklawn Avenue to Helderberg Avenue
Williams Street ⁵ [Amended 2-26-1997 by L.L. No. 3-1997; 12-19-2001 by L.L. No. 17-2001]	2	From Duanesburg Road to Mariaville Road

4. Editor's Note: According to L.L. No. 17-2001, school buses and service vehicles for the purpose of local residential pickup and delivery are excluded from this restriction.

5. Editor's Note: According to L.L. No. 17-2001, school buses and service vehicles for the purpose of local residential pickup and delivery are excluded from this restriction.

Name of Street	Maximum Weight	Location
William Street (Carmen)	5	Entire length

§ 266-51. Schedule XI: Route System for Certain Vehicles.

- A. In accordance with the provisions of § 266-17B(1), vehicles having a total gross weight in excess of eight tons are permitted to travel and operate upon the following highways:

Name of Highway

Altamont Avenue
 Broadway
 Chapel Street
 Chrisler Avenue
 Hamburg Street
 Mariaville Road
 Princetown Road
 Thompson Street
 Westcott Road

- B. In accordance with the provisions of § 266-17B(2), vehicles having a total gross weight in excess of five tons are permitted to travel and operate upon the following highways:

Name of Highway

Campbell Road (Carmen)
 Hamburg Street

§ 266-52. Schedule XII: No Parking at Any Time.

In accordance with the provisions of § 266-20, no person shall park a vehicle at any time upon the following streets or parts of streets:

Name of Street	Side	Location
Adams Street	Northeast	From Bee Street to the dead end
Augustine Avenue [Added 5-27-1987 by L.L. No. 5-1987]	East	For a distance of approximately 15 feet northerly from Curry Road
Augustine Avenue [Added 5-27-1987 by L.L. No. 5-1987]	West	From the rear driveway of Curry Freeze property to Curry Road

Name of Street	Side	Location
Beeker Drive [Added 11-25-1998 by L.L. No. 17-1998]	Both	For a distance of 1/10 mile from New York State Route No. 7
Bee Street [Amended 5-28-1986 by L.L. No. 11-1986]	East	From Draper Avenue southerly for a distance of approximately 100 feet
Bee Street	South	From Adams Street to Poutre Avenue
Bee Street [Added 5-28-1986 by L.L. No. 11-1986]	West	From Draper Avenue southerly for a distance of approximately 25 feet
Bradt Street	West	From Main Street to the end of Bradt Street, approximately 633 feet
Bruno Street	Both	From Broadway to the dead end
Caldicott Road [Added 11-24-1993 by L.L. No. 24-1993]	North	From its intersection with Hamburg Street for a distance of 50 feet
Cardiff Road [Added 8-26-1992 by L.L. No. 28-1992]	North	Starting at Hamburg Street and extending in a westerly direction for 150 feet
Cardiff Road [Added 11-14-2018 by L.L. No. 10-2018]	North	Extending west from the driveway located at 2002 Cardiff Road to the fire hydrant located at 2004 Cardiff Road
Cardiff Road [Added 11-14-2018 by L.L. No. 10-2018]	South	10 feet on either side of the driveway located at 2007 Cardiff Road
Carlton Street [Added 12-22-1986 by L.L. No. 25-1986]	North	From its intersection with Helderberg Avenue for a distance of 50 feet
Carlton Street	South	Commencing at a point 45 feet east of the property line of the apartment complex known as "Helderberg Arms" and ending at a point 45 feet east of said property line
Catherine Street		South from Long Avenue to its terminus
Chism Street [Added 11-13-2002 by L.L. No. 20-2002]	North	From its intersection with Hamburg Street to its intersection with Mt. Stuart Street

Name of Street	Side	Location
Cimino Lane [Added 11-24-1999 by L.L. No. 18-1999]	—	From its end in front of Building No. 6, in an easterly direction for a distance of 500 feet
Cimino Lane [Added 8-9-1989 by L.L. No. 16-1989]	West	From in front of Building No. 6 to Mariaville Road
Crane Street	West	Commencing at the boundary line between the Town of Rotterdam and the City of Schenectady continuing in a southerly direction along Crane Street approximately 1,065, plus or minus, linear feet to a point of intersection of Crane Street and Old Altamont Avenue
Denver Avenue [Added 9-12-2012 by L.L. No. 3-2012]	East	100 feet from Plunkett Avenue to 300 feet from Plunkett Avenue
Denver Avenue [Added 9-12-2012 by L.L. No. 3-2012]	West	100 feet from Plunkett Avenue to 260 feet from Plunkett Avenue
Draper Avenue	Northeast	Opposite Kent Street for a distance of 100 feet to Guilderland Avenue
Duglin Avenue [Added 5-9-2007 by L.L. No. 8-2007]	Both	In front of 425 and 430 Duglin to ensure access to emergency vehicles
Dunnsville Road	East/West	For a distance of 250 feet on either side of the fire station (Fire District No. 5)
Dunnsville Road [Added 10-11-1989 by Ord. No. 17-1989]	North	From Duanesburg Road (Route 7) west for 250 feet
Earl Street [Repealed 4-27-2016 by L.L. No. 4-2016]		
Earl Street	West	For 25 feet, at intersection with Draper Avenue
Fayette Drive	West	Opposite Fort Hunter Park from intersection of Owen Road, southerly to turn on Fayette Drive

Name of Street	Side	Location
First Avenue	Both	Between Third Street and Fourth Street
First Street [Amended 1-24-2007 by L.L. No. 5-2007]	South	Between Hamburg Street and First Avenue (even-numbered houses)
Floral Avenue [Added 9-28-2016 by L.L. No. 9-2016]	West	Miles Standish Road to the dead end
Fourth Street [Added 9-10-2003 by L.L. No. 16-2003]	South	From Hamburg Street to Fourth Avenue
Frank Street	East	For 200 feet from Duanesburg Road
Hamburg Street	East	From Central Avenue to Chrisler Avenue
Hamburg Street	East	From Second Street to Butler Street
Hamburg Street	West	From Butler Street to Caldicott Road
Hollywood Avenue [Added 5-25-1994 by L.L. No. 9-1994]	East	From 135 feet south of Curry Road to Curry Road
Hollywood Avenue [Added 2-23-2011 by L.L. No. 3-2011]	East	Between Fairlane Road and Continental Road
Howe Avenue	West	From Denver Avenue to Broadway
John Alden Lane [Added 10-23-2002 by L.L. No. 17-2002]	—	Cul-de-sac at western end
Laura Street	Both	From Guilderland Avenue (New York Route No. 158) to Pauline Avenue
Mabie Lane [Added 9-27-2006 by L.L. No. 13-2006]	Both	Entire length
Market Street	East	From its intersection with Main Street easterly for a distance of 50 feet
Market Street	West	From Main Street to the end of Market Street approximately 528 feet

Name of Street	Side	Location
Norfolk Avenue	Both	For a distance of 150 feet from its intersection with the paved portion of Altamont Avenue, also known as "New York State Route No. 7"
North Westcott Road [Added 12-12-2007 by L.L. No. 18-2007]	—	100 feet in each direction from the gate of the Rotterdam Corporate Park
Opus Boulevard [Added 2-14-2015 by L.L. No. 3-2018]	Both	Entire length
Palmer Street [Added 3-10-1993 by L.L. No. 5-1993]	Both	From the intersection of Highbridge Road northerly for a distance of 100 feet
Poutre Avenue	North	From Bee Street west for a distance of approximately 124 feet
Poutre Avenue	North	From a point 184 feet west of Bee Street for a distance of 40 feet
Poutre Avenue	Southeast	From Bee Street to the south curbline of the driveway of 2929 Plunkett Avenue
Putnam Street	East	From Main Street to the end of Putnam Street, approximately 422 feet
Rabbetoy Street [Added 10-10-2007 by L.L. No. 15-2007]	--	From 2403 Rabbetoy Street to the corner of Fiero Avenue
Sartoli Avenue [Added 12-8-2004 by L.L. No. 17-2004]	Both	Entire length
Second Avenue	Both	The short extension which lies between Third Street and Leonard C. White Park
Second Avenue	West	Between Second Street and Third Street
Sixth Street [Added 8-11-2010 by L.L. No. 7-2010]	North	Across the street from 1053 Sixth Street

Name of Street	Side	Location
South Thompson Street [Added 9-10-1986 by L.L. No. 17-1986]	West	From Niagara Mohawk Pole No. 15 southerly for approximately 135 feet to the existing chain-link fence of Bellevue Builders, Inc.
Spruce Street [Added 7-9-1986 by L.L. No. 13-1986]	South	From Floral Avenue westerly for a distance of approximately 125 feet
Stanton Street	East	For 25 feet, at intersection with Draper Avenue
Stanton Street	East	For 25 feet, at intersection with Vischer Avenue
Stanton Street [Repealed 4-27-2016 by L.L. No. 4-2016]		
Stuart Street	East	From Altamont Avenue to Deforest Street
Suffolk Avenue	Both	From Altamont Avenue, a distance of approximately 75 feet on the northerly side of Suffolk Avenue and a distance of approximately 75 feet on the southerly side of Suffolk Avenue
Summer Street	Both	From Broadway to Edgewood Avenue
Tower Avenue [Added 8-10-1988 by L.L. No. 4-1988]	Both	From its intersection with Chrisler Avenue for 100 feet
Vinewood Avenue	Both	From Curry Road, a distance of approximately 232 feet on the westerly side of Vinewood Avenue and a distance of approximately 200 feet on the easterly side of Vinewood Avenue

§ 266-53. Schedule XIII: No Parking Certain Hours.

In accordance with the provision of § 266-21, the parking of vehicles is prohibited in the following locations during the hours indicated:

Name of Street	Side	Hours/Days	Location
Angers Avenue	Both	10:00 p.m. to 4:00 a.m.	From Wedgewood Avenue to Tower Street
Brunswick Place [Added 11-10-2004 by L.L. No. 15-2004]	Both	7:00 a.m. to 3:00 p.m./Monday through Friday	Entire length
Chepstow Road	South	9:00 a.m. to 12:00 noon/ Sundays only	For a distance of 150 feet from westerly side of Hamburg Street, also known as "New York State Route No. 146"
Draper Avenue [Added 2-22-1989 by L.L. No. 2-1989; repealed 4-27-2016 by L.L. No. 4-2016]			
Draper Avenue [Repealed 4-27-2016 by L.L. No. 4-2016]			
Draper Avenue [Repealed 4-27-2016 by L.L. No. 4-2016]			
Earl Street [Added 3-11-1992 by L.L. No. 5-1992; repealed 4-27-2016 by L.L. No. 4-2016]			
Elizabeth Street	Both	10:00 p.m. to 4:00 a.m.	From Altamont Avenue to Angers Avenue
Ford Street	Both	5:00 p.m. Saturdays through 1:00 p.m. Sundays	From Glenville Street northerly to Princetown Road
Fourth Street [Repealed 9-10-2003 by L.L. No. 16-2003]			

Name of Street	Side	Hours/Days	Location
Lawndale Avenue [Repealed 5-13-1998 by L.L. No. 7-1998]			
Manas Drive [Added 2-9-2005 by L.L. No. 4-2005]	Both	7:00 a.m. to 3:00 p.m./Monday through Friday	From VanWormer Road to Tollgate Lane
Princetown Road [Added 2-14-1990 by L.L. No. 4-1990]	South	Saturdays and Sundays	From the intersection of Kelly Street and Princetown Road to the intersection of Ford Street and Princetown Road
Second Avenue	East	5:00 p.m. to 9:00 p.m.	Between Fourth Street and Sixth Avenue
Second Street	Both	7:00 a.m. to 7:00 p.m.	From First Avenue to Second Avenue
Sunrise Boulevard [Repealed 9-22-2004 by L.L. No. 12-2004]			
Third Avenue	Both	5:00 p.m. to 9:00 p.m.	Between Third Street and Fourth Street
Third Street	Both	5:00 p.m. to 9:00 p.m.	Between First Avenue and Third Avenue
Tollgate Lane [Added 2-14-1990 by L.L. No. 4-1990]	Both	7:00 a.m. to 3:00 p.m./Monday through Friday	Entire length
Tower Avenue [Added 7-9-1986 by L.L. No. 14-1986]	Both	7:00 a.m. to 4:00 p.m./Monday through Friday	Within the cul-de-sac area at the end of Tower Avenue
Van Wormer Road [Added 11-10-2004 by L.L. No. 15-2004; amended 12-8-2004 by L.L. No. 16-2004]	Both	7:00 a.m. to 3:00 p.m./Monday through Friday	Entire length

Name of Street	Side	Hours/Days	Location
Wedgewood Avenue	Both	10:00 p.m. to 4:00 a.m.	From Altamont Avenue to Dorsett Street

§ 266-54. Schedule XIV: Limited Time Parking.

In accordance with the provision of § 266-22, the parking of vehicles is prohibited in the locations described below for a longer period of time than that designated, during the hours indicated:

Name of Street	Side	Time Limit	Hours	Location
(Reserved) ⁶				

§ 266-55. Schedule XV: Overnight Parking.

In accordance with the provisions of § 266-23, overnight parking (between the hours of 10:00 p.m. and 7:00 a.m.) shall be prohibited in those areas designated below:

Name of Street	Side	Location
Carlton Street	South	Commencing at a point 45 feet east of the property line of Helderberg Arms Apartments and ending at a point approximately 113 feet east of said point

§ 266-56. Schedule XVI: Standing Prohibited.

In accordance with the provisions of § 266-24, the standing of vehicles is prohibited in the following locations during the hours indicated:

Name of Street	Side	Hours	Location
Hamburg Street	Both	All	Between the City of Schenectady corporation line and the northerly approach to the crossing of Hamburg Street over New York Central Railroad right-of-way
Lilac Street [Added 10-12-1988 by L.L. No. 9-1988]	South	All	From its intersection with Floral Avenue for a distance of 150 feet

6. Editor's Note: The entry for Draper Avenue, which comprised the entire section, was repealed 4-27-2016 by L.L. No. 4-2016.

Name of Street	Side	Hours	Location
Theodore Road [Added 7-22-1987 by L.L. No. 8-1987]	—	All	At the dead-end portion of Theodore Road, along its width, between the private properties located at the end of said road, for a distance of approximately 60 feet
Tower Avenue [Added 8-10-1988 by L.L. No. 4-1988]	Both	All	From its intersection with Chrisler Avenue for 100 feet

§ 266-57. Schedule XVII: Stopping Prohibited.

In accordance with the provisions of § 266-25, the stopping of vehicles is prohibited in the following locations during the hours indicated:

Name of Street	Side	Hours	Location
(Reserved)			

§ 266-58. Schedule XVIII: Angle Parking. [Amended 4-27-2016 by L.L. No. 4-2016]

In accordance with the provisions of § 266-26, any person parking a vehicle in an available angled parking spot, while upon any of the following streets or parts of streets, shall park at the angle indicated:

Name of Street	Side	Angle	Location
Earl Street	South	Southwest	Entire length
Stanton Street	North	Northeast	Entire length

§ 266-59. Schedule XIX: Bus Stops.

In accordance with the provision of § 266-28A, parking or standing is prohibited, excluding buses, at the following locations hereby designated as bus stops:

Name of Street	Side	Location
(Reserved)		

§ 266-60. Schedule XX: School Bus Zones.

In accordance with the provision of § 266-28B, parking or standing is prohibited, excluding school buses, at the following locations hereby designated as school bus zones:

Name of Street	Side (Reserved) ⁷	Location
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§ 266-61. Schedule XXI: Taxi Stands.

In accordance with the provisions of § 266-29, parking or standing is prohibited, except for taxis, at the following locations:

Name of Street	Side (Reserved)	Location
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§ 266-62. Schedule XXII: Fire Lanes.

In accordance with the provisions of § 266-30, parking is prohibited in the following locations, designated as fire lanes. Property owners must properly post locations.

Name of Street/ Premises	Side	Location
Bernard Street [Added 12-22-1999 by L.L. No. 24-1999]	Both	From North Westcott Road west to Barnard Street Extension
Bradt School [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 30 feet wide along the entire frontage of the buildings known as the "Bradt School," on Hamburg Street in the Town of Rotterdam
Bradt School [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within the school complex
Brookview Court Apartments [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within apartment complex
Crosstown Plaza [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 36 feet wide along the entire frontage of the building known as the "Crosstown Plaza" in the Town of Rotterdam

7. Editor's Note: The entry for Vischer Avenue, which comprised the entire section, was repealed 4-27-2016 by L.L. No. 4-2016.

Name of Street/ Premises	Side	Location
Curry Road Shopping Center	—	In an area extending from the curbs 25 feet wide along the entire frontage of the buildings known as "Curry Road Shopping Center," on Curry Road in the Town of Rotterdam
Draper Junior High School [Added 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 30 feet wide along the entire frontage of the building known as "Draper Junior High School," on Curry Road in the Town of Rotterdam
Esquire Village [Added 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 30 feet wide along the entire frontage of the buildings known as the "Esquire Village," on Curry Road in the Town of Rotterdam
Hannaford Plaza, known as the "Rotterdam Mall" [Amended 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 36 feet wide along the entire frontage of the buildings located within the Hannaford Plaza on Altamont Avenue in the Town of Rotterdam
Hannaford Plaza [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads and interior roads within the Hannaford Plaza, Altamont Avenue, Town of Rotterdam
Jefferson School [Added 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 30 feet wide along the entire frontage of the building known as the "Jefferson School," on Princetown Road in the Town of Rotterdam
Lent Court Apart-ments [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within apartment complex
Maple Ridge Center [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 30 feet wide along the entire frontage of the building known as the "Maple Ridge Center," on Hamburg Street in the Town of Rotterdam

Name of Street/ Premises	Side	Location
Mohonasen High School [Added 12-22-1999 by L.L. No. 24-1999]	—	In an are extending from the curbs 30 feet wide along the entire frontage of the buildings known as the "Mohonasen High School," on Curry Road in the Town of Rotterdam
Phillips Street	West	From Duanesburg Road (New York Route No. 7) to the Convenient Market property line at or near Mariaville Road (New York Route No. 159)
Philomena Apart-ments [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within apartment complex
Pineview Apart-ments [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within apartment complex
Pinewood School [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 30 feet wide along the entire frontage of the building known as the "Pinewood School," on Kings Road in the Town of Rotterdam
Price Chopper Super Market Shopping Center	—	Located at 1879 Altamont Avenue, the area extending from the curb a distance of 36 feet in width and being directly in front of the east side of the buildings situate within the shopping center area, starting from the southeast corner of the buildings within the shop-ping center and continuing approximately 570 feet in a northwesterly direction to the northwest corner of the buildings within the shopping center area
Public alley [Repealed 12-22-1999 by L.L. No. 24-1999]		
Public alley	—	Bounded on the east by Wallace Avenue and on the west by Bernard Street Extension

Name of Street/ Premises	Side	Location
Rotterdam Senior Citizen Center [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 30 feet wide along the frontage of the building known as the "Rotterdam Senior Citizen Center," on Hamburg Street in the Town of Rotterdam
Rotterdam Square Mall [Added 12-22-1999 by L.L. No. 24-1999]	—	In an area extending from the curbs 36 feet wide along the entire frontage of the buildings known as the "Rotterdam Square Mall," on Campbell Road in the Town of Rotterdam
Schalmont School [Added 12-22-1999 by L.L. No. 24-1999]	Both	Along the roadway area known as the "circle" of the building known as the "Schalmont School," on Duanesburg Road in the Town of Rotterdam
Schermerhorn Hollow Mall (B.J.'s, Office Max, etc.) [Added 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 36 feet wide along the entire frontage of the buildings known as the "Schermerhorn Hollow Mall," on Campbell Road in the Town of Rotterdam
Super 8 Motel [Added 12-22-1999 by L.L. No. 24-1999]	Both	All access roads within motel complex
Walmart [Added 12-22-1999 by L.L. No. 24-1999]	Both	In an area extending from the curbs 30 feet wide along the entire frontage of the buildings known as the "Walmart," on Altamont Avenue in the Town of Rotterdam
Williams Street	Both	From the intersection of Duanesburg Road (New York Route No. 7) to a distance of 130 feet from the intersection of Duanesburg Road
Woestina School [Added 12-22-1999 by L.L. No. 24-1999]		In an area extending from the curbs 30 feet wide along the entire frontage of the buildings known as the "Woestina School," on Main Street, Rotterdam Junction, in the Town of Rotterdam

§ 266-63. Schedule XXIII: Maximum Weight of Commercial Vehicles. ⁸ [Added 7-10-2002 by L.L. No. 14-2002]

In accordance with the provisions of § 266-17A(2), all commercial vehicles in excess of four (4) tons are hereby excluded from the following streets and highways or parts thereof:

Name of Street

Franklin Street

Harold Street

Martin Street

Phillip Street

Taylor Street

Williams Street

§ 266-64. Schedule XXIV: Crossing Zones.

In accordance with the provisions of § 266-36, crossing zones are established in the following locations:

Name of Street

Location

(Reserved)⁹

8. Editor's Note: Former § 266-63, Schedule XXIII: Handicapped Parking Areas, was repealed 2-22-1995 by L.L. No. 1-1995.

9. Editor's Note: All entries for Earl Street and Stanton Street, which comprised the entire section, were repealed 4-27-2016 by L.L. No. 4-2016.

ARTICLE VIII

Installation of Speed Humps
[Added 2-10-1999 by L.L. No. 1-1999]**§ 266-65. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

SPEED HUMPS — Areas of raised pavement constructed or placed in, on and across a roadway. Speed humps are a roadway geometric design feature whose primary purpose is to reduce vehicular traffic speed along a roadway. Speed humps shall consist of deflections in the paved roadway surface for a uniformly varying height to a maximum of 2 5/8 inches plus or minus 1/8 inch over a twelve-foot long base. The construction markings and warning signs of the speed humps shall comply with standards developed by the Town of Rotterdam Department of Public Works and the Institute of Transportation Engineers.

§ 266-66. Requests by petition required.

- A. Requests for speed humps are to be proposed by written documentation which demonstrates substantial interest on the specific street being considered. A petition bearing the names, addresses and telephone numbers of the residents and business owners abutting a specific street will be considered for speed humps. The petition area consists of the entire length of a street in which speed humps are proposed to be located.
- B. Only one signature per residence and business is allowed. The petition shall include a printed name, signature and address for each person signing and the name of a contact person. When the petition is submitted to the Rotterdam Police Department, the person indicated as the contact person for the neighborhood on the petition will be sent a letter confirming receipt of the petition. The letter will indicate any additional procedures required for consideration of speed hump installation.

§ 266-67. Procedures for installation.

- A. The Rotterdam Police Department will conduct a survey on the specific street in question. A survey will be considered acceptable with signatures of at least 60% of the residences and businesses in the petition area represented on it, and in favor of the proposed speed hump installation.
- B. Proposed speed hump installations will be reviewed by the police, fire, ambulance and other emergency service departments, as well as the Department of Public Works and the Highway Department. Comments received will be fully considered in the decision-making process.

- C. Notice of meetings. Public information meeting(s) and hearing(s) will be conducted to obtain input from the community prior to speed hump installations. Comments received will be fully considered in the decision-making process. Notice of public hearing(s) will be published to notify all residents and businesses along the impact area, which includes the petition area and any adjacent neighborhoods. Notice will be distributed to the newspaper 10 days prior to the public hearing(s).
- D. Notice to petitioners. Following the completion of the engineering study, per § 266-69, public information meeting(s) and hearing(s), the Town will distribute a notice to the contact person of the petition area indicating the results and recommendations.
- E. If speed humps are approved for installation by the Town Board, plans will be developed for proper installation in conjunction with the Highway Department.

§ 266-68. Data collection guidelines.

- A. Traffic volume data will be collected in a seven-day period on the street where the speed humps are requested and any other side street where the installation of speed humps would be affected.
- B. Speed data. Spot data will be collected. The minimum sample size is 100 vehicles. The average and 85th percentile speed will be determined and combined for both directions.
- C. Number of travel lanes and width of roadway will be determined.
- D. The condition of the pavement and drainage qualities will be evaluated.
- E. The grade of the street will be determined.
- F. The severity of the horizontal and vertical curves will be determined.
- G. The stopping sight distance will be determined.
- H. Vehicular and pedestrian traffic accidents for the last five years will be obtained.
- I. The street's zone is determined to be a residential (R1, R3) district, or a collector street in an agricultural (A1) zone, as defined in Chapter 270 of the Town Code.

§ 266-69. Police/Engineering study.

- A. Speed humps should be considered only to address documented safety or traffic concerns supported by traffic engineering and police studies, and after consideration of alternative traffic control measures.
- B. Since speed humps may divert traffic to other street facilities, an estimate of the amount and location of that diversion should be made so that the potential impacts of the proposed humps can be fully

considered. If humps are expected to create equal or greater traffic problems on another residential street, they should not be installed.

- C. Speed humps should be considered only on streets which are located within a residential (R1, R3) district, or a collector street in an agricultural (A1) district, as defined in the Town of Rotterdam Zoning Code.¹⁰
- D. Speed humps should be considered only on streets with no more than two travel lanes, or where the overall pavement width is not greater than 40 feet. In addition, the pavement should have good surface and drainage qualities.
- E. Speed humps should be considered only for use on streets with grades of 6% or less approaching the hump. When installed on streets with significant down grades, special care should be taken to ensure that vehicles will not approach the humps at excessive speed.
- F. Speed humps should not be considered within severe horizontal or vertical curves that might result in substantial lateral or vertical forces on a vehicle traversing the hump. Humps should be avoided within horizontal curves of less than 300 feet center-line radius and on vertical curves with less than the minimum safe stopping sight distance. If possible, humps should be located on tangent rather than curve sections.
- G. Speed humps should be considered only where the minimum safe stopping sight distance [as defined in the American Association of State Highway and Transportation Officials' (ASHTO's) "A Policy on Geometric Design of Streets"] can be provided.
- H. Speed humps should be considered only on streets where the posted speed limit is 30 miles per hour or less. Speed humps should be considered if, based upon a speed study, a minimum of 40% of the motorists on the street exceed the speed limit and/or the 85th percentile speed is 10 miles per hour or more than the posted speed limit.
- I. Speed humps should typically be installed only on streets with an average daily traffic volume of 3,500 vehicles or less. In addition, streets should have a minimum average daily volume of 500 vehicles for speed hump consideration.
- J. Accident analysis should be performed to determine the average accident rate in the five previous calendar years, plus any of the current year for which accident data is available.
- K. When installed to address documented or anticipated vehicle or pedestrian accidents, the causes of those accidents should be susceptible to correction by speed humps. Proposed speed hump

10. Editor's Note: See Ch. 270, Zoning.

locations should be evaluated to determine that such an installation will not introduce increased accident potential for the subject street.

- L. Speed humps should not generally be considered on streets that are defined or used as primary or routine emergency vehicle access routes.
- M. Speed humps should not generally be considered along streets with established transit routes.
- N. In the event that several requests for speed humps are considered at a given time, those with the greatest incident of reported accidents involving excessive speed, and those locations with the highest volume of traffic, should be given the highest priority.

§ 266-70. Removal procedures.

- A. Removal of speed humps should be considered only after an adequate review period and subsequent analysis has been performed to determine the traffic characteristics along the route and the impacts to the remaining street system.
- B. The Rotterdam Police Department will conduct a survey on the specific street in question to verify the request. A survey result with signatures of at least 60% of the residences and businesses in the petition area represented on it, and in favor of removal of the speed hump, will initiate the request. The request will be followed by a coordinated review by the police, fire, ambulance and other emergency departments, as well as the Department of Public Works and the Highway Department. Based on this coordinated review, a recommendation will be forwarded to the Town Board.
- C. Town Board approval to rescind the resolution will follow appropriate procedures.

§ 266-71. Design and construction.

The design and construction of speed humps will be provided in accordance with "Guidelines for the Design and Application of Speed Humps," prepared by the Institute of Transportation Engineers, in conjunction with good engineering practice.

§ 266-72. Monitoring and evaluation following installation.

- A. Immediately after speed hump installation, and at selected times thereafter, observation will be made to determine motorists' behavior patterns and any unusual operating conditions, including pedestrian, bicycle and social activities.
- B. After installation, speed studies will be performed to determine their impact on vehicle operating speeds.

- C. Traffic volume counts, after installation, will be made on the subject street and on those other streets where traffic diversion may be expected.
- D. Both intersection turning movement and twenty-four-hour volume counts may be needed to quantify these impacts.
- E. Studies may be desirable after hump installation to determine if the speed humps have impacted the compliance rate of affected stop sign locations. Increased violation rates should be considered in speed hump evaluations and selective enforcement may be necessary to address the problem.
- F. An accident analysis will be performed to determine if accident trends in the affected area have been noticeably impacted by the speed hump installation.

**§ 266-73. Designated streets for installation of speed humps.
[Added 9-22-1999 by L.L. No. 14-1999]**

In accordance with the provisions of Chapter 266, speed humps are established on the following streets:

Name of Street	Number of Speed Humps
Argo Boulevard	3
Becker Crossing [Added 10-11-2000 by L.L. No. 20-2000]	4

ARTICLE IX

Driver Responsibility Fee
[Added 9-28-2016 by L.L. No. 8-2016]**§ 266-74. Driver responsibility fee.**

- A. Intent; purpose. The Town Board of the Town of Rotterdam finds that there is a cost to the Town associated with the adjudication of violations before the Town Justice Court and that the Town is not reimbursed for such costs. Therefore, the Town Board finds that it would be in the best interest of the Town to authorize the imposition of a "driver responsibility fee" to recover the costs associated with the adjudication of such fees as set forth in this article.
- B. Authority. In accordance with Municipal Home Rule Law § 10(1)(ii)(a)(9-a), which authorizes the Town to adopt and amend local laws relating to the fixing, levy, collection, and administration of charges, rates, and fees, the Town Board hereby authorizes the imposition of a driver responsibility fee as provided for in this article.
- C. Fees. Any person charged with a violation and whose case has been adjudicated to a final disposition, other than a final adjudication which results in a not guilty verdict or dismissal of charges, shall be responsible for a driver responsibility fee. Such fee shall be in an amount that shall be set, from time to time, by resolution of the Town Board.

ROTTERDAM

CHAPTER 267 WATER

Chapter 267

WATER

GENERAL REFERENCES

Plumbing — See Ch. 213.

Sewers — See Ch. 230.

§ 267-1. Purpose.

The purpose of this chapter is to:

- A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.
- B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

§ 267-2. Definitions; word usage.

- A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check-valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE — A device incorporating two or more check

valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "State Health Department") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

CONSUMER — Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

ENGINEER — The Town Engineer at the Town of Rotterdam, or his authorized representative.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

- (1) Air gap separation.
- (2) Approved reduced pressure principle backflow prevention device.
- (3) Approved double-check-valve assembly.

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of Rotterdam.

TOWN WATER SUPPLY — The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following:
[Amended 5-12-1999 by L.L. No. 7-1999]

- (1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of water, the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);
- (2) Abandon the auxiliary water supply in a manner acceptable to the state or local Health Department; or
- (3) Install an approved reduced pressure zone (RPZ) device at the public water supply service connection in accordance with Section 5-1.31 of the State Sanitary Code.

- B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone device would be required independent of a separate system handling the auxiliary water system. We would also require a reduced pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of the Sanitary Code.
- C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.
- D. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:
 - (1) Class 1.
 - (a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
 - (b) Protection: double-check-valve assembly.
 - (2) Class 2.
 - (a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.
 - (b) Protection: double-check-valve assembly.
 - (3) Class 3.
 - (a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.
 - (b) Protection: double-check-valve assembly.
 - (4) Class 4.
 - (a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.
 - (b) Protection: air gap or reduced pressure principle backflow prevention device.

(5) Class 5.

- (a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.
- (b) Protection: air gap or reduced pressure principle backflow prevention device.

(6) Class 6.

- (a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.
- (b) Protection: determined by the Engineer upon review of engineering drawings of the system.

E. Lawn sprinkling systems. **[Amended 5-12-1999 by L.L. No. 7-1999]**

- (1) Where a single- or dual-family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent backsiphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code enforcement official.
- (2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:
 - (a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or
 - (b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection E(2)(a) or (b) above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the supplier of water and/or the state or local Health Department.

- (3) Automatic rain shut-off, such as Hunter Mini Klik or equal, must be installed as part of pre-installation. **[Amended 8-8-2001 by L.L. No. 10-2001]**
- (4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by the town.
- F. Cross-connection control. **[Amended 8-8-2001 by L.L. No. 10-2001]**
 - (1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.
 - (2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.
- G. All existing systems must comply with this local law by May 1, 2004. **[Amended 8-8-2001 by L.L. No. 10-2001]**

§ 267-4. Responsibility for maintenance.

- A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.
- B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective

device which, in the opinion of the Engineer and County Health Officer, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost. [Amended 6-23-2004 by L.L. No. 5-2004]

The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. If successive inspections disclose repeated failures in the operation of any device, the Public Works Coordinator may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the Public Works Coordinator and the Schenectady County Health Department on an annual basis. The Public Works Coordinator shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Public Works Coordinator shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

- A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.
- B. Delivery of water to the premises of any consumer may be discontinued by the Engineer if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.
- C. Delivery of water.
 - (1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Engineer or County Health Officer determined that:
 - (a) The Town water supply is being contaminated or is in immediate danger of contamination.
 - (b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.
 - (c) The consumer cannot immediately be located.
 - (2) Delivery of water shall not be resumed until any protective device required by this section and approved by the Engineer has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been

abated or corrected to the satisfaction of the Engineer and County Health Officer.

D. Notice.

- (1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:
 - (a) The conditions or defects which must be corrected.
 - (b) The manner in which the stated conditions or defects are to be corrected.
 - (c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing of the notice. The Engineer may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.
- (2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the town.
- (3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the Engineer has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Engineer.

- E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Engineer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the Engineer for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements

under § 267-5, be excluded from the requirements of these rules so long as the Engineer is assured that they will satisfactorily protect the town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses. [Amended 7-9-2003 by L.L. No. 9-2003]

- A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Town Engineer, Chief Operator of Water, the Town Building Inspector/ Code Enforcement Officer or the designee of any one of them requiring compliance with this chapter.
- B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction thereof, be punished by a fine of no less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense. **[Amended 6-12-2013 by L.L. No. 7-2013]**

§ 267-9. Water and sprinkler regulations for consolidated water districts. [Added 6-26-2013 by L.L. No. 8-2013]

- A. Purpose. Rules, regulations and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."
- B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the contract, express or implied, between such person or user and the Department of Public Works.
- C. Permits.

- (1) Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on blank forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent must furnish the Department of Public Works the correct street and lot number as taken from the deed.
- (2) Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is made in writing to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code¹ of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.
- (3) No plumbing or plumbing fixtures shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefor is obtained.
- (4) No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be filed with and approved by the Water Commissioner before such extension is made.
- (5) Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

1. Editor's Note: See Ch. 213, Plumbing.

D. Connections, construction and maintenance.

- (1) Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.
- (2) Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District. No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.
- (3) Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall definitely designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.
- (4) Large cut-in connections. If a larger connection than a 1 1/2 inch-tap is required, a cast-iron pipe service not less than two inches in diameter shall be installed by employees of the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All such services shall have a gate valve placed in the service pipe near the street main, which gate shall be controlled exclusively by the Department of Public Works. The owner shall be billed for this work at the actual cost of labor, material and pavement out to the Department of Public Works, which amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.
- (5) Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected to by the property owner when he makes application

for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

- (6) Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done and may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations in every particular.
- (7) Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to maintain in perfect order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works may make the necessary repairs to conform to this rule and charge the cost thereof to the owner of the property at which this rule is violated and collect such cost from the owner of such property and shut off the water from such property until such charges are paid.
- (8) Defective services. In all premises where water from Water District mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.
- (9) Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have given notice to the Department of Public Works, in writing, when and where the water is no longer required and have requested same turned off at the curb stop by the Department of Public Works. All consumers will be charged for the use of water until notice as above is given.

(10) Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to properly insure safety to the public. Red signal lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

(11) Inspectors may enter premises. Employees of the Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

E. Shutting off.

(1) Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of moneys or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

(2) When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said bureau in so shutting off such water supply. Notice regrading water shutoff shall conform with § 267-6, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam or the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any change in or increase of water pressure from any cause whatsoever.

G. Lawn sprinkling and supply.

(1) Sprinkling will be allowed only from May 1 to November 1 and shall not exceed four hours each day, from 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m.

- (2) No person will be allowed to sprinkle premises opposite or adjoining his own nor use the water from the said hose attachment or through said hose for any purpose not authorized by the terms agreed upon with the Department of Public Works.
- (3) Supply to neighboring premises. No person shall supply water in any manner or through any fixtures or devices whatever to the occupants of neighboring premises of any description except by special written permit from the Department of Public Works.
- (4) Supply to contractors.
 - (a) Water will be furnished to builders or contractors as such for construction purposes only, upon application to the Department of Public Works for, and receiving, a permit therefor in writing. Said application shall state in detail the uses for which water is desired, the name of the owner of the property and the street number, the section, block and lot on which water is to be used.
 - (b) The statement must give:
 - [1] The name of the owner of the premises.
 - [2] The name of the builder.
 - [3] The name of the plot.
 - [4] Lot number.
 - [5] The name of the street.
 - (c) Permits under this rule shall terminate on November 1 each year and may be revoked at any time by the Department of Public Works.
- H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.
- I. Water meters.
 - (1) All commercial users shall have water meters. The Department of Public Works reserves the right to order a meter to be placed on any service or to take out a meter and place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of Water District so to do. All water passing through a meter will be charged for, whether used or wasted.
 - (2) Service in good condition. No meter shall be installed by the Department of Public Works unless the service, service fixtures and

plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, and if repairs are not made within 10 days.

- (3) Check valves, test tees and bypasses. All meters installed by the Department of Public Works shall have check valves placed next to outlets to prevent hot water from backing through the meter. All services that are metered and require check valves to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size by the Department of Public Works. Services requiring a meter over 1 1/2 inches in size and furnished by the property owner may be installed by the Department of Public Works, but if check valves are required, same are to be installed by the property owner. All sizes above 3/5 inch shall have a test tee next to the outlet of meter and the full size of same, then the check and another valve so that meter can be tested at any time in place. If the owner of premises so desires, meters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed and under the exclusive control of the Department of Public Works.
- (4) Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.
- (5) Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.
- (6) Reading of meters. Meters will be read semiannually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Water Bureau may direct.
- (7) Schedule bills. All bills for water furnished at schedule rates will be payable annually in advance at the office of the Receiver of Taxes on the 15th day of January in each year. For an intermediate period

or for a new or additional service, the bill must be paid before the water is turned on.

- (8) Meter bills. Bills for metered water will be payable annually, on the 15th day of January of each year, at the office of the Receiver of Taxes.
 - (9) Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.
 - (10) Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.
 - (11) Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.
 - (12) Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.
- J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water must notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance of such use less than six months from the time of turning off the water by the Department of Public Works. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.
- K. Partial supply from wells. No rebate shall be made from any water bills under a claim that less water has been used because of a partial use from wells.

- L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.
- M. Fire hydrants.
- (1) All street hydrants are under control of the Department of Public Works. No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except an authorized agent or employee of the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by the Coordinator of the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the Water District a penalty in the amount of any damage done to said hydrant and the cost of restoring same to its proper condition.
 - (2) Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § 247-8, Enforcement; penalties for offenses.
- N. Operated by employees of Department of Public Works only. No person except an employee of the Department of Public Works shall open, close or in any way interfere with any valve or gate in any water main, conduit or street pipe. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.
- O. Commercial use.
- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

COMMERCIAL RATE — The prescribed rate as hereinafter set forth for the consumption of water by users other than private consumers and applicable to metered premises where owners or occupants in the course of their occupation or in the conduct of their business use and consume large quantities of water.

COMMERCIAL USER — Any person, firm or corporation consuming a large quantity of water in the course of his or its business or trade carried on the premises.
 - (2) Sale of water to commercial users.

- (a) All commercial users, as defined in this section, are hereby required at their own cost and expense and under the supervision of the Department of Public Works to install on the premises a water meter, which meter shall be the property of Water District and not of the consumer, and may be removed by any authorized employee of Water District for repairs and/or Department of Public Works of supply of water to the premises.
 - (b) Upon installation of the meters as aforesaid, the water will be supplied in bulk to the metered premises and charged at the following rate:
 - [1] Basic rate: the rate fixed for private use.
 - [2] Surcharge is superimposed upon the basic rate.
 - [3] An amount in addition thereto shall be charged as follows.
 - [4] Metered water rate:
 - [a] Minimum charge including first 75,000 gallons: \$25.
 - [b] Next 112,500 gallons at \$0.14 per 750 gallons.
 - [c] Next 187,500 gallons at \$0.13 per 750 gallons.
 - [d] Remainder at \$0.12 per 750 gallons.
 - [5] Collection. Water rents will be collected January 15 of each year. Rates are subject to change without notice. Delinquent water rents shall be levied and collected as prescribed by Section 198 of the Town Law.
- P. Should the Department of Public Works determine that water conservation is needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.

ROTTERDAM

CHAPTER 188 NOISE

Chapter 188. Noise

[HISTORY: Adopted by the Town Board of the Town of Rotterdam 8-25-1993 by L.L. No. 15-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Alarms — See Ch. 71.

Mass gatherings — See Ch. 180.

Public entertainment — See Ch. 217.

§ 188-1. Legislative intent; construal of provisions.

- A. It is hereby declared to be the policy of the Town of Rotterdam to prevent excessive, unnecessary or unusually loud noises. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Rotterdam and its inhabitants.
- B. This section shall be liberally construed so as to effectuate the purposes described in this section. Nothing herein shall be construed to abridge the emergency powers of any Town department or the right of such department to engage in any necessary or proper activities. Nothing herein shall abridge the powers and responsibilities of any Police Department or law enforcement agency to enforce the provisions of this chapter.

§ 188-2. Nonapplicability.

[Amended 4-27-2016 by L.L. No. 3-2016]

This chapter shall not apply to the operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school. This chapter shall not apply to noise created as a result of snow removal by a snow blower or related snow removal machinery.

§ 188-3. Unnecessary or unreasonable noise.

- A. The creation of any unreasonably loud, disturbing or unnecessary noise is prohibited.
- B. Said noise shall be prohibited when it is of such character, intensity and duration or of a type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health, comfort or welfare of any individual or would cause or create a risk of public inconvenience.

§ 188-4. Unnecessary noises enumerated.

The following acts and the causing thereof are declared to be loud, disturbing or unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

- A. Horns, signaling devices. The sounding of any horn or other signal device on any automobile, motorcycle, bus or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently

out of control or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of any such device for an unnecessary period of time.

B. Noisy vehicles. No person shall:

- (1) Use an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud, unnecessary grating, grinding, rattling or other noise;
- (2) Operate any vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires or revving the motor of such vehicle; or
- (3) Modify or cause to be modified the muffler, exhaust system or other noise-control device of any vehicle in a manner that will increase the noise emitted by such vehicle above that emitted by the vehicle when newly manufactured, regardless of the date of manufacture. The noise-control devices of any vehicle operated in the Town of Rotterdam shall be maintained and in good working order. No person shall operate or permit to be operated a vehicle where the muffler, exhaust system or other noise-control device has been so modified or has not been maintained.

C. Discharge of exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine or motor, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

D. Construction, demolition, excavation. The erection (including excavating), demolition, alteration or repair of any building other than between 6:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety and then only with a permit from the Town Building Inspector/Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency continues.
[Amended 7-9-2003 by L.L. No. 9-2003]

E. Noise near schools, other institutions. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.

F. Drums, loudspeakers, similar devices. The use of a drum, loudspeaker or any other sound-producing instrument or device for the purpose of attracting public attention by the creation of noise, except where authorized by special permit to be issued by the Chief of Police, who shall make reasonable rules and regulations therefor.

G. Sound reproduction.

- (1) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound so as to produce unreasonable or unnecessary noise at any time, except for activities open to the public or for the public benefit and for which permission has been granted by the Town of Rotterdam.
- (2) Said sound reproduction shall be per se unreasonable and unnecessary if produced:
 - (a) Between the hours of 11:00 p.m. and 6:00 a.m. the following day in such a manner as to create noise that can be heard inside any residence, regardless of whether the windows of said residence are open.
 - (b) When operated in or on a motor vehicle on a public highway or in a boat on public waters or by a person on public or private property that can be heard 50 feet from such device.
 - (c) In such a manner as to create noise when operated by any passenger on a common carrier.

H. Shouting. No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places in such a manner and for such a period of time as to be unreasonable under the circumstances.

- I. Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise shall be prohibited:
 - (1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, regardless of whether the windows of such residence are open.
 - (2) At any other time if said noise is unnecessary or unreasonable under the circumstances.
- J. Noise in the conduct of any business. The creation of noise in the operation, conduct and/or maintenance of any business, factory, plant yard or manufacturing establishment (except as otherwise provided in this chapter), including but not limited to excavating, blasting, grinding, breaking, crushing or processing of any substance (where permitted), shall be prohibited:
 - (1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, other than in the building where the premises are located, regardless of whether the windows of said residence are open.
 - (2) At any other time if said noise is unnecessary or unreasonable under the circumstances.
- K. The operation of restaurants, taverns, bars and discos.
 - (1) No restaurant, tavern, bar, nightclub, disco or other similar use, whether public or private, shall be conducted so that music or other noise caused by and/or emanating from said use can be heard:
 - (a) Inside any residence between the hours of 11:00 p.m. and 12:00 noon the following day, other than in the building where the premises are located, regardless of whether the windows of such residence are open.
 - (b) At any other time if said noise is unnecessary or unreasonable under the circumstances.
 - (2) Any owner, operator or proprietor of such a business use or other owner, licensee or person in control of any private premises shall so limit the level of noise emanating from premises.
 - (3) Further, it shall be the duty of any such person to disburse any assembly of persons loitering, drinking alcoholic beverages or otherwise engaging in loud or disorderly conduct adjacent to or near the premises or to immediately notify the Town of Rotterdam Police of such conduct.
- L. Fraternities and sororities, dormitories, private clubs, meeting halls, private residences. No noise from parties, entertainment, music or social gatherings of any kind, whether public or private, shall be such that noise caused by and/or emanating from said use can be heard:
 - (1) Between the hours of 11:00 p.m. and 12:00 noon the following day, inside any residence, regardless of whether the windows of such residence are open.
 - (2) At any other time if said noise is unnecessary or unreasonable under the circumstances.

§ 188-5. Warning of violation.

- A. In those cases of unreasonable noise, other than violations of § 188-4A, B and C, the person or persons responsible shall be advised of any conduct prohibited herein by the Town of Rotterdam Police or the Town Building Inspector/Code Enforcement Officer or their duly authorized representatives. After such warning, if any party shall continue or repeat said conduct or similar conduct, he shall be in violation of this chapter.^[1]
 - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- B. It shall be sufficient if said warning is oral and/or in person or over the telephone.

C. No such warning shall be required in any case of a violation of § **188-4A, B and C** of this chapter.

§ 188-6. Penalties for offenses.

[Amended 6-12-2013 by L.L. No. 7-2013]

Any violation of this chapter by any person, firm or corporation shall constitute a violation and shall be punishable by a fine not less than \$500 and no more than the sum of \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense. Each subsequent violation will be punishable by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.

ROTTERDAM

CHAPTER 247 STREETS AND SIDEWALKS

Chapter 247. Streets and Sidewalks

[HISTORY: Adopted by the Town Board of the Town of Rotterdam as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Delivery and service personnel — See Ch. **104**.

Excavations — See Ch. **121**.

Hawking, peddling and soliciting — See Ch. **150**.

Jogging — See Ch. **169**.

Subdivision of land — See Ch. **249**.

Article I. Use

[Adopted 4-16-1921]

§ 247-1. Obstruction prohibited.

No person shall leave, place or deposit in any of the public highways, streets or sidewalks of the Town of Rotterdam any building material or any obstruction to the free and perfect use thereof; nor encumber the sidewalks or streets or highways with any articles of merchandise, boxes or other articles or obstruct the use of any streets, sidewalks or highways by the use of any motorcycle, bicycle, tricycle, pushcart or other vehicle so as to interfere with the free and unobstructed use of said highway, sidewalk or street, except if it is necessary for the purpose of going to and from a yard or lot.

§ 247-2. Restrictions.

[Amended 3-12-1986 by L.L. No. 4-1986]

- A. No person shall assemble with another person or persons upon any sidewalk, street or highway in the Town of Rotterdam or so congregate in groups so as to interfere with the free and unobstructed use of such street or highway or sidewalk or to congregate in any public place that may annoy or interfere with persons lawfully using such highway, street or sidewalk.
- B. No person shall injure or interfere with or damage any trees that may be located within the bounds of the highway.

§ 247-3. Removal of obstacles.

[Amended 7-9-2003 by L.L. No. 9-2003]

The Town Highway Superintendent or any of his deputies or any peace officer is hereby authorized to remove any obstacle that may have been left or placed in any public place, highway, street or sidewalk, at any time an encroachment may be discovered.

§ 247-4. Penalties for offenses.

[Amended 3-12-1986 by L.L. No. 4-1986]

Any person violating any of the provisions of this article shall, upon conviction before a Justice of the Town of Rotterdam, be fined in a sum not to exceed \$250 or imprisonment for a term not to exceed 15 days, or both, for each offense.

Article II. Construction and Repair of Sidewalks

[Adopted 3-12-1937]

§ 247-5. Permit required.

No person, firm, corporation and/or its agents shall be permitted to construct, repair, alter or reconstruct sidewalks without first securing a permit from the Town Superintendent of Highways and complying with the conditions and specifications hereinafter set forth.

§ 247-6. Applicability.

[Amended 3-12-1986 by L.L. No. 4-1986]

This article shall cover and apply to all streets and highways in the Town of Rotterdam.

§ 247-7. Location.

- A. The street side, that is, the inside edge of the walk, is to be exactly five feet, measured from the back of the curb; or 5 1/2 feet, measured from the face of the curb.
- B. Construction is to be of portland cement, washed sand and washed No. 2 gravel mixed to a proportion of 1:2:4, or one bag of cement, two cubic feet of washed sand and four cubic feet of washed No. 2 gravel.
- C. The reconstruction and repair of said sidewalks shall be made in good and workmanlike manner, and no deviation from the above specifications will be permitted.

§ 247-8. Materials.

Portland cement, washed sand and washed No. 2 gravel are to be the standard materials used, mixed to the aforementioned proportions of 1:2:4 or, namely, one bag of cement, two cubic feet of washed sand and four cubic feet of washed No. 2 gravel.

§ 247-9. Grades.

The grade of the street or inside edge of the sidewalk is to be exactly 1 1/4 inches above the curb immediately adjacent to it; whereas, the outside edge of the walk closest to the property line is to be 2 1/2 inches above that point in the curb directly adjacent to it.

§ 247-10. Width and thickness; telephone poles.

- A. The standard width of the sidewalk is to be exactly five feet, thereby making the street side of the walk five feet from the back of the curb, and the property line side of walk is to be one foot from the aforementioned property line.
- B. The thickness of said sidewalk or sidewalks is to be in no case less than four inches, but may be thicker if the property owner or contractor desires to make it so.

- C. Telephone poles. The center of telephone poles shall be located two feet from back of curb or 2 1/2 feet from the face of the curb.

§ 247-11. General provisions.

Permits to construct, reconstruct or repair sidewalks shall be issued by Superintendent of Highways of the Town of Rotterdam. A permit, when so issued, shall be valid for 30 days. No charge shall be made for such permit. The permit may be revoked by the Superintendent of Highways for cause and/or failure to comply with specifications hereinbefore set forth. Revocation of the permit may be made orally or in writing. In the event that the permit is revoked, it shall be unlawful for the person holding said permit, the owner of premises and/or his agents and employees to continue with the construction, reconstruction or repair of the sidewalks. Notice shall be given to the Superintendent of Highways by the owner or his contractor of commencement of work. The Superintendent of Highways shall, within 48 hours from receipt of said notice, make an inspection of said work. Disputes as to grades, thickness of concrete, workmanship and proper manner of construction of sidewalks shall be decided by the Town Engineer. His decision shall be final unless the party aggrieved shall, within 10 days after the Engineer's decision, apply to the Town Board to review the same. No construction, repair or reconstruction of sidewalks shall be carried on after revocation of permit or pending the decision of the Town Engineer or the Town Board. The decision of the Town Board shall be final. Violations of this article shall be prosecuted by the Superintendent of Highways. No concrete shall be mixed or prepared on the street surface or curbing and such mixing or preparing concrete on the street surface or curbing is hereby declared a violation of this article.

§ 247-12. Penalties for offenses.

[Amended 3-12-1986 by L.L. No. 4-1986]

Any violation of this article shall be punishable by a fine not to exceed \$250 or imprisonment for a term not to exceed 15 days, or both.

Article III. Depositing of Snow

[Adopted 2-18-1970 by L.L. No. 4-1970; amended in its entirety 9-10-2003 by L.L. No. 17-2003]

§ 247-13. Placement of snow or ice on municipal property.

No person shall plow, shovel or otherwise place snow or ice on municipal property. For purposes of this section, municipal property shall include all parcels of property owned by any municipality. Municipal property shall also include all municipal rights-of-way, including all sidewalks thereon.

§ 247-14. Penalties for offenses.

Violation of this article shall be punishable by a fine not to exceed \$250 or imprisonment for a term not to exceed 15 days, or both.

Article IV. Notification of Defects

[Adopted 6-20-1984 by L.L. No. 6-1984]

§ 247-15. Notice required for maintenance of action.

No action or special proceeding shall be prosecuted or maintained against the Town of Rotterdam for personal injury or damages to real or personal property alleged to have been sustained by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of

the existence of snow or ice thereon, unless it appears that the written notice of the defective, unsafe, dangerous or obstructed condition, or the existence of snow or ice, was actually given to the Town Clerk or the Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to report or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

§ 247-16. Maintenance of records.

[Amended 7-9-2003 by L.L. No. 9-2003]

The Town Clerk and the Town Superintendent of Highways shall keep an indexed record, in a separate book, of all notices which it shall receive of the existence of such defective, unsafe, dangerous or obstructed conditions, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

§ 247-17. Time period for transmission to Clerk and Town Board.

The Town Superintendent of Highways shall transmit, in writing to the Town Clerk, within five days after the receipt thereof, all written notices received by him pursuant to this article and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within five days of the receipt or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 247-18. Effect on statutory provisions.

This article shall supersede, in its application to the Town of Rotterdam, Subdivisions 1 and 3 of § 65-a of the Town Law.

Article V. Temporary Street, Highway and Road Closures

[Adopted 7-10-2013 by L.L. No. 10-2013]

§ 247-19. Purpose.

No person, corporation or other legal entity shall occupy, march or proceed along or close any Town highway or part thereof without having first obtained a temporary street closure permit from the Town of Rotterdam. Applications for such a permit shall be made in writing to the Town Clerk and shall be reviewed and approved by the Superintendent of Highways, the Department of Public Works, and the Chief of Police. The permit shall be issued by the Superintendent of Highways, through the Town Clerk's office.

§ 247-20. Application for street closure generally.

The application for a street closure permit shall set forth the following information:

- A. The name, address, e-mail address and telephone number of the person or organization seeking the street closure.
- B. The name, address, e-mail address and telephone number of the person who will be responsible for the event and street closure's conduct and completion.
- C. The proposed date when the street closure is to be conducted.

- D. The proposed map of the street to be closed.
- E. The approximate number of persons and number and type of animals and vehicles to be in the event.
- F. The application shall be filed 30 days prior to the proposed street closure.
- G. The proposed hours when the street closure will start and terminate.
- H. The proposed location by streets of any assembly areas and disbandment areas for any such event.

§ 247-21. Additional application requirements for parade, road race, run, walk, or any similar activity.

Each application for a street closure permit for a parade, road race, run, walk, or any similar activity shall set forth the following information:

- A. The time and place of assembly.
- B. The starting time and starting point of the parade, road race, run, walk, or any similar activity.
- C. The map showing the route of travel and portions of the streets to be traversed that may be occupied by the parade, road race, run, walk, or any similar activity.
- D. The termination point and place of disbandment.

§ 247-22. Issuance of temporary street closure permit.

The Superintendent of Highways shall issue a street closure permit when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- A. The conduct of the event and closure will not substantially interrupt the safe and orderly movement of other pedestrian and vehicular traffic at or contiguous to the route, assembly and disbandment areas of the event.
- B. The event is scheduled to move from its point of origin to its point of termination expeditiously.
- C. The event is not to be held for the sole purpose of advertising any commercial product, goods or event and is not designed to be held purely for private profit.
- D. A sufficient number of police officers are available to adequately protect both observers and participants, to direct traffic and to provide reasonable protection to the remainder of the Town.
- E. If the event creates the need for overtime expenditures by the Highway Department, the Department of Public Works or the Police Department, the applicant will be advised of the monetary amount of the necessary employee overtime costs, which shall be paid by the applicant prior to the issuance of the street closure permit.

§ 247-23. Denial of temporary street closure permit and rerouting.

The Superintendent of Highways, in denying an application for a street closure permit, may authorize the conduct of the event on a date, at a time or over a route different from that named by the applicant in the interest of facilitating crowd control, relieving congestion and promoting public safety, provided that the applicant's right of free speech is not denied thereby.

§ 247-24. Permit conditions.

- A. A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. Possession of permit. The event chairperson shall carry the parade permit upon his or her person during the event.
- C. Parking in the event or route area. The Chief of Police shall have the authority to prohibit or restrict the parking of vehicles along a street constituting a part of the event area or route or as necessary to facilitate pedestrian and vehicular traffic in the vicinity of the event. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
- D. The Superintendent of Highways shall have the authority to revoke a parade permit upon application of the standards for issuance of such permit.

§ 247-25. Effect on existing laws.

Nothing in this section shall prohibit the temporary closure of a street during an emergency, for public safety or for road maintenance or repair.

§ 247-26. Alternate authority to issue street closure permit.

If the Superintendent of Highways is unable to act, the Department of Public Works or the Chief of Police is authorized to issue the street closure permit.

ROTTERDAM

CHAPTER 249 SUBDIVISION OF LAND

Chapter 249. Subdivision of Land

[HISTORY Adopted by the Town Board of the Town of Rotterdam 8-19-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 116.

Excavations and open wells — See Ch. 121.

Fees — See Ch. 126.

Flood damage prevention — See Ch. 134.

Sewers — See Ch. 230.

Streets and sidewalks — See Ch. 247.

Naming and numbering of streets — See Ch. 250.

Zoning — See Ch. 270.

249a Sudivision Design Details

§ 249-1. Authorization of plat approval by Planning Commission.

[Amended 3-12-1986 by L.L. No. 4-1986]

By authority of a resolution adopted by the Town of Rotterdam, pursuant to the provisions of Article 16 of the Town Law, and acts amendatory thereto, the Planning Commission has the power and authority to approve plats for subdivisions within the Town of Rotterdam.

§ 249-2. Declaration of policy.

It is hereby declared to be the policy of the Town of Rotterdam Planning Commission to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health, or peril from fire, flood or other menace. Proper provision shall be made for drainage, water, sewerage and other needed improvements. The proposed streets and development shall compose a convenient street system and shall be properly related to the Official Map and/or the Master Plan of the Town of Rotterdam as either may be adopted or accepted as guides for the future development of the town. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. In proper cases, park area of suitable location, size and character for playground or other recreational purposes shall be shown on the subdivision plat and dedication of and/or fees in lieu of land may be required for public uses serving the subdivision.

§ 249-3. Effect on statutory provisions.

Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

§ 249-4. Purpose.

In order that land may be subdivided in accordance with this policy, these regulations are hereby adopted.

§ 249-5. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

COLLECTOR STREET

A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

CUL-DE-SAC STREET

A street or a portion of a street with only one vehicular outlet and having a turning loop or similar arrangement at the closed end.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

MAJOR STREET (ARTERIAL)

A street which does not provide direct access to abutting properties and which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

MASTER PLAN

A comprehensive plan, prepared by the Planning Commission pursuant to Article 16 of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MINOR STREET

A street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION

Any subdivision containing no more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance^[1] or these regulations.

OFFICIAL MAP

The map established by the Town Board pursuant to Article 16 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

PLANNING COMMISSION or COMMISSION

The Planning Commission of the Town of Rotterdam.

PRELIMINARY PLAT

A drawing or drawings clearly marked "preliminary plat," showing the salient features of a proposed subdivision, as specified in § 249-24 of these regulations, submitted to the Planning Commission for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Commission of the layout of the proposed subdivision.

SKETCH PLAN

A sketch of a proposed subdivision showing the information specified in § 249-22 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the layout and objectives of these regulations.

STREET

Includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The width of right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER

Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION

The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways and includes resubdivision.

SUBDIVISION PLAT or FINAL PLAT

A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Commission for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Registrar.

TOWN ENGINEER

A duly designated engineer of the town.

[1] *Editor's Note: See Ch. 270, Zoning.*

§ 249-6. Application for approval required.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

§ 249-7. Sketch plan approval.

- A. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Chairman of the Planning Commission at least 10 days prior to the regular meeting of the Commission, two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of § 249-22 for the purposes of classification and preliminary discussion.
- B. Discussion of requirements and classification.
 - (1) The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
 - (2) A determination is to be made at this time by the Planning Commission as to whether the proposed subdivision is a minor or major subdivision as defined in these regulations. The Commission may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with some or all of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in § 249-8 of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures in §§ 249-9, 249-10 and 249-11.

- C. Study of sketch plan. The Planning Commission shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Commission.
- D. Application fee. An application fee for a sketch plan shall be affixed by the Rotterdam Town Board and designated in Chapter **126** of the Code of the Town of Rotterdam, entitled "Fees."
[Added 12-9-1992 by L.L. No. 32-1992]

§ 249-8. Minor subdivision approval.

- A. Application and fee.
[Amended 1-21-1976; 12-9-1992 by L.L. No. 32-1992]
 - (1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Commission, the subdivider shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Commission. Said application shall also conform to the requirements listed in § **249-23**. Failure to comply with any of the above will require resubmission of the sketch plan to the Planning Commission for reconsideration, including the appropriate fee required under § **249-7D**.
 - (2) All applications for plot approval for minor subdivisions shall be accompanied by a fee established by the Rotterdam Town Board and designated in Chapter **126** of the Code of the Town of Rotterdam, entitled "Fees."
 - (3) Administrative fees. The costs incurred for the review of an application by the Town Engineer, for consulting engineering fees or other consulting fees in conjunction with the Planning Board's review for a proposed application, including reviews required under the New York State Environmental Quality Review Act,^[1] shall be charged to the applicant. The Planning Board shall obtain an estimate from any designated consultant for an amount sufficient to defray the costs of such services. The applicant shall enter into an escrow agreement with the Town of Rotterdam, and said agreement shall be executed by the Rotterdam Town Supervisor, upon authorization from the Rotterdam Town Board and recommendation of the Rotterdam Planning Commission. The Rotterdam Town Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.
^[1] *Editor's Note: See Environmental Conservation Law § 8-0101 et seq.*
- B. Number of copies. Three copies of the minor subdivision plat shall be presented to the Chairman of the Planning Commission at least 10 days prior to a scheduled monthly meeting of the Planning Commission.
- C. Subdivider to attend Planning Commission meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the minor subdivision plat.
- D. When officially submitted. The time of submission of the minor subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Commission, at least 10 days prior to which the application for plat approval, complete and accompanied by the required fee and all data required by § **249-23** of these regulations, has been filed with the Secretary of the Planning Commission.
- E. Public hearing. A public hearing shall be held by the Planning Commission within 30 days from the time of submission of the minor subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.
- F. Action on minor subdivision plat. The Planning Commission shall, within 45 days from the date of the public hearing, approve, modify and approve or disapprove the minor subdivision plat.

§ 249-9. Preliminary plat approval for major subdivisions.

A. Application and fee.

- (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in § 249-24 of this regulation. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of Article 16 of the Town Law and § 249-24 of these regulations, except where a waiver may be specifically authorized by the Planning Commission.
- (2) Application fee. The application for conditional approval of the preliminary plat shall be accompanied by a fee, per lot, as affixed by the Rotterdam Town Board and designated in Chapter 126 of the Code of the Town of Rotterdam, entitled "Fees."
[Amended 1-21-1976; 12-9-1992 by L.L. No. 32-1992]
- (3) Administrative fees. The costs incurred for the review of an application by the Town Engineer, for consulting engineering fees or other consulting fees in conjunction with the Planning Board's review for a proposed application, including reviews required under the New York State Environmental Quality Review Act,^[1] shall be charged to the applicant. The Planning Board shall obtain an estimate from any designated consultant for an amount sufficient to defray the costs of such services. The applicant shall enter into an escrow agreement with the Town of Rotterdam, and said agreement shall be executed by the Rotterdam Town Supervisor, upon authorization from the Rotterdam Town Board and recommendation of the Rotterdam Planning Commission. The Rotterdam Town Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.
[Added 12-9-1992 by L.L. No. 32-1992]

[1] *Editor's Note: See Environmental Conservation Law § 8-0101 et seq.*

- B. Number of copies. Eight copies of the preliminary plat, stamped "PRELIMINARY PLAT" shall be presented to the Chairman of the Planning Commission at least 10 days prior to a regular monthly meeting of the Planning Commission.
[Amended 4-5-1978]
- C. Subdivider to attend Planning Commission meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the preliminary plat.
- D. Study of preliminary plat. The Planning Commission shall study the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided and the timing of such development. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, the preservation of existing design features and the requirements of the Master Plan, the Official Map (if any), zoning regulations and the development of an attractive and convenient neighborhood.
- E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Commission, at least 10 days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by § 249-24 of these regulations, has been filed with the Chairman of the Planning Commission.
- F. Action on preliminary plat. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in Town Law § 276, Subdivision 4. The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat in accordance with the procedures set forth in Town Law § 276, Subdivision 5.

[Amended 4-5-1978^[2]]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 249-10. Final plat approval for major subdivisions.

- A. Application for approval. The subdivider shall, within six months after the conditional approval of the preliminary plat, file with the Planning Commission an application for approval of the subdivision plat in final form, using the approved application blank available from the Building Inspector/Code Enforcement Officer. If the final plat is not submitted within six months after the conditional approval of the preliminary plat, the Planning Commission may require resubmission of the preliminary and final plats.

[Amended 1-21-1976^[1]]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Commission shall provide the Chairman of the Commission with a copy of the application and eight copies of the plat, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings, at least 10 days in advance of the regular monthly Planning Commission meeting at which it is to be officially submitted.

[Amended 4-5-1978]

- C. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Commission, at least 10 days prior to which the application for approval of the subdivision plat, complete and accompanied by all data required by § 249-25 of these regulations, has been filed with the Chairman of the Planning Commission. In addition, if the applicant elects to construct any or all required improvements [as specified in § 249-11A(2)], the Town Engineer must file a certificate with the Planning Commission stating that these improvements have been satisfactorily installed before the subdivision plat shall be considered officially submitted.

[Amended 4-5-1978]

- D. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be endorsed and approved by the Town Engineer. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement and approval by the New York State Department of Health (pursuant to Public Health Law § 115 et seq.^[2]), the New York State Department of Transportation (pursuant to Highway Law § 52 where a subdivision opens onto a state highway), the New York State Department of Environmental Conservation (pursuant to current requirements) and the County of Schenectady (where a subdivision opens onto a county highway) shall be secured by the subdivider before the signature of the officer authorized by the Planning Commission may be affixed to the subdivision plat drawing.

[Amended 4-5-1978; 11-28-1990 by L.L. No. 25-1990]

[2] *Editor's Note: See now Public Health Law § 1120 et seq.*

- E. Approval of final plats.

[Amended 4-5-1978^[3]]

- (1) Submission of final plats. Final plats shall conform to the definition provided by this section.
- (2) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Clerk of the Planning Board.
- (3) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (4) Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, or when no

preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

(a) Planning Board as lead agency; public hearing; notice; decision

[1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[a] If such Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or

[b] If such Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

[2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall make its decision on the final plat as follows:

[a] If such Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days after the date of the public hearing; or

[b] If such Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

[4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board

(b) Planning Board not as lead agency; public hearing; notice; decision.

[1] Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on

the final plat within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board.

- [2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- [3] Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
 - [a] If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.
 - [b] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

[3] *Editor's Note: Amended at time of adoption of Code, see Ch. 1, Art. I.*

- F. The Planning Commission may have prepared by qualified professional staff or consultant, prior to approval of any proposed major subdivision plat, a cost-benefit analysis of the development pattern, including but not limited to the total public cost of projected services and the private contribution from the projected project, including tax revenue.^[4]

[4] *Editor's Note: Original Subsection G, Action on Proposed Subdivision Plat, which immediately followed this subsection, was repealed 4-5-1978.*

§ 249-11. Required improvements.

[Amended 10-28-1992 by L.L. No. 30-1992]

- A. Improvements and irrevocable standby letter of credit. Before the Planning Commission grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A(1) or (2) below:
 - (1) In an amount set by the Planning Commission, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk an irrevocable standby letter of credit to cover the full cost of the required improvements. Any such irrevocable standby letter of credit shall comply with the requirements of Article 16 of the Town Law and shall be satisfactory to the Town Attorney, the Town Engineer and the Superintendent of Highways as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Commission may determine appropriate, not to exceed three years, shall be set forth in the irrevocable standby letter of credit, within which required improvement must be completed.
 - (2) The subdivider shall complete all required improvements to the satisfaction of a Town Engineer, the Town Superintendent of Highways and the Town Attorney who shall file with the Planning Commission a letter signifying the satisfactory completion of all improvements required by the Commission. For any required improvements not so completed, the subdivider shall file with the Town Clerk an irrevocable standby letter of credit covering the costs of such improvements and the cost of satisfactorily installing

any improvement not approved by the Town Engineer. Any such irrevocable standby letter of credit shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety. The dedication of a street or highway for public purposes shall be made in accordance with the Town Law, the Highway Law of the State of New York and the Town Code of the Town of Rotterdam.

- (3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer, the Town Superintendent of Highways and the Town Attorney and a map satisfactory to the Planning Commission has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection **A(2)**, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Commission officer. However, if the subdivider elects to provide an irrevocable standby letter of credit or certified check for required improvements as specified in Subsection **A(1)**, such irrevocable standby letter of credit shall not be released until such a map is submitted.
 - (4) In addition to the limitations imposed by Subsection **A(3)** above, the Planning Commission may require that any street improvement provided under Subsection **A(1)** is of satisfactory quality by stipulating a portion of the bond to be held until 12 months following installation of such facilities.
- B. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer, the Town Superintendent of Highways and the Town Attorney that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer, the Town Superintendent of Highways and the Town Attorney may, upon the approval of the Planning Commission, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to a waiver or substantial alteration of the function of any improvements required by the Commission. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at its next regular meeting.
- C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Town Engineer and the Town Superintendent of Highway, in writing, of the time when he proposed to commence construction of such improvements so that said officials may arrange for inspections to be made to assure that all specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Commission.
- (1) Inspection fees. The Town Engineer may designate a consulting engineer and/or additional staff personnel to facilitate inspection of all required improvements. The subdivider shall be responsible for all fees associated with inspection of required improvements. The Town Engineer shall obtain an estimate from any designated consultant in an amount sufficient to defray the costs of such services. The subdivider shall enter into an escrow agreement with the Town of Rotterdam, and said agreement shall be executed by the Rotterdam Town Supervisor, upon authorization by the Rotterdam Town Board and recommendation from the Town Engineer. The Rotterdam Town Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.
[Added 12-9-1992 by L.L. No. 32-1992]
- D. Proper installation of improvements. If the Town Engineer or the Town Superintendent of Highways finds, upon inspection of the improvements performed before the expiration date of the irrevocable standby letter of credit, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector/Code Enforcement Officer and Planning Commission. The Town Board then shall notify the subdivider and, if necessary, the surety and take all necessary steps to preserve the town's rights under the irrevocable standby letter of credit. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plat.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 249-12. Filing of approved plat.

- A. Final approval and filing. The signature of the Chairman of the Planning Commission constituting final approval by the Planning Commission of a plat showing lots, blocks or sites, with or without streets or highways or the approval by such Commission of the development of a plat or plats are located if such plats are entirely or partially undeveloped, or the certificate of the Town as to the date of the submission of the final plat and the failure of the Planning Commission to take action thereon within the time prescribed, shall expire within 62 days from the date of such approval, or from the date such certificate is issued unless within such sixty-two-day period, such plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk. In the event the owner shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed within 30 days of the filing of each section with the Town Clerk. Such section shall encompass at least 10% of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Town Law § 265-a Subdivision 2.

[Amended 4-5-1978]^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Commission endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission and such Commission approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 249-13. Public streets and recreation areas.

- A. Public acceptance of streets. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Commission shall require the plat to be endorsed with appropriate notes to this effect. The Planning Commission may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ 249-14. Compliance to standards required.

In considering applications for subdivision of land, the Planning Commission shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Commission only under circumstances set forth in § 249-26 herein.

§ 249-15. General standards.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion, slippage or other menace.
- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map (if any) of the Town and shall be in harmony with the Master Plan.

- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications which may be obtained from the Town Engineer.

§ 249-16. Layout of streets.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan, and to accommodate the prospective traffic and afford access for fire-fighting, snow-removal and road-maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- B. Arrangement.
 - (1) The arrangement of streets in the subdivision shall provide for the continuation of principal streets of any adjoining subdivision, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public service such as sewers, water and drainage facilities. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
 - (2) Subdivisions containing 20 lots or more shall have at least two street connections with existing collector streets or streets on an approved subdivision plat for which a bond has been filed.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special treatment along major (arterial) streets. When a subdivision abuts or contains an existing or proposed arterial street, the Commission shall require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. (See Sketch A.)^[1]
- E. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- F. Dead-end streets. The creation of cul-de-sac or loop residential streets will be encouraged wherever the Commission finds that such type of development will not interfere with normal traffic circulation in the area. In the case of such streets, where needed or desirable, the Commission may require the reservation of a ten-foot-or-wider easement to provide for continuation of pedestrian traffic and utilities to the next street.
- G. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a ten-foot-or-wider easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a paved footpath be included.
- H. Intersections with collector, major (arterial) streets or roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- I. Street jogs at intersections. Two parallel streets intersecting a third street with center-line-to-center-line distance of less than 125 feet shall be avoided. (See Sketch B.)^[2]

[1] *Editor's Note: Sketch A of the Subdivision Design Details is included at the end of this chapter.*

[2] *Editor's Note: Sketch B of the Subdivision Design Details is included at the end of this chapter.*

- J. Angle of intersection. In general, all streets shall join each other so that, for a distance of at least 100 feet, the street is approximately at right angles to the street it joins. (See Sketch C.)^[3]
[3] Editor's Note: Sketch C of the Subdivision Design Details is included at the end of this chapter.
- K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property.
- L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

§ 249-17. Street design.

- A. Widths of rights-of-way and street pavements. Each Town right-of-way shall have a minimum width of 60 feet. The minimum pavement width of each street shall be 30 feet.
[Amended 8-24-1988 by L.L. No. 5-1988]
- B. Required street improvements. Required street improvements shall meet standards established and published by the Town Engineer and the Town Superintendent of Highways. These include provisions for grading, subbase, wearing surface, construction methods, cold weather regulations and other standards.
[Amended 10-28-1992 by L.L. No. 30-1992]
- C. Street drainage. Street and road culverts, headwalls or other appurtenances shall be installed by the developer where necessary. Where there is no natural stream or watercourse for the drainage of surface water from the proposed street or road, the developer shall secure rights-of-way and install stormwater drains to a natural waterway or as a Town Engineer directs. All street storm and sanitary sewers shall be constructed according to the grades on the plat submitted at the public hearing.
- D. Utilities in streets.
 - (1) The Planning Commission shall require that underground utilities be placed in the street right-of-way between the street pavement and street right-of-way line wherever possible, to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections in the street to the property line of each lot within the subdivision for such required utilities before the street is paved. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
 - (2) Electric and telephone service shall be underground except that major electrical transmission lines may be placed on utility right-of-way at least 150 feet from any street except where such street is crossed at no less than a seventy-five-degree angle.
 - (3) Real property developers shall be required to install in the streets underground conduits for gas service, electric service and telephone service at their own expense, which shall be installed prior to the acceptance of street or their installation should be secured by a performance bond or deposit of other security. This regulation shall be enacted upon all major subdivisions of more than four lots.
[Added 1-16-1974; amended 3-12-1986 by L.L. No. 4-1986]
- E. Utility easements and alignments.
 - (1) Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements may be cleared or graded and shall be part of the subdivision open space plan.

- (2) Alignments for major overhead utility lines shall be reviewed and provided for in such a manner as to minimize detrimental impact on the development and surrounding area.

F. Grades.

- (1) Grades of all streets shall conform in general to the terrain, and shall be not less than 1/2 nor more than 8% for collector, or 10% for minor streets in residential areas, but in no case more than 3% within 50 feet of any intersection.
- (2) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.
- (3) A combination of steep grades and curves shall be avoided.

G. Curves and visibility at intersections.

- (1) All street right-of-way lines at intersections shall be rounded by curves of at least twenty-foot radius, and curbs shall be adjusted accordingly. (See Sketch D.)^[1]
[1] Editor's Note: Sketch D of the Subdivision Design Details is included at the end of this chapter.
- (2) In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at 30 feet distant from the point of intersection shall be cleared of all growth, except isolated trees, and obstructions more than three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

H. Culs-de-sac. Where cul-de-sac streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided unless the Planning Commission approves an alternate arrangement.

I. Watercourses.

- (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet in width.

J. Curve radii. In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 200 feet on collector streets and 100 feet on minor streets. (See Sketch E.)^[2]

[2] Editor's Note: Sketch E of the Subdivision Design Details is included at the end of this chapter.

K. Reserve strips prohibited. Reserve strips of land, to be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

L. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

§ 249-18. Street names.

All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Commission. In general, streets shall have names and not numbers or letters. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

[1] *Editor's Note: See also Ch. 250, Naming and Numbering of Streets.*

§ 249-19. Construction of sidewalks; responsibility for maintenance and assumption of liability.

[Amended 12-22-2004 by L.L. No. 19-2004]

- A. As part of any subdivision approval, the Planning Commission is authorized to require the construction of sidewalks built to specifications adopted by the Department of Public Works. Construction of any such sidewalk shall be the responsibility of the property owner. Maintenance of any such sidewalk shall be the responsibility of the property owner and it shall be maintained to the level of specifications as adopted by the Department of Public Works. Any and all liability for any action related to such sidewalks shall be the responsibility of the property owner.
- B. Any subdivision map requiring construction of sidewalks pursuant to this section shall contain a note that states: "Construction, maintenance and liability for sidewalks appearing on this map shall be governed by Rotterdam Town Code § 249-19 and all specifications adopted pursuant to said section."
- C. Sidewalks shall be maintained pursuant to Town specifications. Failure to maintain sidewalks constructed pursuant to this section shall result in a fine of up to \$250 or 15 days in jail, or both. Enforcement of this section shall be by the Building Inspector/Code Enforcement Officer upon written complaint.

§ 249-20. Lots.

- A. Lot size. All lots shall have area and width equal to minimum requirements of the zoning regulations, if any, and New York State Department of Health regulations (pursuant to Public Health Law § 1115 and following) applying to the district in which they are located. Larger lots may be required if necessary to carry out the purposes of this regulation.
- B. Side lines. Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide a desirable building site with proper building setback from each street.
- D. Driveway access. Driveway grades between the street and the setback line shall not exceed 7%.
- E. Access from private streets. Lots on private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations unless overall design is improved by an alternative.
- F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.

§ 249-21. Drainage systems.

Adequate storm drainage systems shall be required in all subdivisions. The drainage system shall be designed by a person licensed to perform such work.

- A. Removal of spring and surface water. Any spring or surface water that may exist either previous to, or as a result of, the subdivision shall be carried away by pipe or open ditch. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance^[1] in the watershed. The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the town, or may be prorated among the upstream property owners and access when upstream land is subdivided.
^[1] *Editor's Note: See Ch. 270, Zoning.*
- C. Responsibility from drainage downstream. The subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; and this report shall be reviewed by the Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a ten-year storm, the Planning Commission shall notify the Town Board of such potential condition. In such case, the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Commission to remedy said hazardous conditions.
- E. Drainage plan. All subdividers shall present an individual lot drainage plan for each lot in their proposed subdivision. Such plan shall be used in the grading of lots before a certificate of occupancy is granted, as required by the Zoning Ordinance.^[2] No roof leaders or footing drains which carry stormwater will be permitted to use a sanitary sewer nor a so-called dry well in an area where the dominant soil is hardpan, but shall be adequately disposed of upon the ground surface.
^[2] *Editor's Note: See Ch. 270, Zoning.*
- F. Curbs and gutters. Concrete or store curbs and satisfactory gutters and storm drains shall be provided to carry snow and rain runoff from street surfaces along which sidewalks are required.

§ 249-22. Open space; natural features.

- A. Open space.
 - (1) Recreation areas.
 - (a) The Planning Commission shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose in the vicinity of the subdivision. Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in the subdivision, the Commission shall require that such area or areas be shown on the plat in accordance with the requirements specified above. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
 - (b) In the event that an area suitable for a park or playground is located in the subdivision, the subdivider shall submit to the Commission, prior to final approval, three prints (one on cloth) drawn in ink, showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof:

^[1] The boundaries of said area.

- [2] Existing features, such as brooks, ponds, clusters of trees, rock outcrops and structures.
 - [3] Existing and, if applicable, proposed changes in grade and contours of said area and of area immediately adjacent.
- (c) The subdivider shall provide recreation areas sufficient to meet standards established by the Town Master Plan.
- (2) Waiver of plat designation of area for parks and playgrounds.
[Amended 12-9-1992 by L.L. No. 32-1992]
- (a) In cases where the Planning Commission finds that, due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein or, in the opinion of the Commission, it is not desirable, the Commission may waive the requirements that the plat show land for such purposes. The Commission may then require as a condition to approval of the plat a payment to the Town as affixed by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees," which otherwise would have been acceptable as a recreation site, as determined by the standards set forth in **§ 249-22A(1)**.
 - (b) Such amount shall be paid to the Town of Rotterdam at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Commission until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that is suitable for permanent park, playground or other recreational purposes and is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situate, provided that the Planning Commission finds that there is a need for such improvements.
 - (c) The Commission may then require as a condition of approval of the plat for each major or minor subdivision a payment to the Town of fees as prescribed in **§ 249-22A(2)(a)** in lieu of land dedication under this section.
[Amended 8-12-2009 by L.L. No. 6-2009]
- B. Preservation of natural features. The Planning Commission, shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final subdivision plat or individual house sites and driveways. Removal of additional trees shall be subject to the approval of the Planning Commission.

§ 249-23. Contents of sketch plans.

The sketch plan initially submitted to the Planning Commission shall be based on an accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall show the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- B. All roads, structures, wooded areas, streams, utilities and other physical features within the portion to be subdivided and within 100 feet thereof, including those covered by **§ 249-22B**. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

- C. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The tax map sheet, block and lot numbers, if any.
- E. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewerage and water supply (see §§ 249-24 and 249-25 below) within the subdivided area.
- F. All existing restrictions on the use of land, including easements, covenants, zoning districts and land reserved on Town or County Official Maps (if any).

§ 249-24. Contents and specifications of minor subdivision plats.

- A. In the case of minor subdivision only, the subdivision plat application shall include the following information:
 - (1) A copy of such covenants or deed restrictions intended to cover all or part of the tract.
 - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat.
 - (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 - (4) Proposed subdivision name, and "Rotterdam, Schenectady County."
 - (5) The date, North point, map scale, name and address of record owner and subdivider.
 - (6) A stormwater pollution prevention plan (SWPPP) consistent with § 270-215 shall be required.
[Added 4-27-2005 by L.L. No. 10-2005]
- B. The plat to be filed with the County Clerk shall be printed upon linen tracing cloth or suitable substitute and be clearly drawn in India ink. The size of the sheet shall conform to the County Clerk's standards.

§ 249-25. Contents and accompanying data of major subdivision preliminary plats.

[Amended 4-5-1978]

The following documents shall be submitted for approval:

- A. Eight copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less than 50 feet to the inch, showing:
 - (1) Proposed subdivision name, "Rotterdam, Schenectady County," date, true North point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent unsubdivided property.
 - (3) Zoning district, including exact boundary lines of district, if more than one district and any proposed changes in the zoning district lines and/or the Zoning Ordinance text applicable to the area to be subdivided.^[1]

[1] *Editor's Note: See Ch. 270, Zoning.*

- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
 - (6) Location of existing sewers, water mains, culverts and drains on and adjacent to the property, with pipe sizes, grades and direction of flow.
 - (7) Contours, with intervals of five feet or less, as required by the Commission, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.
 - (8) The width and location of any streets or public ways or places shown on the Official Map (if any) or the Master Plan within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
 - (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
 - (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
 - (11) Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
 - (12) Profiles of proposed streets with existing elevations every 50 feet and street grades shown.
 - (13) Preliminary designs of any bridges or culverts which may be required.
 - (14) The proposed lot lines with approximate dimensions and area of each lot.
 - (15) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, and which shall provide satisfactory access to a public highway or public open space shown on the subdivision of the Official Map (if any).
 - (16) An actual field survey of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified to by a licensed land surveyor. The tract corners shall also be located on the ground and marked by substantial monuments of such size and type as are approved by the Town Engineer, and shall be referenced and shown on the plat.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- D. A stormwater pollution prevention plan (SWPPP) consistent with § 270-215 shall be required.
[Added 4-27-2005 by L.L. No. 10-2005]

§ 249-26. Contents and accompanying data of major subdivision final plats.

The following documents shall be submitted for plat approval:

A. Final plat.

- (1) The plat to be filed with the County Clerk shall be printed upon linen tracing cloth or suitable substitute and be clearly drawn in India ink. The size of the sheets shall conform to Town standards. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, a key map or an additional index sheet of the same size, shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.
- (2) The plat shall show:
 - (a) Proposed subdivision name or identifying title and "Rotterdam, Schenectady County," the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
 - (b) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.
 - (c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and inches. The plat shall show the boundaries of the property, location, graphic scale and true North point.
 - (e) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be used and maintained and the provisions made therefor.
 - (f) All offers of cession and covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - (g) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 - (h) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
 - (i) All lot corner markers shall be at least 3/4 inch, if metal, in diameter and at least 24 inches in length, and permanently located in the ground to existing grade in a manner satisfactory to the Town Engineer.
 - (j) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

§ 249-27. Variances and waivers.

- A. Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map (if any), the Master Plan, or the Zoning Ordinance.^[1]

^[1] *Editor's Note: See Ch. 270, Zoning.*

- B. Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provisions of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- C. In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgment secure substantially the objectives of the standards or requirements so varied or modified.

- D. Waiver for lot line amendments.

[Added 11-12-2008 by L.L. No. 12-2008]

- (1) An applicant may request that the subdivision process be waived when a proposed subdivision:
 - (a) Does not result in an additional lot being created;
 - (b) Is a minor modification to an existing lot line; or
 - (c) The conveyance of a portion of one parcel to an adjoining parcel; and
 - (d) The resultant lots are equal to or exceed the minimum zoning requirements or do not make any existing nonconforming lot more nonconforming.
- (2) To request such waiver, the applicant shall complete a boundary line adjustment application, submit a sketch plan in accordance with this chapter, pay the required application fee and submit a narrative explaining the proposed boundary line adjustment for Planning Board review.
- (3) If the waiver is granted, the applicant shall file a surveyed map of the subdivision with the Department of Public Works in accordance with this chapter. The Planning Board Chairman shall be authorized to sign the final map for filing with the Schenectady County Clerk's office.
- (4) If the Planning Commission denies the request for a waiver, the applicant must proceed with the submission requirements to the Planning Board, as outlined in this chapter, which shall initiate a full subdivision review.^[2]

^[2] *Editor's Note: Application Form Nos. 1 through 4, which were included at the end of this chapter and were obsolete, were repealed 11-12-2008 by L.L. No. 12-2008.*

ROTTERDAM

CHAPTER 270 ZONING

Chapter 270. Zoning

[HISTORY: Adopted by the Town Board of the Town of Rotterdam 8-24-1988 by L.L. No. 6-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. **90**.
Environmental quality review — See Ch. **116**.
Fees — See Ch. **126**.
Flood damage prevention — See Ch. **134**.
Housing and building standards — See Ch. **154**.
Racetracks — See Ch. **222**.
Seasonal Sales — See Ch. **228**.
Sewers — See Ch. **230**.
Solid waste — See Ch. **244**.
Subdivision of land — See Ch. **249**.
Swimming pools — See Ch. **252**.
Trailers — See Ch. **260**.

270a Table 1

Article I. General Provisions

§ 270-1. Statutory authority.

The Town Board of the Town of Rotterdam, in the County of Schenectady and State of New York, under authority of the Town Law, Chapter 62 of the Consolidated Laws, Article 16, of the State of New York, hereby ordains, enacts and publishes the following.

§ 270-2. Purpose.

It is the purpose of this chapter to promote the health, safety and general welfare of the community; to guide future growth and development of the town; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding and congestion; to facilitate the adequate provision for transportation, water, drainage, sewage, parks, open space and other public requirements; to conserve the value of land and buildings in accordance with the character of the district and its particular suitability for certain uses; to establish the most beneficial relationship between land use, buildings and the circulation of traffic throughout the town; to safeguard natural resources and prevent the contamination of wells, streams and watercourses; to preserve the integrity and attractiveness of the community; and to assure privacy for residences and freedom from nuisances and harmful, unsightly, obtrusive and noisome land uses and activities.

§ 270-3. Title.

[Amended 7-9-2003 by L.L. No. 9-2003]

This chapter shall be known and may be cited as the "Zoning Local Law of the Town of Rotterdam, County of Schenectady and State of New York" or as the "Rotterdam Zoning Local Law."

Article II. Word Usage and Definitions

§ 270-4. Word usage.

In the construction of this chapter, the rules and definitions contained in this article shall be observed and applied, except where the word usage clearly indicates otherwise. For clarity of interpretation of the context, the following definitions of word use shall apply:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number, and the plural the singular.
- C. The word "shall" is mandatory and not discretionary.
- D. The word "lot" shall include the words "piece," "parcel," "plat" and "plots," and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. The word "person" includes a corporation or partnership, as well as an individual.
- F. The word "town" means the Town of Rotterdam.
- G. The words "this local law" or "this chapter" shall mean the Rotterdam Zoning Local Law as originally adopted and as amended from time to time.
[Amended 7-9-2003 by L.L. No. 9-2003]

§ 270-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDON

To cease, for more than six months, the use and maintenance of land, buildings or structures which have been nonconforming uses; or to change from one nonconforming use to another or to a conforming use.

ACCESS

Permission or ability to enter, approach, or pass to and from public and private property.
[Added 9-27-2017 by L.L. No. 4-2017]

ACCESS MANAGEMENT

The control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles, including, as applicable, prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.
[Added 9-27-2017 by L.L. No. 4-2017]

ACCESSORY BUILDING OR STRUCTURE, HEIGHT OF

The vertical distance measured from average grade to the apex of the uppermost structural member.
[Added 7-9-2003 by L.L. No. 11-2003]

ACCESSORY STRUCTURE OR USE

A structure or use which is:

- A. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter.
- B. Clearly incidental to, subordinate to and serves the principal use.

- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, horse boarding; agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

[Amended 4-27-2005 by L.L. No. 9-2005]

ALLEY

A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AMENITIES, PEDESTRIAN

Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of a particular area and contribute to a walkable district. Typical amenities include extrawide sidewalks, street trees, sitting spaces, weather protection (including, for example, awnings or canopies), pedestrian-scale lighting, trash receptacles, bus stop seating, and similar features.

[Added 9-27-2017 by L.L. No. 4-2017]

ANIMAL HOSPITAL

See "hospital, animal."

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, including porches, covered and uncovered, terraces and steps attached directly to the dwelling.

AREA, LOT

The total area within the property lines of a project, excluding external streets.

ARTICULATION

Offsets, projections, recessed wall, windows, doors, and similar features that provide variation to a building facade.

[Added 9-27-2017 by L.L. No. 4-2017]

AUTOMOBILE REPAIR SHOP

Any area of land, including any structure or structures thereon, that is or are used or designated to be used for the repair of motor vehicles. This shall include major or minor motor vehicle repairs as may be authorized by this chapter.

BASEMENT

A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes.

BED-AND-BREAKFAST

Any dwelling in which one or more persons, either individually or as families, are provided sleeping accommodations, with or without meals, in exchange for payment.

[Added 11-24-1999 by L.L. No. 17-1999]

BILLBOARD

See § 270-151.

BOARDINGHOUSE

See "bed-and-breakfast."

[Amended 11-24-1999 by L.L. No. 17-1999]

BUILDING

Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot.

BUILDING, HEIGHT OF

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS

A solar energy system that consists of integrating photovoltaic modules into the building materials comprising the structure, such as the roof material or the facade material, and which does not constitute a rooftop or building-mounted solar system.

[Added 2-22-2017 by L.L. No. 1-2017]

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPING GROUND

A parcel of land designed for the accommodation of tourists and campers. Such accommodations are deemed to include space for parking automobiles, erection of tents and overnight cabins, tables and cooking facilities, excluding, however, mobile homes.

CARE HOMES

Any facility offering any of the following types of care:

[Amended 11-24-1999 by L.L. No. 17-1999]

- A. Skilled nursing care, including, in addition to room and board, those nursing services and procedures employed in caring for the sick which require specialized training, judgment, technical knowledge and skills.
- B. Housing arrangements provided to meet the needs of the elderly and/or disabled population in the community by affording an opportunity for them to live in close proximity to family members who can help maintain their health, independence and privacy.

CAR WASH

A building, or portion thereof, containing facilities for washing automobiles, using production-line methods or other mechanical devices or providing space, water, equipment or soap for the complete or partial handwashing of automobiles, whether by operator or by customer.

CELLAR

A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for the purposes of height measurement in determining the permissible number of stories.

CEMETERY

All property and appurtenances thereto used or held exclusively for the burial or other permanent deposit of the human dead, excluding crematoriums.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)

A person who has received training and is certified by CPESC Inc., to review, inspect and/or maintain erosion and sediment control practices.

[Added 4-27-2005 by L.L. No. 9-2005]

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

[Added 4-27-2005 by L.L. No. 9-2005]

CLEARING

Any activity that removes the vegetative ground cover and/or trees, including, but not limited to, root mat removal and/or topsoil removal.

[Added 4-27-2005 by L.L. No. 9-2005]

CLINIC

A facility for treatment of human ailments, operated by a group of physicians, dentists or other licensed practitioners for the treatment and examination of outpatients.

CLUB, PRIVATE

An organization, lodge or service organization catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, provided that there are not conducted any vending stands or merchandising or commercial activities, except as required generally for the membership and purpose of such club.

COMMERCIAL EXTRACTION OF TOPSOIL, SAND, GRAVEL OR STONE

The extraction of stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the extraction of stone, sand, gravel or topsoil solely in furtherance of on-site construction projects which are permitted uses in the district in which they are to be undertaken and for which a building permit has been lawfully issued by the Town of Rotterdam Building Inspector/Code Enforcement Officer and which does not constitute mining, as defined herein.

[Amended 5-10-1989 by L.L. No. 12-1989; 11-22-1989 by L.L. No. 20-1989; 2-12-1992 by L.L. No. 2-1992; 7-9-2003 by L.L. No. 9-2003]

COMMERCIAL VEHICLE

Every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of persons, goods, wares and merchandise, including tow trucks, contractors' trucks, trailers and machinery, tractor-drawn trailers and semitrailers and tractors, except where such vehicle is used as a recreational vehicle or is used on a day-to-day basis by a family.

COMMON OPEN SPACE

An area of land within a site designated for residential development and designed, intended and reserved for the use of residents of the development. Common open space may include such complementary structures and facilities as are appropriate for the recreational needs of the residents of the development.

COMMUNITY HOUSE

A place of assemblage of people of a particular religion with common interests to advance the general welfare of such people as a group as well as the welfare of the community at large. Such meeting places exclude the use of any pinball machines or other mechanical devices from which a profit may be derived, except, however, food-, soda-, candy- and cigarette-dispensing devices.

CONSERVATION AREA

Land which exhibits environmental sensitivity but is developable as long as the natural vegetation, character, and environmental sensitivity are considered through the use of clustering and reservation of open space implemented through flexible zoning techniques such as planned unit developments, transfer of development rights, tree protection and other regulations.

[Added 9-15-2005 by L.L. No. 16-2005]

CONSERVATION EASEMENTS

A voluntary agreement made between a property owner and an appropriate third party, such as a land trust or public agency. The easement is a legal device for conveying the right to enforce restrictions on the use of the land. These restrictions are intended to conserve open space or to protect valuable environmental areas.

[Added 9-15-2005 by L.L. No. 16-2005]

CONVENIENCE STORE

A place of business being operated for the sale and purchase, at retail, of cold drinks, packaged foods, tobacco and similar convenience goods.

[Amended 4-11-2001 by L.L. No. 4-2001]

CUL-DE-SAC STREET

A street or a portion of a street with only one vehicular outlet and having a turning loop or similar arrangement at the closed end.

[Added 9-26-1990 by L.L. No. 19-1990]

DAY-CARE CENTER

A private residence where six or fewer children receive day care and supervision for periods of less than 24 hours per day.

DEED RESTRICTIONS/RESTRICTIVE COVENANTS

The prohibition of use of a portion of property in order to provide an amenity such as open space through deed covenants, restrictions and easements. The deed that a lot owner receives may also convey ownership in common with other lot owners to a common area. The easement provides that the common area may not be developed except for specified purposes relating to open space and recreation.

[Added 9-15-2005 by L.L. No. 16-2005]

DESIGN MANUAL

The New York State Storm water Management Design Manual, most recent version, including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

[Amended 4-27-2005 by L.L. No. 9-2005]

DISH ANTENNA DISTRICT

A portion of the territory of the Town within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

DRIVE-IN ESTABLISHMENT

A place of business being operated for the sale and purchase, at retail, of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of any food or beverage in automobiles on the premises or elsewhere on the premises but outside any completely enclosed structures.

DWELLING

A residential building, or one or more portions thereof, occupied or intended to be occupied exclusively for residential purposes, but not including habitations provided in nonresidential uses, such as lodging rooms.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING, ATTACHED

A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING, DETACHED

A dwelling that is entirely surrounded by open space on the same lot designed for or occupied exclusively by one single-family residence having no roof, wall, or floor in common with any other dwelling unit.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING, MULTIPLE-FAMILY

An attached dwelling with three or more dwelling units situated on one lot.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING, ONE-FAMILY

A detached building designed for or occupied exclusively by one family situated on one lot. One-family dwelling includes manufactured homes that meet the requirements of the New York State Building Codes.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING, SMALL ONE-FAMILY

A detached building under 2,000 square feet of habitable space that is designed for or occupied exclusively by one family situated on one lot. One-family dwelling includes manufactured homes that meet the requirements of the New York State Building Codes.

[Added 11-12-2008 by L.L. No. 11-2008]

DWELLING, TOWNHOUSE

A building not more than three stories in height consisting of one-family dwelling units constructed in a group of three to eight attached units, in which each unit extends from foundation to roof and with open space on at least two sides. Each dwelling unit shall be on a separate, individual lot.

[Added 11-12-2008 by L.L. No. 11-2008]

DWELLING, TWO-FAMILY

A single detached building designed for or occupied exclusively by two families situated on one lot.

[Amended 11-12-2008 by L.L. No. 11-2008]

DWELLING UNIT

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

[1]

EROSION

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

[Added 4-27-2005 by L.L. No. 9-2005]

EROSION AND SEDIMENT CONTROL PLAN

A set of plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

[Added 4-27-2005 by L.L. No. 9-2005]

EROSION CONTROL MANUAL

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, most commonly known as the "Blue Book."

[Added 4-27-2005 by L.L. No. 9-2005]

EXCAVATION

Digging, scooping or other methods of removing earth materials.

[Added 4-27-2005 by L.L. No. 9-2005]

FACADE

The exterior walls of a building facing a street line. A building on a corner lot shall be deemed to have two facades.

[Added 9-27-2017 by L.L. No. 4-2017]

FAMILY

Any number of individuals occupying the premises and living and cooking together as a single housekeeping unit. This term shall not be deemed to include a group occupying a boardinghouse, lodging house, club, fraternity, hotel or similar premises.

FARM

Any parcel of land containing at least five acres, which is used for gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, liverys or boarding stables and dog kennels.

FENCE

Any structure or device, regardless of composition, which encloses a parcel of land or divides a parcel of land into more than one portion or serves as a barrier, but shall not include a building or growing plants or trees.

FILLING

Depositing or stockpiling of earth materials.
[Added 4-27-2005 by L.L. No. 9-2005]

FLOOD

A temporary rise in stream flow or stage that results in significant adverse effects in the immediate vicinity.

FLOODWAY CHANNEL

A passageway for storm-and/or surface waters along a natural watercourse and/or along an artificial channel constructed under due process of law for passage of storm- and/or surface waters.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. All roofed areas, except porches, terraces, cellars, basements and enclosed off-street parking areas, shall be included in the calculation of floor area.

FLUSH-MOUNTED SOLAR PANEL

A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.
[Added 2-22-2017 by L.L. No. 1-2017]

FOOTCANDLES

A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
[Added 9-27-2017 by L.L. No. 4-2017]

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems.
[Added 2-22-2017 by L.L. No. 1-2017]

FUEL-OIL STORAGE TANKS

Tanks intended or used for the storage of fuel oil, kerosene or any combustible fuel intended for sale by truck or other means of conveyance to purchasers at some other destination, excluding, however, from the above definition, all gasoline storage tanks used at gasoline filling stations for retail sale.

GARAGE, PRIVATE

An enclosed 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 two cars is leased to a nonresident of the premises.

GRADE, ESTABLISHED

The elevation of the center line of the streets as officially established by Town authorities.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on the official plan or designs relating thereto.

GRADING

Excavation of fill, rock, gravel, sand, soil, or other natural material including the resulting conditions therefrom.

[Added 4-27-2005 by L.L. No. 9-2005]

GROSS FLOOR AREA

For computing off-street parking requirements, the sum of the gross horizontal area(s) of the floor(s) of the building(s) measured from the interior faces of the walls. All roofed areas, except porches, terraces, cellars, basements, enclosed off-street parking areas and pedestrian walkways in an enclosed mail, shall be included in calculation of floor areas.

HOME OCCUPATION

A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such premises.

[Amended 7-9-2003 by L.L. No. 9-2003]

HOSPITAL

An institution providing health services and medical or surgical care, primarily to temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition. As an integral part of the institution, other facilities are included such as laboratories, outpatient facilities or training facilities.

HOSPITAL, ANIMAL or VETERINARY CLINIC

An establishment where a full range of medical services are provided to small and/or large animals by one or more veterinary doctors and staff. This use shall be deemed to include, as necessary for treatment or observation, overnight animal boarding for not more than five animals.

HOTEL or MOTEL

An establishment which is open to transient guests, in contradistinction to a boarding, rooming or lodging house, and is commonly known as a "hotel" or "motel" in the community in which it is located, and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. A hotel or motel may include dining facilities located on the premises.

JUNKYARD

The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL

A use or building in which the principal activity is the keeping, raising, breeding or boarding of dogs, cats or other animals, which may be considered household pets, in return for remuneration or for personal gain. For the purpose of this chapter, any such activity, excluding boarding, shall not be considered a kennel where accessory to a principal residential use, provided that not more than three animals exceeding six months of age are kept.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance, or placement of fill resulting in land disturbance of equal to or greater the one acre. Also includes activities disturbing less than one acre of

total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

[Added 4-27-2005 by L.L. No. 9-2005; amended 10-27-2010 by L.L. No. 12-2010]

LANDFILL

Any lands used, acquired or leased for the purpose of disposal of garbage, hazardous waste, solid waste and/or sanitary landfill as defined in Chapter 244, § 244-1, of the Rotterdam Code, entitled "Solid Waste."

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

[Added 4-27-2005 by L.L. No. 9-2005]

LANDSCAPING

Any additions or modifications to the natural features of a site to restore construction disturbance and to make it more attractive, as by adding lawns, trees, and shrubs to the natural environment.

[Added 4-27-2005 by L.L. No. 9-2005]

LAND TRUST

An independent organization that works with landowners interested in protecting open space, often working cooperatively with government agencies. A land trust may accept donations of land, funds to purchase land, or development rights that permanently limit land development, or can purchase land for permanent protection.

[Added 9-15-2005 by L.L. No. 16-2005]

LARGER COMMON PLAN OF DEVELOPMENT OR SALE

A contiguous area where multiple separate and distinct construction activities are occurring under one plan. A "plan" shall be thither defined as inclusive of any announcement or piece of a documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation, indicating that construction activities may occur on a specific plot.

[Added 4-27-2005 by L.L. No. 9-2005]

LAUNDROMAT

A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of any laundry facilities provided as an accessory use in multiple-family apartment development.

LICENSED/CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL

A person currently licensed to practice engineering in New York State or who is a certified professional in erosion and sediment control (CPESC).

[Added 4-27-2005 by L.L. No. 9-2005]

LINE, STREET

The dividing line between the street and lot.

LOT

A portion or parcel of land considered as a unit and devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest of use, and the customary accessories and open spaces belonging to the same. Such lot shall have frontage on an improved public street.

LOT, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets. A lot shall be deemed to front on each highway it abuts and be subject to the requirements of a front yard on each such highway, with the yards opposite thereto on corner lots subject to side yard requirements only.

LOT COVERAGE

That percentage of the plot or lot area covered by the area of all principal and accessory buildings.

LOT, DEPTH OF

A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

Any line dividing one lot from another.

LOT OF RECORD

Any lot which has been established as such by plat, survey, record or deed prior to the effective date of this chapter, as shown in the records of the office of the Assessor, Town of Rotterdam.

LOT, THROUGH

An exterior lot having frontage on two parallel or approximately parallel streets.

LOT, WIDTH OF

The width measured at right angles to its depth. The width of a lot (frontage) shall be considered to be the distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the two front property points where they intersect with the street line. The lot width at the street line shall meet the minimum requirements specified for each respective zoning district, except in the case of lots on the turning circle of culs-de-sac, where the definition of "lot, width of, cul-de-sac" shall apply.

[Amended 9-26-1990 by L.L. No. 19-1990]

LOT, WIDTH OF, CUL-DE-SAC

The width measured at right angles to its depth. The width of lot, cul-de-sac shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the two front property points where they intersect with the street line. However, at the line approximately parallel to the front lot line and measured across the rear of the required front yard, the width shall be equal to the required lot width specified in the required zoning classification. The width between the front property boundaries where they intersect with the street line shall not be reduced more than 25% of the required lot width specified in the respective zoning classification set forth in this chapter.

[Added 9-26-1990 by L.L. No. 19-1990]

MAJOR PROJECT

Clearing, grading and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land, or will disturb less than five acres of total land area, but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

[Added 4-27-2005 by L.L. No. 9-2005]

MANUFACTURED HOME

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 300 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include a structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Chapter 70.

[Added 7-9-2003 by L.L. No. 9-2003]

MINING

Any activity regulated by the New York State Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27), including, but not limited to, 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. For the purposes of this provision, the term "construction projects" shall mean the excavation, removal and disposition of minerals solely in the furtherance of on-site construction projects which are permitted uses in the district in which they are to be undertaken and for which a building permit has been lawfully issued by the Town of Rotterdam Building Inspector/Code Enforcement Officer.

[Added 5-10-1989 by L.L. No. 12-1989; amended 11-22-1989 by L.L. No. 20-1989; 2-12-1992 by L.L. No. 2-1992; 7-9-2003 by L.L. No. 9-2003]

MINOR PROJECT

Clearing, grading and excavating resulting in a land disturbance that will disturb equal to or greater than one acre and less than five acres of land, or will disturb less than one acre of total area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

[Added 4-27-2005 by L.L. No. 9-2005; amended 10-27-2010 by L.L. No. 12-2010]

MIXED-USE DEVELOPMENT

Mixed-use development refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one of the following ways:

[Added 9-27-2017 by L.L. No. 4-2017]

A. **VERTICAL MIXED USE**

A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

B. **HORIZONTAL MIXED USE, ATTACHED**

A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.

C. **HORIZONTAL MIXED USE, DETACHED**

Two or more structures on one site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

MOBILE HOME

A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities and designed to be without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Mobile units can be designed to be used for residential, commercial, educational or industrial purposes; excluded, however, are travel trailers, motorized homes, pickup coaches and camping trailers.

MOBILE HOME PARK

A land area occupied or designed for occupancy by two or more mobile homes for living purposes.

MOTEL

See "hotel or motel."

MOTOR VEHICLE

Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

MOTOR VEHICLE FUEL FILLING STATION

Any area of land, including any structure or structures thereon, that is used for the dispensing of gasoline or oil or other fuel for the propulsion of vehicles, excluding, however, motor vehicle repair shops, as defined in

this section. This definition shall include any convenience store, as defined in this chapter, which engages in sale and/or dispensing of gasoline. For the purpose of this chapter, there shall be included within this term any area of land or structure designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing motor vehicles.

[Added 9-12-1990 by L.L. No. 18-1990; amended 4-11-2001 by L.L. No. 4-2001]

MOTOR VEHICLE REPAIR, MAJOR

General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating. The sale of gasoline or oil or other fuel for the propulsion of motor vehicles shall also be deemed to be included in this term.

MOTOR VEHICLE REPAIR, MINOR

Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 1/2, tons' capacity, but not including any operation included in the definition of "motor vehicle repairs, major." The sale of gasoline or oil or other fuel for the propulsion of motor vehicles shall also be deemed to be included in this term.

NONCONFORMING BUILDING OR STRUCTURE

Any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located or which is designed or intended for a nonconforming use.

NONCONFORMING USE

A structure or land lawfully occupied by a use at the time of the passage of this chapter or of any amendment hereto that does not conform after the passage of this chapter or amendment hereto to the regulations of the district in which it is situated. "Nonconforming use" shall include any building containing one or more dwelling units in addition to the number permitted by the district regulations where such building is located.

NOTICE OF INTENT (NOI)

A permit application prepared and filed by an owner or operator with the Department of Environmental Conservation as an affirmation that a stormwater pollution prevention plan (SWPPP) has been prepared and will be implemented in compliance with the state pollution discharge elimination system general permit for stormwater runoff for construction activity (GP-02-01).

[Added 4-27-2005 by L.L. No. 9-2005]

NURSING OR CONVALESCENT HOME

See "care homes."

OPERATOR

A party associated with a construction project that meets either of the following two criteria:

[Added 4-27-2005 by L.L. No. 9-2005]

- A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- B. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

OUTPARCEL

A portion of a larger parcel of land generally designated as a site for a separate structure and commercial establishment for a larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

[Added 9-27-2017 by L.L. No. 4-2017]

OWNER

The titleholder of record of real property; or if he is deceased, then his estate.

PARKING SPACE

The area required for parking one automobile, truck or vehicle, which, for the purposes of this chapter, is held to be an area nine feet wide and 18 feet long, not including passageways.

PEDESTRIAN-FRIENDLY/PEDESTRIAN-ORIENTED

Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street, and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. When parking areas are provided, they are generally limited in size, and they are not emphasized by the design of the site.

[Added 9-27-2017 by L.L. No. 4-2017]

PHASING

Development activities on a parcel of land performed in distinct sections, with the stabilization of each section completed before development of the next.

[Added 4-27-2005 by L.L. No. 9-2005]

PHOTOVOLTAIC (PV) SYSTEMS

A solar energy system that produces electricity by the use of semiconductor devices, called "photovoltaic cells," that generate electricity whenever light strikes them.

[Added 2-22-2017 by L.L. No. 1-2017]

PLOT

A map, plan or layout of the Town or section or subdivision thereof, indicating the location and boundaries of individual properties and streets.

PRIMARY ENTRANCE

The entrance to a building that most pedestrians expect to use. Generally, each building has one primary entrance. It is the widest entrance of those provided for use by pedestrians. In multitenant buildings, primary entrances open directly into the building's lobby or principal interior ground level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a primary entrance. In single-tenant buildings, primary entrances open directly into lobby, reception, or sales areas.

[Added 9-27-2017 by L.L. No. 4-2017]

PRIVATE RECREATIONAL USE

A use of land or buildings for athletics, including incidental retail sale of athletic accessories and apparel, hiking or bicycle trails, picnic grounds, and similar uses.

[Added 6-12-2002 by L.L. No. 11-2002]

PROFESSIONAL OFFICES

An office maintained by an individual or firm for the practice of one or more of the following professions only: physician, dentist, lawyer, engineer, architect, teacher or accountant.

PUBLIC PARKS AND PLAYGROUNDS

A lot or parcel in the Town of Rotterdam, owned or operated by the town, the county, the state or the federal government or a nonprofit agency, used for open space or recreational purposes and open to the general public.

PUBLIC UTILITY

A corporation or business rendering and devoting its property to the provision of services which are essential to the public interest.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installation and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Building Inspector/Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

[Added 2-22-2017 by L.L. No. 1-2017]

RECLAMATION

The conditioning of the land affected by mining to make it suitable for any uses or purposes consistent with the provisions of the New York State Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27) and this chapter.^[2]

[Added 5-10-1989 by L.L. No. 12-1989; amended 11-22-1989 by Ord. No. 20-1989; 2-12-1992 by L.L. No. 2-1992]

RECREATIONAL VEHICLE

Every type of motor-driven vehicle used primarily for recreational purposes and including living and/or sleeping facilities.

REST HOMES

See "care homes."

ROADSIDE STAND

A structure for the display and sale of agricultural products.

ROOFTOP OR BUILDING-MOUNTED SOLAR SYSTEM

A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames.

[Added 2-22-2017 by L.L. No. 1-2017]

SCHOOL, PRIVATE

A kindergarten, primary or secondary school not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of public school.

SCHOOL, PUBLIC

An educational institution operated by a public school district under the laws of the State of New York.

SEDIMENT

Solid material, both mineral and organic, which is in suspension, is being transported, has been deposited, or has been removed from its site of origin.

[Added 4-27-2005 by L.L. No. 9-2005]

SEDIMENT CONTROL

A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

[Added 4-27-2005 by L.L. No. 9-2005]

SETBACK

The minimum distance between the front line of a building or structure and the front property line.

SEVERE SLOPES

Ground areas with a slope greater than 25% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

[Added 4-27-2005 by L.L. No. 9-2005]

SHOPPING CENTER

An attached building in a row or group with each building separated from adjoining building by a common wall or walls. Included is an enclosed mall characterized by business entrances facing a pedestrian walkway with a common roof covering the business area and the walkway.

SIGN

Any structure, or part thereof, or device attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive movement or event.

SIGN, ADVERTISING

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

SIGN, TEMPORARY

A freestanding sign, with no moving parts or lights, no larger than 24 inches wide and 36 inches high and including the base shall be no higher than 48 inches from ground level (excluding real estate and construction signage).

[Added 10-27-2010 by L.L. No. 13-2010]

SITE DEVELOPMENT PERMIT

A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

[Added 4-27-2005 by L.L. No. 9-2005]

SMALL-SCALE SOLAR

Solar photovoltaic systems or solar-thermal systems which serve only the building to which they are attached or the building or buildings located on the same lot as such system. The Building Inspector/Code Enforcement Officer shall be authorized to require any applicant to submit proof of the last 12 months of electricity usage for such lot or building or, in the case where 12 months of electricity usage data cannot be produced, proof of the projected electricity usage for such lot or building, for purposes of determining whether an applicant's proposed solar energy system constitutes a small-scale solar energy system.

[Added 2-22-2017 by L.L. No. 1-2017]

SMALL WIND ENERGY FACILITY

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics and electrical collection and distribution equipment, and accessory facilities or equipment, which has a nameplate capacity of not more than 100 kilowatts.

[Added 10-8-2008 by L.L. No. 10-2008]

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.

[Added 2-22-2017 by L.L. No. 1-2017]

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar-thermal, photovoltaic and concentrated solar. A solar energy system does not include any solar energy system of four square feet in size or less.

[Added 2-22-2017 by L.L. No. 1-2017]

SOLAR FARM or SOLAR POWER PLANT

Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar-thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity or off-site consumption.

[Added 2-22-2017 by L.L. No. 1-2017]

SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

[Added 2-22-2017 by L.L. No. 1-2017]

SOLAR STORAGE BATTERY

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

[Added 2-22-2017 by L.L. No. 1-2017]

SOLAR-THERMAL SYSTEMS

Solar-thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

[Added 2-22-2017 by L.L. No. 1-2017]

STABILIZATION

Covering or maintaining an existing cover or soil. Cover can be vegetative (e.g., grass, trees, seed and mulch, shrubs, or turf) or nonvegetative (e.g., geotextiles, riprap, or gabions).

[Added 4-27-2005 by L.L. No. 9-2005]

STABILIZATION (FINAL)

All soil-disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

[Added 4-27-2005 by L.L. No. 9-2005]

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC

A building in which horses are kept for public use for hire, remuneration or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling.

[Added 4-27-2005 by L.L. No. 9-2005]

STEEP SLOPES

Ground areas with a slope greater than 15% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

[Added 4-27-2005 by L.L. No. 9-2005]

STOREFRONT CHARACTER

The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (including, for example, awnings or canopies), corner building entrances or recessed entries, and similar features.

[Added 9-27-2017 by L.L. No. 4-2017]

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

[Added 4-27-2005 by L.L. No. 9-2005]

STORMWATER MANAGEMENT OFFICER

An employee designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board(s) and inspect stormwater management practices.

[Added 4-27-2005 by L.L. No. 9-2005]

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

[Added 4-27-2005 by L.L. No. 9-2005]

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 is no floor above it, then the space between any floor level and the roof.

STREET

A public thoroughfare which affords the principal means of access to abutting property or is legally existing on any map of a subdivision filed in a manner provided by the laws of the Town of Rotterdam.

STREETSCAPE

The portion of the right-of-way that is between the lot line and the edge of the vehicular lanes. The principal streetscape components are curbs, sidewalks, planters, street trees, and street lights.

[Added 9-27-2017 by L.L. No. 4-2017]

STRUCTURE

A combination of materials, other than a building, to form a construction that is safe and stable, including, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

THEATER, OUTDOOR DRIVE-IN

An open lot, or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid-admissions basis, to patrons seated in automobiles or on outdoor seats.

TOURIST HOMES

See "bed-and-breakfast."

[Amended 11-24-1999 by L.L. No. 17-1999]

TOWER

Includes any tower, edifice, pole or other structure, whether attached to a building or freestanding, and whether guyed or self-supporting, designed to be used as or for the support of devices to be used for the transmission and/or reception of radio frequency signals, such as but not limited to broadcast, shortwave, citizens' band, and FM or television signals. Any existing tower which is not in conformance with these regulations shall be considered as a nonconforming use. Wind energy facilities, small wind energy facilities, and wind measurement towers shall conform with the requirements of Chapter 269 of the Town Code.

[Added 10-8-2008 by L.L. No. 10-2008]

TOWER, ATTACHED

Includes a tower which is attached to a building by a rigid member.

TOWER, FREESTANDING

Includes a tower which is not attached to a building by a rigid member.

TOWN ENGINEER

A licensed professional engineer staffed within the Department of Public Works or a duly authorized representative appointed by the Rotterdam Town Board.

[Added 12-9-1992 by L.L. No. 37-1992]

TOWNHOUSE (ROW HOUSE)

An attached house in a row or group with each house separated from adjoining houses by a common wall or walls.

TRAVEL TRAILER

A vehicular portable structure built on a chassis, designed to be used primarily as a temporary dwelling for travel, recreation and vacation uses and not placed on a foundation. For the purpose of this chapter, this term shall be construed to include self-propelled living quarters commonly called "recreation vehicles" and "pickup campers."

USE, ACCESSORY

See "accessory use."

USE OF PROPERTY

The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, PERMITTED

A use which may be lawfully established by this chapter.

USE, PRINCIPAL

Each individual use specifically named in any subdivision defining the permitted uses for each zoning district contained in this chapter.

[Added 12-28-1988 by L.L. No. 13-1988]

USE, SPECIAL

A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted.

VEGETATIVE BUFFER

A transitional vegetated area located between upland and aquatic habitats. For the purposes of this chapter, it shall be considered the strip of natural and/or managed vegetation 25 feet, measured horizontally, from a designated U.S. Army Corps of Engineer wetland and 100 feet, measured horizontally, from a designated NYS Department of Environmental Conservation wetland.

[Added 4-27-2005 by L.L. No. 9-2005]

WATERCOURSE

Any body of water, either natural or man-made, including but not limited to lakes, ponds, rivers, streams, tributaries, drainageways, and intermittent streams.

[Added 4-27-2005 by L.L. No. 9-2005]

WATERCOURSE BUFFER

A horizontal distance of 50 feet away from and parallel to the mean high water level of a watercourse.

[Added 4-27-2005 by L.L. No. 9-2005]

WETLANDS

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

[Added 4-27-2005 by L.L. No. 9-2005]

WIND ENERGY FACILITY

Any wind turbine or array of wind turbines designed to deliver electricity to the power grid for sale with a combined production capacity of more than 100 kilowatts of energy, including all related infrastructure, electrical collection and distribution lines and substations, access roads and accessory structures, including accessory facilities or equipment.

[Added 10-8-2008 by L.L. No. 10-2008]

WIND MEASUREMENT TOWER

A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

[Added 10-8-2008 by L.L. No. 10-2008]

YARD, FRONT

An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered or uncovered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR

An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

YARD, SIDE

An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

[1] *Editor's Note: The definition of "factory manufactured home," which immediately followed this definition, was repealed 7-9-2003 by L.L. No. 9-2003. See now the definition of "manufactured home."*

[2] *Editor's Note: The definition of "recreational use," which immediately followed this definition, was repealed 6-12-2002 by L.L. No. 11-2002.*

Article III. Zoning Districts; Zoning Map; Boundaries

§ 270-6. Districts enumerated.

[Amended 5-26-1993 by L.L. No. 9-1993; 9-15-2005 by L.L. No. 17-2005; 11-12-2008 by L.L. No. 11-2008; 9-15-2005 by L.L. No. 16-2005; 9-27-2017 by L.L. No. 4-2017]

A. In order to promote the purposes of this chapter, the Town of Rotterdam is hereby divided into the following districts:

- A Agricultural District
- RA Residential Agricultural District
- R-1 One-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 Small One-Family and Townhouse Residential District
- B-1 Retail Business District
- B-2 General Business District
- C-1 Corporate Commerce District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

B. Special-purpose districts include:

- LC Land Conservation Overlay District
- PRD Planned Residential Development District

MS/NC	Main Street/Neighborhood Center Overlay District
CORR	Corridor Commercial Overlay District
C-PUD	Commercial Planned Unit Development District
AO	Aquifer Overlay District
F-1	Floodway Channel District
FH	Flood Hazard District

- C. Where districts are referred to as "more restrictive" or "less restrictive," the designation shall refer to the order in which the districts are named in the above list, the first named being most restrictive; except, however, the special purpose districts shall not be considered as more restrictive or less restrictive than any other district.

§ 270-7. Zoning Map.

- A. Location and boundaries. The Town Board of the Town of Rotterdam hereby rescinds the "Zoning Map of the Town of Rotterdam," dated April 13, 1955, and all amendments made thereto. The districts established by this chapter are bounded and defined as shown on the new official "Zoning Map of the Town of Rotterdam" dated July 11, 2001, which, with explanatory matter thereon, is hereby made a part of this chapter.^[1]
[Amended 7-11-2001 by L.L. No. 5-2001]
^[1] *Editor's Note: The Zoning Map is on file in the Town offices.*
- B. Map filed. This Zoning Map, when duly adopted, shall be filed in the office of the Town Clerk, and certified copies thereof shall be filed with the Building Inspector/Code Enforcement Officer, Board of Zoning Appeals and the Planning Commission.
[Amended 7-9-2003 by L.L. No. 9-2003]
- C. Map amendments. A Zoning Map amendment which may be enacted by the Town Board shall be filed with the Building Inspector/Code Enforcement Officer, Town Clerk, Board of Zoning Appeals and the Planning Board.
[Amended 7-9-2003 by L.L. No. 9-2003]
- D. Record. The Town Engineer shall keep an index of all changes in the Zoning Map hereafter made. Such index will identify areas changed with reference to the record adopting such change. The Engineer may have printed supplements prepared from time to time and cause the same to be attached to this chapter.
[Amended 12-9-1992 by L.L. No. 37-1992]
- E. Revision of map. Every change or amendment of the Zoning Map, duly enacted by the Town Board, shall, within a reasonable time, be shown upon the Zoning Map.

§ 270-8. Interpretation of 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:

- A. 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.
- B. Where district boundaries are so indicated that they approximately follow the lot line of maps filed in the Schenectady County Clerk's office for residential developments, such lot lines shall be construed to be said boundaries.
- C. If no distance is clearly identified, such boundaries shall be determined by the use of the scale shown on said Zoning Map.

- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows a river, stream or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Rotterdam unless otherwise indicated.

Article IV. General Requirements

§ 270-9. Compliance required.

- A. Generally. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or in any manner except in conformity with this chapter and particularly with the specific regulations for the district in which such building or land is located. Any use not specifically permitted by this chapter is prohibited.
- B. Minimum requirements. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces that are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern.

§ 270-10. Lots.

- A. Required lot area. No building or structure shall be constructed or altered so as to conflict with the required minimum lot area for the district in which such building or structure is located. No parcel or lot shall be so reduced in area, width or depth so as to be smaller than required for the zoning district in which said lot or parcel is located.
- B. Lot required for every building. Every building erected after the effective date of this chapter shall be located on a lot, as defined herein. Except in districts in which multiple principal uses or multiple principal buildings are expressly permitted on a single lot, no more than one principal use or principal building and its permitted accessory uses/structures shall be permitted to occupy a lot.
[Amended 9-27-2017 by L.L. No. 4-2017]
- C. Subdivisions. Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing buildings and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter and the Subdivision Ordinance^[1] of the Town of Rotterdam.
[1] *Editor's Note: See Ch. 249, Subdivision of Land.*
- D. Lots in two districts. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

§ 270-11. Yards.

- A. Generally. No building or structure shall be constructed, erected or altered so as to conflict with the required front, side and rear yards for the district in which such building or structure is located, except as may otherwise be permitted in this section.

- B. Yard for every building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- C. Yards in adjoining districts. Where a residential district adjoins any other district on a side or rear yard, such other district or districts shall be subject to the same side and rear yard requirements on the lots directly adjoining said residential district.
- D. Projections into yards.
 - (1) Porches. All porches, both enclosed and unenclosed, erected on piers or on a solid foundation shall be considered a part of the building only in the determination of the size of yards or lot coverage.
 - (2) Projecting architectural features. The space in any required yard shall be open and unobstructed, except for the ordinary projection of window sills, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two feet into any required yard, except as provided below.
 - (3) Bay windows. Solar-energy collection systems, bay or bow windows, including cornices and eaves, may project not more than three feet into any required yard; provided, however, that the width of such projection of any wall or room does not exceed $\frac{1}{3}$ of the length of a side wall.
 - (4) Fire escapes. Open fire escapes may extend into any required yard not more than four feet six inches, except where such requirement conflicts with the New York State Uniform Fire Prevention and Building Code.^[1]

[1] *Editor's Note: See Executive Law § 370 et seq.*

§ 270-12. Visibility at intersections.

On a corner lot in any district, no fence, hedge or other obstruction more than 3 1/2 feet in height above the average street elevation shall be caused to exist within the triangle formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet in distance from the point of intersection measured along said street lines. This restriction shall apply to all hedges, fences and landscaping heretofore erected and now existing at a height greater than herein allowed.

§ 270-13. Minimum floor area; interior volume.

No residential dwelling unit shall be erected or altered so that it contains less than 625 square feet of floor area. Such dwelling unit shall contain not less than 5,000 cubic feet of interior volume. No commercial principal use shall contain less than 500 square feet of floor area.

§ 270-14. Public utilities.

This chapter is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public utility purposes by corporations organized under the laws of the State of New York and subject to the jurisdiction of the Public Service Commission of the State of New York; however, the establishment of public utility buildings or substations in residential districts shall require a special permit and shall be subject to such conditions as the Planning Board may impose in order to preserve and protect the character of the district.

§ 270-15. Accessory uses, buildings and structures.

- A. Location. No permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping.
- B. Height. No accessory building or structures shall exceed 14 feet in height.
- C. Yards. No detached accessory building or structure shall be located less than five feet from any rear or side lot line, except for permitted fences. Every attached accessory building or structure shall conform to all yard regulations of the principal building or use.
- D. Exempted structures. If proposed handicap ramps and railings do not meet the minimum yard setback requirements of the zoning district, such handicap ramps and railings may be approved and permitted by the Town Engineer or Building Inspector/Code Enforcement Officer as a necessary use, provided that abutting property owners are notified and state in writing their acceptance of the proposed structure.
[Added 12-9-1998 by L.L. No. 18-1998; 7-9-2003 by L.L. No. 9-2003]
- E. Small-scale solar. In the case of small-scale solar energy systems or devices, to the extent the foregoing provisions are inconsistent with the provisions of Article XXVIII, the provisions of Article XXVIII shall apply.
[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-15.1. Limitations on principal uses.

[Added 4-26-1989 by L.L. No. 6-1989]

Only one principal use shall be permitted on any lot, except that two or more principal uses may be allowed on the same lot by the granting of a special use permit therefor in accordance with the procedure prescribed by Article XIX of this chapter.

§ 270-15.2. Accessory home-care units in single-family dwellings.

[Added 11-24-1999 by L.L. No. 17-1999]

- A. Purpose. The purpose of permitting temporary accessory home-care units is to:
 - (1) Provide housing arrangements which meet the needs of the elderly and/or disabled population in the community by affording an opportunity for them to live in close proximity to family members who can help maintain their health, independence and privacy.
 - (2) Preserve the single-family residential character of neighborhoods by ensuring that temporary accessory home-care units are installed only in conjunction with owner-occupied single-family houses and under such additional conditions as may be appropriate.
- B. General requirements.
 - (1) One temporary accessory home-care unit is permitted, provided that it is attached to the main dwelling unit which is owner-occupied and that the apartment is occupied by a person or persons related to the owner by blood, adoption, marriage or as a caregiver to provide essential care to said person based on certification of such by a health-care professional or based on demonstrated need, as determined by the Planning Commission.
 - (2) The accessory home-care unit shall have a floor area of not more than 750 square feet and shall have a common entrance or use an existing entrance. Only a single accessory home-care unit is permitted on any one parcel.
 - (3) The site can accommodate sufficient off-street parking for principal and accessory home-care unit dwellers' needs. No more than two individuals will be allowed to live in any one accessory home-care unit, unless approved during the temporary special use permit process.

- (4) A temporary accessory home-care unit is allowed in R-1 (single-family residential), RA (residential agricultural) and A (agricultural) Zones only and must fully comply with zoning codes in the proposed district as a special use. The accessory home-care unit shall comply with the yard setbacks, building heights and lot coverage requirements which apply to the single-family dwelling zone in which it is located.
- (5) The proposed parcel must be able to adequately accommodate the accessory home-care unit. The Department of Public Works must approve the adequacy of services, including sanitary disposal and water services.
- (6) All deeds for property containing an accessory home-care unit shall have a covenant indicating that the accessory home-care unit is permitted only when the main dwelling or accessory home-care unit is owner-occupied and the accessory home-care unit or main dwelling is occupied by a person or persons related to the owner by blood, adoption, marriage or as a caregiver. Said deed shall be filed in the office of the Schenectady County Clerk, and proof of filing shall be submitted to the Department of Public Works within 60 days after issuance of the temporary special use permit.
- (7) A special use permit issued pursuant to this provision and Article XIX is temporary and ceases when the applicant no longer meets the conditions for such use. Once issued, there is an annual renewal fee of \$25 with continued compliance, issued and enforced by the Department of Public Works. Failure of renewal prior to its expiration date is a violation of the Town Zoning Code and will result in prosecution. Upon cessation of the special use permit, all kitchen improvements shall be removed following a restoration plan as part of the application for the discontinuance of use as detailed in Subsection B(8)(d). The owner is to restore the residence within 90 days once the accessory unit is no longer needed.
- (8) Conditions. An application for a building and zoning permit for an accessory home-care unit requires the following information:
 - (a) A statement of need signed by the applicant providing the relationship to the owner-occupant, age and/or disability with a written statement from a health-care professional.
 - (b) Building plans meeting the New York State Uniform Fire Prevention and Building Code, at a minimum detailing the interior access between units.
 - (c) Site plan requirements: drawn at a scale of one inch equals 30 feet, including:
 - [1] The applicant's name and address.
 - [2] The location and size of all structures on the applicant's lot, including the single-family dwelling unit, all accessory buildings and structures, driveway and parking areas, easements, etc.
 - [3] The proposed location, point of entry and size of the accessory home-care unit.
 - [4] Building elevations of any proposed additions.
 - (d) Restoration plan. The restoration plan shall be a detailed plan for removal of the accessory home-care unit and shall identify those structures, exterior and interior walls, electrical and plumbing improvements and connections to public water and sewer services to be retained and those removed upon cessation of the accessory home care use. In particular, it shall include a removal plan for all kitchen-related improvements facilitating the preparation of food, including but not limited to such items as sinks, stoves, counters and refrigerators.

§ 270-15.3. Erosion and sediment control.

[Added 4-27-2005 by L.L. No. 9-2005]

All land development activity must comply with Article XXVI (§ 270-215).

Article V. A Agricultural District

§ 270-16. Applicable regulations.

[Amended 4-26-1989 by L.L. No. 6-1989]

The following regulations shall apply to all A (Agricultural District) Zones.

§ 270-17. Permitted uses.

The following principal uses are permitted as of right in the A District:

- A. Single-family dwellings.
- B. Churches or similar places of worship, parish houses, convents and community houses.
- C. Customary agricultural operations, including all buildings, structures and uses appurtenant to and used in general farming, agricultural truck farming, gardening, poultry raising, tree nurseries and greenhouses, subject to the following restrictions:
 - (1) No building in which farm animals are kept shall be closer than 150 feet to any adjoining residential building.
 - (2) No storage of manure or odor or dust-producing substances shall be permitted within 150 feet from any adjoining residential building.
 - (3) No greenhouse heating plant shall be operated within 50 feet of any adjoining residential building.
- D. Public and private schools.
- E. Firehouses and Town maintenance and service facilities.
- F. Public parks, playgrounds and other municipal recreational uses.
- G. Public libraries and museums.
- H. Wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-18. Special uses.

[Amended 11-24-1999 by L.L. No. 17-1999]

The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Golf courses and golf driving ranges.
- B. Ski lifts, ski slopes and trails and accessory facilities.
- C. Horseback riding clubs and public and private stables.
- D. Cemeteries.
- E. Mobile homes. (See Rotterdam Trailer Ordinance.^[1])
^[1] *Editor's Note: See Ch. 260, Trailers.*

- F. Commercial extraction of topsoil, sand, gravel or stone.
- G. Towers.
- H. Temporary accessory home-care units per Article IV, § 270-15.2.
- I. Bed-and-breakfasts.
- J. Kennels, however, must comply with the following:
[Added 7-11-2001 by L.L. No. 6-2001]
 - (1) Kennel pens and exercise area(s) may not be operated within 300 feet of a residence other than the residence of the owner or operator thereof.
 - (2) Kennel pens may not be located within 100 feet of an adjoining property line.
 - (3) The minimum lot size required is 10 acres.
 - (4) Dogs must be confined within a building between the hours of 10:00 p.m. and 7:00 a.m.
 - (5) Conditions to be considered when hearing a request to allow a kennel special use permit shall include, but are not limited to, the following:
 - (a) Provisions for controlling offensive noise and odor.
 - (b) Approved disposal plan for animal waste.
 - (c) Training and/or expertise of the owner/operator.
 - (d) Maximum numbers of animals to be maintained.
 - (e) The effect on the character of the neighborhood.
 - (f) Existing or proposed natural or man-made buffers.
- K. Private recreational uses.
[Added 6-12-2002 by L.L. No. 11-2002]
- L. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
[Added 4-27-2005 by L.L. No. 9-2005]
- M. Solar farms and solar power plants in accordance with § 270-153.
[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-19. Accessory uses.

Accessory uses permitted in the A District shall be limited to the following:

- A. Private garages with not more than three stalls for the parking or storage of private automobiles.
- B. Roadside produce stands.
- C. Buildings and structures for lawn care, property maintenance and permitted agriculture.
- D. Private swimming pools, tennis courts and other private recreational facilities for use of residents and not run for gain.

- E. Permitted home occupations.
- F. Accessory kennels.
- G. Accessory parking and loading.
- H. Fallout shelters.
- I. Dish antennas and accessory towers.
- J. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-20. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet, for every residential use.

§ 270-21. Yard and property line requirements.

[Amended 11-24-1999 by L.L. No. 17-1999]

- A. Front yard depth shall be 25 feet.
- B. Side yard width shall be 15 feet.
- C. Rear yard depth shall be not less than 25 feet.
 - (i) For buildings exceeding three stories in height, 1/2 of the additional height shall be added to the minimum depth of 25 feet, except that a private garage may be built five feet from the rear and side property lines.
- D. Front property line: a minimum of 150 feet.

§ 270-22. Lot area.

The minimum lot area required for each principal use is one acre.

§ 270-23. Lot coverage.

Lot coverage shall not exceed 30%.

§ 270-24. Parking.

[Amended 11-24-1999 by L.L. No. 17-1999]

Off-street parking requirements applicable in the A District are set forth in § 270-149 of this chapter.

§ 270-25. Additional regulations.

For additional regulations relative to special uses, see Article XIX.

Article VI. R-1 One-Family Residential District

§ 270-26. Regulations to apply.

The following requirements shall apply to all R-1 Districts.

§ 270-27. Permitted uses.

The following principal uses are permitted as of right in the R-1 District:

- A. Single-family dwellings.
- B. Churches or similar places of worship, parish houses, convents and community houses.
- C. Public and private schools.
- D. Firehouses.
- E. Public parks, playgrounds and other municipal recreational uses.
- F. Public libraries and museums.

§ 270-28. Special uses.

[Amended 11-24-1999 by L.L. No. 17-1999]

The following special uses may be permitted or denied subject to special use review under Article **XIX** of this chapter:

- A. Golf courses and accessory facilities.
- B. New York Department of Motor Vehicles driver training classes operated by a nonprofit or municipal corporation.
- C. Care homes.
- D. Child or infant day-care centers.
- E. Temporary accessory home-care units per Article **IV**, § **270-15.2**.
- F. Bed-and-breakfasts.
- G. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

[Added 4-27-2005 by L.L. No. 9-2005]

§ 270-29. Accessory uses.

Accessory uses in the R-1 District shall be limited to the following:

- A. Private garages with not more than three stalls for the parking or storage of private automobiles.
- B. Private swimming pools, tennis courts and other private recreational facilities for the use of residents and not run for gain.

- C. Permitted home occupations.
- D. Accessory parking and loading.
- E. Buildings for lawn care, gardening or maintenance of residential property.
- F. Fallout shelters.
- G. Dish antennas and permitted accessory towers.
- H. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-30. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet for residential uses.

§ 270-31. Lot area.

- A. The required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet.
- B. The New York State Public Health Law governing realty subdivisions requires a minimum lot size of 20,000 square feet for every residential lot or parcel served by individual water and sewage disposal systems and located in a realty subdivision, as defined by Public Health Law, Article 11, Title II, entitled "Realty Subdivisions: Water Supply." Such stricter minimum lot size shall be imposed where applicable.

§ 270-32. Lot coverage.

Lot coverage shall not exceed 45%.

§ 270-33. Yard requirements.

- A. Front yard depth shall be 25 feet or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet.
- B. Side yard width shall be not less than 10 feet.
- C. Rear yard depth shall be not less than 25 feet, except that a garage may be built five feet from the rear and side property lines.

§ 270-34. Parking.

Off-street parking requirements applicable in the R-1 District are set forth in § 270-149 of this chapter.

§ 270-35. Additional uses.

For additional regulations relative to specific uses, see Article XVIII.

Article VII. R-2 Two-Family Residential District

§ 270-36. Regulations to apply.

The following regulations shall apply to all R-2 Districts.

§ 270-37. Permitted uses.

The following uses are permitted as of right in the R-2 District:

- A. All principal uses permitted in the R-1 District subject to all regulations specified in the R-1 District.
- B. Two-family dwellings.

§ 270-38. Special uses.

The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Private, not-for-profit clubs.
- B. Child and infant day-care centers.
- C. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

[Added 4-27-2005 by L.L. No. 9-2005]

§ 270-39. Accessory uses.

Accessory uses in the R-2 District shall be limited to the following:

- A. Private garages with not more than three stalls for the storage or parking of private automobiles.
- B. Private swimming pools, tennis courts and other private recreational facilities for the use of residents and not run for gain.
- C. Permitted home occupations.
- D. Accessory parking and loading.
- E. Buildings for lawn care, gardening or property maintenance.
- F. Fallout shelters.
- G. Dish antennas and permitted accessory towers.
- H. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]

[Added 10-8-2008 by L.L. No. 10-2008]

[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-40. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet, for residential use and six stories, not exceeding 75 feet, for any nonresidential building or structure.

§ 270-41. Lot area.

[Amended 12-26-1990 by L.L. No. 26-1990]

The required minimum lot area shall be the same as for the R-1 District, except that residential buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four, with a lot width of not less than 100 feet. Hospitals and similar uses shall require two acres.

§ 270-42. Lot coverage.

Lot coverage shall not exceed 45%.

§ 270-43. Yard requirements.

- A. Front yard depth shall be 30 feet.
- B. Side yard width shall be not less than 10 feet.
- C. Rear yard depth shall be not less than 25 feet. For buildings exceeding three stories in height, 1/2 of the additional height shall be added to the minimum depth of 25 feet, except that a private garage may be built five feet from the rear and side property line.

§ 270-44. Parking.

Off-street parking requirements applicable in the R-2 District are set forth in § **270-149** of this chapter.

Article VIII. R-3 Multiple-Family District

§ 270-45. Regulations to apply.

The following regulations shall apply to all R-3 Districts.

§ 270-46. Permitted uses.

The following principal uses are permitted as of right in the R-3 District:

- A. Multiple-family dwellings.
- B. Two-family dwellings.
- C. Churches or similar places of worship, parish houses, convents and community houses.
- D. Public and private schools.
- E. Firehouses.
- F. Public parks, playgrounds and other municipal recreational uses.
- G. Public libraries and museums.

H. Child and infant day-care centers.

§ 270-46.1. (Reserved)

§ 270-46.2. (Reserved)

§ 270-46.3. (Reserved)

§ 270-46.4. (Reserved)

§ 270-46.5. Special uses.

[Added 4-27-2005 by L.L. No. 9-2005]

The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

§ 270-47. Accessory uses.

Accessory uses in the R-3 District shall be limited to the following:

- A. Garages containing not more than one parking space for each dwelling unit.
- B. Private swimming pools, tennis courts and other private health or recreational facilities for the use of residents and not serving the general public.
- C. Permitted home occupations.
- D. Accessory parking and loading.
- E. Buildings for lawn care and property maintenance.
- F. Fallout shelters.
- G. Dish antennas and permitted accessory towers.
- H. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]

[Added 10-8-2008 by L.L. No. 10-2008]

[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-48. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet.

§ 270-49. Lot area.

[Amended 12-26-1990 by L.L. No. 26-1990]

The minimum total lot area shall be 20,000 square feet, except that buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four, with a minimum lot width of 100 feet.

§ 270-50. Lot coverage.

Lot coverage shall not exceed 45%.

§ 270-51. Yard requirements.

- A. Front yard depth shall be 30 feet.
- B. Side yard width shall be not less than 20 feet.
- C. Rear yard depth shall be not less than 25 feet, except that a private garage may be built five feet from the rear and side property line.
- D. Increased yard depth. In reviewing every multiple-family project development plan, the Planning Board shall consider the yards and proposed screening of parking, common open space and buildings and may require provision of a yard depth up to twice the applicable yard requirements listed above, where such greater yard depth is necessary to preserve neighborhood character and property values.

§ 270-52. Design requirements.

- A. Access. Every multiple-family development shall have safe and direct access to a major street or arterial.
- B. Utilities. No multiple-family development proposal shall be considered unless adequate public water supply and sufficient sewage disposal facilities are available. No certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning common water and sewage disposal facilities.
- C. Common open space. Not less than 15% of the gross acreage of the site shall be composed of land which is permanently dedicated to common open space. In reviewing the development plan, the Planning Board may require that up to 30% of the gross acreage of the site be permanently dedicated to common open space and to natural areas where such area is needed to preserve sensitive land, to maintain neighborhood character or to create needed recreational facilities.
- D. Maintenance of common open space. The multiple-family development plans shall include such provisions for the ownership and maintenance of all common open space and natural areas as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation and to ensure that remedial measures are available to the Town if such property is permitted to deteriorate or is changed in use from that permitted.
- E. Landscaping. All portions of every multiple-family development which are not used for locations of buildings, structures, parking, circulation roadways, sidewalks, preserve areas or similar purposes shall be suitably landscaped and permanently maintained with plantings of trees and shrubbery, as approved by the Planning Board as part of the site plan, so as to minimize erosion and stormwater runoff and harmoniously blend such uses with the residential character of the development and neighborhood.
- F. Buffer yards. Except where a required yard abuts a public street or roadway, every exterior yard shall be screened with evergreen landscape plantings at least six feet in height and/or with natural vegetation, trees and shrubbery in a manner which effectively screens the multiple-family use from adjoining lots or parcels.
- G. Pedestrian circulation. Sidewalks and pathways shall be designed so as to provide safe and convenient access between buildings and recreation facilities, parking, loading areas and public transportation stops.

- H. Planning Board consideration. The Planning Board reserves the right to raise any other related questions and to impose requirements or conditions as may be appropriate and proper in achieving the intent of these design standards.

§ 270-53. Parking.

Off-street parking requirements applicable in the R-3 District are set forth in § 270-149 of this chapter.

Article VIIIA. R-4 Small One-Family and Townhouse Residential District

§ 270-53.1. Regulations to apply.

The following regulations shall apply to all R-4 Districts.

§ 270-53.2. Purpose; Town services.

- A. The purpose of this article is to allow the construction and development of small one-family residential homes and townhouses. These regulations are intended to allow for development and redevelopment in areas that are currently characterized by lots less than 15,000 square feet in size.
- B. Lots in the R-4 district must be serviced by municipal water. It is recommended that said lots be serviced by municipal sanitary sewer; however, the town may allow for development on conventional septic systems on a case by case basis.

§ 270-53.3. Permitted uses.

The following uses are permitted as of right in the R-4 District:

- A. Small one-family residences with a maximum of three bedrooms and 2,000 square feet of habitable space.
- B. Townhouses.

§ 270-53.4. Special uses.

The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

§ 270-53.5. Accessory uses.

Accessory uses and structures in the R-4 District shall be limited to the following and shall not be subject to Chapter 270, § 270-138C:

- A. Private garages with not more than two stalls for the storage or parking of private automobiles with a maximum area of 600 square feet.
- B. Private swimming pools, tennis courts and other private recreational facilities for the use of residents and not run for gain.

- C. Accessory parking and loading.
- D. Accessory buildings for lawn care, gardening or property maintenance with a maximum area of 200 square feet.
- E. Dish antennas for television/internet reception.

§ 270-53.6. Maximum building height.

The maximum building height shall be 35 feet.

§ 270-53.7. Municipal water; septic systems; lot area.

- A. All lots shall be serviced by municipal water.
- B. On-site septic systems shall comply with Appendix 75-A, Wastewater Treatment Standards - Individual Household Systems [statutory authority: Public Health Law § 201(1)], §§ 75-A.1 through 75-A.8. Systems designed using §§ 75-A.9 through 75-A.11 shall be prohibited.
- C. Lot area and width.
 - (1) Single-family residential uses:
 - (a) Lot area.
 - [1] Not less than 8,000 square feet for two-bedroom dwelling unit.
 - [2] Not less than 9,000 square feet for three bedroom dwelling unit.
 - (b) Lot width of not less than 65 feet per dwelling unit.
 - (2) Townhouse uses:
 - (a) Lot area.
 - [1] Not less than 5,000 square feet for two bedroom dwelling unit.
 - [2] Not less than 6,000 square feet for three bedroom dwelling unit.
 - (b) Lot width of not less than 25 feet per dwelling unit.

§ 270-53.8. Lot coverage.

Lot coverage shall not exceed 50%.

§ 270-53.9. Yard requirements.

- A. Front yard depth shall be 20 feet.
- B. Side yard width shall be not less than 10 feet except along the shared common wall which shall have a zero-foot setback. A minimum side yard setback of 20 feet is required between townhouse building groups.
- C. Rear yard depth shall be not less than 20 feet.

§ 270-53.10. Parking.

- A. Single-family residential dwelling. There shall be a minimum of one garage space and a sufficient paved on-site driveway space to accommodate a minimum of two automobiles on each lot.
- B. Townhouse. There shall be a minimum of one garage space and access for a minimum of two automobile-parking spaces per dwelling unit.
- C. Additional off-street parking requirements applicable in the R-4 District are set forth in § 270-149 and Table 1, "Off-Street Parking Requirements, of this chapter.^[1]
^[1] *Editor's Note: Table 1 is included at the end of this chapter.*

§ 270-53.11. Additional standards for zero-lot-line dwellings.

- A. Townhouses shall be constructed with one unit per subdivided lot, with each dwelling unit being attached to the adjacent unit.
- B. Townhouses shall have separate sewer and water laterals and shall have separate utility services for all other utility hookups.
- C. Development of a zero-lot-line dwelling shall occur only on a lot that has been specifically platted in accordance with the provisions of the Town of Rotterdam Subdivision Ordinance^[1] to accommodate such a use.
^[1] *Editor's Note: See Ch. 249, Subdivision of Land.*
- D. A perpetual easement with a minimum width of four feet shall be provided on the adjacent lot for the maintenance of the wall of the dwelling with the zero lot line. This required easement shall be in favor of the lot on which a zero lot line is planned at or near the boundary to which this easement is adjacent. This required easement shall extend along the entire length of the side boundary to which the easement is adjacent.
- E. No doors, windows, air-conditioning units, utility meters, electric panel boxes or openings of any kind shall be allowed on the wall of a dwelling or accessory building that lies on a zero-lot line.
- F. Required easements shall be shown on the final plat. If required easements are not shown on the final plat of lots for zero-lot-line homes, then such easements shall be created by means of a replat or other separate legal instrument filed with the Schenectady County Clerk's office, before permits for building are granted by the Town.
- G. In no case shall the owner of any zero-lot-line dwelling be granted an easement on the adjoining property for the use or enjoyment of any portion of that property, except for a four-foot maintenance easement in Subsection D above.
- H. Wall assemblies separating dwelling units from each other shall have a sound transmission class (STC) of not less than 60 for airborne noise when tested in accordance with ASTM E 90. This requirement shall not apply to dwelling-unit-entrance doors; however, such doors shall be tight fitting to the frame and sill.

§ 270-53.12. Waivers to roadway-width standards.

In particular circumstances, there may be a desire to modify the roadway-width standards in developments in the Small One-Family and Townhouse Residential District. Upon recommendation from the Highway Superintendent and Town Engineer or Town Designated Engineer, the Planning Board may grant a waiver to the required roadway-width standards with the following findings of fact:

- A. The roadway being constructed shall not allow for on-street parking.
- B. There shall be a minimum of one garage space and a sufficient paved on-site driveway space to accommodate a minimum of two automobiles on each lot.

- C. The roadway shall have sufficient width to accommodate emergency vehicles and have sufficient turnaround area.
- D. The roadway shall service no more than 20 dwelling units.

§ 270-53.13. through § 270-53.19. (Reserved)

Article VIIIB. MS/NC Main Street/Neighborhood Center Overlay District

[Added 9-27-2017 by L.L. No. 4-2017]

§ 270-53.20. Purpose.

- A. The purpose of the Main Street/Neighborhood Center Overlay District (MS/NC) is to:
 - (1) In certain specified areas, transition existing land uses and site designs that are permitted in underlying existing zoning districts to land uses and site designs that are consistent with the provisions of this article, without adversely affecting existing use and development rights;
 - (2) Promote a mixture of complementary land uses that includes housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips.
 - (3) Develop commercial and mixed-use areas that are safe, comfortable, and attractive to pedestrians.
 - (4) Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.
 - (5) Reinforce streets as public places that encourage pedestrian and bicycle travel.
 - (6) Provide roadway and pedestrian connections to residential areas.
 - (7) Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking.
 - (8) Facilitate development (land use mix, density, and design) that supports public transit, where applicable.
 - (9) Maintain mobility along traffic corridors and state highways.

§ 270-53.21. When regulations apply.

- A. Applicability of this article. The provisions of this article shall apply to any property within the MS/NC Districts with respect to which an applicant elects to proceed with development or use of such property in accordance with the provisions of this article.
 - (1) Such election shall be made in writing on a form prescribed by the Planning Board, signed by the owner of the property.
 - (2) Once such election is made and the property is used or developed in accordance with the provisions of this article, such election shall be irrevocable, and the provisions of this article shall be deemed to have superseded any inconsistent provisions applicable in the underlying zoning district with respect to such property.

- B. Inapplicability of this article. Except to the extent a previous election has become irrevocable pursuant to § 270-53.21A(2), above, the provisions of this article shall not apply to any property within the MS/NC Districts with respect to which an applicant does not elect to proceed in accordance with the provisions of this article. In such cases, the provisions of the underlying zoning district shall remain in effect.

§ 270-53.22. Permitted uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following principal uses are permitted as of right in the MS/NC District subject to site plan approval by the Planning Board:

- A. Mixed-use developments containing a nonresidential use listed in this section and upper-story residential unit(s).
- B. Retail sales and service under 5,000 square feet gross floor area.
- C. Sit-down restaurants and taverns.
- D. Professional offices.
- E. Professional clinics.
- F. Indoor theaters, dance studios, assembly halls, game rooms, billiard/pool parlors, bowling alleys and similar establishments.
- G. Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry pickup, delivery shops, and card shops.
- H. Public parks, playgrounds and other municipal recreational uses.
- I. Public libraries and museums.

§ 270-53.23. Special uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following special uses may be permitted in the MS/NC District:

- A. Public and private schools.
- B. Preschools and day-care centers.
- C. Retail sales over 5,000 square feet and less than 10,000 square feet gross floor area.
- D. Hotels/motels.
- E. Private clubs and religious institutions.
- F. Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communications equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.
- G. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

§ 270-53.24. Accessory uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, accessory uses in the MS/NC District shall be limited to following:

- A. Parking and loading.
- B. Bus shelters and loading areas.
- C. Permitted signs.
- D. Storage and buildings accessory to the principal use.
- E. Rooftop-mounted solar collectors that constitute small-scale solar energy systems.

§ 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the maximum building height shall be three stories, not exceeding 45 feet.

§ 270-53.26. Lot area.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet.

§ 270-53.27. Lot coverage.

Where an election has been made to proceed under this article in accordance with § 270-53.21, lot coverage shall not exceed 60% for principal and accessory buildings.

§ 270-53.28. Yard requirements.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

- A. Front depth shall be a maximum of 10 feet.
- B. Side yard width shall not be less than five feet.
- C. Rear yard depth shall not be less than 25 feet.

§ 270-53.29. Parking.

The intent of the MS/NC District is to encourage shared parking, to reduce vehicular trips, and to reduce the impact on the primary road network. Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

- A. On-street parking where permitted is encouraged.
- B. Off-street parking requirements applicable in the MS/NC District are set forth in **§ 270-149** of this chapter.
- C. Parking is prohibited in the front yard.

§ 270-53.30. Landscaping.

Where an election has been made to proceed under this article in accordance with § 270-53.21, street trees shall be planted in sidewalk cutouts where on-street parking is provided and shall be protected by tree grates or granite tree surrounds. Street tree spacing shall be determined through site plan review.

§ 270-53.31. Design guidelines.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following design guidelines shall apply;

- A. Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.
- B. Building height transitions or step-downs shall be provided when adjacent to residential or small-scaled uses, as shown in the figure below.

FIGURE 1

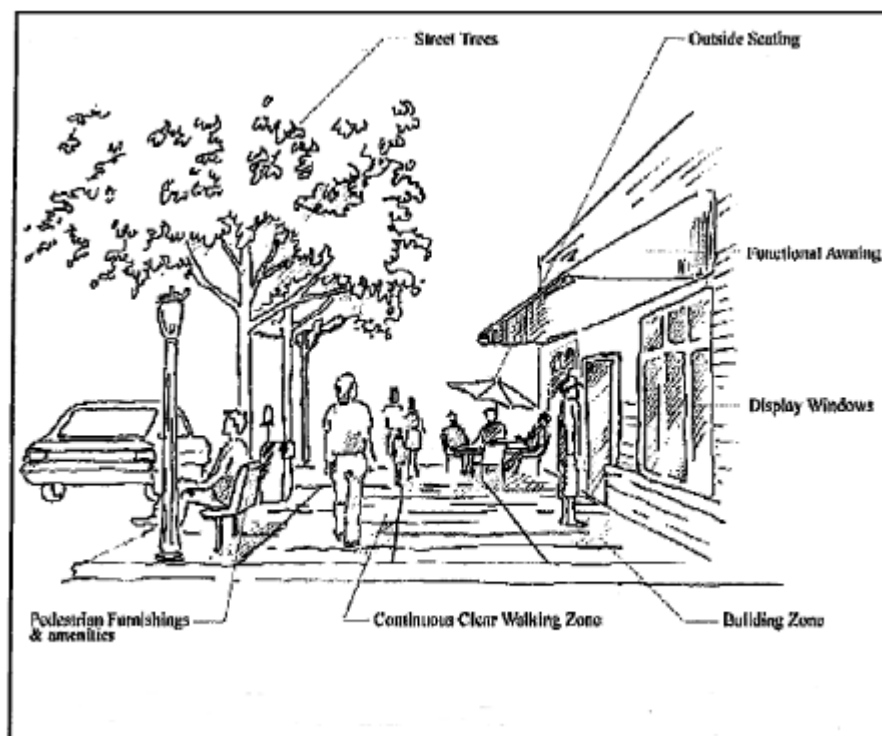


BUILDING HEIGHT TRANSITION

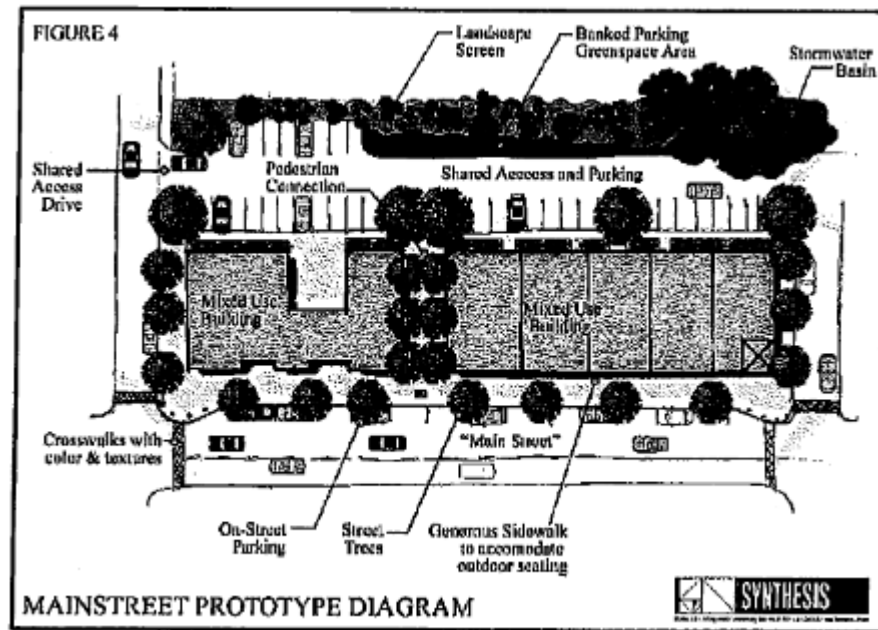
- C. All building entrances, pathways, and other pedestrian areas shall be lit using pedestrian-scale lighting to two footcandles measured at ground level (e.g., wall-mounted lighting, sidewalk lamps, landscape up-lighting, and similar features).
- D. The building(s) shall have at least one primary entrance facing a street.
- E. Building entrances shall open directly to the outside; every building shall have at least one entrance that does not require passage through a parking lot or garage to gain public access; corner buildings shall have corner entrances whenever possible.
- F. Windows shall be provided along at least 60% of the building's facade.
- G. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- H. Public entrances shall be provided with weather protection (e.g., awnings, canopies, or similar features). During site plan review, consideration shall be given to appropriate pedestrian amenities (e.g., street tree well cutouts, space for outdoor seating, bus waiting areas, trash receptacles, newspaper vending machines, benches, mailboxes, sidewalk displays, public art, and similar features).
- I. To the extent practicable, all electric, telephone, cable, and similar utility lines servicing a site shall be located underground.
- J. Parking and vehicle drives shall be located away from building entrances to the maximum extent practicable and generally not between a building entrance and the street.
- K. Drive-through facilities are prohibited.

- L. Surface parking shall be oriented behind or to the side of a building when possible, and parking shall not be located on street corners.
- M. Landscape buffering shall be provided between parking lots and all adjacent sidewalks.
- N. Credit for on-street parking. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to Town, county, and NYSDOT standards, except that angled parking may be allowed for some streets, as approved by the Planning Board. The configuration of on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The Town shall maintain a written record of credits granted for each use.
- O. Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, likelihood of car pool use, adjacent on-street parking, and potential for shared parking. Shared parking means that multiple uses share one or more parking facilities. Parking demands must peak during different times of the day. The parking study is subject to review and approval or modification by the Planning Board.
- P. Maximum parking ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site plan review for developments that provide parking structures or shared parking that is intended to be available for public use.
- Q. Bicycle parking. Bicycle parking shall be provided in an amount and in location(s) determined by the Planning Board during site plan review.
- R. The figures below depict a streetscape and neighborhood plan consistent with the aims of the MS/NC District.

FIGURE 2



STREETSCAPE WITH BUILDING ENTRIES, WINDOWS, WEATHER PROTECTION, STREET FURNISHINGS AND TREES



§ 270-53.32. through § 270-53.39. (Reserved)

Article VIIC. CORR Corridor Commercial Overlay District

[Added 9-27-2017 by L.L. No. 4-2017]

§ 270-53.40. Purpose.

The purpose of the Corridor Commercial Overlay District (CORR) is to:

- A. In certain specified areas, transition existing land uses and site designs that are permitted in underlying existing zoning districts to land uses and site designs that are consistent with the provisions of this article, without adversely affecting existing use and development rights.
- B. Support infill and redevelopment along existing commercial corridors.
- C. Allow a mixture of automobile-dependent commercial services to create economic vitality and commercial areas that are safe, comfortable, and attractive for both vehicles and pedestrians.
- D. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.
- E. Provide appropriate locations and design guidelines for automobile and truck-dependent uses.
- F. Maintain mobility along traffic corridors and state highways through appropriate access management.

§ 270-53.41. When regulations apply.

- A. Applicability of this article. The provisions of this article shall apply to any property within the CORR Districts with respect to which an applicant elects to proceed with development or use of such property in accordance with the provisions of this article.
 - (1) Such election shall be made in writing on a form prescribed by the Planning Board, signed by the owner of the property.

- (2) Once such election is made and the property is used or developed in accordance with the provisions of this article, such election shall be irrevocable and the provisions of this article shall be deemed to have superseded any inconsistent provisions applicable in the underlying zoning district with respect to such property.
- B. Inapplicability of this article. Except to the extent a previous election has become irrevocable pursuant to § 270-53.41A(2), above, the provisions of this article shall not apply to any property within the CORR Districts with respect to which an applicant does not elect to proceed in accordance with the provisions of this article. In such cases, the provisions of the underlying zoning district shall remain in effect.

§ 270-53.42. Permitted uses.

Where an election has been made to proceed under this article in accordance with § 270-53.41, the following principal uses are permitted as of right in the CORR District:

- A. Professional offices.
- B. Professional clinics.
- C. Sit-down restaurants and taverns.
- D. Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry pickup, and delivery shops and card shops.
- E. Public parks, playgrounds and other municipal recreational uses.
- F. Public libraries and museums.
- G. Public and private schools.
- H. Preschool and day-care centers.
- I. Retail sales up to 15,000 square feet gross floor area.
- J. Private clubs and religious institutions.
- K. Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communication equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.
- L. Indoor theaters, dance studios, assembly halls, game rooms, billiard/pool parlors, bowling alleys and similar establishments.
- M. Convenience stores.
- N. Commercial health and recreation establishments.
- O. Veterinary hospitals.

§ 270-53.43. Special uses.

Where an election has been made to proceed under this article in accordance with § 270-53.41, the following special uses may be permitted in the CORR District:

- A. Drive-in establishments and restaurants with drive-throughs.
- B. Motor vehicle repair shops.

- C. Car washes.
- D. Motor vehicle fuel filling stations.
- E. Public utility or communications installations.
- F. Motor vehicle sales and rental establishments.
- G. Hotels and motels.
- H. Contractors' shops and equipment storage yards.
- I. Warehousing up to 80,000 square feet.
- J. Retail sales up to 80,000 square feet.
- K. Transportation, freight, and distribution facilities.
- L. Indoor commercial storage establishments.
- M. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

§ 270-53.44. Maximum building height.

Where an election has been made to proceed under this article in accordance with § 270-53.41, the maximum building height shall be 30 feet.

§ 270-53.45. Yard requirements.

Where an election has been made to proceed under this article in accordance with § 270-53.41, the following shall apply:

- A. Front depth shall be a minimum of 25 feet and a maximum of 100 feet.
- B. Side yard width shall not be less than 15 feet.
- C. Rear yard depth shall not be less than 25 feet.

§ 270-53.46. Parking.

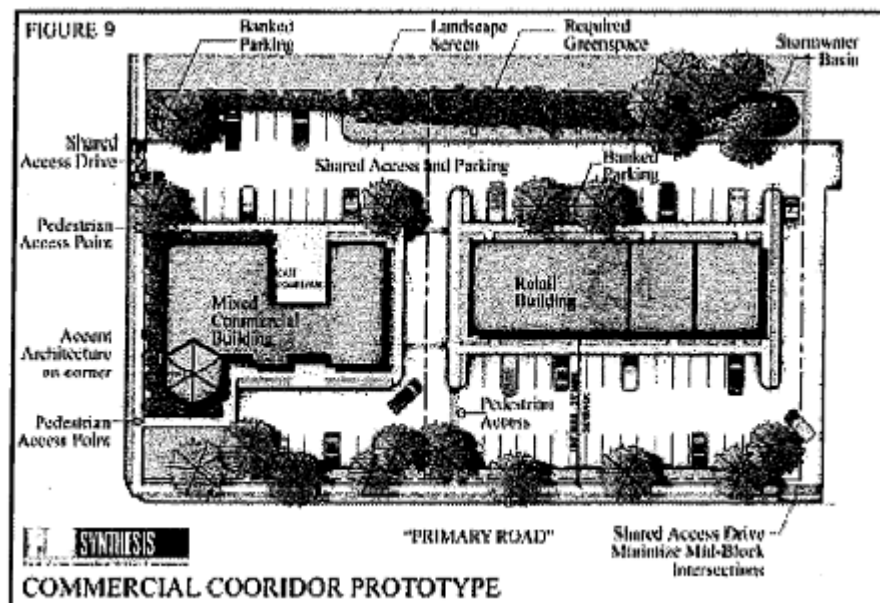
The intent of the CORR District is to encourage shared parking, to reduce vehicular trips, and to reduce the impact on the primary road network. Where an election has been made to proceed under this article in accordance with § 270-53.41, the following shall apply:

- A. On-street parking where permitted is encouraged.
- B. Off-street parking requirements applicable in the CORR District are set forth in § 270-149 of this chapter.

§ 270-53.47. Design guidelines.

Where an election has been made to proceed under this article in accordance with § 270-53.41, the following design guidelines shall apply:

- A. Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.
- B. Building height transitions or step-downs shall be provided when adjacent to residential or small-scaled uses.
- C. All building entrances, pathways, and other pedestrian areas shall be lit using pedestrian-scale lighting to two footcandles measured at ground level (e.g., wall-mounted lighting, sidewalk lamps, landscape up-lighting, and similar features).
- D. The building(s) shall have at least one primary entrance facing a street.
- E. Primary roadway access points shall be shared and have shared signage.
- F. A continuous sidewalk shall be provided along the entire length of the front property line parallel to the primary road network and shall connect to any existing adjacent sidewalk network.
- G. Pedestrian access shall be provided from the primary street.
- H. There shall be a minimum five-foot landscaped planting strip between the sidewalk and the primary road network.
- I. Windows shall be provided along at least 60% of the building's facade.
- J. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- K. To the extent practicable, all electric, telephone, cable, and similar utility lines servicing a site shall be located underground.
- L. Parking and vehicle drives shall be located away from building entrances to the maximum extent practicable, and generally not between a building entrance and the street.
- M. Surface parking shall be oriented behind or to the side of a building when possible, and parking shall not be located on street corners.
- N. Continuous buffering of at least three feet shall be provided between parking lots and all adjacent sidewalks and between each commercial property.
- O. The figure below depicts a neighborhood plan consistent with the aims of the CORR District.



§ 270-53.48. through § 270-53.59. (Reserved)

Article IX. B-1 Retail Business District

§ 270-54. Regulations to apply.

The following regulations shall apply to all B-1 Districts.

§ 270-55. Permitted uses.

The following uses are permitted as of right in the B-1 District:

- A. All uses permitted as of right in the R-1 and R-2 Districts, subject to the regulations specified in such residential districts.
- B. Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry-pickup and -delivery shops and card shops.
- C. Banks, offices, restaurants, cafes, tearooms, grocery and meat stores, flower shops and similar retail establishments, except businesses primarily engaged in the sale of used goods, merchandise or machinery.
- D. Banking, confectionary, dressmaking, laundromats, printing, tailoring and upholstering, subject to the following provisions:
 - (1) All such processing or manufacturing shall be done on the premises.
 - (2) Not more than five persons shall be employed at any one time.
- E. Indoor theaters, assembly halls, game rooms, billiard and pool parlors and bowling alleys.
- F. Funeral homes.
- G. Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communication equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.
- H. Automobile parking lots with at least 10 parking spaces for private vehicles and a driveway for entrance and exit from such spaces. Such vehicles must be in running condition, able to be driven at any time under their own power. Lots for the sale or lease of motor vehicles are specifically prohibited.
- I. Antique sales and secondhand stores, provided that such establishments shall conduct all activities and storage entirely within an enclosed building.
[Added 2-26-1997 by L.L. No. 2-1997]

§ 270-56. Special uses.

The following special uses may be permitted or denied subject to review under Article XIX of this chapter:

- A. Drive-in establishment accessory to a permitted use.
- B. Public utility or communications installations.
- C. Convenience store.

- D. Car wash.
- E. Fence companies, retail and wholesale.
[Added 9-8-1999 by L.L. No. 13-1999]
- F. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
[Added 4-27-2005 by L.L. No. 9-2005]

§ 270-57. Accessory uses.

Accessory uses permitted in the B-1 District shall be limited to the following:

- A. Parking and loading.
- B. Bus shelters and loading areas.
- C. Permitted signs.
- D. Storage and building accessory to the principal use.
- E. Accessory uses permitted in the R-1 and R-2 Districts.
- F. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-58. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet, for residential uses, and four stories, not exceeding 50 feet, for nonresidential uses.

§ 270-59. Lot area.

[Amended 12-26-1990 by L.L. No. 26-1990]

The minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet.

§ 270-60. Lot coverage.

Lot coverage shall not exceed 45% for residential uses and not exceed 60% for principal and accessory nonresidential buildings.

§ 270-61. Yard requirements.

- A. Any building used for purposes permitted in an R-1 District shall have front, side and rear yards as required in an R-1 District; and any building used for purposes permitted in an R-2 District shall have front, side and rear yards as required in an R-2 District.
- B. Yard requirements for all other buildings and structures shall be:
 - (1) Front yard depth: a minimum front yard of 30 feet is required, which area may be used for off-street parking in connection with the principal use of the lot.

- (2) Side yard width: not less than 10 feet. In situations where two or more buildings, with the same zoning classification, are contiguous and share a common wall along an interior lot line, the minimum required side setback may be reduced to zero feet by the Planning Commission during the site plan review process.
[Amended 6-9-1999 by L.L. No. 9-1999]

- (3) Rear yard depth: not less than 25 feet.

§ 270-62. Parking.

Off-street parking requirements applicable in the B-1 District are set forth in § 270-149 of this chapter.

Article X. B-2 General Business District

§ 270-63. Regulations to apply.

The following regulations shall apply to all B-2 Districts.

§ 270-64. Permitted uses.

The following uses are permitted as of right in the B-2 District:

- A. All uses permitted as of right in the R-1, R-2 and B-1 Districts, subject to all applicable restrictions specified for such districts.
- B. Establishments for making, assembling or repairing articles, provided that no machinery or process is used which creates a nuisance or is noxious or offensive to neighboring uses by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration, glare or fire hazard. All such establishments shall conduct all activities and storage entirely within an enclosed building.
- C. Commercial health and recreation establishments.
- D. (Reserved)^[1]
^[1] *Editor's Note: Former § 270-64D, regarding antique sales, was repealed 2-26-1997 by L.L. No. 2-1997.*
- E. Wholesale business and storage conducted entirely within an enclosed building, and excluding bulk storage tanks, salvage yards, junkyards and coal storage.
- F. Data processing and computer services.

§ 270-65. Special uses.

[Amended 9-12-1990 by L.L. No. 18-1990; 4-11-2001 by L.L. No. 4-2001]

The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Motor vehicle repair shops providing either major or minor motor vehicle repairs, including propane filling.
- B. Facilities for the filling of portable tanks with liquid propane gas.
- C. Car washes.
- D. Dry-cleaning laundry facilities.

- E. Mass transportation terminals.
- F. Drive-in establishments.
- G. Public utility or communications installations.
- H. Hotels and motels.
- I. Contractors' shops and equipment storage yards.
- J. Veterinary hospitals.
- K. Motor vehicle sales and rental establishments.
- L. Motor vehicle fuel filling stations.
- M. Convenience stores.
- N. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
[Added 4-27-2005 by L.L. No. 9-2005]

§ 270-66. Accessory uses.

Accessory uses permitted in the B-2 District shall be limited to the following:

- A. Parking and loading.
- B. Bus shelters and loading areas.
- C. Permitted signs.
- D. Buildings and uses customarily accessory to the permitted principal use.
- E. Accessory uses permitted in the R-1, R-2 and B-1 Districts.
- F. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-67. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet, except that buildings or structures permitted in the R-1, R-2 and B-1 Districts shall comply with the height limit imposed by such district.

§ 270-68. Lot area; lot coverage; yard requirements.

[Amended 6-9-1999 by L.L. No. 9-1999]
Lot area shall be the same as required in the B-1 District.

§ 270-69. Parking.

Off-street parking requirements applicable in the B-2 District are set forth in § 270-149 of this chapter.

§ 270-70. Additional regulations.

Regulations relative to specific uses found in Article XVIII of this chapter shall apply.

Article XA. C-1 Corporate Commerce District

[Added 9-15-2005 by L.L. No. 17-2005]

§ 270-70.1. Purpose.

The primary purpose of the Corporate Commerce District C-1 is to permit, where appropriate, the construction of facilities providing research and development, and information and communication services. This district is primarily for the location of high-technology facilities, office parks, research and development facilities and headquarters of corporations and organizations, with light manufacturing that is consistent with the purpose of this article. The district is also intended to provide a location for office, research, computer and telecommunication uses in a well-designed and landscaped setting. By establishing design and site development standards, the C-1 District encourages the creation of a quality office and technology building environment. The district is also intended to allow various nonretail service-oriented uses in areas transitioning from residential to nonresidential uses, so as to preserve the residential character of the area. The district provides a greater variety of uses for existing residential structures/lots located along major roadways whose appeal as strictly a single-family residence is being impacted by increased traffic and development. Because of the generally low volume of traffic associated with such uses and their hours of operation and noise characteristics, they are compatible as transition uses.

§ 270-70.2. Permitted uses.

- A. An owner shall be permitted to have more than one tenant in an approved facility as long as all occupancies fall within the permitted use. The following uses are permitted in a C-1 District:
- (1) Scientific, industrial or experimental research; testing and development of materials, methods or products, including engineering and laboratory research and commercial, physical and biological research.
 - (2) Information and communication services, including commercial computer services.
 - (3) Headquarters and offices of corporations and companies, including single- or multi-building office parks.
 - (4) Headquarters and offices of membership, organizations, unions, charitable institutions and professional and educational organizations.
 - (5) Finance and insurance services, including banks, brokerage houses, investment counseling services and processing of insurance information and all services related thereto.
 - (6) Offices for licensed professionals, including engineers, surveyors, architects, and attorneys.
 - (7) Barber or beauty shops.
 - (8) Physicians, engineering and management consulting services.
 - (9) Public administration.
 - (10) Day-care services.

- (11) Buildings accessory to the above which are an integral part of any of the above uses and not in conflict with the purpose of this article as set forth above, which determination shall be made by the Planning Board.
 - (12) Medical facilities.
 - (13) Executive, sales, accounting, professional and general business offices.
 - (14) Electronics, telecommunication and computer business and service offices and facilities.
 - (15) Institutional, philanthropic and governmental offices.
 - (16) Data processing and computer services.
 - (17) Medical offices.
 - (18) Banks.
 - (19) Hotels, except that said hotels must be a minimum of four stories.
 - (20) Personal service shops including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry-pickup and delivery shops and card shops.
 - (21) Public parks.
- B. In conjunction with the permitted uses, 20% of the gross floor area of the main facility may be used for assembling of products directly related to the approved use.

§ 270-70.3. Special uses.

The following special uses may be permitted or denied subject to review under Article XIX of this chapter:

- A. Warehousing and distribution facilities accessory to a permitted use above.
- B. Light manufacturing conducted within a completely enclosed building, provided that there is no outdoor storage of material or product.
- C. Publishing, printing or bookbinding facilities.
- D. Motor vehicle fueling stations and car washes with buildings and canopies not to exceed a combined 5,000 square feet.
- E. The excavation and removal of stone and gravel.
- F. Electrical substation, gas district governor station, telephone exchange or other public utility building, structure or use.
- G. Timbering.
- H. Storage of LP gas in excess of 1,100 gallons.
- I. All other telecommunication towers as needed to support the permitted use.

§ 270-70.4. Space and bulk standards.

- A. Lot area. The minimum lot size shall be one acre (43,560 square feet), and the minimum width at the front building line shall be 150 feet. There is no maximum lot size so long as such use will promote the intent and

purpose of this article. In making such determination, the Planning Board shall find that the acreage will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts; that the acreage would not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located; that the health, safety, welfare or order of the Town will not be adversely affected by the proposal; and that the proposal will be in harmony with and promote the general purposes and intent of this article. In addition to the above standards, the Planning Board shall also consider the character of the existing uses and approved future development in the district and the peculiar suitability of such district for the location of any such proposal; the conservation of property values and the encouragement of the most appropriate use of land; the effect that the location of the proposal may have on the increase of vehicular traffic congestion of public streets and highways; whether the use or structures to be used therefor will cause an overcrowding of land or undue concentration of population; and the physical characteristics and topography of the land.

- B. Lot coverage. Structures, parking areas, including maneuvering areas, stormwater retention areas and other site amenities that are an integral and necessary part of the use shall not occupy more than 50% of the total lot area. The green space requirement for this district is a minimum of 5%. The stormwater retention area may be included in the green space calculation upon proof that the stormwater retention area will be improved to form an integral part of the landscaping scheme and would enhance the overall aesthetics and thus serve the purpose of the green space requirements of this article.
- C. Buffer. No building shall be located closer to any residential district property line than 100 feet, and there shall be no encroachment into this area by anything other than natural vegetation or planted landscaping. In addition, there shall be established a minimum ten-foot planted buffer along the rear and side property line of all parcels.
- D. Height. No building shall exceed five stories or 87.5 feet in height.
- E. Setbacks.
 - (1) Front yards, Notwithstanding any other provision of the Code to the contrary, no building shall be located closer than 35 feet to the front property line, into which space there shall be no encroachment of structures other than a fence or similar structure or sign. No parking or maneuvering area shall be allowed in the front yard unless the Planning Board finds that, in the case of keyhole lots or lots with similar configuration, the intent of this chapter is better met by allowing construction within the front yard setback.
 - (2) Side yards/rear yards. In order to allow and promote the purpose of this article for maximum flexibility of design in order to preserve as much of the natural environment as possible, there is established a ten-foot rear and side yard setback which shall be treated as a buffer area. This buffer area shall contain natural or planted vegetation for the purpose of screening uses from adjacent properties.
 - (3) Setbacks for accessory buildings. No building approved as an accessory to the main use shall be constructed closer than 25 feet to a property line.

§ 270-70.5. Development standards.

- A. Ingress/Egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. Such curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town's engineer or Town-designated engineer the type of traffic to be generated by the use and shall meet all of the firesafety requirements of the Town of Rotterdam. The distance between curb cuts on two separate parcels shall be a minimum of 100 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties. In the case of a corner lot, no curb cut shall be located closer than 100 feet to an intersection.
- B. Landscaping. The overall intent of this standard is to achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. That is, consideration shall be given to

preservation of natural and existing vegetation as well as new plantings throughout the entire site plan. The Planning Board shall take into consideration the location of the structures and parking areas and their proximity to adjacent buildings and/or lots. Consideration shall be given to planting along property lines, buffer areas and along the walls of the building or structure, where possible, without impeding the operations of the facility. However, if there is substantial natural vegetation on site that services the requirements, i.e., screening, aesthetics, etc., the Planning Board shall not require additional landscaping except where deficiencies exist.

- C. Architectural The architectural design shall consider building facade, including color, and other significant design features such as exterior materials and treatments, roof structures, exposed mechanical equipment and service and storage areas. Architectural block or similar facades, especially along the road frontage, shall be required.
- D. Utilities. Uses proposed within a C-1 District shall be served by sanitary sewers, adequate drainage control and/or storm sewers and a community water system where available. If none is available at the time of approval, the Planning Board shall require the owner to hook into a community water and sewer system as soon as one becomes available as defined by the New York State Uniform Fire Prevention and Building Code.

§ 270-70.6. Nonconforming uses, buildings and structures.

- A. Nonconforming uses in the C-1 District.
 - (1) Continuation. Except as hereinafter provided, the lawful use of a building, structure or land existing at the effective date of this article may continue indefinitely and permanently although such use does not conform to the provisions herein.
 - (2) Whenever the use of a building or structure becomes nonconforming through a change in the provisions of this chapter or district boundaries established by this chapter, such use may continue indefinitely and permanently.
- B. Change of nonconforming use. Once changed to a conforming use, no structure, building or land shall be permitted to revert to a nonconforming use.
- C. Abandonment. Whenever any nonconforming use has been discontinued for a period of two years, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.
- D. Nonconforming buildings or structures in the C-1 District.
 - (1) Continuation. Where a nonconforming building or structure exists at the effective date of the adoption of or amendment to this chapter, such nonconformity may be continued so long as it remains otherwise lawful. No such nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity by more than 30% of its existing capacity as of the effective date of this article. Such enlargement or alteration shall not tend to increase any inherent nuisance, nor shall such enlargement or alteration violate any provision of this chapter regarding yards, lot area or lot coverage for the district in which it is situated, nor increase any violation of such provision.
 - (2) Alterations and extensions. No nonconforming building or structure may be reconstructed or altered during its life to an extent exceeding in aggregate cost 30% of the full valuation of the building, unless said building or structure is changed to conform to this chapter, except as otherwise permitted for the repair or restoration of the structure.
- E. Any land or building structure or use zoned in a C-1 District shall not be subject to the nonconforming use regulations set forth in § 270-153 of this chapter.

Article XI. I-1 Light Industrial District

§ 270-71. Regulations to apply.

The following regulations shall apply to all I-1 Districts.

§ 270-72. Permitted uses.

The following principal uses are permitted as of right in the I-1 District:

- A. All nonresidential uses permitted as of right in the B-2 District.
- B. Dry-cleaning, carpet-cleaning and laundry facilities.
- C. Bottling plants.
- D. Bus barns and public garages.
- E. Car washes.
- F. Contractor shops and equipment storage yards.
- G. Creameries and milk plants.
- H. Kennels and veterinary hospitals.
- I. Laboratories for scientific or industrial research, testing and development.
- J. Lumberyards and building material sales yards.
- K. Machine shops.
- L. Mechanical, optical, photographic, scientific or electronic manufacturing conducted entirely within a completely enclosed building.
- M. Newspaper and printing establishments.
- N. Saw and planing mills.
- O. Trucking terminals, warehousing and distributing, provided that no outdoor storage of materials shall be permitted.
- P. Woodworking mills.
- Q. Fuel-oil storage tanks.
- R. Wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]
^[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-73. Special uses.

[Amended 9-12-1990 by L.L. No. 18-1990; 4-11-2001 by L.L. No. 4-2001]

The following uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Asphalt-mixing or concrete-mixing plants.
- B. Crematoriums.

- C. Facilities for the filling of portable tanks with liquid propane.
- D. Motor vehicle repair shops providing either major or minor motor vehicle repairs.
- E. Motor vehicle sales and rental establishments.
- F. Brick, glass, pottery, tile or terra-cotta manufacturing.
- G. Poultry killing and dressing.
- H. Public utility and communications installations.
- I. Structural steelworks.
- J. Trucking terminals, warehousing and distributing with outdoor storage of materials.
- K. Towers.
- L. Motor vehicle fuel filling stations.
- M. Convenience stores.
- N. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
[Added 4-27-2005 by L.L. No. 9-2005]
- O. Solar farms and solar power plants in accordance with § 270-153.
[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-74. Accessory uses.

Accessory uses permitted in the I-1 District shall be limited to the following:

- A. Parking and loading.
- B. Bus shelters and loading areas.
- C. Temporary offices and storage.
- D. Buildings and uses customarily accessory to the permitted principal use.
- E. Dish antennas and permitted accessory towers.
- F. Permitted signs.
- G. Storage of registered vehicles, boats and trailers.
- H. Storage or parking of commercial vehicles.
- I. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]

[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-75. Prohibited uses.

The following uses are expressly prohibited in the I-1 District:

- A. Residential dwellings except for caretaker, guard or watchman residences.
- B. Automobile wrecking establishments, junkyards, metal and material reclaiming facilities.
- C. All uses listed in the I-1 District, except those uses listed in this section as permitted.

§ 270-76. Maximum building height.

The maximum building height shall be 75 feet.

§ 270-77. Lot area.

[Amended 12-26-1990 by L.L. No. 26-1990]

The minimum lot area required for each principal use is 20,000 square feet, with a minimum lot width of 100 feet.

§ 270-78. Lot coverage.

Lot coverage shall not exceed 60%.

§ 270-79. Yard requirements.

Not less than 25 feet.

§ 270-80. Parking.

Off-street parking requirements applicable in the I-1 District are set forth in Article **XVIII** of this chapter.

§ 270-81. Additional regulations.

Regulations relative to specific uses found in Article **XVIII** of this chapter shall apply.

Article XII. I-2 Heavy Industrial District

§ 270-82. Regulations to apply.

The following regulations shall apply to all I-2 Districts:

§ 270-83. Permitted uses.

The following principal and accessory uses are permitted as of right in the I-2 District.

- A. All principal permitted and special uses listed in the I-1 District use regulations, except towers.
- B. Landfill operations subject to the provisions of Article **XIX** and Article **XVIII**, § **270-162**, of this chapter.
- C. Wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[Added 10-8-2008 by L.L. No. 10-2008]

§ 270-84. Special uses.

The following uses may be permitted or denied subject to special use review under Article XIX of this chapter:

- A. Industrial, manufacturing and processing uses not listed as a permitted use.
- B. Junk, scrap, metal and rag storage or salvage yards, including automobile salvage and junkyards, subject to all applicable local and state requirements and the following:
 - (1) This use must be located at least 1/2 mile from any residential district and at least 75 feet from any public street or highway.
 - (2) The entire use is surrounded by a solid wooden fence eight feet in height above ground level or completely obscured year-round by an equivalent fence, wall or evergreen planting.
- C. Commercial extraction of topsoil, sand, gravel and stone.
- D. Towers.
- E. Facilities for the filling of portable tanks with liquid propane gas.
- F. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
[Added 4-27-2005 by L.L. No. 9-2005]
- G. Solar farms and solar power plants in accordance with § 270-153.
[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-84.1. Accessory uses.

[Added 10-8-2008 by L.L. No. 10-2008]

Accessory uses permitted in the I-2 Heavy Industrial District shall be limited to the following:

- A. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.^[1]
[1] *Editor's Note: See Ch. 269, Wind Energy Facilities.*

§ 270-85. Prohibited uses.

The following uses are expressly prohibited in the I-2 District:

- A. The storage, dumping or disposal of slaughterhouse refuse, rancid fats, garbage, dead animals or offal.
- B. The storage, spilling, dumping or disposal of toxic chemicals, except as may be lawfully permitted by New York State.
- C. Stockyards and animal slaughtering (except poultry).
- D. Residential dwellings except for watchman's quarters.

§ 270-86. Maximum building height.

The maximum building height shall be 75 feet.

§ 270-87. Lot area.

[Amended 12-26-1990 by L.L. No. 26-1990]

The minimum lot area required for each principal use is 20,000 square feet, with a minimum width of 100 feet.

§ 270-88. Lot coverage.

Lot coverage shall not exceed 75%.

§ 270-89. Yard requirements.

Yard requirements shall be the same as the I-1 District.

§ 270-90. Parking.

Off-street parking requirements applicable in the I-2 District are set forth in Article XVIII of this chapter.

§ 270-91. Additional regulations.

Regulations relative to specific uses found in Article XVIII of this chapter shall apply.

Article XIIA. LC Land Conservation Overlay District

[Added 9-15-2005 by L.L. No. 16-2005]

§ 270-91.1. Purpose.

The LC Overlay District is established to provide for areas identified in the Comprehensive Plan for the preservation of recreation, open space, or environmentally sensitive lands. It is also intended to facilitate the classification of lands in need of preservation, to provide for the protection of the aquifer, the preservation of wetlands or other lands unsuitable for development. In most cases, these properties will contain deed restrictions and/or restrictive covenants.

§ 270-91.2. Regulations to apply.

The following regulations shall apply to all LC Overlay Districts.

§ 270-91.3. Permitted uses.

The following uses are permitted as of right in the LC Overlay District:

- A. Activities permitted within conservation areas and conservation easements in accordance with site plan approval and/or development agreements. Said use must be in compliance with underlying zoning.
- B. Public parks and public recreation facilities.
- C. Pumping and/or treatment of public water supplies.
- D. Wetland compensatory mitigation areas.

- E. Maintenance of existing utility/transmission lines, equipment, and associated activities.
- F. Maintenance of existing cemeteries.
- G. Routine maintenance activities, including vegetation control, forestry, field, and stream maintenance.

§ 270-91.4. Special uses.

The following special uses may be allowed:

- A. Installation of utility/transmission lines, equipment and associated activities.

Article XIA1. Conservation Easements

[Added 9-15-2005 by L.L. No. 16-2005]

§ 270-91.5. Purpose and intent.

The Town of Rotterdam may acquire conservation easements over real property in accordance with § 239-y of the General Municipal Law and Article 49, Title 3, of the Environmental Conservation Law. This article establishes guidelines and criteria for the evaluation of such easements in order to clearly establish the public benefit associated with any offer to donate or sell such easements. The proposed easement shall have a definite public purpose, which benefits the Town and the community as a whole.

§ 270-91.6. Term of easement.

Any conservation easement offered to the Town shall be perpetual.

§ 270-91.7. Evaluation.

The proposed easement should be further evaluated according to the following criteria:

- A. The proposed easement shall conserve, preserve and protect one more of the following:
 - (1) An area which is significant because of its value as agricultural or forest land.
 - (2) An area which is significant because of its unique scenic or natural beauty.
 - (3) An area which is significant because of its value as a watercourse, water body, freshwater wetland or aquifer recharge area.
 - (4) An area which is significant because of its unique geological or ecological character.
 - (5) An area which is significant because of its historical, archaeological, architectural or cultural amenities.
 - (6) An area which is significant because of its value as a community recreational area, greenway corridor, or its relationship to an adjacent recreational area.
 - (7) An area which is significant because of its value as a wildlife habitat or its relationship to an adjacent wildlife preserve or wildlife corridor.
 - (8) An area which is significant because of its intrinsic value as open space necessary to preserve scenic vistas or otherwise enhance community character and attractiveness.

- (9) An area which is significant because of its intrinsic value as open space in determining future land use development patterns within the Town.

- B. Although conservation easements are not required to confer public use of the property, in certain cases, public use may be considered a factor in determining the significance of an area.

§ 270-91.8. Enforcement.

Responsibility for enforcement shall reside with the Town. The easement should contain the necessary terms and restrictions to ensure that the original character of the area is maintained and to provide sufficient detail that the Town can effectively enforce all the terms and conditions of the easement. It shall be clearly stated that the owner of the property is responsible for the maintenance of the area.

§ 270-91.9. Additional structures.

The fundamental purpose of the conservation easement is to conserve, preserve and protect open space. In the case of the reserved open space, limited structures or other improvements may be permitted to be constructed on the property under terms of the easement. Any structures or other improvements permitted under the easement must be strictly limited, must not encroach on the character of the area, and shall be fully defined in a manner satisfactory to the Town and consistent with zoning and other regulations prior to Town Board acceptance of the easement donation.

§ 270-91.10. Donor donations.

The Town Board may request an initial donation for costs relating to acceptance and ongoing monitoring of the conservation easement.

§ 270-91.11. Review by other agencies.

The Town is responsible for annual review of each conservation easement to verify the continued integrity of the easement. The Town Board may request advisory opinions from the Town Conservation Advisory Council, the Town Planning Board and the Town Parks Department, and other appropriate agencies prior to acquisition of such an easement.

§ 270-91.12. Public hearing.

In accordance with law, the Town Board is required to hold a public hearing on the proposed acquisition prior to any action.

§ 270-91.13. Recording.

The approved conservation easement shall be recorded with the Town Clerk, Town Tax Assessor, and the Schenectady County Clerk.

Article XIII. PRD Planned Residential Development District

§ 270-92. Legislative intent; objectives.

- A. Intent.

- (1) It is the intent of these planned residential development provisions to provide flexible use and design regulations through the use of performance criteria so that small- to large-scale neighborhoods or portions thereof may be developed within the Town which incorporate a variety of residential types and contain both individual building sites and common property which are planned and developed as a unit. Such a planned residential development is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This article specifically encourages innovation in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design and siting of dwellings and by the conservation and more efficient use of land in such developments.
 - (2) This article recognizes that, while the standard zoning function and the subdivision function are appropriate for the regulation of the land use in areas or neighborhoods which are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in this planned residential development concept. Further, this article recognizes that a rigid set of space requirements, along with bulk and use specifications, would frustrate the application of this concept. Thus, where planned residential development techniques are deemed appropriate through the rezoning of land to a Planned Residential Development District by the Town Board, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.
- B. Objectives. In order to carry out the intent of this article, a planned residential development shall achieve the following objectives:
- (1) A maximum choice on the types of environment, occupancy tenure (e.g., individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economical levels, particularly elderly residents of the community.
 - (2) More usable open space and recreation areas.
 - (3) More convenience in location of accessory commercial and service areas.
 - (4) The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.
 - (5) A creative use of land and related physical development which allows an orderly transition of land.
 - (6) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
 - (7) A development pattern in harmony with the objectives of the Comprehensive Plan.
 - (8) A more desirable environment than would be possible through the strict application of other articles of this chapter.

§ 270-93. Minimum site size.

Under normal circumstances, the minimum area required to qualify for a Planned Residential Development District shall be 25 contiguous acres of land.

§ 270-94. Single and multiple ownership of land.

The tract of land for a project may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all

owners. Leaseholds shall be for a period of at least 50 years. All approved plans shall be binding on all successors of the applicants.

§ 270-95. Location.

The Planned Residential Development District shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article.

§ 270-96. Common open space.

Common open space shall comprise a minimum of 10% of the gross area of the planned residential development to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, driveways or utility easements. No more than 50% of the common open space of a proposed planned residential development shall be comprised of floodplains or slopes over 35%.

§ 270-97. Permitted uses.

Permitted uses within a PRD District shall be as follows:

- A. Residential uses: detached, semidetached or attached one-family dwellings, garden apartments and townhouses.
- B. Nonresidential uses: active and passive park and recreation areas, open space and facilities, including swimming pools, tennis courts, ball fields, playgrounds, walkways, bikeways, nature trails and similar structures and facilities.
- C. Accessory uses: those accessory uses and structures permitted in the R-3 District.

§ 270-98. Standards and criteria.

A planned residential development plan that is in conformance with the criteria established in §§ 270-92 through 270-97 hereof conserves natural amenities and is consistent with the following standards shall be deemed to have qualified for tentative approval:

- A. General planning considerations.
 - (1) The plan may provide for a mixture of those uses set forth in § 270-96 above; provided, however, that not more than 25% of the total number of proposed dwellings shall be townhouses.
 - (2) No building or structure shall be more than 40 feet in height as defined in § 270-5 of this chapter.
 - (3) The intent of this article is to encourage excellent quality development and to take into consideration the appearance of all elevations and the arrangement of the buildings and external spaces and materials used therein.
 - (4) Nonresidential uses shall be designed and intended primarily for the use of the residents of the planned residential development and the immediate neighborhood, and the burden of proof shall be upon the applicant to prove that such is the case. No building designed or intended to be used in part or in whole for institutional purposes shall be constructed prior to the construction and completion of not less than 20% of the dwelling units proposed in the plan. Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the plan. Applicable recreational facilities shall be completed before construction of the next phase.

- (5) Maximum residential density. In consideration of the intent of the provisions of this article, the Town Board may permit a greater number of dwelling units per acre than is permitted by this chapter otherwise applicable to the site. Applicants requesting such density increase shall be required to submit the following:
 - (a) A preliminary sketch plan which conforms to all standards and criteria of the effective zoning to establish the maximum permitted density.
 - (b) A preliminary sketch plan which conforms to all requirements of this article illustrating the planned residential development based upon the requested density increase.
- B. Consideration for density increase shall be governed by the criteria listed below, which are to be treated as additive, not compounded.
 - (1) Open space (as defined in § 270-96) reservation shall be considered as a basis for density increases according to the following provisions:
 - (a) If 5% of the gross area of the planned residential development is reserved for common usable open space in addition to the minimum required open space set forth in § 270-96, the applicant shall receive a ten-percent density increase if such open space area is improved and a five-percent density increase if unimproved.
 - (b) If 10% of the gross area of the planned residential development is reserved for common usable open space in addition to the minimum required open space set forth in § 270-96, the applicant shall receive a fifteen-percent density increase if such open space area is improved and a seven-and one-half-percent increase if unimproved.
 - (c) If 20% of the gross area of the planned residential development is reserved for common usable open space in addition to the minimum required open space set forth in § 270-96, the applicant shall receive a fifteen-percent density increase if such open space area is improved and a ten-percent density increase if unimproved.
 - (2) Character, identity and architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed 10%, provided that these factors make a substantial contribution to the objectives of a planned residential development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Town Board may approve. Such variations may include, but are not limited to, the following:
 - (a) Landscaping (a maximum increase of 5%), streetscaping, open spaces and plazas, use of existing landscape, pedestrian way treatment and recreational areas.
 - (b) Siting (a maximum increase of 2.5%), visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical and environment, in building setbacks and building groups (such as clustering).
 - (c) Design features (a maximum of 2.5%), street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features and varied use of house types.

§ 270-99. Establishment of homeowners' association.

- A. In accordance with § 281, Subdivision 3(c), of the Town Law, the Town Board shall require the landowner to provide for and establish a homeowners' association for the maintenance, preservation and ownership of the common open space, including private streets, drives, service and parking areas and recreational areas. Membership in such homeowners' association shall be made a restriction to the deed conveying ownership of a dwelling in the planned residential development. Such organization shall not dispose of the common open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. The applicant shall set forth the terms and requirements of ownership and maintenance of the common open space in a homeowners' association agreement, such agreement being made part of a deed of ownership. The homeowners' association agreement shall be submitted to the Town Board for review as part of the application for planned residential development approval.

§ 270-100. Modification of specifications.

- A. The uniqueness of each proposal for a planned residential development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, streetlights, public parks and playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in other Town ordinances.
- B. The Board may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the residents of the planned residential development and that the modifications of such specifications are consistent with the interests of the entire town. Proposed specifications and standards which are inconsistent with those required under the prevailing Town ordinances shall be termed acceptable upon approval by the Board.

§ 270-101. Site requirements.

- A. Where there is a question as to the suitability of lots for their intended use due to factors such as steep slopes, stream corridors, rock formations, flood conditions or similar circumstances, the Town Board may, after adequate investigation, withhold approval of such lots.
- B. The Town Board may deny an application for planned residential development approval where a significant portion of the tract is unsuitable for development by reason of its geology and topography or other significant natural features (such as landscape, stands of mature trees, brooks, ponds, hilltops and views) or other environment or ecological constraints, or where the proposed development would substantially degrade unique or irreplaceable land types or the critical areas or substantially impair the regenerative capacity of aquifers and other groundwater supplies, or where the proposed development would not permit the preservation of historic sites in an appropriate setting.
- C. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas and finished grade levels.
- D. The Board shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of topsoil, trees and natural features before the commencement of building operations will be discouraged by the Board.
- E. The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving and destruction of this and other natural amenities.
- F. Natural features, such as lakes, streams, topsoil, trees and shrubs, shall be preserved and incorporated into the final landscaping of the development whenever possible.
- G. Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes and enhance the appearance of open areas.
- H. Where adequate surface drainage is not possible by means of grading alone, a supplementary drainage system to be approved by the Town Engineer will be required.

§ 270-102. Design standards.

- A. All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonable temperatures, most scenic views and hours of sunlight on the physical layout and form of the proposed land use and buildings shall be taken into account.
- B. To create architectural interest in the arrangement and character of housing fronting streets, variations in setbacks will be encouraged.
- C. All housing should be located so as to provide adequate privacy and ensure natural light in all principal rooms.
- D. Routes for vehicular and pedestrian access and parking access shall be convenient without creating nuisances or detracting from privacy.
- E. The approximate location and arrangement of buildings and open spaces must be shown so that the Board may review the intensity of land use and serve the public interest by protecting neighboring land uses.
- F. The following requirements shall apply:
 - (1) No dwelling shall be within 20 feet of the curb of any road.
 - (2) No housing shall be erected within 35 feet of any other housing or within a distance equal to its height, whichever is greater.
 - (3) There shall be a minimum of 50 feet between any wall containing 10% or more of principal windows in living areas and any other such wall.
 - (4) There shall be a minimum of 30 feet between any facing wall containing principal windows in living areas and the curbs of any street.
 - (5) There shall be a minimum of 10 feet between any parking area and any structure, except when waived or modified by the Board. Such area shall contain a fence, a wall or dense landscaping, as deemed appropriate by the Board.
 - (6) No more than two adjacent dwelling units shall have the same setback.
 - (7) All structures shall be a minimum of 50 feet from the property lines of the development, and a planting strip of no less than 10 to 15 feet shall be provided along all property lines adjacent to the development where privacy of other parties is a consideration.
 - (8) Each townhouse unit must be at least 20 feet wide.

§ 270-103. Street and sidewalk design.

All streets and sidewalks must conform to the town's design standards with respect to rights-of-way, width, paving specifications, cartway design, horizontal and vertical alignment, site distances and drainage provisions, except when modified or waived by the Board. Pedestrian circulation systems must be provided as convenient, safe and attractive links between residential groupings, open space areas, recreation areas and schools.

§ 270-104. Parking.

- A. For each dwelling unit, there shall be two off-street parking spaces consisting of not less than 200 square feet each, half of which shall be garage space, with adequate access provided.
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

- C. Parking areas shall be screened from adjacent structures, roads and traffic arteries by means of hedges, dense planting, earth berms, changes in grade or walls.
- D. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- E. No more than 60 parking spaces shall be accommodated in any single parking area.
- F. All streets and any off-street loading area shall be paved, and the design thereof shall be approved by the Board. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.
- G. Parking for nonresidential purposes shall be provided appropriate to the type of nonresidential use, as deemed adequate by the Board.
- H. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
- I. All parking areas and off-street loading areas shall be paved with a dust-free permanent surface, graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

§ 270-105. Landscaping.

- A. Landscaping shall be regarded as an essential feature of every planned residential development in order to enhance the appearance of housing, provide protection from wind and sun and screen roads, parking areas and nearby property from view. All trees and shrubs shall be maintained in healthy condition or replaced with others of similar size and type.
- B. All parking areas shall be landscaped. In addition to other requirements of this section, the interior of a parking lot shall have one four-inch-caliper shade tree for every four cars.

§ 270-106. Street signs, street furniture and streetlighting.

- A. The quality and design of street signs, street furniture and streetlighting are subject to the approval of the Board. The names of streets must be submitted to and approved by the Board.
- B. The character, size and shape of all outdoor signs shall comply with this chapter.

§ 270-107. Application and approval procedure.

Whenever any planned residential development is proposed, before any permit for the erection of a permanent building in such planned residential development shall be granted and before any subdivision plot of any part thereof may be filed in the office of the Schenectady County Clerk, the developer, or his authorized agent, shall apply for and secure approval of such planned residential development in accordance with the following procedures:

- A. Application for sketch plan approval.
 - (1) In order to allow the Town authorities and the developer to reach an understanding on basic design requirements prior to detailed design investment, the development shall submit a sketch plan of his proposal to the Planning Board. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
 - (a) The location of the various uses and their areas.
 - (b) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.

- (c) Delineation of the various residential areas, indicating for each such area its general extent, size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling-unit type (i.e., single-family detached, duplex, townhouse, garden apartments) and general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units, etc.), plus a calculation of the residential density in dwelling units per gross acre (total area, including interior roadways) for such area based upon the method set forth in § 270-98A(5) above.
 - (d) The common open space system.
 - (e) The overall drainage system.
 - (f) If grades exceed 3% or portions of the site have a moderate-to-high susceptibility to erosion or a moderate-to-high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five feet of elevation, along with an overlay outlining the above susceptible soil areas, if any.
 - (g) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
 - (h) General description of the provisions of other community facilities, such as schools, fire-protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - (i) A location map showing uses and ownership of abutting lands.
- (2) In addition, the following documentation shall accompany the sketch plan:
- (a) Evidence of how the developer's particular mix of land uses meets existing community demands.
 - (b) Evidence that the proposal is compatible with the goals of the Official Comprehensive Plan.
 - (c) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the intended total project.
 - (d) Evidence of any sort in the applicant's own behalf to demonstrate his physical and financial competence to carry out the plan and his awareness of the scope of such a project.
 - (e) A long-form environmental assessment shall be submitted together with a list of other permits required and involved agencies. If determined necessary, an environmental impact statement will be prepared in accordance with the requirements of the New York State Environmental Quality Review Act.^[1]

[1] *Editor's Note: See Environmental Conservation Law § 8-0105.*

- B. Planning Board review. The Planning Board shall review the sketch plan and other documents submitted by the applicant and shall render either a favorable or an unfavorable report to the Town Board.
- (1) A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering planned unit development districting. It shall be based on the following findings, which shall be included as part of the report:
 - (a) The proposal conforms to the Town Comprehensive Plan.
 - (b) The proposal meets the intent and objectives of planned unit development, as expressed herein.
 - (c) The proposal meets all the general requirements of this article.

- (d) The proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in the proposed functional roadway system, land-use configuration, open-space system, drainage system and scale of the elements, both absolutely and to one another.
 - (e) There are adequate services and utilities available or proposed to be made available in the construction of the development.
- (2) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 10 days after receiving an unfavorable report, file an application for planned unit development districting with the Town Board. The Town Board may then determine, on its own initiative, whether or not it wishes to call a public hearing.
- C. Completed application. The Chairman of the Planning Board shall certify when all of the necessary application material has been presented, and the Planning Board shall submit its report within 60 days of such certification. If no report has been rendered after 60 days, the applicant may proceed as if an unfavorable report were given to him.

§ 270-108. Amendments.

- A. Town Board action. Upon completion of the requirements for review under the New York State Environmental Quality Review Act^[1] and upon receipt of a favorable report from the Planning Board or upon its own determination subsequent to an appeal from an unfavorable report, the Town Board shall set a date for and conduct a public hearing for the purpose of considering planned residential development districting for the applicant's plan in accordance with the procedures established by the Town Law.
^[1] *Editor's Note: See Environmental Conservation Law § 8-0105.*
- B. Referrals. The Town Board shall refer the application to amend the Zoning Map to the Schenectady County Planning Department and to the Commissioner of the Department of Public Works. The Commissioner shall report to the Town Board on the adequacy of the utilities, layout parking, site design, drainage, streets and other aspects of the development consistent with the purposes of this chapter. The report of the Commissioner may include such actions, stipulations or conditions which are deemed necessary and appropriate.
- C. Decision. The Town Board shall act on the rezoning application in accordance with Town Law and may attach to its authorizing resolution any modifications, conditions, safeguards or requirements as may be appropriate.
- D. Effect of approval.
 - (1) If the Town Board grants the planned residential development district, the Zoning Map shall be so annotated. Approval by the Town Board shall be deemed to authorize the applicant to proceed with detailed design of the initial stage(s) of the proposed development and to submit applications for final site plan approval of such stage(s) in accordance with the approved planned residential development sketch plan and any modifications, conditions, safeguards or requirements thereto, and to thereafter design and submit detailed site plan applications for each subsequent stage(s).
 - (2) Approval by the Town Board shall not be deemed to waive any right of the Planning Board to a detailed review of any aspect of the development under the site plan authorization procedures set forth in this chapter.
- E. Expiration. Approval or approval with modifications of the planned residential development zoning shall expire at the end of 12 months after the effective date, unless the applicant has submitted at least one final site plan application for all or a section of the planned residential development, or such time limit is extended by action of the Town Board.

Article XIII.A. C-PUD Commercial Planned Unit Development District

[Added 9-27-2017 by L.L. No. 4-2017]

§ 270-108.1. Purpose.

The Commercial Planned Unit Development District is intended to be located to serve a community or regional market area and to provide access to transit where available and beneficial. The intent of the Commercial Planned Unit Development District is to allow larger-scaled commercial uses that require larger parking areas but that are designed to include commercial out-parcels along the primary road network, with the out-parcel commercial uses complying with the requirements of the CORR Corridor Commercial District. Development in the Commercial Planned Unit Development District should include a shared primary entrance and access road which will provide interior access to parking areas in the rear of the out-parcels. Signage should also be consolidated and shared at the primary entrance (boulevard preferred) to reduce sign pollution.

§ 270-108.2. Regulations to apply.

The following regulations shall apply to all C-PUD Districts. A C-PUD District may be established in any zoning district in the Town of Rotterdam upon approval by the Town Board in accordance with this Article XIII.A.

§ 270-108.3. Permitted uses.

The following principal uses are permitted as of right in the C-PUD District:

- A. Mixed-use (retail, commercial office, residential, civic). Mixed-use developments shall be subject to the limitations prescribed for the respective individual uses.
- B. Retail sales and service.
- C. Sit-down restaurants and taverns.
- D. Professional offices and clinics.
- E. Public libraries and museums.
- F. Public parks, playgrounds, and other municipal recreational uses.
- G. Indoor theaters, dance studios, and similar entertainment establishments.
- H. Shopping centers.

§ 270-108.4. Special uses.

The following special uses may be permitted in the C-PUD District:

- A. Preschool and day-care centers.
- B. Public and private schools.
- C. Establishments containing a drive-through.
- D. Firehouses.

- E. Private not-for-profit clubs.
- F. Public utilities substations and uses, excluding power plants or repair yards, maintenance or storage facilities, or uses of a similar nature.
- G. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

§ 270-108.5. Maximum building height.

The maximum building height for all outparcel sites along the primary road network shall be 30 feet. The maximum building height for all other buildings shall be 50 feet.

§ 270-108.6. Yard requirements.

- A. The yard requirements for all outparcel sites along the primary road network shall be:
 - (1) Front yard: 25 feet minimum depth, 100 feet maximum depth.
 - (2) Side yard: 15 feet minimum depth.
 - (3) Rear yard: 25 feet minimum depth.
- B. The setback requirements for internal development shall be determined through site plan review.

§ 270-108.7. Minimum site size.

The minimum site area required to qualify for a C-PUD shall be 20 contiguous acres of land.

§ 270-108.8. Parking.

The intent of the C-PUD District is to encourage shared parking, to reduce vehicular trips, and to reduce the impact on the primary road network.

- A. Off-street parking requirements applicable in the C-PUD District are set forth in § 270-149 of this chapter.

§ 270-108.9. Landscaping.

- A. Street trees shall be planted in a minimum five-foot planting strip between the primary roadway and sidewalk, as well as the access road. Street tree spacing shall be determined through site plan review.
- B. A landscape buffer shall be provided between surface parking lots and adjacent pathways, streets, and commercial parcels.
- C. Additional landscaping requirements are set forth in § 270-149 of this chapter.

§ 270-108.10. Design guidelines.

The following design guidelines shall apply in the C-PUD District:

- A. Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.

- B. All building entrances, pathways, and other pedestrian areas shall be lit using pedestrian-scale lighting to two footcandles measured at ground level (e.g., wall-mounted lighting, sidewalk lamps, landscape up-lighting, and similar features).
- C. Where possible, roadway access points will be shared and have shared signage.
- D. Windows shall be provided along at least 60% of the building's facade.
- E. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- F. To the extent practicable, all utility lines servicing a site shall be located underground.
- G. Parking and vehicle drives shall be located away from building entrances.
- H. Surface parking shall be oriented behind or to the side of a building when possible.
- I. Continuous landscape buffering of at least three feet shall be provided between parking lots and all adjacent sidewalks and between each commercial property.

§ 270-108.11. Application and approval procedure.

A C-PUD may be established in accordance with the application and approval procedure set forth herein.

- A. Establishment of a C-PUD shall be by approval of the Town Board. Following approval of a C-PUD application by the Town Board, the proposal shall be subject to site plan review by the Planning Board in accordance with Article XVII (Site Plan Review) and, to the extent the proposal includes any special uses listed under § 270-108.4, above, special use permit review by the Planning Board in accordance with Article XIX (Special Use Permits).
- B. An applicant for a C-PUD must be the owner, lessee, or purchaser under contract for all properties subject to the application. A lessee or purchaser under contract must have written permission of the current property owner(s) to submit the application.
- C. Applications for a C-PUD shall be on forms prescribed by the Town Board and shall be accompanied by the following:
 - (1) A narrative providing general project information.
 - (2) A plan showing the proposed boundaries of the proposed C-PUD and the existing natural and man-made features located on the site and within 500 feet of the boundaries of the site.
 - (3) A sketch plan showing the proposed site improvements and descriptions of the proposed uses and locations thereof.
 - (4) SEQRA Full Environmental Assessment Form.
- D. Following submission of an application under this article, the Town Board shall determine, in its legislative discretion, whether the proposed C-PUD application shall be accepted for review. A determination by the Town Board to accept the C-PUD application for review shall not be deemed approval of the application on the merits. If the Town Board determines to accept the C-PUD application for review, it shall refer the application to the Planning Board for review and recommendation.
- E. Planning Board recommendation. Upon referral of the application to the Planning Board, the Planning Board shall evaluate whether the proposed project is consistent with the purpose set forth in § 270-108.1 and the goals and objectives of the Comprehensive Plan, along with any other matters requested by the Town Board. The Planning Board shall issue a recommendation within 62 days, which may be extended on consent of the

applicant. Such recommendation shall recommend approval, approval with conditions, or disapproval of the C-PUD application.

- F. Following receipt of the Planning Board recommendation, the Town Board may approve, approve with conditions, or disapprove the establishment of the C-PUD. In considering the application, the Town Board shall follow all procedures that are prescribed by law for adopting a local law, including holding a duly noticed public hearing and making necessary referrals to other government agencies.
- G. Following Town Board approval of the C-PUD, the applicant shall be permitted to proceed with site plan and, if applicable, special use permit review by the Planning Board.
- H. Following site plan approval and, if applicable, issuance of a special use permit, the Zoning Map shall be updated to reflect the establishment of the C-PUD.
- I. Expiration. The approval of the C-PUD shall expire 12 months after Town Board approval, unless:
 - (1) Site plan and, if applicable, special use permit approval has been granted by the Planning Board; or
 - (2) The Town Board has granted an extension of time in response to a written request made by the applicant prior to the expiration of the twelve-month period.

§ 270-108.12. through § 270-108.20. (Reserved)

Article XIV. AO Aquifer Overlay District

§ 270-109. Purpose.

The AO Aquifer Overlay District is intended to preserve and maintain the quality and quantity of water found in the Schenectady Aquifer and thereby protect this principal water supply source for the Town and surrounding communities. The AO District provides a means of reviewing, on a case-by-case basis, those actions proposed within the aquifer and a means of prohibiting uses and activities which may be incompatible with the goal of long-term groundwater protection.

§ 270-110. Mapping; requirements to apply.

The AO District shall not be independently mapped upon the Zoning Map but shall be mapped only in conjunction with an underlying residential or nonresidential district. The AO District shall apply the requirements of this section together with all the limitations and requirements applicable in the underlying district.

§ 270-111. Review of actions.

[Amended 7-9-2003 by L.L. No. 9-2003; 7-12-2006 by L.L. No. 9-2006]

- A. As a matter of original jurisdiction, the Town Board shall hear and decide upon any proposed action requiring a building permit or other authorization under the Rotterdam Zoning Local Law or land subdivision regulations.^[1] In addition to the maps, plans and information required for such authorizations or for review under the New York State Environmental Quality Review Act,^[2] the Town Board may require additional information, analysis or documentation as may be necessary and appropriate to show compliance with the standards imposed by this article and to fully and properly consider the particular action proposed. Upon receipt of a complete application and information, a public hearing shall be set, advertised and conducted by the Town Board in the manner prescribed by § 270-175 of this chapter. More than one public hearing is allowed if circumstances so warrant.

[1] *Editor's Note: See Ch. 249, Subdivision of Land.*

- B. The following permits and/or activities are exempt from the requirements of § 270-111: boundary line adjustments, fences, residential accessory structures, swimming pools, additions to existing residential buildings, signs, home occupations, and variances.

§ 270-112. Decisions by resolution.

Every decision of the Town Board on each Aquifer Overlay District proposed action shall be by written resolution. Such resolution shall include findings of fact, shall specify the reason or reasons for such decision and shall contain a statement which shall set forth the decision of the Board to grant approval, to grant approval subject to expressly stated conditions or safeguards or to deny approval. Every resolution shall expressly set forth any limitations, conditions or safeguards imposed by the Board. Violation of such conditions or safeguards shall be a violation of this chapter.

§ 270-113. Standards for approval of proposed action.

No proposed action at the AO Aquifer Overlay District shall be approved unless the Town Board finds that, based upon available information, analysis and evidence, the proposed action will not:

- A. Alter the subsurface flow of groundwater to public and private water supply wells at the Schenectady Aquifer.
- B. Degrade the quality of groundwater through the introduction of sewage wastes, stormwater runoff, liquid chemicals, petroleum products, dissolved metals or other toxic substances.
- C. Increase the long-term risk of groundwater contamination through the siting, establishment or expansion of uses which store, transport or utilize significant quantities of material which are potentially harmful to groundwater quality.
- D. Increase the long-term risk of groundwater contamination through the introduction of relatively small quantities of hazardous or toxic substances which, over a period of time, may accumulate in groundwater.
- E. Increase the risk of groundwater contamination through the removal of soil, sand, stone or gravel which provide a protective mantle for groundwater or which are part of the geologic deposits making up the Schenectady Aquifer.

§ 270-114. Use requirements and limitations.

[Amended 2-12-1992 by L.L. No. 2-1992]

The following use limitations and requirements shall apply to all land within the AO Aquifer Overlay District. To the extent that any of the provisions of this section are more restrictive than those requirements and limitations set forth in the Schenectady Intermunicipal Watershed Rules and Regulations, Article XXII, then the provisions of this section shall be controlling.

- A. Application of wastes. The land application of municipal wastewater, sludge or septage is prohibited. The disposal of septage, sludge or municipal wastewater into any watercourse is prohibited.
- B. Disposal wells. The installation or use of disposal wells is prohibited.
- C. Recharge basins. The installation or use of stormwater runoff recharge basins is prohibited.
- D. Snow disposal. The stockpiling or dumping of snow removed from urban areas is prohibited.
- E. Animal wastes.

- (1) Farm animal wastes shall not be concentrated in one area except where provision has been made to prevent seepage into groundwater.
 - (2) Suitable storage facilities are required when it is not possible to spread or dispense of wastes on a daily basis.
- F. Sewers. All sewers installed shall be as leakproof as the state of art allows. Remedial measures shall be taken by the owner if evidence indicates excessive infiltration or exfiltration is occurring.
- G. Industrial sludge and toxic chemicals. No toxic chemical identified by the United States Environmental Protection Agency or the New York Department of Environmental Conservation shall be stored except under permit from those agencies.
- H. Wastewater lagoon and pits. Use of wastewater lagoons and pits for temporary storage of wastewater is prohibited. All storage facilities shall be watertight, located aboveground and under permit by the Department of Environmental Conservation.
- I. Disposal. Disposal of toxic chemicals, industrial sludge or radioactive materials is prohibited.
- J. Fertilizer storage. All bulk storage of artificial fertilizers for agricultural or commercial use must be within a completely enclosed building or structure which will prevent any seepage and runoff.
- K. Pesticide and herbicide use. No pesticides or herbicides shall be stored or applied unless expressly authorized by the Town Board following review under the procedure and standards of this section. All such use, storage or application shall be under permit as provided by State Environmental Conservation Law.
- L. Storage tanks and pipelines. The installation construction, placement or replacement of underground storage tanks, pipelines or containers for petroleum products or any other toxic chemical is prohibited. All aboveground storage tanks, pipelines and transfer areas shall, to the maximum extent feasible, be designed to minimize the risk of groundwater contamination by incorporating backup containment structures, impervious surfaces, catchment areas and other features. The Town reserves the right to prohibit installation or expansion of aboveground storage tanks and pipelines where consistent with the purpose and standards of this section. Further, the owner of any storage tank, pipeline, container or transfer area is responsible for prompt reporting of any spills or leaks and for the cost of cleanup, containment and damages.
- M. Salt and coal stockpiles. The storage of chloride salts, nitrate salts or coal is prohibited except in a completely enclosed building or structure which will prevent any seepage and runoff containing such materials.
- N. Water wells. All water supply wells shall be constructed in accordance with the requirements of the Department of Health.
- O. Abandoned wells. All abandoned wells shall be sealed in accordance with the requirements of the Department of Health.
- P. Mining and the commercial extraction of topsoil, sand, gravel or stone. Mining and the commercial extraction of topsoil, sand, gravel or stone are prohibited uses within the Aquifer Overlay District as described in § 270-115 of this article.

§ 270-115. Description of Aquifer Overlay District.

[Amended 2-28-1990 by L.L. No. 5-1990; 3-27-1991 by L.L. No. 1-1991; 2-12-1992 by L.L. No. 2-1992]

- A. The area is described in Sheet 5 of 6, entitled "Well Yield," in the United States Geological Survey Open-File Report 82-84, dated 1981, entitled "Geohydrology of the Valley-Fill Aquifer in the Schenectady Area, Schenectady County, New York," prepared in cooperation with the New York State Department of Health.

- B. The land area is more fully described as follows: beginning at a point, said point being the intersection of the boundary of the Town of Rotterdam and the Mohawk River in Pattersonville; thence in a southwesterly direction along said boundary to the intersection of the boundary of the Town of Rotterdam and the Town of Princetown; thence in a southerly direction along said boundary to the Boston and Maine Railroad; thence in a southeasterly direction along said Boston and Maine Railroad to Route No. 5S; thence in a southeasterly direction along Route No. 5S to a road on the southerly side of Route No. 5S known as "Turnbull Lane"; thence in a southwesterly direction along said Turnbull Lane to the Old Erie Canal; thence southeasterly along said Old Erie Canal to Route No. 5S; thence still in a southeasterly direction along said Route No. 5S to where Route No. 5S meets and becomes Route No. 890; thence in a southeasterly direction along Route No. 890 to a point directly opposite and at right angles to Lock No. 8; thence leaving Route No. 890 at right angles to Lock No. 8 following contour line denoting elevation 250 feet (United States Geological Survey Datum) until such line intersects the boundary of the Town of Rotterdam and the City of Schenectady; thence following said boundary line to the intersection of the Mohawk River; thence following the Mohawk River to the point of beginning.

Article XV. FH Flood Hazard District

§ 270-116. Purpose.

The Flood Hazard District is created to minimize public and private losses due to flooding in areas of flood hazard. Further, it is the intent of this article to promote the purposes of the Town of Rotterdam Flood Damage Prevention Law (Local Law No. 1 of 1988)EN and to highlight, by reference, the special restrictions that apply. This section recognizes that such riverfront land may also possess special scenic or natural characteristics that preclude intense use or development.

§ 270-117. Special uses.

The establishment or expansion of the following principal uses may be permitted or denied subject to special use permit review under Article XIX of this chapter:

- A. Single-family dwellings.
- B. Customary agricultural operations, including all buildings, structures and uses appurtenant to and used in general farming, agricultural truck farming, gardening, poultry raising, tree nurseries and greenhouses, except there shall be no concentration of animal wastes, manure piles, feedlots or confined yard areas and no storage of chemical fertilizers, pesticides or similar materials which may pose a risk to surface water or groundwater quality.
- C. Public parks, playgrounds, boat-launch facilities, nature areas, preserves, bike/hike trails and similar public recreational facilities.
- D. Riding clubs and public stables, provided that there shall be no concentration of animal wastes, manure piles or confined yard areas.

§ 270-118. Accessory uses.

Accessory uses permitted in the FH District shall be limited to the following:

- A. Private garages with not more than three stalls for the parking or storage of private automobiles.
- B. Buildings and structures for lawn care, property maintenance and permitted agriculture.
- C. Private swimming pools, tennis courts and other private recreational facilities for use of residents and not run for gain.

- D. Permitted home occupations.
- E. Accessory kennels.
- F. Accessory parking and loading.
- G. Fallout shelters.
- H. Dish antennas and accessory towers.

§ 270-119. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet, for every residential use and not exceeding 75 feet for permitted agricultural buildings.

§ 270-120. Yard requirements.

- A. Front yard depth shall be 30 feet.
- B. Side yard width shall be 15 feet.
- C. Rear yard depth shall be 25 feet.

§ 270-121. Lot area.

The minimum lot area required for each principal use is two acres.

§ 270-122. Lot coverage.

Lot coverage shall not exceed 10%.

§ 270-123. Parking.

Off street parking requirements applicable in the FH District are set forth in § 270-149 of this chapter.

§ 270-124. Additional regulations.

Every building, structure and use shall comply with the standards and requirements found in Town of Rotterdam Local Law No. 5 of 1984, entitled "Flood Damage Prevention," as amended.^[1]

[1] *Editor's Note: Local Law No. 5-1984, adopted 6-20-1984, was superseded 1-13-1988 by L.L. No. 1-1988. See Ch. 134, Flood Damage Prevention.*

Article XVI. F-1 Floodway Channel District

§ 270-125. Permitted uses.

Subject to the restrictions and limitations set forth in this article, uses permitted within the floodway channel district shall be the same as those permitted within the district through which the Floodway Channel District runs, except, however, where two different districts adjoin a Floodway Channel District, the use regulations of the more restrictive district shall apply.

§ 270-126. Restrictions.

The following restrictions shall apply to all land within the Floodway Channel District:

- A. Building prohibited. The erection, use or occupancy of any structure or building within the F-1 District is prohibited.
- B. Obstruction. The obstruction of any stream or streambed is prohibited except as may be authorized by special use permit under Article XIX of this chapter and by permit under New York Environmental Conservation Law.
- C. Dumping. The dumping or draining of any waste, septage, solid waste, hazardous material, earth, ashes, rubbish, tree trunks, stumps, rubble, concrete, masonry, garbage, refuse or other trash is prohibited.
- D. Modification. No stream channel in an F-1 District shall be channeled through any underground pipe or culvert except where approved in writing by the Rotterdam Town Engineer and subject to conditions and restrictions as may be necessary. Every such pipe or culvert shall be sized, designed, installed and maintained in accordance with standard water resource engineering practices acceptable to the Town Engineer.

[Amended 12-9-1992 by L.L. No. 37-1992]

§ 270-127. Mapping; requirements to apply.

The F-1 Floodway Channel District shall be mapped as a line on the Zoning Map, the location of which shall be the center line of the stream. The aerial minimum limit of the F-1 District shall extend a distance, on each side, of 30 feet from said center line, except such limit shall in no case be less than the distance to the top of the bank or ravine edge through which the stream flows. Where such stream is contained within a pipe, the minimum limit of the district shall extend to a distance, on each side, of 30 feet of the pipe center line.

Article XVII. Site Plan Approval

§ 270-128. Statutory authorization.

In accordance with § 274-a of New York Town Law, the Planning Board is authorized to review and approve, approve with modifications or disapprove all site plans for uses required by § 270-130 of this article.

§ 270-129. Purpose.

It is the purpose of this site plan authorization procedure to provide a means for the Town review of the standards listed in this section. Further, the Planning Board's review of each site plan application shall be guided by the following:

- A. The full conformance of the site plan with the standards and requirements of this chapter, the subdivision code and other applicable local laws and ordinances.^[1]
- B. The adequacy and arrangement of vehicular and pedestrian traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and control devices.
- C. The impact of traffic generated on adjacent properties and roads.
- D. The location, arrangement, appearance and sufficiency of off-street parking and loading.

[1] *Editor's Note: See Ch. 249, Subdivision of Land.*

- E. The location, arrangement, site design and compatibility of buildings, structures, lighting and signs.
- F. The adequacy, type and arrangement of landscaping, screening, buffer zones and open space.
- G. In the case of multiple-family dwellings, the adequacy of common property or open space for play areas and informal recreation.
- H. The adequacy and means for complete disposal of stormwater, sanitary waste, water supply for fire protection and consumption, fire and emergency vehicle access, solid waste disposal and snow removal.
- I. The adequacy of structures, roadways and landscaping in area with susceptibility to ponding, flooding and/or erosion.
- J. The protection of adjoining or nearby properties against noise, vibration, dust, odor, glare, unsightliness or other objectionable features.
- K. The retention of existing trees to as great a degree as is practicable.

§ 270-130. Uses requiring site plan approval.

- A. Building permits. Site plan review and approval is required for the following structures and uses before the issuance of a building permit:
 - (1) Any principal permitted or special use except for a single-family dwelling and related accessory uses or an agricultural building, structure or use permitted by right.
 - (2) Any nonresidential, nonagricultural principal use or accessory use thereto in the R-1, R-2 or A District.
 - (3) Any development or redevelopment involving the creation of more than 10 off-street parking spaces or, for all nonresidential uses, any change in the approved site configuration.
 - (4) Any conversion, redevelopment or renovation of an existing building or structure to a multiple-family or a nonresidential use.
 - (5) Any multiple-family development or redevelopment.
 - (6) Any accessory use using or occupying more than 2,000 square feet of land area.
 - (7) Any accessory building or structure containing or enclosing more than 300 square feet of gross floor area.
 - (8) Any wind energy facility or wind measurement tower.
[Added 10-8-2008 by L.L. No. 10-2008]
- B. Change of use. A use which is established either by right or special permit or which is legally nonconforming consistent with the provisions of this chapter may not be changed to any other use or activity without prior notice to the town. Such request for a change of use shall be made by filing an application for a building permit with the Town Building Inspector/Code Enforcement Officer. Said application shall be reviewed by the Planning Board, which may require that the applicant submit all materials and information as may be required for site plan review.
[Amended 7-9-2003 by L.L. No. 9-2003]
- C. Exempted uses. Notwithstanding the foregoing requirements for site plan review, the Planning Board may waive the requirement of review and approval where it finds, in writing, served to the Building Inspector/Code Enforcement Officer and applicant, that such review and approval is unnecessary and would not serve the purposes of this article.
[Amended 7-9-2003 by L.L. No. 9-2003]

- D. Site plan approval is required for seasonal sales of produce, holiday decorations, Christmas trees and similar activities which occur for limited time frames and do not result in year-round commercial activity. Seasonal sales are subject to the standards imposed in Chapter **228**, Seasonal Sales, of the Town Code.
[Added 11-24-1993 by L.L. No. 22-1993]

§ 270-131. Application and transmittal.

[Amended 7-9-2003 by L.L. No. 9-2003; 7-12-2006 by L.L. No. 10-2006]

Applications for site plan approval shall be filed with the Town Planner or other person designated by the Department of Public Works and must include the material and information as required by § **270-132**. Applications for special use permits shall also include the information and material required for site plan approval. Upon receipt of such complete application, the Town Planner or other person designated by the Department of Public Works shall transmit copies of such application and material to the Planning Board. Every complete application for site plan approval shall be accompanied by a fee in the amount established by the Town Board.^[1]

[1] *Editor's Note: See Ch. 126, Fees.*

§ 270-132. Materials to be submitted; exemptions.

- A. Preliminary plans. Application for preliminary site plan approval shall be accompanied by the following information unless waived pursuant to Subsection **B**:
- (1) A map of the applicant's entire lot, plot or parcel of land at the scale of one inch equals 40 feet, unless the Planning Board determines a different scale more appropriate, showing all properties, subdivisions, streets, watercourses and easements which pass through the property or are known to abut the applicant's property.
 - (2) The name and address of the applicant, vendee, contract vendee or owner and title of drawing.
 - (3) The North symbol, date and scale.
 - (4) The name, address, title and license number of the person or firm responsible for the preparation of the map.
 - (5) Structures and circulation: one set of preliminary plans, elevations and sections of proposed structures and roads, showing the proposed location, use and design of all buildings and structures, including any proposed division of buildings into units of separate occupancy and location of drives thereto, and showing the proposed location of all roads, pedestrian walkways and fire lanes.
 - (6) Landscaping: preliminary grading and landscaping plan.
 - (7) Cut and fill: extent and amount of cut and fill for all disturbed areas, including "before" and "after" profiles of typical development areas, parking lots and roads.
 - (8) Stormwater retention: provisions for on-site stormwater retention basins during and after construction, designed to handle any increased rate of runoff.
 - (9) Wells: location and test yields in gallons per minute of all proposed on-site wells.
 - (10) Drainage fields or percolation tanks: location and percolation test results of all proposed drainage fields or percolation tanks.
 - (11) Water supply and sewage disposal: description of method of water supply and sewage disposal and location of such facilities.
 - (12) Location of existing wetlands and floodplains.

- (13) Lighting, power and communication facilities: location and design of lighting, power and communication facilities.
 - (14) Signs: location, design and size of all signs.
 - (15) Site improvements: location of all existing and proposed drains, culverts, retaining walls and fences.
 - (16) Outdoor storage: location of any outdoor storage and other accessory uses.
 - (17) Uses: detailed breakdowns of all proposed floor space by type of use.
 - (18) Other industrial uses: In an industrial district, specific uses proposed, number of employees for which buildings are designed, type of power to be used for any manufacturing process and the proposed method of disposal of such wastes or by-products shall also be shown.
 - (19) State environmental quality review: No application shall be deemed complete without compliance with state environmental quality review (SEQR), including where necessary, a lead agency determination, a negative or positive declaration and the submission of an acceptable draft environmental impact statement (DEIS).
 - (20) A stormwater pollution prevention plan (SWPPP) consistent with § 270-215 shall be required.
[Added 4-27-2005 by L.L. No. 9-2005]
- B. Exemptions. For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items or information listed in this section. The Planning Board may allow the applicant to submit only that information which it deems necessary for review of a particular application.
- C. Additional information. The Planning Board may require other and further information or documentation as the Board may deem to be necessary and appropriate to a full consideration and disposition of a particular application.
- D. Other sources. The Planning Board may consult with appropriate town, county, state and federal personnel as may be necessary and appropriate for a proper consideration of a particular application.

§ 270-133. Review of application; decision.

- A. Review procedure. Within 45 days following receipt by the Planning Board of a completed application, the Planning Board shall consider the application for site plan approval. The Planning Board may hold any advertised public hearing thereon where the Planning Board Chairman deems a public hearing necessary and appropriate. The Planning Board shall decide upon such application within 62 days of the meeting or hearing at which such application is considered and shall either approve the application, approve it subject to certain specific modifications or disapprove the site plan application. The time within which the Planning Board may render its decision may be extended by mutual consent of the applicant and the Planning Board.
[Amended 7-9-2003 by L.L. No. 9-2003]
- B. Standards for review. The Planning Board's review of the site plan application shall be guided by the standards listed in § 270-129.
- C. Contents of report.
[Amended 7-9-2003 by L.L. No. 9-2003]
- (i) If the Planning Board determines that the preliminary site plans meets the standards for review, then it shall grant the applicant approval, endorse its approval on the preliminary site plan and authorize its Chairman to affix his signature to the endorsement. Said site plan, together with supporting facts for the approval action, shall be forwarded to the Building Inspector/Code Enforcement Officer.

- (2) If the Planning Board determines that one or more aspects of the site plan do not meet the standards set forth in § 270-129, and that revisions, additions, changes or alterations are required, it may grant the applicant conditional approval. Said site plan, together with a written statement setting forth the basis and reasons for the conditional approval, shall be forwarded to the Building Inspector/Code Enforcement Officer. A site plan receiving conditional approval shall always authorize the submission of a final site plan application, accompanied by the final site plan and related documents.
- (3) The Planning Board shall not disapprove any site plan submitted pursuant to this article except on the basis of specific written findings directed at one or more of the standards for review. The Planning Board may recommend further study and resubmission of the preliminary site plan following revision or redesign.

§ 270-134. Final site plan approval.

[Amended 7-9-2003 by L.L. No. 9-2003]

A. Application.

- (1) After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to ensure that it is in literal conformance with all conditions to preliminary approval which may have been imposed by the Planning Board. All such compliances shall be clearly indicated by the applicant on the appropriate submission. If the Building Inspector/Code Enforcement Officer finds that the plan conforms to the preliminary approval of the Planning Board, the Inspector shall issue the building permit.
- (2) If more than six months have elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions may have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to the Building Inspector/Code Enforcement Officer's acceptance and review of the proposed final site plan. With respect to this subsection, if necessary plan modifications are minor, the Planning Board may, in writing, waive preliminary site plan review and grant final approval subject to review of the revised plans by the Building Inspector/Code Enforcement Officer, who shall issue the building permit and provide the plans for the Planning Board's records.

B. Review by Planning Board. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Building Inspector/Code Enforcement Officer.

- (1) Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Building Inspector/Code Enforcement Officer.
- (2) Upon disapproval of a final site plan, the Planning Board shall so inform the Building Inspector/Code Enforcement Officer, and the Building Inspector/Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

§ 270-135. Performance guaranty and security requirements.

[Amended 7-9-2003 by L.L. No. 9-2003; 7-12-2006 by L.L. No. 6-2006]

- ### A.
- The Planning Board may require the applicant to provide the Town of Rotterdam with adequate security to ensure prompt and continuous compliance with the site plan, such security being in the form of a letter of credit or a client fund account, to be held by the Town pending satisfactory completion of the site plan. The amount of such security in whatever form shall be equal to the full estimated cost of the completed site plan. The amount of security necessary shall be determined by the Department of Public Works after a review of the cost estimate of the site plan prepared by the applicant or his representative. The security may be reduced as implementation of the site plan progresses. It shall not be reduced to less than the amount

determined for that work which is still uncompleted plus 20% of the amount determined for that work which is completed and approved. If needed, the reduced security may be required to remain in effect for one year after the date of issuance of the permanent certificate of occupancy, unless required to be extended further as provided for in the following section.

- B. In no event shall a certificate of occupancy be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Department of Public Works after consultation with the Building Inspector/Code Enforcement Officer, Town Engineer or other competent persons.
- C. Compliance with Board requirements subsequent to issuance of permanent certificate of occupancy; penalties for noncompliance.
 - (1) It is the intent of this subsection that compliance with all Board-approved special conditions shall be required. In that regard, this subsection shall be applicable to all site plan requirements set by the Planning Board (PB), to all special conditions attached to a variance by the Zoning Board of Appeals (ZBA) and to all special conditions attached to a special use permit. In the following subsections of this section, the term "Board" shall mean either the Planning Board or the Zoning Board of Appeals, and the term "special conditions" shall mean either a site plan, variance or special use permit, as appropriate.
 - (2) The Town shall, at all times, have the right to reinspect the premises if any Building Inspector has reason to believe the site is, not in compliance, either by personal observation or a report from a Town official or Board member or upon the receipt of a signed, written complaint alleging that the site is not in compliance and detailing the manner in which the compliance is lacking.
 - (3) Upon receipt of an application for site plan approval, variance or special use permit, the Department of Public Works may review any and all conditions of a prior approval on said site, as well as the conditions of a prior approval on any other site previously sought by the applicant or any party related in any manner to the applicant, and shall have the premises of all those sites inspected to determine whether said site is in compliance with those approved conditions. If the site is found not to be in compliance, then the applicant shall be so advised in writing and no new application for any site plan approval, variance or special use permit shall be entertained or deemed complete until the violation has been corrected. If the violation is not correctable (i.e., removal of existing trees that were required to be protected), then the applicant will appear before the appropriate Board to determine what mitigation will be acceptable, and upon completion thereof, the present application shall be entertained.
 - (4) If, at any time subsequent to the issuance of a permanent certificate of occupancy, the Department of Public Works or Building Inspector finds that any conditions of a Board approval have been violated, the owner and/or occupant shall be issued a notice of violation in writing (in the same manner as provided for in § 265-14 regarding Property Maintenance) and given 30 days either to bring the site into compliance or to appear before the appropriate Board to determine mitigation and/or secure a time extension, if required. If the owner/occupant elects to appear before the appropriate Board, then the Building Inspector shall issue a revised notice of violation based on the determinations made by the Board.
 - (5) If, after having received a notice of violation (or a revised notice of violation), the owner fails to correct the violation within the time period stated therein, then the Board will have the authority to take action as provided for in § 265-15, and the penalties for an offense may include any or all of the following:
 - (a) Any person or persons, association, firm or corporation which shall be found in violation shall be guilty of an offense and shall be punishable by a minimum fine of \$1,000, not more than \$25,000, or imprisonment for not more than 15 days, or both. Each day that a violation continues, after notification in writing by personal delivery or first-class and certified mail, to the sender, shall be deemed a separate offense.
[Amended 6-12-2013 by L.L. No. 7-2013]
 - (b) The cost of cleanup of the property shall be assessed as a lien against the property taxes.

- (c) An administrative fee of \$500 per incident of noncompliance will be assessed.
[Amended 6-12-2013 by L.L. No. 7-2013]

§ 270-136. Inspection.

[Amended 7-9-2003 by L.L. No. 9-2003]

The Building Inspector/Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Town Engineer and other officials and agencies, as appropriate.

§ 270-137. Compliance with special use procedures.

[Amended 7-9-2003 by L.L. No. 9-2003]

Whenever the particular circumstances of a proposed development require compliance with either the special use procedure in this zoning chapter or the requirements of the Town land subdivision regulations^[1] the Planning Board shall attempt to integrate as appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance.

[1] *Editor's Note: See Ch. 249, Subdivision of Land.*

§ 270-137.1. Application and fees.

[Added 12-9-1992 by L.L. No. 37-1992; amended 8-8-2007 by L.L. No. 9-2007; 2-25-2009 by L.L. No. 1-2009]

- A. Except as noted below, all site plan applications shall be accompanied by a fee as affixed by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees."
- (1) There shall be no fee required to accompany a site plan approval application for any person, firm, corporation, association or partnership that has as the primary purpose of said application to install "green" energy production on improved property or if said application contains the construction or implementation of at least 10% of "green" energy production for the proposed site plan for any new construction. For purposes of this subsection, "green energy production" shall include but is not limited to power obtained through wind, solar, geothermal, hydroelectric, and/or solar voltaic (electric).
- B. Administrative fees. The costs incurred for the review of a site plan application by the Town Engineer, for consulting engineering fees or other consulting fees in conjunction with the Planning Board's review for a proposed application, including reviews required under the New York State Environmental Quality Review Act,^[1] shall be charged to the applicant. The Planning Board shall obtain an estimate from any designated consultant for an amount sufficient to defray the costs of such services. The applicant shall enter into an escrow agreement with the Town of Rotterdam Planning Board, and said agreement shall be executed by the Rotterdam Planning Board Chairman, upon authorization from the Rotterdam Planning Board. The Rotterdam Planning Board Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.

[1] *Editor's Note: See Environmental Conservation Law § 8-0101 et seq.*

Article XVIII. Specific Use Regulations

§ 270-138. Accessory structures and uses.

Accessory structures and uses, as defined herein, are permitted subject to the restrictions, limitations and standards imposed by district regulations, this section and applicable specific use requirements. Regulations for fences are contained in § **270-143** of this chapter.

- A. Location. No accessory structure shall be located in the front yard of any lot.

B. Yards.

- (1) Attached structures. Every accessory structure attached to the principal structure shall be considered a part thereof and the applicable front, side and rear yard requirements shall apply.
- (2) Detached structures. Every detached accessory structure shall be located no less than five feet from a side or rear property line. No detached accessory structure shall be located in the front yard of any lot.
- (3) Parking. See § 270-149 for required yards for parking.

C. Lot coverage. The total lot coverage by accessory structures shall not exceed 40% of the permitted lot coverage of the minimum permitted lot size in the A, RA, R-1, R-2 and R-3 Districts. The floor area of any accessory structure shall not exceed 15% of the total habitable floor area of an existing or proposed principal structure in the A, RA, R-1, R-2 and R-3 Districts. The aforesaid floor area limitations shall not apply to private garages. With respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts.

[Amended 4-26-1989 by L.L. No. 6-1989; 5-26-1993 by L.L. No. 9-1993]

D. Small-scale solar. In the case of small-scale solar energy systems or devices, to the extent the foregoing provisions are inconsistent with the provisions of Article XXVIII, the provisions of Article XXVIII shall apply.

[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-139. Welding.

All welding, including electric, oxyacetylene or any other type, shall be conducted within a completely enclosed structure, except where temporarily required for on-site construction or where permitted in an I-2 District.

§ 270-140. Commercial extraction of topsoil, sand, gravel or stone.

A. Permit required. The commercial extraction of topsoil, sand, gravel or stone, other than mining, shall be permitted by special use permit only in the A and I-2 Zoning Districts, exclusive of any areas within the A and I-2 Zoning Districts which are also within the Aquifer Overlay District. The commercial extraction of topsoil, sand, gravel or stone is a prohibited use in the Aquifer Overlay District.

[Amended 5-10-1989 by L.L. No. 12-1989; 11-22-1989 by L.L. No. 20-1989; 2-12-1992 by L.L. No. 2-1992]

B. Term. Every special use permit for the extraction of topsoil, sand, gravel or stone shall be granted for a period of not greater than three years.

[Amended 5-10-1989 by L.L. No. 12-1989; 11-22-1989 by L.L. No. 20-1989]

C. Additional information required. Together with any other plans and information required by this chapter for special use permit review, the applicant for a special use permit for the extraction of topsoil, sand, gravel or stone shall provide the following information:

- (1) The name and a description of the mineral or product to be extracted and an estimate of the annual amount to be removed.
- (2) A detailed map showing the area to be mined or quarried at a scale of not more than one inch to 50 feet.
- (3) A statement and map detailing the planned reclamation method and final proposed use. The Planning Board may require additional information where required for adequate review of the proposed special use.

- D. Minimum setback. The edge of every pit, quarry or excavated area resulting from removal of topsoil, sand, gravel or stone shall not be located nearer than 100 feet from any dwelling, school, institution, park or playground. The Planning Board may require that the applicant erect a fence, screen or landscape planting to obscure the operation.
- E. Special use permit standards and authorization. The Planning Board, in compliance with the requirements of Article XIX governing special permits, may grant or renew a special use permit, subject to appropriate conditions and safeguards, to permit the proposed extraction of topsoil, sand, gravel or stone for a limited period of time not exceeding three years. In addition to the standards set forth in Article XIX, no such special use permit shall be granted unless the Planning Board finds that:
- (1) Nuisances. The proposed use and reclamation scheme will not have a detrimental impact or create a nuisance to the surrounding land uses due to dust, noise, vibration, odor, fumes or other nuisance elements.
 - (2) Groundwater impact. The proposed use will not impair or increase the risk of contamination to groundwater at the site or within any adjacent aquifer areas.
 - (3) Drainage. The proposal provides for proper drainage both during and after the extraction and will not adversely affect the safety and occupancy of adjoining lands.
 - (4) Loading and access. The proposed truck access, loading area and heavy equipment use will not create safety or traffic hazards.
 - (5) Reclamation. The reclamation plan ensures that the property will be left in a safe, attractive and useful condition.
- F. Bonding. The applicant shall furnish an irrevocable standby letter of credit of the same time period as the special use permit and in an amount sufficient to ensure the full implementation of the reclamation plan. Every irrevocable standby letter of credit shall be approved by the Rotterdam Town Board, by resolution, and be accompanied by a recommendation of the Rotterdam Town Engineer prior to final Planning Board approval of any extractive special use permit.
[Amended 12-9-1992 by L.L. No. 37-1992]

§ 270-140.1. Mining.

[Added 5-10-1989 by L.L. No. 12-1989; amended 11-22-1989 by L.L. No. 20-1989; 2-12-1992 by L.L. No. 2-1992]

- A. Generally. Mining in districts other than A and I-2 Zoning Districts and within the A and I-2 Zoning Districts, to the extent these districts coincide with the Aquifer Overlay District, is absolutely prohibited. Mining in the A and I-2 Zoning Districts, exclusive of the Aquifer Overlay District, may be permitted by special use permit upon those conditions set forth in the Mined Land Reclamation Law, § 23-2703, Subdivision 2b, of the Environmental Conservation Law, which conditions include:
- (1) Limitations and restrictions regarding ingress and egress to public thoroughfares controlled by local government.
 - (2) Limitations and restrictions regarding routing of mineral transport vehicles on roads controlled by the local government.
 - (3) Requirements and conditions as specified in the mined land reclamation permit issued by the Department of Environmental Conservation concerning setbacks from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, if required, dust control and hours of operation, when such requirements and conditions are established pursuant to Subdivision 3 of § 23-2711 of the New York State Environmental Conservation Law.
 - (4) Enforcement of reclamation requirements contained in mined land reclamation permits issued by the Department of Environmental Conservation.

- B. The Supervisor of the Town of Rotterdam, as the chief administrative officer, is hereby authorized to participate in the review by the Department of Environmental Conservation of an application for a mined land reclamation permit, including, but not limited to, making a determination, as set forth at Subdivision 3 of § 23-2711 of the New York State Environmental Conservation Law, in regard to the following:
- (1) Appropriate setbacks from property boundaries or public thoroughfare rights-of-way.
 - (2) Man-made or natural barriers designed to restrict access if needed, and, if affirmative, the type, length, height and location thereof.
 - (3) The control of dust.
 - (4) Hours of operation.
 - (5) Whether mining is prohibited at that location.
- C. The determination shall be accompanied by supporting documentation justifying the particular determinations on an individual basis. The determination, including supporting documentation, shall be provided to the Department of Environmental Conservation within 30 days after receipt of the notice provided by the Department of Environmental Conservation. The Department of Environmental Conservation is required to send this notice by certified mail upon its receipt of a complete application for a mining permit.

§ 270-141. Unenclosed spray painting.

No outside spraying of paint shall be permitted except where required temporarily for the construction or normal maintenance of a building or structure.

§ 270-142. Outdoor storage and dumping of waste.

- A. Storage. All waste, garbage and refuse resulting from the operation of permitted business and manufacturing uses or from the occupancy of multiple-family apartment developments shall, if stored in the open air, be placed in covered metal containers located on a concrete or comparable base slab and shall be obscured from every adjoining residential property and the public way.
- B. Disposal. It shall be unlawful for any person, firm or corporation to dump, deposit or store for more than two months any type of material, solid or otherwise, which would be determined to be detrimental or harmful to the health, safety and general welfare of the people or future residents of the town.

§ 270-143. Fences.

- A. Location and height.
- (1) Fences shall be permitted anywhere on a lot or parcel of land provided that the height thereof does not exceed four feet in a front yard or six feet in a side or rear yard, measured from ground level on the interior side of the fence to the uppermost part thereof, except in Light Industrial (I-1) and General Industrial (I-2) Zoning Districts where six-foot fences are permitted in any yard. The Planning Board has the authority to modify these requirements and/or limitations for any project undergoing review and/or approvals by the Planning Board.
[Amended 11-12-2008 by L.L. No. 11-2008]
 - (2) On corner lots. No fence or other obstruction higher than two feet above an adjacent curb elevation shall be permitted on a corner lot within a triangular area encompassed by three imaginary lines, one of which runs along the edge of the pavement abutting the lot on one intersecting street and another of which runs along the edge of the pavement abutting the lot of the other intersecting street, and the

third formed by a line drawn between two points, one on each side of the aforesaid lines located 30 feet from the intersection thereof.

- (3) Exceptions. The Zoning Board of Appeals may permit the construction of a fence in excess of the height limitations imposed by this subsection if it determines that there is a practical need therefor and that it will not be detrimental to the appearance of adjoining properties and/or the neighborhood. Application to the Board of Appeals to exceed the height limitation shall be made in accordance with rules and regulations prescribed by said Board.

- (4) Front yard fences. All fences situated in front yards shall be constructed so that the fence is uniformly less than fifty-percent solid or opaque when viewed from a point normal to the plane created by the fence surface. If the lot is developed as a townhouse, a fence may only be erected in the front, rear, and side yard on the noncommon lot lines.

[Amended 11-12-2008 by L.L. No. 11-2008]

- B. Location of posts. Fence posts and other structural fence supports which, because of the construction of the fence, must be situated on one side thereof shall not be located on the side of the fence abutting adjacent properties.

- C. Aesthetics. The more aesthetically attractive side of the fence shall face abutting properties. The side which is more aesthetically attractive shall be the side which is more pleasing in appearance to a reasonable person because of finish, painting, woodwork or for whatever other reason.

- D. Barbed-wire and electrically charged fences.

- (1) Permit required. No barbed-wire fences or electrically charged fences shall be permitted except by authorization and permit issued by the Board of Zoning Appeals. Such permit shall not be issued except for the following:

- (a) Fences situated in business and industrial zoning districts may be topped with barbed wire, provided that the bottommost strand of barbed wire is at least five feet above ground level.

- (b) Electrically charged fences may be permitted in agricultural zoning districts for the purpose of providing an enclosure of barrier to contain the roaming of animals.

- (2) Standards. The Board shall issue permit upon written application in form prescribed by it if it determines that there is a practical need for such a fence and that the existence of the fence in the proposed location is not inconsistent with the character of the neighborhood and does not pose a threat of injury to persons lawfully in the vicinity of such fence.

- E. Fences on public property. No fence may be erected by others on property owned by the Town of Rotterdam or to which the Town has a right of access by easement or license.

- F. Exception for junkyards. The provisions of this section shall not apply to fences enclosing junkyards as required by Chapter **173** of the Town Code.

- G. Exception for solar farms and solar power plants. The provisions of this section shall not apply to fences enclosing solar farms and solar power plants.

[Added 2-22-2017 by L.L. No. 1-2017]

§ 270-144. Motor vehicle sales.

A business having three or more new or used motor vehicles for sale or lease shall be deemed a motor vehicle sales business and may be permitted in the B-2 and I-1 Districts subject to the issuance of a special use permit as provided by Article **XIX**, and subject to the additional requirements hereinafter set forth.

- A. Vehicle condition. No motor vehicle which cannot be started and moved under its own power shall be stored in any open area of the motor vehicle sales establishment. All motor vehicles shall be maintained in running

condition.

- B. Showroom. Any motor vehicle sales establishment shall include an enclosed showroom sufficient to display two automobiles.
- C. Location of vehicles. No vehicles shall be parked less than 10 feet from any property line.
- D. Motor vehicle repairs. Motor vehicle repair facilities accessory to any motor vehicle sales establishment shall be known only by special use permit authorization and shall conform to the requirements for such uses set forth in § 270-145.

§ 270-145. Motor vehicle repair establishments.

Motor vehicle repair establishments may be permitted in the B-2, I-1 and I-2 Districts subject to the issuance of a special use permit as provided by Article XIX and subject to the additional requirements herein set forth.

- A. Major and minor repairs. Every special permit authorizing the establishment or expansion of a motor vehicle repair establishment shall specify, as a condition of the permit, the type of repairs to be permitted as either major motor vehicle repairs or minor motor vehicle repairs, as defined by this chapter. Such condition shall be binding on the permit holder.
- B. Location of vehicles. No vehicles shall be parked or stored less than 10 feet from any property line.
- C. Location of work area. All repairs shall be performed within the principal building on the premises.
- D. Storage of vehicles. Not more than 20 motor vehicles may be stored in an open area at any motor vehicle repair establishment, and such motor vehicles must be so stored for the purpose of repair and reconditioning thereof only. Such vehicles may not be stored more than 60 consecutive days in any three-hundred-sixty-five-day period at the same premises. The Planning Board may require higher standards for such storage as a condition of any special use permit.
- E. Location of vehicles. No vehicles shall be parked less than 10 feet from any property line.
- F. Storage of materials and refuse. All permanent storage of materials and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from the ground level.

§ 270-145.1. Motor vehicle fuel filling stations.

[Added 9-12-1990 by L.L. No. 18-1990]

Motor vehicle fuel filling stations may be permitted in the B-2, I-1 and I-2 Districts, subject to special use permit review by the Planning Commission. Such uses shall conform to any conditions and standards imposed by the Planning Commission during site plan or special use permit review. All New York State statutes, rules and regulations applicable to motor vehicle fuel filling stations or to the storage or dispensing of motor vehicle fuels shall be considered by the Planning Commission in its review process. The affirmative vote of five members of the Planning Commission shall be required for the approval of a special use permit for motor vehicle fuel filling stations. The following shall be observed:

- A. Location of fuel pumps. Motor vehicle fuel pumps and service facilities shall be set back a minimum of 25 feet from every property line.
- B. Service area. All repairs and services shall be performed within completely enclosed buildings, except for the dispensing of motor vehicle fuel, oil and similar products.

- C. Location of petroleum storage tanks. Underground petroleum storage tanks shall be set back a minimum of 25 feet from any property line. Aboveground petroleum storage tanks for dispensing of motor vehicle fuel oil shall be set back a minimum of 25 feet from every property line and shall comply with all applicable National Fire Protection Association (NFPA) minimum requirements and specifications.

§ 270-146. Convenience stores.

[Amended 4-11-2001 by L.L. No. 4-2001]

Convenience stores with motor vehicle fuel filling pumps are not permitted in the B-1 Zoning District. Convenience stores with or without motor vehicle fuel filling pumps may be permitted in the B-2 and I-1 Districts subject to the issuance of a special use permit as provided in Article XIX and subject to the additional requirements hereinafter set forth.

- A. Location of pumps. Motor vehicle fuel pumps and storage tanks shall be set back a minimum of 25 feet from every property line. Where residentially zoned or occupied property adjoins the filling station, the Town may, as a condition of special use permit approval, require a greater setback where necessary and appropriate to serve the purpose of this chapter.
- B. At aquifer. The establishment or expansion of convenience stores with fuel filling pumps is prohibited within the Aquifer Overlay District.

§ 270-147. Ski areas.

- A. Commercial ski-lift equipment, ski slopes and trails may be permitted in the RA District subject to the issuance of a special use permit as provided by Article XIX, and subject to the additional requirements hereinafter set forth.
- B. Permit standards. In addition to the standards set forth in Article XIX, no special permit for the establishment or expansion of a ski area shall be granted unless the Planning Board finds that:
 - (1) Nuisances: the noise, vibration, glare or other nuisance elements created by the operation of the ski area, including accessory lighting, ski lifts and snow-making, will not have a detrimental impact on surrounding land uses.
 - (2) Accessory uses: any use of buildings for sales of food and drink is strictly incidental to the principal use of the property as a ski area. The use of every building or structure shall be restricted to accessory uses as defined herein.

§ 270-148. Towers.

- A. Purpose. The purpose of the following requirements is to protect property values, public safety and the scenic attractiveness of the Town by prescribing minimum standards and requirements for the erection of towers.
- B. Accessory towers. Towers accessory to a permitted principal use may be established, provided that they are in full compliance with the following requirements:
 - (1) Accessory to principal use. Every accessory tower shall be clearly accessory to a permitted principal use and shall comply with the definition of accessory use.
 - (2) Maximum height. No accessory tower shall exceed 75 feet in height or 1 1/2 times the maximum permitted building height, whichever is less.
 - (3) Setback. Every accessory tower shall be located no closer to an exterior lot line than a distance equal to the tower height.

- (4) Compliance. Every accessory tower shall comply with the other applicable requirements of this section.
- C. Special permit. Except for permitted accessory towers, towers may be permitted in the A, I-1 and I-2 Districts only, subject to the issuance of a special use permit as provided in Article XIX, and in compliance with the standards and requirements of this section.
- (1) Additional application information. In addition to the preliminary site plan and other material required for special use permit review, every application shall contain the following information:
- (a) A description and the proposed dimensions of the tower.
 - (b) A certification by a registered professional engineer or manufacturer's certification that the tower design will meet or exceed all applicable load requirements.
 - (c) An assessment of the proposed tower's visual impact together with any proposed measures, including landscaping or alternative siting, which may mitigate the visual impact of the proposal.
 - (d) A list of the owner of record of all residentially occupied properties within 1,000 feet of the proposed tower, together with an assessment of any adverse impact such use may have.
 - (e) Other information as may be necessary to comply with the standards listed below.
- (2) Permit standards. In addition to the standards set forth in Article XIX, no special permit for the establishment or expansion of a tower shall be granted unless the Planning Board finds that:
- (a) There is a public need for the tower.
 - (b) The applicant has made a good faith effort to consider alternative sites and to obtain shared use arrangements with other towers and has provided evidence of such.
 - (c) The scale and height of the tower is the minimum necessary to fulfill the needs of the applicant.
 - (d) All practicable measures have been taken to minimize the adverse visual impact of the tower on the surrounding community.
- D. General requirements.
- (1) Location. Every tower shall be no closer to any lot line than a distance equal to the tower height; no guy wire or anchor shall be less than five feet from any lot line.
 - (2) Fencing. Every tower shall be fenced or secured in a manner which prevents unauthorized access to the structure.
 - (3) Noise. No tower used for energy generation shall produce a level of noise at any lot line greater than the ambient nighttime noise level.
 - (4) Screening. In so far as practicable, towers shall be sited and screened in a manner which obscures the base of the structure from the public way.
 - (5) Signs. No tower shall be used for or have placed upon it any type of sign except warning signs needed for public safety.
- E. Exemptions. The following towers are exempt from the regulation found in this section:
- (1) Public utility poles supporting wire or cable used for power transmission or communications.
 - (2) Water towers erected by a duly created public water district.

§ 270-149. Off-street parking.

- A. General requirements. For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking shall be provided as required by Table 1,^[1] as related to specific use or occupancy, except where additional parking may be required as a condition for the issuance of a special permit as provided in Article XIX of this chapter. Further, when the intensity of use of any building or structure shall be increased, parking space as herein required shall be provided for such increase in intensity of use.
[1] Editor's Note: Table 1 is located at the end of this chapter.
- B. Preexisting parking. Whenever a use existing on the effective date of this chapter is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use, except that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required spaces equal in number to not more than the preexisting deficiency.
- C. Screening and location. All open automobile parking areas containing more than six parking spaces shall be located not less than 10 feet from any residential property line. Such open automobile parking area located in residential districts shall be screened on each side adjoining a residential use. Parking spaces required by this section shall be located on the same lot as the use for which such parking is required.
- D. Landscaping. Parking areas with more than 12 spaces shall be landscaped over not less than 10% of the total interior area of the parking lot. Landscaping and planting areas shall be dispersed throughout the parking lot. Required screening and side yards may be considered as a part of the interior landscape requirement if suitably planted and maintained.
- E. Collective provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces is not less than the sum of the separate requirements, except where such parking facility is shared at different hours of the day. If the applicant(s) can establish that such collective parking facilities serving two or more uses will experience reduced parking demand due to staggered hours of operation, then the Planning Board may authorize a reduction of the total number of spaces by no more than 20% of the total which would normally be required by this chapter.
- F. Uses not listed. Persons undertaking uses not listed herein shall be required to provide parking facilities as determined by the Planning Board.
- G. Residential district restrictions. Parking of more than one commercial vehicle, as defined by this chapter, per dwelling unit in a residential district is prohibited unless such vehicle is parked in a completely enclosed garage.
- H. Handicapped parking. During site plan review for commercial projects, the Planning Commission shall require handicapped parking spaces and access aisles to be located in close proximity to the primary public entrance to the establishment.

§ 270-150. Off-street loading.

- A. Spaces required. In order to ensure that vehicular traffic is unimpeded and to reduce traffic safety hazards, sufficient off-street space shall be provided for loading and unloading materials and goods related to the operation of the business activities in conjunction with the following uses. For retail, wholesale, industry, warehouse and service business establishments, restaurants and fast-food restaurants, a minimum of one parking space for the first 4,000 square feet of gross floor area or major portion thereof and one additional space for each additional 50,000 square feet of gross floor area or major portion thereof shall be provided.
- B. Size of space. Each off-street loading space shall be at least 15 feet in width, at least 40 feet in length and at least 14 feet in height, exclusive of access and turning area, except that adjacent loading spaces may be each 12 feet in width.

- C. Location. Off-street loading spaces may be located within any structure, within a side or rear yard or within a required off-street parking area or any parking space, except that no such space or access drive serving a space shall be located closer than 10 feet to any lot line adjoining a residentially zoned parcel of land.
- D. Reduction in requirement. Upon consideration of all factors entering into the loading and unloading needs of each use, the Planning Board may make appropriate reductions in the loading requirements of the above structures and uses and may determine reasonable and appropriate loading requirements for structures and uses which do not fall within the categories listed above.

§ 270-151. Signs.

- A. Applicability. No signs, whether new or existing, shall hereafter be erected or altered except in conformance with the provisions of this chapter. Nonconforming signs existing prior to the effective date of this section shall be permitted to remain; however, any change of use or sign shall conform to the requirements of this section.
- B. Exceptions. For the purposes of this section, the term "sign" does not include signs erected and maintained in connection with the discharge of any governmental function, nor does it include political signs. Political signs are subject to the provisions of § 270-151.1 of this chapter. Billboards, that is any sign that directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot or parcel on which such sign is located, and is not a directional sign as defined herein, shall conform to the requirements of § 270-152 of this chapter.
[Amended 8-14-1996 by L.L. No. 7-1996]
- C. General requirements. In any district, all signs shall comply with the following general requirements:
 - (1) Illumination. No sign shall be illuminated in a manner which will cause undue distraction, confusion or glare to vehicular traffic or which will create a nuisance to adjoining property.
 - (2) Structure. Any sign, except signs painted on a building or structure, shall comply with the Building Code as to strength.^[1]
[1] *Editor's Note: See Ch. 154, Housing and Building Standards.*
 - (3) Directional signs. Each principal nonresidential use may erect and maintain not more than three necessary directional signs for guidance of the public. A directional sign is a sign containing only the name of an establishment having goods, services or entertainment and any necessary directional guidance. Such sign may not be greater than 10 feet in sign area. A directional sign may also include the standard symbol for guide signs as shown in the Manual of Uniform Traffic Control Devices.
 - (4) Temporary signs. No temporary or portable signs or signs on a trailer shall be placed on any premises or building except as otherwise permitted herein.
 - (5) Flashing signs. Except for public schools and public firehouses, no sign shall be illuminated by or contain a flashing, intermittent, rotating or moving light or lights.
[Amended 4-9-2008 by L.L. No. 2-2008]
 - (6) Location of signs. On a corner lot, no sign, landscaping or structure shall be erected, placed or maintained within the triangular area formed by intersecting street lines and a straight line joining street lines at points which are 30 feet distant from the point of intersection, measured along the street lines. No sign shall be placed so as to obstruct the necessary sight distance of vehicular traffic.
 - (7) Sign area calculation. Sign area is the surface area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations and lights, but excluding the supports if they are not used for advertising purposes. One face of the sign shall be counted in computing the sign area. Any neon tube, string of lights or similar device shall be deemed to have a minimum dimension of one foot for the purpose of computing sign area.

- D. Signs in residential districts. No sign or other device for advertising purposes of any kind may be erected or established in any A, RA, R-1, R-2 or R-3 District except as follows:
[Amended 5-26-1993 by L.L. No. 9-1993]
- (1) One sign not exceeding one square foot in area which announces the name and profession or permitted home occupation of the occupant of the premises will be permitted.
 - (2) One temporary real estate or construction sign not exceeding 12 square feet in area will be permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.
 - (3) One sign or bulletin board customarily incidental to religious institutions, mobile home parks, cemeteries and other permitted nonresidential uses, which sign shall not exceed 20 square feet in area.
 - (4) Posting of notice to the public pertaining to but not limited to fishing, trespassing, hunting and snowmobiling, provided that each sign does not exceed 1 1/2 square feet in area.
- E. Signs in business and industrial districts. In the B-1, B-2, I-1 and I-2 Districts, no sign or other device for advertising purposes shall be erected or established except as follows:
- (1) Signs permitted in the residential districts. (See Subsection **D** above.)
 - (2) Building-mounted signs accessory to a business or industrial use shall not extend more than 12 inches beyond the building facade and shall not extend above the roof of the building. The aggregate total surface display of such signs shall not exceed, in square feet, two times the number of linear feet of the width of the building front. In the case of a corner lot, the sign area may be increased one times the number of linear feet of the building face fronting on the secondary street or roadway. However, such increased permitted sign area shall be use only for the erection of a permitted sign on the length of the building which faces the secondary street or roadway.
 - (3) Signs in the business and industrial districts shall conform to the following:
[Amended 5-12-2004 by L.L. No. 2-2004; 10-27-2010 by L.L. No. 13-2010]
 - (a) Ground-mounted signs:
 - [1] One ground-mounted sign may be erected and maintained not less than five feet from the property line.
 - [2] The sign may contain a total sign area of 15 square feet or not more than one square foot for each 1,000 square feet of the lot or parcel area containing such sign, whichever is greater, up to a maximum sign area of 200 square feet.
 - [3] The sign shall contain no information beyond the name, nature or principal use, symbol and other information necessary for the business or use.
 - [4] The sign shall contain no information or advertising for any product or service not sold or performed on the premises.
 - [5] No part of the sign nor supporting upright or pole shall be closer than five feet to the property line or the vertical extension of such property line.
 - (b) Temporary signs:
 - [1] One portable temporary sign per tenant may be located at a place of business.
 - [2] The sign may no larger than 24 inches wide and 36 inches high and including the base shall be no higher than 48 inches from ground level.
 - [3] The sign lettering must be printed and shall not be hand drawn.

- [4] The sign shall contain no information beyond the name, nature or principal use, symbol and other information necessary for the business or use.
 - [5] The sign shall contain no information or advertising for any product or service not sold or performed on the premises.
 - [6] The sign shall not be illuminated.
 - [7] The sign shall not be placed in a location that would impair vision or impede automobiles entering or exiting a roadway, public thoroughfare, or private driveway. This determination shall be made by the Building Inspector.
- (4) Signs in the business and industrial district shall contain no information beyond the name, nature or principal use, symbol and other information necessary for the business or use. Such sign shall contain no information or advertising for any product or service not sold or performed on the premises. However, no part of such sign nor supporting upright or pole shall be closer than five feet to the property line or the vertical extension of such property line.

§ 270-151.1. Political signs.

[Added 8-14-1996 by L.L. No. 7-1996]

- A. The Town Board of the Town of Rotterdam has determined that the unrestricted proliferation of political signs throughout the Town of Rotterdam can be aesthetically detrimental to the environment, may be distractive to motorists and thereby create a traffic hazard and may contribute to littering of public and private property when not timely removed. The purpose of this section is to preclude these undesirable consequences by placing reasonable restrictions on the placement and erection of political signs.
- B. For purposes of this section, a "political sign" is any sign which bears the name and/or political party of a candidate or candidates for public office. "Public office" includes federal, state, county, city, town, village and school district offices.
- C. No person shall place or erect a political sign on any property owned by the federal government, State of New York, the Town of Rotterdam, New York, or any other municipality, special Town water or sewer district or school district, including the paved and unpaved rights-of-way of roadways, located in the Town of Rotterdam, New York.
- D. No candidate shall place or cause to be placed or erect a political sign exceeding two feet by four feet in size on any privately owned property situate in an RA, R-1, R-2 or R-3 residential zoning district as enumerated in § 270-6 of this Code. The post or supporting standard shall not be considered in computing the aforesaid size limitation. It is the presumption of this section that all signs erected on the above-referred-to residential property have been so erected by the candidate whose name appears on said sign and with the permission of the owner of said property. Said sign shall be the sole responsibility of the candidate whose name appears on said sign including the duties, obligations and penalties as provided for in this section.
- E. No signs shall be placed on the sides of overpass or underpass vehicular bridges or railroad bridges, on poles carrying utility lines, traffic signals, streetlights or telephone lines and on direction or traffic signs.
- F. No signs shall be erected or placed as to obstruct or impair vision at any road intersection or the entrance to and exit from private driveways.
- G. Political signs shall not be erected or placed earlier than September 1 of the year of the primary and general election for the candidate named on the sign and shall be removed within 14 days after the election. It shall be the responsibility of the person erecting or placing the sign to cause its removal.

[Amended 4-14-1999 by L.L. No. 6-1999]

- H. The Town Building Inspector/Code Enforcement Officer, Zoning Officer and all police officers are empowered to remove any sign which is erected or placed in violation of the provisions of this section and to dispose of the sign in any appropriate manner, including trashing. Removal shall be without the necessity of prior notice to the candidate or anyone else.
[Amended 7-9-2003 by L.L. No. 9-2003]
- I. A person violating any provision of this section shall be subject to the penalties contained in § 270-180 of this chapter.

§ 270-152. Billboards.

[Amended 9-9-1998 by L.L. No. 14-1998]

- A. Definition. A "billboard" is any sign that directs attention to an idea, product, business, activity, service or entertainment that is conducted, sold or offered elsewhere than upon the lot or parcel on which such sign is located, and is not a directional sign as defined in § 270-151.
- B. Billboards of any nature or kind are hereby prohibited in the Town of Rotterdam and shall not be permitted.

§ 270-153. Solar farms.

[Added 2-22-2017 by L.L. No. 1-2017]

- A. Solar farms and solar power plants are permissible in the A Agricultural, I-1 Light Industrial, and I-2 Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Board.
- B. In addition to the information and materials required under Article XVII (Site Plan Approval) and Article XIX (Special Use Permits), all applications for solar farms or solar power plants shall include the following, except to the extent waived by the Planning Board:
 - (1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.
 - (2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.
 - (3) Documentation of access to the project site(s), including location of all access roads, gates, and parking areas.
 - (4) Plan for clearing and/or grading of site.
 - (5) A stormwater pollution prevention plan as per NYSDEC requirements to detail stormwater runoff management and erosion control plans for the site.
 - (6) Documentation of utility notification, including an electric service order number.
 - (7) Decommissioning plan and description of financial surety that satisfies the Town that all required improvements shall be made for solar farms or solar power plants. For all such systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

- (8) The Town shall require any applicant to pay all associated costs for any application review, including but not limited to engineering, legal, environmental, planning, and the review required under SEQRA. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, it shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of any further Planning Board review.
 - (9) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site, along with elevation views and dimensions, and manufacturer's specifications and photographs of the proposed solar energy system, solar collectors, and all other components.
 - (10) Part I of the Environmental Assessment Form completed and signed.
 - (11) Details of the proposed noise that may be generated by inverter fans. The Planning Board may require a noise analysis to determine potential adverse noise impacts.
 - (12) Any other information or documentation as may be reasonably required by the Planning Board.
- C. All applications for solar farms or solar power plants shall be reviewed and determined in accordance with the procedures and standards set forth in Article XVII (Site Plan Approval) and Article XIX (Special Use Permits) of this chapter. In addition, the following provisions shall apply:
- (1) All such systems shall adhere to all applicable Town of Rotterdam building, plumbing, electrical, and fire codes.
 - (2) Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Rotterdam or other federal or state regulatory agencies. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYSDEC-identified critical habitats or rare plant and animal populations shall be avoided.
 - (3) With the exception of transmission lines and related structures necessary for transmitting electricity generated by the solar energy system for off-site distribution and/or consumption, there shall be a minimum one-hundred-foot buffer between any component of the solar energy system and the parcel boundary line. The Planning Board is authorized to increase the width of this buffer after analysis of site conditions and adjacent land uses.
 - (4) Any site containing such solar energy system shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 1/2 feet or such other height determined by the Planning Board.
 - (5) Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed solar farm or solar power plant may be permitted, provided that the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.
 - (6) Native grasses and vegetation shall be maintained below the arrays.
 - (7) A berm, landscape screen, natural vegetation, or any combination thereof acceptable to the Planning Board capable of screening the site, shall be provided. The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:
 - (a) Publicly dedicated roads and highways; and
 - (b) Existing residential dwellings located on contiguous parcels.
 - (8) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.

- (9) All structures and devices used to support solar collectors shall be nonreflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.
 - (10) All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project, on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
 - (11) Artificial lighting of solar energy systems shall be limited to lighting required for safety purposes and shall be shielded from all neighboring properties and public roads.
 - (12) The manufacturer's or installer's identification and appropriate warning signage shall be posted at the entry to the site and clearly visible; provided, however, that total area of such signage shall not exceed 24 square feet.
 - (13) The height of the solar panel arrays shall not exceed 25 feet.
 - (14) The Planning Board shall require security in an amount and form acceptable to the Town for the purposes of ensuring that the system is removed and the site is restored as required under **§ 270-153D** of this chapter. The amount shall be determined by an estimate of total cost of removal of the solar energy system and restoration of the site. Acceptable forms of security shall include, in order of preference, cash or letter of credit, or a combination thereof.
 - (15) Following construction of a large-scale, solar farm or solar power plant ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust, which grass and vegetation shall be reasonably maintained.
 - (16) Special use permits granted for solar farm or solar power plant energy systems shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this chapter and all conditions of the special use permit and the Building Inspector/Code Enforcement Officer is notified of the property transfer at least 15 days prior thereto.
 - (17) Any post-construction changes or alterations to the solar energy system, except for repairs, replacements, and upgrades of existing equipment, shall be done only by amendment to the special use permit and site plan approval and subject to the requirements of this chapter.
 - (18) After completion of a solar farm or solar power plant solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.
- D. Abandonment or decommissioning. Solar farms or solar power plants which have not been in active and continuous service for a period of one year shall be deemed abandoned and shall be removed at the owner's or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment, including any subsurface wires and footings, from the parcel. Any access roads created for building or maintaining the systems shall also be removed and replanted with vegetation. In the event that the facility is not removed within six months of abandonment, and the site restored as required, the Town may cause the same to be removed and the site restored using the security posted as required by **§ 270-153C(14)** of this chapter.

[1] *Editor's Note: Former § 270-153, Nonconforming uses, buildings and structures, as amended, was superseded 9-9-2009 by L.L. No. 9-2009. See now § 270-153.1, Nonconforming uses, and § 270-153.2, Nonconforming buildings and*

§ 270-153.1. Nonconforming uses.

[Added 9-9-2009 by L.L. No. 9-2009]

A. Nonconforming uses.

- (1) Continuation. Except as hereinafter provided, the lawful use of a building, structure or land existing at the effective date of this chapter may continue although such use does not conform to the provisions herein.
- (2) Whenever the use of a building or structure becomes nonconforming through a change in the provisions of this chapter or district boundaries established by this chapter, such use may continue subject to the requirement of this section.

B. Change of nonconforming use. Once changed to a conforming use, no structure, building or land shall be permitted to revert to a nonconforming use. The nonconforming use of a building or structure may be changed to a use permitted in a more restrictive district than the particular district in which such nonconforming use is first permitted as a permitted use or to a permitted use within the district in which such nonconforming use is located.

C. Abandonment. Whenever any nonconforming agricultural use has been discontinued for a period of five years, or whenever any other nonconforming use has been discontinued or abandoned for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.

D. Displacement. No nonconforming use shall be extended or enlarged so as to displace a conforming use.

E. Site plan review. Any application for a building permit involving the alteration or extension of a nonconforming building or structure shall be reviewed by the Planning Board under the requirements of Article XVII, entitled "Site Plan Approval." The Board shall ascertain that no previous expansion has taken place as a nonconforming expansion.

§ 270-153.2. Nonconforming buildings and structures.

[Added 9-9-2009 by L.L. No. 9-2009]

A. Continuation. Where a nonconforming building or structure exists at the effective date of the adoption of or amendment to this chapter, such nonconformity may be continued so long as it remains otherwise lawful. No such nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity. The nonconformity as it pertains to yards is limited to the building or structure footprint, except for single-family and two-family residential structures. Such enlargement or alteration shall not tend to increase any inherent nuisance, nor shall such enlargement or alteration violate any provision of this chapter regarding yards, lot area or lot coverage for the district in which it is situated nor increase any violation of such provision.

B. Alterations and extensions. No nonconforming building or structure may be reconstructed or altered during its life to an extent exceeding, in aggregate cost, 30% of the full valuation of the building, unless said building or structure is changed to conform to this chapter, except as otherwise permitted for the repair or restoration of the structure.

C. Restoration and repair.

- (1) In the event that a building or structure which is nonconforming is destroyed or damaged by fire or other casualty or act of God, no repairs or reconstruction shall be made unless such restoration is started within 12 months from the date of partial destruction and is diligently prosecuted to

completion. Otherwise, the building shall not be restored unless said building or structure and the use thereof shall conform to all of the regulations of the district in which it is located.

- (2) Site plan review. Any application for a building permit involving the alteration or extension of a nonconforming building or structure shall be reviewed by the Planning Board under the requirements of Article XVII, entitled "Site Plan Approval." The Board shall ascertain that no previous expansion has taken place as a nonconforming expansion.
- (3) Exemption of single-family residence. The limitations of Subsection C(1) shall not apply to a single-family residential building that is nonconforming only in respect to lot area. However, no single-family dwelling shall be reconstructed to expand into an already deficient lot area or to reduce an already deficient amount of land area for the dwelling. Notwithstanding the above, no single-family residence shall be reconstructed in a nonconforming zoning district. This exemption is permissible only if reconstruction commences within 24 months of partial or total destruction.

§ 270-154. Unsafe buildings and structures.

Any building or structure found to be unsafe or a nuisance to public safety shall be subject to the provisions of the Town of Rotterdam Local Law No. 5 of 1969, entitled "Dangerous Buildings and Structures."^[1]

^[1] *Editor's Note: Local Law No. 5-1969 was repealed 4-23-1997 by L.L. No. 8-1997. See Ch. 90, Unsafe Buildings.*

§ 270-155. Town and public district uses.

The Town of Rotterdam and any public school or fire districts may use land or erect buildings or structures thereon for use in any district of any nature, provided that such uses, buildings or structures are for the purpose of carrying out the duly authorized powers and duties of said Town and its districts.

§ 270-156. Lighting.

All exterior lighting accessory to any use, including the lighting of signs, parking area and recreational facilities shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street.

§ 270-157. Home occupations.

- A. Purpose. The standards and regulations of this section are designed to protect and maintain the character of residential areas while recognizing that certain professional and trade activities may, on a limited scale, be appropriate accessory uses in residential dwelling.
- B. (Reserved)^[1]

^[1] *Editor's Note: Former Subsection B, regarding the definition of a home occupation, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now the definition of "home occupation" in § 270-5.*
- C. Where permitted. Subject to the standards and requirements of this section, one home occupation is permitted in any residential dwelling unit or structure accessory thereto.
- D. Issuance, terms and revocation of permits. The Building Inspector/Code Enforcement Officer may issue a home occupation permit following submission of an application and a fee, as set forth in Chapter 126 of the Town Code, entitled "Fees,"^[2] if it is determined that such application conforms to the standards and provisions of this section. Should, at any time during the period which a home occupation permit is in effect, the Building Inspector/Code Enforcement Officer find that the operation of such home occupation is in violation of the provisions of this section, he shall, by declaration, serve notice of revocation of the home occupation permit.

[Amended 12-9-1992 by L.L. No. 37-1992^[3]]

[2] *Editor's Note: The schedule of fees is on file in the office of the Town Clerk.*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

E. Use limitations. No home occupation shall be permitted unless it complies with the following restrictions:

- (1) No person who is not residing on the premises shall be employed in any home occupation.
- (2) No more than 1/3 or 400 square feet of the combined floor area of the principal building and accessory building, whichever is less, shall be devoted to the home occupation.
- (3) No alteration of the principal building shall be made which changes the character and appearance thereof as a dwelling.
- (4) There shall be no exterior display of stock-in-trade.
- (5) No sign, other than one exterior sign not exceeding one foot square, shall be displayed.
- (6) There shall be no exterior storage of equipment or materials used in the occupation.
- (7) The home occupation shall be conducted entirely within the principal dwelling unit or in a private garage accessory thereto.
- (8) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- (9) No extra parking spaces shall be constructed to serve the home occupation.

F. Permitted home occupation. In particular, a home occupation includes but is not limited to the following:

- (1) Limited office facilities for accountants, architects, brokers, engineers, land surveyors, lawyers, therapists, insurance agents and members of similar professions.
- (2) Consultation or emergency treatment by a doctor or a dentist, but not the general practice of such profession.
- (3) Limited office facility of a salesperson, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.
- (4) Home crafts such as model making, rug weaving, lapidary work and cabinet making.
- (5) Workshop or studio for an artist, photographer, craftsman, writer, composer, dressmaker, tailor, typist or computer programmer.
- (6) Facilities for instruction to not more than three pupils at any given time such as in music, dance or driver training.
- (7) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.
- (8) Nursery schools and day care for not more than four children.
- (9) Barbershop, hair stylist or beauty salons with a maximum of one commercial chair, sink and other accessory facilities for hair styling, cutting or grooming and subject to the use limitation prescribed in **§ 270-157E**.

[Added 2-28-1996 by L.L. No. 3-1996]

G. Prohibited home occupations. Permitted home occupations shall not be interpreted to include:

- (1) Antique or furniture shops.

- (2) Barbershops, hair stylists or beauty salons, except those exempted in § 270-157F(9).
[Amended 2-28-1996 by L.L. No. 3-1996]
- (3) Commercial stables, kennels or animal hospitals.
- (4) Funeral homes or mortuaries.
- (5) Real estate offices.
- (6) Private clubs or lodges.
- (7) Restaurants.
- (8) Tourist homes or boardinghouses.

§ 270-158. Mobile home parks.

- A. Generally. All development purposes, standards, controls and procedure normally applicable to planned residential developments shall also be applicable to mobile home parks, in addition to the following standards, controls and requirements.
- B. Applicability. No person shall use or park any mobile home within the Town of Rotterdam except within the limits of a duly authorized mobile home park; except however, these provisions shall not apply to the sale, storage or garaging of travel trailers or motor homes, provided that the same are unoccupied and not used for sleeping or living purposes and are in compliance with other Town laws and ordinances.
- C. Preexisting mobile home. Lawfully installed mobile homes in occupancy at the effective time of this chapter are permitted to continue subject to the requirements for nonconforming uses.

§ 270-159. Temporary construction sheds and trailers.

After building permits for basic construction have been granted in accordance with the provisions of this chapter, a temporary construction shed or trailer may be erected on the lot at which primary construction is to be undertaken. Prior to the issuance of a certificate of occupancy, such temporary shed or trailer shall be immediately removed. Under no circumstances shall any such shed or trailer be used for residential purposes.

§ 270-160. Storage of travel trailers.

Not more than one travel trailer may be stored in the open air at any one residentially developed lot. All such exterior storage of travel trailers must comply with the following requirements:

- A. No travel trailer shall be used for sleeping or living purposes.
- B. No travel trailer shall be stored on the front yard of the property.
- C. No travel trailer shall be stored within five feet of any side or rear lot line.

§ 270-161. Factory-manufactured homes.

Factory-manufactured homes may, for the purposes of this chapter be considered a single-family dwelling, provided that they meet the following requirements:

- A. Each such home shall be permanently installed upon a full concrete slab or a concrete block and slab basement.

- B. Each such home shall be served with a water and sewage disposal system meeting New York State Health Department standards.
- C. Each such home shall comply with applicable lot, bulk, minimum floor area and other requirements set forth in this chapter and in the New York State Fire Prevention and Building Code.

§ 270-162. Landfill operations.

- A. Permit required. The operation of a landfill shall be permitted by special use permit only in I-2 Heavy Industrial Districts. In addition to requirements for a special use permit by the Town of Rotterdam, all landfill operators shall obtain all approvals and permits for operation proscribed by the New York State Department of Environmental Conservation and Chapter **244** of the Code of the Town of Rotterdam, entitled "Solid Waste." Evidence of state operating permits shall be submitted with applications for special use permits from the town.
- B. Special use permit standards and authorization.
 - (1) In addition to conditions and requirements set forth herein, an operator of a landfill must have a current and valid operating permit which demonstrates ongoing compliance with 6 NYCCR 360, the latest New York State Landfill Regulations (effective July 14, 1985), and any amendment thereto.
 - (2) The Planning Board may grant or renew special use permits subject to the standards and conditions set forth in Article **XIX** herein and applicable state laws, in addition to which permit applications shall be considered in accordance with the findings of the Solid Waste Disposal Study for the Schenectady Intermunicipal Solid Waste Disposal Board (February 1986).

Article XIX. Special Use Permits

§ 270-163. Purpose.

This article recognizes that there are certain uses which, because of their unique or inherent characteristics, cannot be properly classified in a particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

§ 270-164. Authorization.

As a matter of original jurisdiction, the Planning Board shall have the right to issue or deny a special use permit for each special use listed in the respective districts, as specified by this chapter and following the requirements set forth herein.

§ 270-165. Application procedure.

- A. Application. Application for a special use permit shall be filed with the Building Inspector/Code Enforcement Officer. The application shall be accompanied by seven copies of site plans and material as required for preliminary site plan approval. The Building Inspector/Code Enforcement Officer shall transmit six copies of the application, site plans and other material to the Planning Board as required by Article **XVII** for site plan approval. Special use permits may be issued only for those uses listed as special uses in the district use regulations. An application for a special use permit may be filed by the owner of, or other person having a contractual interest in, the subject property.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. Review and public hearing.

- (1) The Planning Board shall review the material submitted and the application under the requirements for preliminary site plan approval as described in Article XVII. In addition, the Planning Board shall hold at least one duly advertised public hearing on the proposed special use. Not less than five days prior to the date of such public hearing, notice shall be placed in a local newspaper stating the time, date and purpose for the hearing. The applicant and all interested parties shall have the opportunity to speak at the public hearing.
- (2) Within 62 days of the public hearing and the receipt of all necessary information and studies, including environmental impact statements, if required, the Planning Board shall act to either:^[2]
 - (a) Tentatively grant the special use permit, subject to final site plan review and approval;
 - (b) Tentatively grant the special use permit with conditions or modifications to be implemented in the construction and/or operation of the requested special use and subject to final site plan approval; or
 - (c) Deny the special use permit.

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (3) The Planning Board, in acting to tentatively grant or to deny such special use permit, shall state its reasons for such action, together with any conditions or modifications required, and shall include this as a part of the record. A report stating the action taken and any conditions or modifications required shall be sent to the applicant and the Town Building Inspector/Code Enforcement Officer. A copy of such report shall also be filed with the application. Tentative approval of the special use permit and preliminary site plan authorizes the applicant to proceed to file a final site plan in accordance with the provisions of Article XVII. Final approval of the special use permit shall be subject to final site plan review by the Planning Board under the procedure of this chapter.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (4) The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.^[4]

[4] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 270-166. Conditions to be imposed.

Prior to the granting of any special use permit, the Planning Board may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary to secure compliance with the standards and requirements of this chapter. Such conditions and restrictions shall be expressly set forth in the special use permit. Violation of such condition or restriction shall be a violation of this chapter.

§ 270-167. Standards for granting permits; additional requirements.

A. Standards. No special use permit may be granted unless the Planning Board finds that:

- (1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.
- (2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

- (3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property.
 - (4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - (5) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.
 - (6) The special use shall, in all other respects, conform to applicable rules, regulations and ordinances of the Town and be consistent with any adopted plan or policy of the town.
- B. Additional requirements. In addition to the above standards for review of special use permits, this chapter specifies other requirements for certain types of special uses. Such requirements are listed with specific use regulation.
- C. In addition to the standards set forth in Subsection A, the following standards must be met for special use permits in wetland and/or watercourse areas or their respective buffers.
[Added 4-27-2005 by L.L. No. 9-2005]
- (1) A permit, with or without conditions, may be issued for any proposed disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area if it is determined by the Planning Commission that the activity:
 - (a) Would be compatible with preservation, protection and conservation of the wetland and/or watercourse and its benefits; and
 - (b) Would result in no more than insubstantial degradation to, or loss of, any part of the wetland and/or watercourse; and
 - (c) Would be compatible with the public health and welfare.
 - (2) The applicant shall provide a copy of the joint application form for either the New York State DEC freshwater wetlands/stream protection permit or US Army Corps of Engineers Wetlands Permit to the Town of Rotterdam prior to granting of a special use permit (if applicable). If the applicant is proceeding under a nationwide permit (NWP), and the acreage and location of the wetlands/streams lost or created/preserved as mitigation must be clearly identified on the subdivision and/or site plan. If preconstruction notification (PCN) to the District Engineer (DE) is required by the terms of the NWP, the Town reserves the right to delay final action until the DE completes the PCN review process.

§ 270-168. Special uses considered lawful.

If a use is lawfully established prior to the effective date of this chapter and it becomes a special use under the provisions of this chapter, it shall be considered a lawful special use.

§ 270-169. Expiration; amendments; resubmission.

- A. Expiration. In any case where a special use is not in operation within one year after the date of granting thereof, the special use or authorization thereof shall be null and void. Further, a use shall expire if such use shall cease for more than six consecutive months for any reason.
- B. Amendments. A special use permit shall be deemed to authorize only the particular use for which it was issued. No special use shall be expanded or added to in any manner unless the special use permit is amended pursuant to the procedures established in this Article XIX.
- C. Effect of denial. No application for a special use permit which has been denied by the Planning Board shall be resubmitted for a period of one year from the date of the order of denial, unless the applicant can

provide new evidence or proof of change of conditions found to be valid by the Planning Board.

- D. Special use permit fees. An application fee and advertising fee shall be provided upon application submission in amounts established by the Rotterdam Town Board and set forth in Chapter **126** of the Town Code, entitled "Fees."

[Added 12-9-1992 by L.L. No. 37-1992]

Article XX. Administration and Enforcement

§ 270-170. Designation of enforcement official.

[Amended 7-22-1992 by L.L. No. 14-1992; 7-9-2003 by L.L. No. 9-2003]

This chapter shall be enforced by the Building Inspector/Code Enforcement Officer of the Town of Rotterdam or a duly appointed representative thereof or a duly appointed representative by the Rotterdam Town Board.

§ 270-171. Powers and duties of Building Inspector/Code Enforcement Officer.

[Amended 5-10-1989 by L.L. No. 9-1989; 7-9-2003 by L.L. No. 9-2003]

- A. In addition to the requirements of Chapter **154** of the Town Code providing for the Building Inspector/Code Enforcement Officer to enforce all laws and ordinances relating to the location, construction, alteration, repair, removal, demolition, equipment use, occupancy and maintenance of buildings and structures, it shall also be the duty of the Building Inspector/Code Enforcement Officer to keep written records of all applications for building permits, together with any conditions or requirements for issuance. He shall file and safely keep copies of all plans and documents submitted, which shall be available for the Town Board, Town Planning Board, Zoning Board of Appeals and the general public. The Building Inspector/Code Enforcement Officer shall maintain a file of all applications, documents and conditions of approval for special permits authorized by this chapter.
- B. The Building Inspector/Code Enforcement Officer shall issue no building permit or certificate of occupancy, except where provisions of this chapter, together with applicable Town ordinances and local laws, shall be complied with. Such Inspector/Code Enforcement Officer shall have no power to vary the regulations herein required.

§ 270-172. (Reserved)

[1] *Editor's Note: Former § 270-172, Building permit, as amended, was repealed 5-10-1989 by L.L. No. 9-1989.*

§ 270-173. (Reserved)

[1] *Editor's Note: Former § 270-173, Certificate of occupancy, as amended, was repealed 5-10-1989 by L.L. No. 9-1989.*

§ 270-174. Amendments.

- A. Town Board power to amend. The Town Board may, from time to time, on its own motion, on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this chapter in the manner provided by this chapter and § 265 of the Town Law of New York State.
- B. Referral to Planning Board. Each such proposal, amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report and recommendation thereon, before public hearing. In recommending the adoption of any such proposed amendment, the Planning Board shall

state its reasons for such recommendation. On recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

- C. Approval by Town Board. A majority vote of the Town Board shall be required to approve such amendment or change except as noted below:
 - (1) In the case of a protest against such change signed by the owners of 20% or more of the area of land included in such proposed change or by the owners of 20% or more of the immediately adjacent land within 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of four out of five members of the members of the Town Board.
 - (2) In the case where approval is contrary to the report of the Schenectady County Planning Department, a majority plus one vote shall be required to approve such amendment or change.
- D. Entering minutes. Every zoning local law and every amendment to a zoning local law, excluding any map incorporated therein, adopted shall be entered on the minutes of the Town Board pursuant to the provisions of § 264 of the Town Law of New York State.
[Amended 7-9-2003 by L.L. No. 9-2003]

§ 270-175. Notice of public hearing; written notification; posting.

[Amended 11-23-1988 by L.L. No. 12-1988; 5-11-2005 by L.L. No. 12-2005]

- A. Public hearings by the Town Board required for zoning amendments shall require published notice giving at least 10 calendar days' notice of the time and place of such hearing in the official newspaper designated by the Town Board. Such notice may include the proposed amendment or amendments, but shall include a statement sufficient to inform the public of the content of the amendment, change or permit application.
- B. Service of written notice. At least 10 days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within 500 feet of the following shall be served personally or by mail by the Town upon each person or persons listed below:
 - (1) The property of the housing authority erecting or owning a housing project authorized under the public housing law: upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
 - (2) The boundary of a city, village or town: upon the clerk thereof.
 - (3) The boundary of a county: upon the clerk of the board of supervisors or other person performing like duties.
 - (4) The boundary of a state park or parkway: upon the regional state park commission having jurisdiction over such state park or parkway.
- C. Service of written notice on property owners. On change of zone requests and zoning amendments involving 150 acres or less, sending notice of the pending land use action by ordinary mail not less than 10 calendar days in advance of the hearing to property owners within 300 feet of the affected property or properties.
- D. Posting. The Town reserves the right to post notice of pending land use actions on or adjacent to the affected property or properties.

§ 270-176. Fees.

[Amended 12-9-1992 by L.L. No. 37-1992; 8-8-2007 by L.L. No. 10-2007]

- A. A fee payable to the Town of Rotterdam for application and advertising shall be required with each application for approval as established by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees."
- B. A fee payable to the Town of Rotterdam shall be required for building permits. The fee schedule for building permits is established by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees."
[Amended 6-12-2013 by L.L. No. 7-2013]

§ 270-177. Zoning Board of Appeals.

[Amended 7-9-2003 by L.L. No. 9-2003; 1-14-2004 by L.L. No. 1-2004; 5-10-2006 by L.L. No. 2-2006]

- A. Creation and procedure. The Zoning Board of Appeals, which is established under § 267 of the Town Law of New York State, shall consist of five members. The Town Board shall annually designate a member of said Zoning Board to act as Chairman thereof, or, on failure to do so, the Zoning Board shall elect a Chairman from its members. The Zoning Board of Appeals shall have the power to adopt, for its procedure and government, rules not inconsistent with law or ordinance. Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman or, in his absence, the Acting Chairman shall preside. The presence of three members shall constitute a quorum. The concurring vote of a majority of the members of such Board shall be necessary to reverse any order, requirements, decision or determination of the Building Inspector/Code Enforcement Officer or to grant any variance from the requirements of this chapter. All hearings shall be open to the public and duly advertised as to nature, time and place of meeting. Such notice shall be not less than five days in advance of such meeting. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the offices of the Town Clerk and shall be a public record.
- B. Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
 - (1) Orders, requirements, decisions, interpretations, and determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Building Inspector/Code Enforcement Officer charged with the enforcement of the Zoning Code and to that end shall have all the powers of the Building Inspector/Code Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
 - (2) Use variances.
 - (a) The Zoning Board of Appeals, on appeal from the decision or determination of the Building Inspector/Code Enforcement Officer, shall have the power to grant use variances, as defined herein.
 - (b) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

- [3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] The alleged hardship has not been self-created.
 - (c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Area variances.
 - (a) The Zoning Board of Appeals shall have the power, upon an appeal from, or upon a decision or determination from, the Building Inspector/Code Enforcement Officer, to grant area variances as defined herein.
 - (b) In making its determination, 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 Board shall also consider:
 - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - [2] 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] Whether the requested area variance is substantial;
 - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (c) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (4) Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. Training and attendance requirements.
 [Amended 4-27-2011 by L.L. No. 8-2011]

- (1) Each member of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection. Such training and the costs and expenses therefor shall be approved in advance by the Town Board or Town Attorney and may include, but not be limited to, training provided by a municipality, regional or county planning office commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom training. The costs of such training shall be a Town charge.

Members shall also be reimbursed for travel and meal expenses incurred to obtain such training according to Town policies and as set forth herein.

- (2) To be eligible for reappointment to such Board, such member shall have completed the training promoted by the Town pursuant to this subsection.
- (3) The training required by this subsection may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
- (4) No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this subsection.
- (5) Each member of the Zoning Board of Appeals shall attend a minimum of 80% of meetings scheduled and held for that calendar year. A member shall not be absent from more than two consecutive meetings scheduled and held for that calendar year. A member may be duly excused from attending a meeting by obtaining prior approval from the Zoning Board of Appeals Chairperson. A member may provide a valid written medical excuse from a New-York-licensed physician documenting such member's inability to attend such meeting. A valid written medical excuse provided by a member shall not be considered in the calculation of such attendance requirements.

[Amended 1-22-2014 by L.L. No. 1-2014]

D. Removal of members.

[Added 4-27-2011 by L.L. No. 8-2011]

- (1) The Town Board shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. Such cause shall include, but not be limited to, the following:
 - (a) Noncompliance with minimum requirements relating to meeting attendance and training as established by this section; or
 - (b) Failure to attend three consecutive meetings or failure to attend at least 80% of the meetings scheduled and held for that calendar year; provided, however, that any meetings for which such member has been duly excused from attending by obtaining prior approval from the Zoning Board of Appeals Chairperson, or for which such member provides a valid written medical excuse from a New-York-licensed physician documenting such member's inability to attend such meeting, shall not be considered in the calculation of such attendance requirements.

[Amended 1-22-2014 by L.L. No. 1-2014]

§ 270-178. Amendment referrals.

In accordance with §§ 239-l and 239-m of the General Municipal Law of New York State, any amendment to this chapter which would change the district classification or regulations applying to real property or any special permit or variance or site plan authorization affecting such real property within a distance of 500 feet from the boundary of any city, village or town; the boundary of any existing or proposed county or state park or other recreation area; the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated shall be referred to the Schenectady County Department of Planning by the Town Board, Planning Board or the Zoning Board of Appeals, whichever is appropriate, before such body shall take final action on said amendment, special use permit or variance or site plan authorization.

§ 270-179. Planning Board.

[Amended 7-9-2003 by L.L. No. 9-2003; 5-24-2006 by L.L. No. 3-2006]

A. Creation and procedure.

- (1) The Planning Board established under § 271 of the Town Law of the New York State shall consist of seven members appointed by the Town Board. The Town Board shall designate a member of said Planning Board to act as Chairman thereof, or, on failure to do so, the Planning Board shall elect a Chairman from its members. The terms of the members of the Planning Board shall be consistent with Town Law § 271. The Chairman or, in his absence, the Vice Chairman shall preside. The presence of four members shall constitute a quorum. A majority vote of the Planning Board members shall be necessary to decide on matters required by this chapter.
- (2) All hearings shall be open to the public and duly advertised in a newspaper designated by the Town Board as to nature, time and place of the meeting. Such notice shall be no less than five days in advance of such meeting. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its findings, recommendations and actions. Every decision or determination of the Planning Board shall be filed in the office of the Town Clerk and shall be public record.

B. Planning jurisdiction. The Board is hereby vested with the following duties under this chapter:

- (1) Review all applications for special use permits, site plan review and amendments to this chapter and report said findings and recommendations to the Town Board, Building Inspector/Code Enforcement Officer, Zoning Board of Appeals and/or Town Clerk in the manner prescribed by this chapter.
- (2) Review the effectiveness of this chapter and report its conclusions and recommendations to the Town Board.
- (3) Make investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Town.
- (4) Hear and decide matters pursuant to the subdivision rules and other applicable local laws or ordinances.^[1]

[1] *Editor's Note: See Ch. 249, Subdivision of Land.*

C. Training and attendance requirements.

[Amended 4-27-2011 by L.L. No. 8-2011]

- (1) Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection. Such training and the costs and expenses therefor shall be approved in advance by the Town Board or Town Attorney and may include, but not be limited to, training provided by a municipality, regional or county planning office commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom training. The costs of such training shall be a Town charge. Members shall also be reimbursed for travel and meal expenses incurred to obtain such training according to Town policies and as set forth herein.
- (2) To be eligible for reappointment to such Board, such member shall have completed the training promoted by the Town pursuant to this subsection.
- (3) The training required by this subsection may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
- (4) No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with this subsection.

- (5) Each member of the Planning Board shall attend a minimum of 80% of meetings scheduled and held for that calendar year. A member shall not be absent from more than two consecutive meetings scheduled and held for that calendar year. A member may be duly excused from attending by obtaining prior approval from the Planning Board Chairperson, or by providing a valid written medical excuse from a New-York-licensed physician documenting such member's inability to attend such meeting. A valid written medical excuse provided by a member shall not be considered in the calculation of such attendance requirements.

[Amended 1-22-2014 by L.L. No. 1-2014]

D. Removal of members.

[Added 4-27-2011 by L.L. No. 8-2011]

- (1) The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Such cause shall include, but not be limited to, the following:

- (a) Noncompliance with minimum requirements relating to meeting attendance and training as established by this section; or
- (b) Failure to attend three consecutive meetings or failure to attend at least 80% of the meetings scheduled and held for that calendar year; provided, however, that any meetings for which such member has been duly excused from attending by obtaining prior approval from the Planning Board Chairperson, or for which such member provides a valid written medical excuse from a New-York-licensed physician documenting such member's inability to attend such meeting, shall not be considered in the calculation of such attendance requirements.

[Amended 1-22-2014 by L.L. No. 1-2014]

§ 270-180. Penalties for offenses; enforcement actions.

- A. Penalties. The Town Board intends to exercise its authority under § 10, Subdivision 1(ii)d(3), of the Municipal Home Rule Law, and any other applicable provision of law now or hereinafter enacted, to supersede the applicable provisions of § 268, Subdivision 1, of the Town Law, and any other applicable or successor law, in order to impose a penalty and fine structure that best reflects the needs of the community. Except as set forth in Chapter 270, Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations, for each violation of the provisions of this chapter, the owner, general agent, person in charge of the premises, architect, engineer and/or contractor of the building, structure or premises where such violation has been committed or exists shall be guilty of an offense punishable by a fine or penalty of not less than \$1,000 nor more than \$5,000 or by imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; upon conviction of a second violation, where the offense is committed within a period of five years of the first offense, a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent violation where the offense is committed within a period of five years of the first and second offense, a fine of not less than \$2,500 nor more than \$15,000 or by imprisonment for a period not to exceed six months, or both. Each day such violation continues following notification by the Town or service of a summons shall constitute a separate offense punishable in like manner. The Town Board shall have such other remedies as are allowable by law.

[Amended 7-9-2003 by L.L. No. 9-2003; 7-12-2006 by L.L. No. 7-2006; 6-12-2013 by L.L. No. 7-2013]

- B. Enforcement actions. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any such ordinance, rule or regulation, notwithstanding that the ordinance, rule or regulation may provide a penalty or other punishment for such violation.

§ 270-181. Complaints.

[Amended 7-9-2003 by L.L. No. 9-2003]

Whenever a violation of this chapter occurs, any person may file a complaint. Such complaint shall be in writing and shall be filed with the Building Inspector/Code Enforcement Officer. Such complaint shall be recorded by the Building Inspector/Code Enforcement Officer, immediately investigated and a written report thereon filed with the Town Board within 30 days.

§ 270-182. Compliance with SEQRA.

The requirements of this chapter shall be applied and administered in a manner consistent with the New York State Environmental Quality Review Act (SEQRA).^[1] No proposed action determined under SEQRA to be of environmental significance shall be approved, granted a building permit or otherwise authorized until said action has been approved by the designated SEQRA lead agency. The Town may, where practicable and appropriate, utilize the information contained in any required environmental assessment or statement in reaching a decision on an action being considered.

[1] *Editor's Note: See Environmental Conservation Law § 8-0101.*

Article XXI. Miscellaneous Provisions

§ 270-183. Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare.

Article XXII. Schenectady Intermunicipal Watershed Rules and Regulations

[Added 2-28-1990 by L.L. No. 6-1990]

§ 270-184. Applicability.

- A. These rules and regulations herein set forth, duly made and enacted in accordance with the provisions of §§ 1100 through 1107 of the New York State Public Health Law, shall apply to the wells which comprise the sources of public water supply for the following municipal jurisdictions in Schenectady County:
- (1) Town of Rotterdam.
 - (2) City of Schenectady.
 - (3) Town of Glenville.
 - (4) Town of Niskayuna.
 - (5) Village of Scotia.
- B. These rules and regulations shall apply to any lands, premises and uses within the respective protection zones created herein and shown on the Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones Map, Plate No. 2 and Plate No. 3, dated February 19, 1988, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps. Said map or series of maps, all notations or other information shown thereon are part of these rules and regulations and are located in the office of the Town Clerk of the Town of Rotterdam. These rules and regulations are intended to be superimposed upon the existing land use laws of each municipality served by the Schenectady Aquifer to augment and enhance those protective measures already in place. These rules and regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.

§ 270-185. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABOVEGROUND STORAGE FACILITY

Any tank, pipe or other vessel, used singularly or in combination, at least 90% of which is above the surface of the ground and is used for the purpose of material holding, storage or containment.

BOARD

The Intermunicipal Watershed Rules and Regulations Board, comprised of the chief elected official of each of the municipal jurisdictions in Schenectady County served by the Schenectady Aquifer and established to enforce and administer these rules and regulations and to conduct the central review function of actions taking place within the designated protection zones. The Board was established by adoption of An Agreement for Intermunicipal Cooperation for an Aquifer Protection Program and was previously known as the "Watershed Committee."

[Amended 5-8-1991 by L.L. No. 2-1991]

BULK STORAGE

The holding or containment of dry, semidry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.

CHLORIDE SALT

The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for winter road maintenance and water softener regeneration).

FERTILIZER

Any commercially produced mixture, generally containing phosphorus, nitrogen and/or potassium, which is applied to the ground to provide nutrients to plants.

FUNGICIDE

Any substance used to destroy or inhibit fungus growth.

GENERAL AQUIFER RECHARGE ZONE

The land outside of the primary recharge zone through which runoff and precipitation flow directly and rapidly into the ground, also known as "Zone III." (See Schenectady Aquifer Protection Zones Map, Plate No. 1).

GROUNDWATER

The slowly moving subsurface water resources present in the aquifer.

HAZARDOUS MATERIAL

Any substance listed in regulations promulgated under authority of either the Federal Resource Conservation and Recovery Act (RCRA) or Comprehensive Environmental Response Compensation and Liability Act or the New York State Environmental Conservation Law, Articles 40, 27 or 37 and amendments thereto, alone or in combination, including but not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to two, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathogenic or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity or Toxicity Characteristic Leaching Procedure (TCLP) toxicity.

[Amended 5-8-1991 by L.L. No. 2-1991]

HERBICIDE

Any man-made substance used to destroy or inhibit plant growth.

HUMAN EXCRETA

Human feces and urine.

LINEAR DISTANCE

The shortest horizontal distance from the nearest point of a structure or object to the boundary of any protection zone or to the edge, margin or steep bank forming the ordinary high-water line of a waterbody.

MUNICIPAL WATER PURVEYOR

The local official or board responsible for the operation, maintenance and provision of the public water supply in each of the respective municipal jurisdictions served by the Schenectady Aquifer, also to be known as the "Director of the Department of Water and Wastewater" in the City of Schenectady, the "Superintendent of Public Works" in the Village of Scotia, the "Superintendent of Water" in the Town of Glenville, the "Commissioner of Public Works" in the Town of Niskayuna and the Town Board of the Town of Rotterdam.

[Amended 8-28-1991 by L.L. No. 11-1991]

NONCONFORMING USE

A building, structure or permitted use of land lawfully existing at the time of the effective date of these rules and regulations or any amendments thereto, and which does not conform to the standards and prohibitions of the protection zone in which it is situated.

ON-SITE DISPOSAL SYSTEM

Any system used for the disposal of sewage, "industrial waste" or "other wastes," as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law, and including sewer systems and sewage treatment works, on a site or parcel of land.

OPEN STORAGE

The holding of a material in such a way which permits exposure to the elements of nature.

PESTICIDE

Any man-made substance used to destroy or inhibit pests such as rodents and insects.

PRIMARY RECHARGE ZONE

Those land areas of general aquifer recharge, also to be known as "Zone II" (see Schenectady Aquifer Protection Zones Map, Plate No. 1, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps), that contribute groundwater to the public wells, including and encompassing the Wellhead Protection Zone.

PROTECTION ZONES

Specific areas, also known as "Zones I through IV," that define a hierarchy of aquifer-sensitive land as designated and described herein and delineated on the Schenectady Aquifer Protection Zones Map, Plate No. 1, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps.

RADIATION

Ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave or visible, infrared or ultraviolet light.

RADIOACTIVE MATERIAL

Any material in any form regulated as a spontaneous emission of radiation within 10 NYCRR Part 16.

SALVAGE YARDS

An area where two or more unregistered, old or secondhand motor vehicles are being accumulated for purposes of disposal, resale of used parts or reclaiming certain materials such as metal, gas, fabric and/or the like.

SCHENECTADY AQUIFER

The saturated and overlying unsaturated geologic formations generally existing in the Mohawk Valley lowland areas within the municipal boundaries of the City of Schenectady, Village of Scotia and the Towns of Rotterdam, Glenville, Niskayuna and Princetown.

[Amended 5-8-1991 by L.L. No. 2-1991]

SEPTAGE

Residue removed from wastewater disposal systems.

SEWAGE

Any liquid, semiliquid or solid human or animal waste matter from a domestic, commercial, private or industrial establishment or other place, together with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law.

SLUDGE

The solid residue resulting from a municipal or industrial process of wastewater or water treatment.

SOLID WASTE

All putrescible and nonputrescible materials or substances discarded or rejected, including but not limited to garbage, refuse, industrial and commercial waste, sludges, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, discarded automobiles and offal, but not including sewage and other highly diluted waterborne materials.

SOLID WASTE MANAGEMENT FACILITY

Any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; landspreading facilities; composting facilities; surface impoundments; and waste oil storage, reprocessing, refining facilities, recyclables handling and recovery facilities and waste tire storage facilities.

SPILL

Any intentional or unintentional action or omission resulting in an unpermitted releasing, spilling, discharging, leaking, pumping, pouring, emitting, emptying or dumping of a petroleum product, toxic substance or any other potentially hazardous material so that such substances, products or materials may enter the environment.

TOXIC SUBSTANCE

Any compound or material which is or may be harmful to human health, as defined by § 4801, Subdivision 2, of the New York State Public Health Law.

TRIBUTARY WATERSHED ZONE

Land outside the aquifer area that contributes runoff overland and/or through surface streams for groundwater recharge, also known as "Zone IV." (See Schenectady Aquifer Protection Zones Map, Plate No. 1, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps).

UNDERGROUND INJECTION

The emplacement of fluids into the subsurface of the earth, including but not limited to radioactive hazardous and nonhazardous waste, and the use of this procedure for the production of oil or gas productions, the excavation of minerals or the emplacement of fluids into the subsurface of the earth, with the exception of sanitary wastewater discharges.

[Amended 5-8-1991 by L.L. No. 2-1991]

UNDERGROUND STORAGE FACILITY

Any tank, pipe or other vessel at least 10% of which is beneath the surface of the ground and is used for the purpose of material holding, storage or containment, except those used for public water and sewer.

WASTE TREATMENT FACILITY

Any facility used for the purpose of treating, neutralizing, stabilizing or disposing of sewage, but excluding small-scale septic systems and leachfields serving fewer than five residential units.

WATERBODY

Any river, stream, spring, pond, lake, reservoir or channel of water or any man-made culvert which flows directly into one of the aforementioned.

WELLHEAD PROTECTION ZONE

The surface extent of the cone of depression, immediately adjacent to the public wells, where groundwater is diverted to the public wells, also known as "Zone I." (See Schenectady Aquifer Protection Zone Maps, Plate No. 1, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps.)

§ 270-186. General provisions.

A. Agency actions:

- (1) No state, county or local government agency having jurisdiction shall perform any act nor grant any permit or approval for any use or activity within any of the herein defined protection zones which may result in the contravention of water quality standards as set forth in regulations promulgated under authority of the New York State Public Health law § 1100 regarding sources of water supply, and the New York State Environmental Conservation Law, Article 17, Water Pollution Control, and amendments thereto.

[Amended 5-8-1991 by L.L. No. 2-1991]

- (2) Where groundwater deterioration is likely to be caused by land development, municipal officials shall ensure that appropriate zoning or other controls are implemented to prevent groundwater contamination.

B. Accidental spills. Within any of the herein-defined protection zones, any person who is the owner of or in actual or constructive possession or control of a hazardous substance or any agent or employee thereof or any person in a contractual relationship therewith who is responsible for or has knowledge of any spill, as defined in § 270-185 above, of any petroleum, hazardous material, toxic substance or radioactive material to the ground surface or any water body, which is likely to have an adverse effect on water quality or quantity, shall notify the appropriate Municipal Water Purveyor and the New York State Departments of Environmental Conservation and Health, as described in the following Subsection B(1) and (2) of this section. The Municipal Water Purveyor shall notify all other appropriate agencies and the Board of any spill.

- (1) All spills shall be reported to the appropriate Municipal Water Purveyor and the New York State Department of Environmental Conservation within two hours of such spill or as soon as knowledge of such spill is obtained and shall be addressed in accordance with the provisions of Article 12 of the Navigation Law, §§ 170 through 197, and Article 17 of the New York State Environmental Conservation Law. Cleanup of spills is the responsibility of the owners; in case of material in transit, cleanup is the responsibility of the carrier.

- (2) The State Department of Health shall be advised of any spills within 12 hours.

C. SPDES permits. Within any of the herein defined protection zones, all applicants for a permit under the New York State Pollutant Discharge Elimination System (SPDES) shall simultaneously submit a copy of the application to the New York State Department of Environmental Conservation and the appropriate Municipal Water Purveyor. The Municipal Water Purveyor shall transmit a copy of this application to the Board for its information.

D. Exceptions. Exception to the rules and regulations may be granted by the Commissioner of Health after appropriate study and review, based on prior usage and unique local conditions, if, in his judgment, the health and safety of the consuming public will be protected because of treatment provided or other remedial action taken. Such exceptions shall be given to the applicant for such exception, the Municipal Water Purveyor and the Board, in writing, and only after a hearing on the question has been held.

E. Protection zone boundary adjustments.

- (1) When the location of a protection zone boundary, as shown on the adopted Protection Zones Map, is in dispute by any owner or abutter affected by said boundary, the owner or abutter, at his own expense, may engage a licensed engineer or professional hydrogeologist to conduct such investigations as are necessary to determine if a discrepancy exists in the mapped boundary. The owner or abutter shall

submit all pertinent findings to the appropriate Municipal Water Purveyor. The Municipal Water Purveyor shall transmit the submission to the Board. The Board shall investigate and hear evidence regarding the proposed adjustment and make a recommendation to the appropriate municipality. The appropriate municipality shall in turn hear evidence regarding the proposed boundary zone adjustment and make a recommendation to the Commissioner. The Commissioner shall act to grant, grant with conditions or deny the boundary adjustment request.

[Amended 5-8-1991 by L.L. No. 2-1991]

- (2) All amendments and adjustments to a protection zone boundary or designation shall be officially recorded on the Intermunicipal Watershed Rules and Regulations Protection Zones Map. The Board shall transmit to the State Commissioner of Health a copy of any such recorded amendments or adjustment.

F. Nonconforming buildings, structures and/or uses.

- (1) Nonconforming buildings, structures and/or uses of land may be continued subject to the owner of such building, structure or use of land demonstrating compliance with conditions set forth in Subsection **F(1)(a), (b) and (c)** below:
 - (a) Provide a written annual report with the following information submitted to and approved by the appropriate Municipal Water Purveyor:
 - [1] Changes in operation;
 - [2] Intended sale(s) of property;
 - [3] Results of state agencies programs, test results and audits from such programs as Petroleum or Chemical Bulk Storage, Resources Conservation and Recovery Act (RCRA), etc.; and
 - [4] Accidental spills (see § 270-186B).
 - (b) Develop and implement a plan to protect the aquifer from potential contaminations associated with land use activities.
 - [1] This plan must include:
 - [a] Restrictions or management of activities on the property.
 - [b] Dam/berm (revised drainage control) planned.
 - [c] Identification and development of operating procedures for potential pollution activities (i.e., changing oil of a car).
 - [d] Disposal procedure of toxic substance or hazardous material.
 - [2] The plan must be approved by the appropriate Water Purveyor.
 - (c) Should procedures described in Subsection **F(1)(a) and (b)** not prevent contamination of the Schenectady Aquifer or any portion thereof, the owner shall immediately cease the offending activity and shall be responsible to immediately remove the contamination of the aquifer.
- (2) No nonconforming building, structure or use of land shall be enlarged, altered or extended in any manner without a site plan review and specific prior approval by the Local Water Purveyor. No nonconforming building, structure or use of land may be modified in any way which is deemed by the Local Water Purveyor to increase its threat to the groundwater or otherwise contravene the purpose and intent of these watershed rules and regulations; however, in no event shall a nonconforming building, structure or use of land be permitted to expand, enlarge or extend the capacity to store or handle any materials or substances deemed to be a threat to the Schenectady Aquifer, including but not

limited to pesticides, herbicides, fungicides, fertilizers, chloride salt, septage, sewage, sludge, solid waste, hazardous materials, toxic materials or radioactive materials.

[Amended 5-8-1991 by L.L. No. 2-1991]

- (3) In the event that any nonconforming use is discontinued for a period of six months or more, it shall permanently desist. Any new building, structure or use of land shall conform to the purposes, intent and literal provisions of these rules and regulations and any amendment thereto. A nonconforming use of land may only be changed to a conforming use of land.

§ 270-187. Zone IV, Tributary Watershed Zone.

- A. The discharge or disposal of any hazardous material, toxic substance or radioactive materials is prohibited, except as allowed by a valid permit per regulations promulgated under authority of the New York State Environmental Conservation Law, Articles 1, 3, 8, 15, 17, 19, 23, 27, 52 and 70, and New York State Public Health Law § 225 and amendments thereto.
[Amended 5-8-1991 by L.L. No. 2-1991]
- B. The discharge, land application, burial or disposal of any septage, sewage, animal wastes, animal remains or human excreta within 100 feet of any water body is prohibited, except as allowed by a valid permit in accordance with regulations promulgated under authority of the New York State Environmental Conservation Law, Articles 1, 3, 8, 15, 17, 19, 23, 27, 52 and 70, and the New York State Public Health Law § 225, and amendments thereto.
- C. The dumping or disposing of snow or ice collected off-site from roadways or parking areas is prohibited within 100 feet of any water body.
- D. The open storage of agricultural chemicals, pesticides, herbicides, fungicides and fertilizers within 100 feet linear distance of any water body is prohibited.
- E. The open storage of coal or chloride salts within 100 feet linear distance of any water body is prohibited.

§ 270-188. Zone III, General Aquifer Recharge Zone.

Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this section, all regulations and provisions applicable to Zone IV shall also apply to Zone III.

- A. The construction, installation, maintenance or use of any aboveground storage facility that discharges any petroleum product, hazardous material or toxic substance into the groundwater or into any water body, except as allowed by a valid SPDES permit, is prohibited.
- B. The establishment of any raw waste landfill, ash landfill, construction/demolition landfill, junkyard, salvage yard or dump is prohibited.
- C. Any form of underground injection for any purpose is prohibited, with the sole exception of underground injection activities specifically and directly related to development or maintenance of water supply wells. With the exception of single-family residences, proposals to undertake water supply well development or maintenance-related underground injection require prior review and approval from the appropriate Municipal Water Purveyor.
- D. The aboveground discharge, land application or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta is prohibited.
- E. The dumping or disposing of snow or ice collected off site from roadways or parking areas into or within 100 feet of any water body is prohibited.

- F. The storage of pesticides, herbicides, fungicides and fertilizers for wholesale, retail or commercial agricultural purposes is prohibited unless authorization has been obtained from the New York State Department of Environmental Conservation as provided by Article 33 of the New York State Environmental Conservation Law. The open storage of such material is prohibited.
- G. The bulk storage of coal or chloride salts is prohibited except in a watertight ventilated structure constructed on an impervious surface that prevents all seepage and runoff. To protect the structure's contents from exposure to the weather, all entrances without permanent doors shall be covered with a properly secured waterproof material. Any outside areas used for loading, handling or mixing shall be constructed of impervious material, sealed and diked in such a manner so as to prevent all seepage and runoff from entering the groundwater or any water body.
- H. The owner of any aboveground or underground storage facility existing on the effective date of these rules and regulations shall notify the appropriate Municipal Water Purveyor and all other appropriate agencies of any leak or spill promptly upon its discovery. The owner shall immediately undertake any such actions as may be necessary to prevent contamination of the groundwater. The Municipal Water Purveyor shall transmit this information to the Board and all other involved or interested agencies.
- I. The drilling, construction, installation, discontinuance and abandonment of all individual or private water supply wells shall comply with the requirements and standards of the New York State Department of Health.
- J. Any underground storage facility that is out of service for more than one year shall be removed. Any liquid residue shall be removed from the facility, and all connecting lines shall be securely capped or plugged.
- K. Sanitary sewer lines, pipes and mains shall meet the tightness specifications set by the Water Pollution Control Federation. Remedial measures shall be taken by the owner if there is evidence of excessive exfiltration.

§ 270-189. Zone II, Primary Recharge Zone.

Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this section, all regulations and provisions applicable to Zones IV and III shall also apply to Zone II.

- A. Uses that pose a risk to groundwater quality due to associated storage, use or handling of hazardous materials or toxic substances, as defined by regulations promulgated under authority of the New York State Environmental Conservation Law, Articles 3, 17, 37 or 40, and amendments thereto, are prohibited. These uses include but are not limited to motor vehicle service or body shops; salvage yards; trucking or bus terminals; coin or commercial laundries; on-site processing relating to dry cleaning and dyeing establishments; furniture stripping and refinishing operations; printing and photographic establishments; the storage for sale of gasoline, diesel fuel, heating oil, lubricants, antifreeze, solvents or agricultural or industrial chemicals.
[Amended 5-8-1991 by L.L. No. 2-1991]
- B. The commercial excavation or extraction of soils, sands and gravels, with the exception of those existing mining operations authorized by the New York State Department of Environmental Conservation under Article 23, Title 27, of the New York State Environmental Conservation Law, is prohibited.
- C. The introduction into an existing on-site disposal system of any material that is potentially hazardous to groundwater quality, including but not limited to petroleum products, solvents or brines, is prohibited.
- D. The establishment of any solid waste management or waste treatment facility is prohibited.
- E. The installation of any underground storage facility is prohibited.
- F. The interment of human or animal remains is prohibited.
- G. The dumping or disposing of snow or ice collected off-site from roadways or parking areas is prohibited.

- H. Approval is required from the appropriate municipal authority having jurisdiction prior to the installation of any new on-site septic disposal system or the replacement or expansion of any existing on-site septic disposal system. Conditions for approval shall include an engineering plan deemed acceptable by the Municipal Building Inspector/Code Enforcement Officer and/or Engineer, a site-specific soils analysis, verification of the site's percolation rate and inspection of the site before backfilling. A copy of the approval will be forwarded to the Water Purveyor.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- I. Approval is required from the appropriate Municipal Water Purveyor prior to the spreading, application or use of any pesticide, herbicide or fungicide for commercial agricultural purposes. Applications for approval shall include a description of the area to be covered and identification of the type and volume of the material to be used, plus a full environmental assessment of the activity's potential to contaminate the groundwater. A referral is required from the county's Soil and Water Conservation District representative and the county's Cooperative Extension Office representative prior to the spreading, application or use of any pesticides, fungicides or herbicides by any licensed applicator.

[Amended 5-8-1991 by L.L. No. 2-1991]

§ 270-190. Zone I, Wellhead Protection Zone.

Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this section, all regulations and provisions applicable to Zones IV, III and II shall also apply to Zone I.

- A. All land uses and development activities other than those directly connected with the pumping and treatment of public water supplies are prohibited, with the exception of existing single-family residences to which the relevant restrictions of these regulations shall apply.
- B. The storage or handling of any septage, sewage, sludge, animal wastes, human excreta, hazardous material, toxic substances or radioactive materials, with the exception of existing single-family residences to which the relevant restrictions of these regulations shall apply and except for fuels and chemicals necessary for pumping and treatment of water supply wells, is prohibited.
- C. The bulk storage of coal or chloride salts is prohibited.
- D. The use of pesticides, herbicides, fungicides and fertilizers for commercial/agricultural purposes is prohibited.
- E. No filling, excavation or dredging other than those activities specifically referenced in § 270-189B, is permitted in any manner without prior site plan review and specific approval by the appropriate Municipal Water Purveyor. Conditions for approval shall include certification and concurrence from the Local Water Purveyor that the activity shall not contravene water quality standards as set forth in regulations promulgated under authority of the New York State Environmental Conservation Law, Article 17, and amendments thereto, based upon an environmental assessment specifically addressing the need for the activity and its potential impact.
[Amended 5-8-1991 by L.L. No. 2-1991]
- F. All other use of pesticides, herbicides, fungicides and fertilizers shall be in conformance with the application rates recommended by the Cooperative Extension Association of Schenectady.

§ 270-191. Inspections.

- A. Each Municipal Water Purveyor, by such agents as may be charged with the maintenance or operation of the water supply system, is authorized to make reasonable and periodic inspections of all properties within the boundaries of the protection zones, consistent with all constitutional limitations, to ascertain conformance with these intermunicipal rules and regulations. Through the course of a year, the aforesaid shall make regular reports to the Board describing the results of these inspections, plus any other information relevant to the enforcement and administration of these rules and regulations.

- B. Information necessary to demonstrate compliance shall be submitted at the request of the Municipal Water Purveyor. The aforesaid shall cause copies of any provisions violated to be served upon the violator, together with notices of such violations. If said violator does not immediately comply, the Municipal Water Purveyor shall take any and all appropriate remedial action and shall promptly notify the Board and the State Commissioner of Health of such violations.
- C. The Board shall make annual reports to the State Commissioner of Health prior to the 30th day of January, including such information as the number of inspections, violations found, notices served, violations abated, the general condition of the resource and any other information relevant to the enforcement and administration of these rules and regulations.

§ 270-192. Variances.

- A. Standards. An owner who experiences unnecessary hardship as a consequence of the literal interpretation of the provisions of these rules and regulations may request a hearing by the Commissioner of Health. The Commissioner may grant a variance of the requirements of the rules and regulations if the Commissioner finds that the health, welfare and safety of the consuming public will be protected. In making this determination, the Commissioner shall consider the following factors and make findings with respect to each:
 - (1) Whether the use or activity to be authorized by the variance is in harmony with the purpose and intent of these rules and regulations.
 - (2) Whether a substantial change will be produced in the general condition of the resource or a substantial risk to groundwater quality or quantity will be created as a result of the variance.
 - (3) Whether the hardship can be alleviated by some other method that is feasible for the applicant to pursue.
 - (4) After considering all permitted uses, whether the property in question cannot yield a reasonable return if used for any purpose allowed in that protection zone.
 - (5) Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Health Department may grant a lesser variance than that applied for.
 - (6) Whether the hardship has not been created by the applicant.
- B. Decision of the Commissioner. The Commissioner may request the Municipal Water Purveyor and the Board to review any application for a variance prior to reaching a determination with respect to the request. The Commissioner may impose such conditions as he may deem necessary to serve the purpose and intent of these rules and regulations.
 - (1) The Commissioner shall act on all requests within 60 days of a complete variance application. Failure to act within this sixty-day period shall be deemed a denial of the application.
 - (2) Every decision of the Health Department to grant, grant with conditions or deny a variance request shall be made in writing and served to the Board, the appropriate Municipal Water Purveyor and the applicant and shall include all findings made with respect to the aforementioned factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be deemed a violation of these rules and regulations.
 - (3) The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required by the municipality in which such action is proposed.
- C. Variance application procedure. Applications for a variance shall be submitted to the appropriate Municipal Water Purveyor in the form of a registered letter and shall contain at least the following information:

- (1) The applicant's name, address and interest in the subject property; or the owner's name and address, if different from the applicant, and the owner's signed consent to file the application.
- (2) The protection zone location, along with the street address and legal description of the subject property.
- (3) A narrative description of the proposed use or action, together with any other pertinent information that may be necessary to adequately review the application.
- (4) A sketch plan illustrating all proposed site alterations, all structures existing on site, the existing uses and zoning of adjacent parcels, site contours and drainage patterns.
- (5) A statement articulating the hardship imposed by the enforcement and administration of these rules and regulations, with specific reference to the factors listed in § 270-192A of these rules and regulations.
- (6) A statement assessing the potential impact on groundwater quality of the use or activity to be authorized by the waiver or variance.

§ 270-193. Penalties for offenses.

Any person, firm or corporation who violates any provisions of these intermunicipal watershed rules and regulations or a permit or other approval granted hereunder shall be subject to those penalties specified in § 1103 of the New York State Public Health Law. Any such violation may be enjoined subject to §§ 1104 and 1105 of the New York State Public Health Law.

§ 270-194. Amendments.

- A. The Board, from time to time, on its own motion or on a recommendation from any community in Schenectady County served by the Schenectady Aquifer, may propose to amend, supplement or change the provisions of these rules and regulations. In proposing any amendment, supplement or change, the Board shall, in writing, state the reason for such action.
- B. No amendment, supplement or change proposed by the Board shall become a valid part of these rules and regulations until it is duly adopted by resolution of the governing bodies of each of the communities in Schenectady County served by the Schenectady Aquifer, approved by the State Commissioner of Health and filed in the office of the Secretary of State.

§ 270-195. Severability.

In the event that any section, paragraph or part of these rules and regulations is for any reason declared invalid or held unconstitutional by the courts, every other section, paragraph and part shall continue in full force and effect.

§ 270-196. Administrative procedures.

[Added 5-8-1991 by L.L. No. 2-1991]

Procedures for the administration of these rules and regulations are contained within the Schenectady Aquifer Schenectady Intermunicipal Watershed Rules and Regulations Administrative Procedures Manual. Such administrative procedures may be revised by the Board as it deems necessary.

Article XXIII. RA Residential Agricultural District

[Added 5-26-1993 by L.L. No. 9-1993]

§ 270-197. Regulations to apply.

The following regulations shall apply to all RA Districts.

§ 270-198. Permitted uses.

The following principal uses are permitted as of right in the RA District:

- A. Single-family dwellings.
- B. Churches or similar places of worship, parish houses, convents and community houses.
- C. Public and private schools.
- D. Firehouses.
- E. Public parks, playgrounds and other municipal recreational uses.
- F. Public libraries and museums.

§ 270-199. Special uses.

[Amended 11-24-1999 by L.L. No. 17-1999]

The following special uses may be permitted or denied subject to special use review under Article **XIX** of this chapter:

- A. Golf courses and accessory facilities.
- B. New York State Department of Motor Vehicles driver training classes operated by a nonprofit or municipal corporation.
- C. Care homes.
- D. Temporary accessory home-care units per Article **IV**, § **270-15.2**.
- E. Bed-and-breakfasts.

§ 270-200. Accessory uses.

Accessory uses in the RA District shall be limited to the following:

- A. Private garages with no more than three stalls for the parking or storage of private automobiles subject to the provisions contained in Article **XVIII**.
- B. Private swimming pools, tennis courts and other private recreational facilities for the use of residents and not run for gain.
- C. Permitted home occupations.
- D. Accessory parking and loading.
- E. Buildings for lawn care, gardening or maintenance of residential property.

F. Fallout shelters.

G. Dish antennas and permitted accessory towers.

§ 270-201. Maximum building height.

The maximum building height shall be three stories, not exceeding 40 feet for residential principal uses.

§ 270-202. Lot area.

[Amended 11-24-1999 by L.L. No. 17-1999]

The required minimum lot area shall be not less than 1/2 acre, with a front property line minimum of 100 feet.

§ 270-203. Lot coverage.

Lot coverage shall not exceed 40% percent.

§ 270-204. Yard requirements.

A. Front yard depth shall be 25 feet.

B. Side yard width shall be not less than 10 feet.

C. Rear yard depth shall be not less than 25 feet, except that a detached garage may be built five feet from the rear and side property lines.

§ 270-205. Parking.

Off-street parking requirements applicable in the RA District are set forth in § **270-149** of this chapter.

§ 270-206. Additional uses.

For additional regulations relative to specific uses, see Article **XVIII**.

Article XXIV. Conservation Advisory Council

[Added 1-12-2000 by L.L. No. 1-2000]

§ 270-207. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Rotterdam, in the face of population growth, urbanization, and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing board of the Town of Rotterdam. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town of Rotterdam working in partnership with local and state officials and with various public and private industries, agencies and organizations, establishment of a Conservation Advisory Council is a necessary step in fostering unified action on environmental problems.

§ 270-208. Membership; terms of office.

- A. The Council shall consist of seven members, all of whom shall be appointed by the Town Board of the Town of Rotterdam and who shall serve at its pleasure. Persons residing within the Town of Rotterdam who are interested in the improvement and preservation of our environment shall be eligible for appointment as a member of the Council. Vacancies on the Council shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term. Three of the members appointed shall hold office for a term of one year; the second four members appointed shall hold office for a term of two years; the successors of all seven initial appointees shall be appointed for full terms of two years.
- B. The Town Engineer, or anyone designated by the Town Engineer, shall be an ex officio, nonvoting member.

§ 270-209. Officers, meetings and committees.

At the first meeting of the Council, its members shall elect from among themselves a Chairperson and a Recording Secretary. The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 270-210 of this article.

§ 270-210. Powers and duties of Council.

The powers and duties of the Council shall be to:

- A. Advise the Town Board of the Town of Rotterdam on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Town insofar as beauty, quality, biologic integrity and other environmental factors are concerned and in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the town.
- B. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Conduct studies, surveys and inventories of the natural and man-made features within the Town of Rotterdam and such other studies and surveys as may be necessary to carry out the general purposes of this article.
- D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps and marshlands; other wetlands; unique biotic communities; and scenic and other open areas of natural or ecological value, and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or use.
- E. Seek to coordinate, assist and unify the efforts of private groups and individuals within the Town of Rotterdam in accord with the purposes of this article.
- F. Act as liaison and maintain communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council. The Chairperson of the Rotterdam Conservation Advisory Council shall be the voting member of the Schenectady County Environmental Conservation Advisory Council.
- G. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Master Plan of the Town of Rotterdam and, similarly, recommend to the Town Board appropriate and desirable changes in existing local

laws and ordinances relating to environmental control or recommend new local laws and ordinances. The Council shall also interface with the Planning and Zoning Boards and make recommendations to them on environmental aspects of contemplated changes of zoning or land use.

- H. Prepare, print and distribute books, maps, charts and pamphlets in accordance with the purposes of this article.
- I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Council into local environmental conditions.
- J. When authorized by resolution of the Town Board, the Council may accept, by gift, grant, devise, bequest or otherwise, property both real and personal in the name of the Town of Rotterdam, as may be necessary to conserve and otherwise property utilize open spaces and other land and water resources within the boundaries of the Town of Rotterdam.
- K. Carry out such other duties as may be assigned from time to time by the Town Board and to carry out such tasks or responsibilities, consistent with the objectives of Article 12-F of the General Municipal Law, as may be assigned by resolution of the Town Board.

§ 270-211. Reports.

The Council shall submit an annual report to the Town Board, not later than the first day of April of each year, concerning the activities and work of the Council and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this article.

§ 270-212. Compensation and expenses.

[Amended 1-23-2013 by L.L. No. 2-2013]

The members of the Council, excluding ex officio members, may receive compensation for their services as members thereof and may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available thereof. The Council may prepare and submit an annual budget request in writing to the Town Board to defray expenses for compensation, professional staff, consultants, clerical assistants and printing and distribution of publications.

§ 270-213. Construction.

This article shall be deemed an exercise of the powers of the Town of Rotterdam to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This article is not intended and shall not be deemed to impair the powers of any other public corporation.

Article XXV. Supplemental Regulations

[Added 8-8-2001 by L.L. No. 9-2001]

§ 270-214. Adult entertainment uses.

- A. Findings and legislative intent.
 - (1) It is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics under certain circumstances, which produce a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Town Board of the Town of Rotterdam finds it in the public interest to enact these regulations. The purpose of these

regulations is to prevent or lessen the secondary effects of adult entertainment uses, and not to inhibit freedom of speech.

- (2) The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and future plans for the Town of Rotterdam in that they often result in influences on the community which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.

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

ADULT ENTERTAINMENT USES

(1) **ADULT BOOK AND/OR VIDEO STORE**

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, periodicals or other printed matter or photographs, films, videos, slides or other visual representations, which are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities which are for sale, rental or viewing on or off the premises.

(2) **ADULT ENTERTAINMENT CABARET**

A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides or other photographic material, or which utilizes employees who, as part of their employment, regularly expose patrons to specified sexual activities or specified anatomical areas.

(3) **ADULT THEATER**

A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.

(4) **ADULT MOTION PICTURE THEATER**

Any motion-picture theater where, for any form of consideration, films, motion pictures, videocassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(5) **MASSAGE ESTABLISHMENT**

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

(6) **ADULT MODEL STUDIO**

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

(7) **PEEP SHOWS**

A theater which presents materials distinguished or characterized by primary emphasis on matters depicting, describing or relating to specified sexual activities or specified sexual anatomical areas,

in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged.

SPECIFIED ANATOMICAL AREAS

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (2) Human male genital in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- (1) Human genitals in a state of sexual stimulation or arousal; or
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

C. Location restrictions. Notwithstanding Chapter 217 of the Rotterdam Code, adult entertainment uses shall be permitted only in Industrial Zoning Districts known as "Duanesburg Road, Rotterdam, New York," Tax Identification Numbers 58.00-1-200./1, 58.00-1-200./3, 58.00-1-2.2, 48.18-7-35, 48.18-7-36, 48.18-7-37, 48.18-7-38, 48.18-7-39, and subject to the following restrictions:

- (1) Adult entertainment uses are prohibited within:
 - (a) Five hundred feet of any zoning district which is zoned to allow residential use.
 - (b) Five hundred feet of any single-family, two-family or multiple-family dwelling, including structures devoted to both residential and commercial or business purposes.
 - (c) Five hundred feet of any public or private school.
 - (d) Five hundred feet of any church or other religious facility or institution.
 - (e) Five hundred feet of any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
- (2) No adult entertainment use shall be allowed within 500 feet of another existing adult entertainment use.
- (3) No more than one adult entertainment use shall be located on any lot.
- (4) The distances provided hereinabove shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult entertainment use is to be located to the nearest point of the parcel of property or the land use district boundary line from which the adult entertainment use is to be separated.

D. Other restrictions.

- (1) No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not containing an adult entertainment use. This provision shall apply to any display, decoration, sign, show, window or other opening.
- (2) There shall be no outdoor sign, display or advertising of any kind other than one identification sign limited to only the name of the establishment.
- (3) Adult entertainment uses shall obtain site plan approval from the Planning Board in accordance with Chapter 270, Article XVII, of the Zoning Code.

- (4) Adult entertainment uses shall meet all other regulations of the Town of Rotterdam, including but not limited to district lot and bulk regulations, parking regulations and signage.
- (5) It shall be unlawful to operate an adult entertainment use between the hours of 12:00 midnight and 8:00 a.m.

Article XXVI. Erosion and Sediment Control

[Added 4-27-2005 by L.L. No. 9-2005]

§ 270-215. Requirements and regulations.

A. Findings and legislative intent:

- (1) Uncontrolled drainage and runoff associated with land development activity has a significant impact upon the health, safety and welfare of the community.
- (2) Eroded soil endangers water resources by reducing water quality and causing the silting of streams, lakes and other water bodies, adversely affecting aquatic life.
- (3) Stormwater runoff and sediment transports pollutants such as heavy metals, hydrocarbons, nutrients and bacteria to water resources, degrading water quality.
- (4) Eroded soil necessitates repair and accelerates the maintenance needs of stormwater management facilities.
- (5) Clearing, grading and altering natural topography during construction tends to increase erosion.
- (6) Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing stream bank erosion and sedimentation.
- (7) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- (8) Improperly managed stormwater runoff can increase the incidence of flooding and the severity of floods that occur, endangering property and human life.
- (9) Substantial economic losses can result from these adverse impacts.
- (10) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized through the regulation of land development activities.

B. Purpose. The purpose of this article is to safeguard persons, protect property, and prevent damage to the environment in the Town of Rotterdam, New York. This article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other land development activity. This article seeks to meet these purposes by achieving the following objectives:

- (1) Minimize soil erosion and sedimentation on streams, water bodies, and neighboring properties.
- (2) Avoid excessive and/or unnecessary tree and vegetation removal.
- (3) Minimize air quality degradation that can occur as a result of windblown soil associated with properties being cleared and graded for development.
- (4) Maintain the integrity of watercourses and sustain their hydrologic functions.

- (5) Prevent increases in the magnitude and frequency of stormwater runoff to prevent an increase in flood flows and the hazards and costs associated with flooding.
 - (6) Prevent decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity, and water supplies.
 - (7) Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural biological function of water bodies.
- C. Statutory authority. In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Rotterdam has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Rotterdam and for the protection and enhancement of its physical environment. The Town Board may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.
- D. Applicability. Unless specifically exempted in Subsection **D(1)** below, no person, corporation, or other legal entity shall engage in land clearing activity or grading in the Town without having received a site development permit from the Town of Rotterdam Department of Public Works (DPW). Depending upon the project, this permit may also require approval of a stormwater pollution prevention plan (SWPPP).
[Amended 3-11-2009 by L.L. No. 2-2009]
- (1) No SWPPP is required by this Code for the following exempt activities:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Agricultural operations conducted as a permitted principal or accessory use.
 - (c) Construction activities on property used for agriculture or silvaculture involving a disturbance of less than five acres.
 - (d) Mining, as defined as any activity regulated by the New York State Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27).
 - (e) The renovation/replacement of a septic system serving an existing dwelling or structure.
 - (f) Lawn and landscaping maintenance on developed properties unless such activity meets the definition of "major project" or "minor project" under this Code.
 - (g) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
 - (h) Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management and/or MS4 Coordinator.
 - (i) Cemetery graves.
 - (j) Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.
 - (2) Applicants must also obtain all other permits required by state, federal, and local laws. Whenever the particular circumstances of a proposed land development activity require compliance with special use, site plan, or subdivision procedures of the Town of Rotterdam, the Planning Commission should make every effort possible to integrate the requirements prescribed herein as appropriate and determine the adequacy of the SWPPP.
- E. Review and approval.

- (1) No application for a land development activity permit, special permit or site plan approval shall be approved until the appropriate board and/or department has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications contained herein.
[Amended 3-11-2009 by L.L. No. 2-2009]
- (2) For land development activity not subject to special permit, site plan, or subdivision requirements, the Stormwater Management Officer and/or his or her designee shall review the SWPPP to determine its completeness and conformance with the provisions herein. Within 30 days of receipt of a SWPPP, the Stormwater Management Officer and/or his or her designee shall make a determination as to whether it is complete. If it is deemed not complete, the Stormwater Management Officer and/or his or her designee shall notify the applicant in writing as to the deficiencies in the plan and the requirements for completeness. Within 30 days after receiving a complete plan, the Stormwater Management Officer and/or his or her designee, shall, in writing:
 - (a) Approve the permit application;
 - (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (c) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- (3) Failure of the Stormwater Management Officer and/or his or her designee to act on a complete original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Town. Pending preparation and approval of a revised plan, land development activities shall not be allowed to proceed. Nothing herein shall relieve an applicant's need to obtain a building permit or other approvals as required by the Town Code.
[Amended 3-11-2009 by L.L. No. 2-2009]
- (4) For projects subject to special permit, site plan, or subdivision requirements, the DPW shall refer the application to the Town Planning Commission for incorporation into the required review process. The Stormwater Management Officer and/or his or her designee shall determine the completeness of the SWPPP. For projects subject to subdivision requirements, preliminary approval shall not be granted until the Planning Commission has received a SWPPP prepared in accordance with the specifications contained herein.
- (5) In its review of the plan, the Stormwater Management Officer may consult with the Town Designated Engineer, the Schenectady County Soil and Water Conservation District, the New York State Department of Environmental Conservation, or any other appropriate agency or firm qualified in the review and/or design of stormwater management and erosion control plans.

F. Stormwater Pollution Prevention Plan contents.

- (1) The SWPPP shall include the following:
 - (a) A written narrative identifying the project's scope, including the location, type and size of the project.
 - (b) A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of stormwater discharge(s). The specific location(s), size(s), and length(s) of each erosion and sediment control practice shall also be shown. The site map should be at a scale no smaller than one inch equals 100 feet.
 - (c) A natural resources map identifying existing vegetation; on-site and adjacent off-site surface water(s), wetlands, and drainage patterns that could be affected by the construction activity; and

existing and final slopes.

- (d) A description of soil(s) present at the site along with any existing data that describes the stormwater runoff characteristics at the site.
 - (e) A construction phasing plan describing the intended sequence of construction activities including clearing, excavation and grading; utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Urban Erosion and Sediment Control, most current version or its successor, there shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.
 - (f) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges.
 - (g) A description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (h) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (i) The dimensions, material specifications (e.g., seeding mixtures and rates, types of sod, kind and quantity of mulching) and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
 - (j) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
 - (k) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices, including estimates of the cost of maintenance.
 - (l) A delineation of SWPPP implementation responsibilities for each part of the site.
 - (m) A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (2) For major projects, the following shall also be provided:
- (a) A site map/construction drawing(s) of each postconstruction stormwater practice including a description of each postconstruction stormwater control practice, including specific location(s) and size(s), dimensions, material specifications and installation details. The New York State Stormwater Management Design Manual, most current version or its successor, shall serve as the technical design standard. Deviations from this Design Manual are permitted subject to review and approval by the New York State Department of Environmental Conservation within 60 business days of receipt of a completed notice of intent (NOI).
 - (b) A hydrologic and hydraulic analysis for all structural components of the stormwater control system for the applicable design storms.

- (c) A comparison of postdevelopment stormwater runoff conditions with pre-development conditions.
- (d) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater control practice.

G. Plan certification.

- (1) The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer. The SWPPP must be signed by the professional preparing the plan, who shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law."

- (2) For major projects, the licensed/certified professional, or his or her designee, who prepared the SWPPP shall be on site upon commencement of clearing and grading, and shall certify that all erosion and sediment control measures have been installed in accordance with the plan. Such certification shall be submitted to the Town of Rotterdam Stormwater Management Officer. In addition, a licensed/certified professional shall be on site on all days when construction or grading activity takes place.

H. Contractor certification. The SWPPP must clearly identify the contractor(s) and subcontractor(s) that will implement each stormwater and erosion control measure. All contractors and subcontractors identified in the SWPPP shall sign a copy of the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

I. SWPPP review and amendment.

- (1) The permittee shall amend the SWPPP whenever there is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP as determined by the licensed/certified professional, the Stormwater Management Officer and/or his or her designee, or the NYS Department of Environmental Conservation.
- (2) The SWPPP shall be amended if it proves to be ineffective in:
 - (a) Eliminating or significantly minimizing pollutants from sources identified in the SWPPP; or
 - (b) Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity.
- (3) Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. Amendments to the SWPPP shall be processed and approved or disapproved in the same manner as in Subsection E of this section by written authorization to the permittee.

J. Design and performance standards.

- (1) In general, wetlands, watercourses and natural drainage channels should not be filled, graded or altered. When protection of wetlands, trees, steep slopes or other environmentally sensitive area is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.).
 - (a) A vegetative buffer (25 feet minimum) shall be maintained between disturbed areas and protected federal designated wetlands. The twenty-five foot buffer shall not be disturbed without special use permit approval as provided by Article XIX of this chapter.
 - (b) A vegetative buffer (100 feet minimum) shall be maintained between disturbed areas and protected state designated wetlands. The one-hundred-foot adjacent area shall not be disturbed without special use permit approval as provided by Article XIX of this chapter and any applicable approvals/permits as required by the NYS Department of Environmental Conservation.
 - (c) A watercourse buffer shall not be disturbed without special use permit approval as provided by Article XIX of this chapter.
- (2) Grading, erosion, and sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the New York Standards and Specifications for Erosion and Sediment Control published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of postconstruction structures, the technical standards are currently detailed in the publication "New York State Storm water Management Design Manual, published by the Department of Environmental Conservation.
- (3) Cut-and-fill slopes shall be no greater than 2:1, except where retaining walls, structural stabilization or other methods acceptable to the Department of Public Works and/or Town Designated Engineer are used. Disturbed areas shall be restored as natural appearing landforms, and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions shall be avoided.
- (4) Clearing and grading shall be substantially confined to designated building envelopes, utility easements, driveways, and parking footprint. Clearing and grading techniques that retain natural vegetation and drainage patterns, as described in the most recent version of Standards and Specifications for Erosion and Sediment Control referenced above shall be used to the satisfaction of the responsible board. No clearing or grading shall take place within the established fifty-foot watercourse buffer area except to provide road crossings where permitted.
- (5) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (6) Phasing shall be required on all sites disturbing greater than 20 acres, with the size of each phase to be established at plan review and as approved by the Town Planning Commission (if applicable), the Stormwater Management Officer, and/or his or her designee. There shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.
- (7) The permittee shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:
 - (a) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
 - (b) Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures need not be initiated on that portion of the site.

- (8) The mere parking and moving of construction vehicles around the site does not constitute construction or earth-disturbing activity. If the permittee is not diligently pursuing the project toward completion as determined by the Stormwater Management Officer or designated agent, he/she may issue a notice of violation and stipulate that the stabilization measures as outlined above shall be undertaken to prevent site erosion.
- (9) If seeding or another vegetative erosion control method is used, it shall become established within 14 days or the applicant may be required to reseed the site or use a nonvegetative option.
- (10) Special techniques that meet the design criteria outlined in the most recent version of Standards and Specifications for Erosion and Sediment Control shall be used to ensure stabilization on steep slopes or in drainageways.
- (11) Soil stockpiles must be stabilized or covered at the end of each workday.
- (12) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (13) Techniques that divert upland runoff past disturbed slopes shall be employed.
- (14) Adjacent properties shall be protected by the use of a vegetated buffer strip in combination with sediment controls.
- (15) Stabilization shall be adequate to prevent erosion located at the outlets of all pipes and paved/rip-rap channels.
- (16) Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- (17) Development should relate to site conditions and disturbance of steep slopes avoided. Grading should be minimized by utilizing the existing topography whenever possible. Roads and driveways shall follow the natural topography to the greatest extent possible.
- (18) In areas of severe slopes (exceeding 25%), land-disturbing activities are not permitted unless approved by a licensed professional civil engineer. A twenty-five-foot buffer must be maintained between any disturbed area and the top of slopes 25% and greater unless approved by a licensed professional Civil Engineer

K. Water quality standard. Any land development activity shall not result in:

- (1) An increase in turbidity that will cause a substantial visible contrast to natural conditions;
- (2) An increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best uses; or
- (3) Residue from oil and floating substances, nor visible oil film, or globules of grease.

L. Erosion and sediment control inspection.

- (1) The Town of Rotterdam's Stormwater Management Officer and/or his or her designated agent may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the SWPPP as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before the following as required by the SWPPP:
 - (a) Start of construction and initial installation of sediment and erosion controls.
 - (b) Installation of sediment and erosion measures as site clearing and grading progresses.

- (c) Completion of site clearing.
 - (d) Completion of rough grading.
 - (e) Completion of final grading.
 - (f) Close of the construction season.
 - (g) Completion of final landscaping.
 - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. Corrective actions may include, but are not limited to, the repair and/or restoration of off-site impacts. Depending upon the severity of the violation, in certain circumstances, no further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Town of Rotterdam's Stormwater Management Officer and/or designated agent.
- (3) The operator shall have a qualified professional conduct an assessment of the site prior to the start of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site. Following the start of construction, site inspections shall be conducted by a qualified professional at least every seven calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The purpose of such inspections will be to determine the overall effectiveness of the plan and the need for additional control measures. During each inspection, the qualified professional shall record the following information:
- (a) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next fourteen-day period.
 - (b) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
 - (c) Indicate all disturbed site areas that have not undergone active site work during the previous fourteen-day period;
 - (d) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of the sediment storage volume;
 - (e) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems and containment systems. Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water, and
 - (f) All deficiencies that are identified with the implementation of the SWPPP.
- (4) A copy of the NOI and a brief description of the project shall be posted at the construction site in a prominent place for public viewing. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the beginning of construction activities to the date of final stabilization. The SWPPP and inspection reports are public documents that the operator must make available for inspection, review and copying by any person within five business days of the operator receiving a written request by such person to review the SWPPP and/or the inspection reports. Copying of documents will be done at the requester's expense.

- (5) The operator shall maintain a record of all inspection reports in a site log book. The site log book shall be maintained on-site and be made available to the Town upon request. The operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis.
- (6) Any employee of the Department of Public Works, the Stormwater Management Officer, or the Town's designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Subsection L(3) above.

M. Inspections of stormwater management practices (SMP).

- (1) The Stormwater Management Officer or designated agent is responsible for conducting inspections of stormwater management structures and practices. All operators are required to submit as-built plans certified by a licensed/certified professional for any permanent stormwater management practices located on-site after final stabilization. [NOTE: Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches, or geotextile mats) have been employed on all unpaved areas and areas not covered by permanent structures.] Operators shall also provide the owner(s) of such structure(s) with a manual describing the operation and maintenance practices that will be necessary in order for the structure to function as designed. The operator must also certify that the permanent structure(s) have been constructed as described in the SWPPP. This certification may be able to be accomplished by providing to the Town of Rotterdam a copy of the notice of termination (NOT) filed with the NYSDEC.
- (2) All certified as-built plans, lands, structures, and/or appurtenances to be dedicated to the Town of Rotterdam shall be reviewed, inspected and approved by the Town Stormwater Management Officer or designated agent prior to acceptance by the Town of Rotterdam.
- (3) Upon certification by the operator's licensed/certified professional that a final site inspection has been conducted and that final stabilization has been accomplished and all stormwater management practices have been constructed as described in the SWPPP, the operator shall complete and file a notice of termination as prescribed by the NYSDEC and file a copy with the Town of Rotterdam to notify it that he or she have complied with this section and that the project is complete.

N. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

O. Performance guarantee.

- (1) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Rotterdam in its approval of the stormwater pollution prevention plan, the Town of Rotterdam may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Rotterdam as the beneficiary. The security shall be in an amount determined by the Town of Rotterdam based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Rotterdam, provided that such period shall not be less than one-year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town.

- (2) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Rotterdam with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- (3) Recordkeeping. The Town of Rotterdam may require entities subject to this article to maintain records demonstrating compliance with this article.

P. Retention of licensed/certified professional; payment.

- (1) The Town Planning Commission and/or DPW is hereby authorized to retain licensed/certified professionals as are determined to be necessary to carry out the review of an SWPPP or to make regular inspections of all control measures in accordance with the approved plan.
- (2) Payment for the services of such professionals is to be made from funds deposited by the applicant with the Town in escrow accounts for such purposes.
- (3) It shall be the responsibility of the applicant to submit to the Town certified check(s) in amounts equal to the estimate of the licensed/certified professional for the cost of services to be rendered. Estimates shall reflect reasonable costs at prevailing rates. The Town shall make payments to said professional for services rendered to it upon acceptance by the Town of said service.

Q. Enforcement and penalties.

- (1) The operator and all contractors and subcontractors must comply with all conditions of a SWPPP issued pursuant to this article. In the event that a permit holder violates the terms of the SWPPP or implements site development in such a manner as to adversely affect the health, safety, or welfare of the public, the Building Inspector/Code Enforcement Officer or Stormwater Management Officer may issue a stop work order. In addition, the Building Inspector/Code Enforcement Officer or Stormwater Management Officer may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Rotterdam confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in penalties in accordance with the enforcement measures authorized in this article.
- (2) The Building Inspector/Code Enforcement Officer or Stormwater Management Officer may notify the permittee at any time that the SWPPP does not meet one or more of the requirements herein. Such notification shall identify those provisions of the permit that are not being met by the SWPPP and identify which provisions of the SWPPP require modifications in order to meet the minimum requirements of the permit. Within seven days of such notification (or as otherwise provided by the Town), the permittee shall make the required changes to the SWPPP and shall submit to the Town a written certification that the requested changes have been made.
- (3) Any violation of this article shall be punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both. Each day the violation exists shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be required to bear the expense of any restoration work required. To the extent that the noncompliance with this article constitutes a violation of the Clean Water Act and the Environmental Conservation Law, there are substantial criminal, civil, and administrative penalties.
- (4) If any building or land development activity is installed or conducted in violation of this article, the Town Building Inspector/Code Enforcement Officer or Stormwater Management Officer may prevent

the occupancy of said building or land.

- (5) Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Rotterdam Building Inspector/Code Enforcement Officer or Stormwater Management officer may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

- R. Severability. The provisions and sections of this article shall be deemed to be severable, and the invalidity of any portion of this article shall not affect the validity of the remainder.

Article XXVII. Swimming Pools

[Added 7-12-2006 by L.L. No. 8-2006]

§ 270-216. Yard and property line requirements.

- A. Side and rear yard. Side and rear yard property line requirements shall be as follows:
 - (1) Above ground pools, including decking: not less than 10 feet from side and rear property lines.
 - (2) In-ground pools: not less than 10 feet from side and rear property lines.
 - (3) Pool filters and associated equipment shall be situated not less than 10 feet from side and rear property lines.
- B. Distance from principal structure. Above ground and in-ground pools shall be situated at least 10 feet from the principal structure on the lot.
- C. Distance from septic system.
 - (1) Above ground and in-ground pools shall be situated a minimum of 10 feet from the septic tank.
 - (2) Above ground and in-ground pools shall be situated a minimum of 10 feet from the leach field and/or dry well.
- D. Corner lots. The placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks.

§ 270-217. Fencing.

- A. Pool to be inaccessible to children. Every person owning or leasing land on which there is situated an in-ground swimming pool containing 18 inches or more in depth at any point shall erect and maintain thereon an adequate enclosure, either surrounding the property or pool area, sufficient to make such body of water inaccessible from the outside to small children.
- B. Pools shall be protected by a fence, wall, building, enclosure or solid wall of durable material, of which the pool itself may be constructed, or any combination thereof. Artificial barriers shall be constructed so as to afford no external handholds or footholds, of materials that are impenetrable by toddlers, at least four feet in height so that a small child cannot grasp its top by jumping or reaching and equipped with a self-closing and positive self-latching closure mechanism at a height above the reach of small children, and provided with hardware for permanent locking.

§ 270-218. Soundproofing of filters.

Pool filters should have the necessary soundproofing around the filter motor itself so as to restrict unreasonable sounds and contain the noise emanating from the motor to a limit within the immediate area of the filter and not to exceed, in any event, an unreasonable noise level beyond the property limits of the pool owner.

§ 270-219. (Reserved)

Article XXVIII. Small-Scale Solar

[Added 2-22-2017 by L.L. No. 1-2017]

[1] *Editor's Note: Former Art. XXVIII, Critical Impact Uses and Critical Impact Permits, adopted 11-8-2006 by L.L. No. 16-2006, was repealed 9-6-2011 by L.L. No. 9-2011.*

§ 270-220. Permits required.

- A. The provisions of this article apply to small-scale solar energy systems. No small-scale solar energy system or device shall be installed or operated in the Town except in compliance with this article.
- B. Rooftop and building-mounted solar collectors. Rooftop and building-mounted solar collectors that constitute small-scale solar energy systems are permitted in all zoning districts in the Town subject to the following conditions:
 - (1) Building permits shall be required for installation of all rooftop and building-mounted solar collectors.
 - (2) Rooftop and building-mounted solar collectors shall not exceed the maximum allowed height of the principal use in any zoning district.
 - (3) All rooftop and building-mounted solar collectors shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.
- C. Building-integrated photovoltaic (BIPV) systems. BIPV systems that constitute small-scale solar energy systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system. All BIPV systems shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.
- D. Freestanding or ground-mounted solar energy systems. Freestanding or ground-mounted solar collectors that constitute small-scale solar energy systems are permitted as accessory structures in all zoning districts of the Town subject to the following conditions:
 - (1) Building permits are required for the installation of all ground-mounted and freestanding solar collectors.
 - (2) All ground-mounted or freestanding solar collectors shall be set back from the property line by the greater of i) 20 feet or ii) the otherwise applicable setback in the subject zoning district. No ground-mounted or freestanding solar collectors shall be permitted on any lot which is less than one acre in size.
 - (3) The height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.
 - (4) Solar energy equipment shall not be sited within any required buffer area.
 - (5) The total surface area of all ground-mounted and freestanding solar collectors on a lot shall not exceed one half of the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that nonresidential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article XVII of this chapter.

- (6) The area beneath ground-mounted and freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted lot coverage requirements for the applicable district as if the ground-mounted and freestanding solar collectors were deemed to be principal or accessory buildings for purposes of the definition of the term "lot coverage"; and
 - (7) The installation of ground-mounted and freestanding solar collectors shall be considered a land development activity for purposes of Article **XXVI** of this chapter.
- E. Solar-thermal systems. Solar-thermal systems that constitute small-scale solar energy systems are permitted in all zoning districts subject to the following conditions:
 - (1) Building permits are required for the installation of all solar-thermal systems;
 - (2) Ground-mounted and freestanding solar-thermal systems shall be subject to the same requirements set forth in Subsection **D** above as for ground-mounted and freestanding solar collectors.
- F. Solar energy systems and equipment that constitute small-scale solar energy systems may be permitted only if they are determined not to present any unreasonable safety risks, including, but not limited to, related to the following:
 - (1) Weight load.
 - (2) Wind resistance.
 - (3) Ingress or egress in the event of fire or other emergency.
- G. Solar collectors and related equipment that constitute small-scale solar energy systems shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.
- H. All small-scale solar energy systems shall be designed to produce only so much energy as may be required on the lot or in the building to be served by the system. The Building Inspector/Code Enforcement Officer shall be authorized to require any applicant to submit proof of the last 12 months of electricity usage for such lot or building or, in the case where 12 months of electricity usage data cannot be produced, proof of the projected electricity usage for such lot or building. The Building Inspector/Code Enforcement Officer shall be authorized to deny any application that seeks to install a solar energy system that is designed to produce, or is capable of producing, energy in excess of the electricity usage data or projection for such building or lot.

§ 270-221. Safety.

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by the Building Inspector/Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order.
- E. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- F. Solar energy systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the

marking should be placed on the outside cover. For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

§ 270-222. through § 270-224. (Reserved)

Article XXIX. Illicit Discharges, Activities and Connections to Separate Storm Sewer System

[Added 1-1-2008 by L.L. No. 1-2008]

§ 270-225. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Rotterdam through the regulation of nonstormwater discharges to the Town of Rotterdam separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 270-226. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs)

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY

Activities requiring authorization under the SPDES Permit for Stormwater Discharges From Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL

New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 270-225 of this article.

INDIVIDUAL SEWAGE TREATMENT SYSTEM

A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law or where such facility is regulated by the New York State Department of Health.

INDUSTRIAL ACTIVITY

Activities requiring the SPDES Permit for Discharges From Industrial Activities Except Construction, GP-98-03, as amended or revised.

MS4

Municipal separate storm sewer system.

MUNICIPALITY

The Town of Rotterdam.

MUNICIPAL SEPARATE STORM SEWER SYSTEM

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Rotterdam;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE

Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT

Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS

- A. Discharge compliance with water quality standards: the condition that applies where the Town of Rotterdam has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the Town of Rotterdam must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters: the condition in the Town of Rotterdam's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy: the condition in the Town of Rotterdam's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the Town of Rotterdam was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the Town of Rotterdam's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges: Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT

A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO)

An employee, the municipal engineer or other public official(s) designated by the Town of Rotterdam to enforce this article.

303(d) LIST

A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL

Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD

The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER

Water that is not stormwater, is contaminated with pollutants, and is or will be discarded.

§ 270-227. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 270-228. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the Town of Rotterdam.

§ 270-229. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 270-230. Discharge prohibitions; exceptions.

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the Town of Rotterdam has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, de-chlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
 - (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
 - (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
 - (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order

and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the Town of Rotterdam's MS4 or allows such a connection to continue.

§ 270-231. Failing individual sewage treatment systems prohibited.

No persons shall operate a failing individual sewage treatment system in areas tributary to the Town of Rotterdam's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section. Structural failure shall be determined by an inspection of the facility performed according to § 270-236B(2).
- E. Contamination of off-site groundwater.

§ 270-232. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 270-226, Definitions, of this article.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 270-233. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 270-226, or activities contaminating stormwater as defined in § 270-232, the Town of Rotterdam may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into

the MS4 through the use of structural and nonstructural BMPs.

- (2) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 270-226 or an activity contaminating stormwater as defined in § 270-232, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

B. Repair or replace individual sewage treatment systems as follows:

- (1) In accordance with 10 NYCRR, Appendix 75-A to the maximum extent practicable.
- (2) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - (a) Relocating or extending an absorption area to a location not previously approved for such.
 - (b) Installation of a new subsurface treatment system at the same location.
 - (c) Use of alternate system or innovative system design or technology.
- (3) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 270-234. Suspension of access to MS4.

- A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the Town of Rotterdam's MS4 in violation of this article may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons thereof. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

§ 270-235. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 270-236. Applicability; access to facilities; monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at his or her own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article are a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO. may seek issuance of a search warrant from any court of competent jurisdiction.

§ 270-237. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 270-238. Enforcement; penalties for offenses.

- A. Notice of violation.
- (1) When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the

responsible person. Such notice may require, without limitation:

- (a) The elimination of illicit connections or discharges;
 - (b) That violating discharges, practices, or operations shall cease and desist;
 - (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (d) The performance of monitoring, analyses, and reporting;
 - (e) Payment of a fine; and
 - (f) The implementation of source control or treatment BMPs.
- (2) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not less than \$500 and not more than \$1,000 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$2,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each day of continued violation shall constitute a separate, additional violation.
[Amended 6-12-2013 by L.L. No. 7-2013]

§ 270-239. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town of Rotterdam within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 270-240. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 270-241. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 270-242. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town of Rotterdam Attorney and concurrence of the Town of Rotterdam Code Enforcement Officer, where:
 - (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this article.
 - (3) Environmental damage was minimal.
 - (4) The Violator acted quickly to remedy violation.
 - (5) The Violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
 - (1) Attendance at compliance workshops.
 - (2) Storm drain stenciling or storm drain marking.
 - (3) River, stream or creek cleanup activities.

§ 270-243. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 270-244. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Article XXX. Alternate Members

[Added 1-22-2014 by L.L. No. 1-2014]

§ 270-245. Alternate members.

- A. The Town Board shall appoint two alternate members to the Planning Board and one alternate member to the Zoning Board of Appeals. Alternate members shall be appointed for a term of seven years to the Planning Board and five years to the Zoning Board of Appeals, commencing on the first day of January. The term of any alternate member appointed subsequent to the first day of January shall expire on the 31st day of December in the appropriate calendar year to fulfill the term.

- B. The Chairperson of the Planning Board and Zoning Board of Appeals may designate a duly appointed alternate member to substitute for a member when such member is unable to participate on an application or matter before the Board and it does not create a conflict for the alternate. When so designated, the alternate member shall possess all the powers and responsibilities of a member of the Board. Such designation shall be entered into the minutes of the Planning Board or Zoning Board of Appeals meeting at which the substitution is made.
- C. An alternate member duly authorized by the Chairperson of the Planning Board or Zoning Board of Appeals to substitute for a Board member, when such member is unable to participate in a meeting, will be compensated in place and instead of the Board member.
- D. Except as provided herein, all provisions of state law relating to Planning Board and Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members. In addition, any provisions of a local law or ordinance relating to training, continuing education, compensation and attendance of members shall also apply to alternate members.

ROTTERDAM

CHAPTER 134 FLOOD DAMAGE PREVENTION

Chapter 134

FLOOD DAMAGE PREVENTION

GENERAL REFERENCES

Environmental quality review — See Ch. 116. **Subdivision of land** — See Ch. 249.
Excavations and open wells — See Ch. 121. **Zoning** — See Ch. 270.
Housing and building standards — See Ch. 154.

§ 134-1. Findings.

The Town Board of the Town of Rotterdam finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Rotterdam and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 134-2. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify for and maintain for participation in the National Flood Insurance Program.

§ 134-3. Objectives.

The objectives of this chapter are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood-control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, and sewer lines, streets and bridges, located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To provide that developers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 134-4. Word usage and definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter only, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM), with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, the term "special flood hazard area

(SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING — See "structure."

CELLAR — Has the same meaning as "basement."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING —

(1) A nonbasement building:

(a) Built, in the case of a building in Zone A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

(2) In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

(3) In the case of Zone V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters;
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event, which results in flooding as defined in Subsection (1)(a) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity

to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is the Building Inspector for the Town of Rotterdam.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

NEW CONSTRUCTION — Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community, and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD — Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 134-14B of this chapter.

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The "actual start of construction" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations,

or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

§ 134-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Rotterdam, Schenectady County, New York.

§ 134-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard for the Town of Rotterdam, Community Number 360740, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. Flood Insurance Rate Map Panel Numbers: 36093C0039D, 36093C0043D, 36093C0130D, 36093C0131D, 36093C0132D, 36093C0133D, 36093C0134D, 36093C0140D, 36093C0142D, 36093C0144D, 36093C0145D, 36093C0151D, 36093C0153D, 36093C0154D, 36093C0161D, 36093C0162D, 36093C0163D, 36093C0164D, 36093C0170D, whose effective date is January 8, 2014, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
- B. A scientific and engineering report entitled "Flood Insurance Study, Schenectady County, New York, All Jurisdictions," dated January 8, 2014. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town of Rotterdam, Department of Public Works, John F. Kirvin Government Center, 1100 Sunrise Boulevard, Schenectady, NY, 12306.

§ 134-7. Interpretation and conflict with other provisions.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 134-8. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 134-9. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Rotterdam from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 134-20 through

134-21 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.

§ 134-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Rotterdam, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 134-11. Designation of local administrator.

The Building Inspector is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 134-12. Floodplain development permit required; fees.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 134-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale, and showing: the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$250. In addition, the applicant shall be responsible for reimbursing the Town of Rotterdam for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 134-13. Application for permit.

The applicant shall provide the following information, as appropriate. Additional information may be required on the permit application form.

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 134-16C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 134-18, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 134-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 134-14. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to, the following.

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
- (1) Review all applications for completeness, particularly with the requirements of § 134-13, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 134-15 through 134-19, Construction Standards and, in particular, § 134-15A, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 134-15 through 134-19, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 134-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this chapter.
 - (2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.
- C. Alteration of watercourses. The local administrator shall:

- (1) Provide notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage.

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the local administrator shall obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 134-9 of this chapter.
- (2) The local administrator shall issue, or cause to be issued, a stop work order for any floodplain development found noncompliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 134-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 134-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 134-14E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain, and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to § 134-14D(1) and (2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to § 134-14D(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to §§ 134-20 and 134-21, Variance Procedures; and
- (5) Notices required under § 134-14C, Alteration of watercourses.

§ 134-15. General construction standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 134-6.

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (1) Proposals shall be consistent with the need to minimize flood damage;

- (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Town of Rotterdam agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Rotterdam for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Rotterdam for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 134-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - (b) The Town of Rotterdam agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Rotterdam for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Rotterdam for all costs related to the final map revisions.

§ 134-16. Standards for all structures.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 134-6.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (b) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
 - (4) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
- C. Utilities.
 - (1) New and replacement electrical equipment, heating, ventilating, air-conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist

hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.

- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 134-17. Residential structures.

- A. Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 134-15A, Subdivision proposals, and § 134-15B, Encroachments, and § 134-16, Standards for all structures:
 - (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 134-6 (at least two feet if no depth number is specified).
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 134-18. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 134-15A, Subdivision proposals, and § 134-15B, Encroachments, and § 134-16, Standards for all structures:

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 134-18A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 134-18A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 134-19. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § 134-15, General construction standards, and § 134-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and recreational vehicles which are located in areas of special flood hazard:

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a) Be on site fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the requirements for manufactured homes in § 134-19B, C and D.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the Flood Insurance Rate Map enumerated in § 134-6 (at least two feet if no depth number is specified).

§ 134-20. Variance procedures; Appeals Board.

- A. The Zoning Board as established by the Town of Rotterdam shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.

- C. Those aggrieved by the decision of the Zoning Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of § 134-20D and the purposes of this chapter, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 134-21. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 134-20D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections A, D, E, and F of this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Notification.
 - (1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

- (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.
- (2) Such notification shall be maintained with the record of all variance actions as required in § 134-14H of this chapter.

ROTTERDAM

LL1 2019 ZONING MAP AND ZONING ORDINANCE AMENDMENT

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of ROTTERDAM

**FILED
STATE RECORDS**

JAN 31 2019

DEPARTMENT OF STATE

Local Law No. 01 of the year 2019

A local law The zoning ordinance and Zoning Map of the Town Of Rotterdam shall be amended

(Insert Title)

from B-1 Retail Business to I-1 Light Industrial, on tax map No. 59.7-8-10.11 located

at 2142 Hamburg St Rotterdam NY 12303

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of ROTTERDAM

as follows:

ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York on Wednesday January 23, 2019 at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 30.19

WHEREAS, a public hearing was called for by the Town Board of the Town of Rotterdam on December 12, 2018; and

WHEREAS, pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 9th day of January 2019 at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 7:00 p.m.; and

WHEREAS, said public hearing was conducted on January 9, 2019, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, upon adoption of a **Proposed Local Law of the Year 2019**, for the following purpose:

To allow for a Change of Zone request from Zappone Group Management, LLC, as designee contact for Edward K. Kaufmann for a property located at 2142 Hamburg Street, Rotterdam, New York 12303, and is known as Tax Map No. 59.7-8-10.11. The applicant is requesting a Change of Zone from B-1 Retail Business to I-1 Light Industrial for the construction of self-storage units.

WHEREAS, all persons were duly heard both in the affirmative and negative thereon; **NOW**

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded by

Councilmember SIGNORE,

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM

LOCAL LAW NO. ONE (1) OF THE YEAR 2019

SECTION 1. The Zoning Ordinance and Zoning Map of the Town of Rotterdam shall be amended from B-1 Retail Business to I-1 Light Industrial, on Tax Map Number No. 59.7-8-10.11, located at 2142 Hamburg Street, Rotterdam, New York 12303.

SECTION 2. This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law.

SECTION 3. This resolution shall become effective January 23, 2018.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

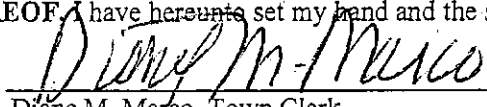
DATED: January 23, 2018

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 23, 2019 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution is on file in the Town Clerk's Office.

I DO FUTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Town of Rotterdam this January 25, 2019.


Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: January 14, 2019
TO: Steven Tommasone, Town Supervisor
FROM: Peter Comenzo, Senior Planner *PC*
TITLE OF REQUEST: Town Board to decide Change of Zone (COZ) from Retail Business (B-1) to Light Industrial (I-1) on a ±24,701 square foot parcel.
TOWN BOARD MEETING: January 23, 2019

Background Information:

Zappone Group Management, LLC (Designated Contact)
621 Columbia Street Extension, Suite 500
Cohoes, NY 12047

Edward K. Kaufmann, Jr. (Owner)
615 Glen Avenue
Scotia, NY 12302

COZ request on a ±24,701 square foot parcel from Retail Business (B-1) to Light Industrial (I-1). Applicant is proposing to construct self-storage units. Planning Commission discussed COZ request and forwarded final recommendation on November 20, 2018. Public Hearing conducted on January 9, 2019.

Evaluation/Analysis:

Property currently has limited useable roadway frontage on Hamburg Street due to the construction of the Hamburg Street Bridge over the CSX Railway Line. Property has most recently been utilized for outdoor recreational trailer and boat storage. This parcel is proposed to be combined with an additional ±21,193 sf parcel that is already zoned I-1 with frontage on Chrysler Avenue. All access to combined property will be from Chrysler Avenue.

Recommendation(s):

Town Board to decide on this proposed Change of Zone request.

Attachment/Document(s):

Application Materials
Schenectady County 239-m Response
Planning Commission Resolution PC42-2018

Effect(s) on Existing Law(s):

Amendment to Town Code Chapter 270 "Zoning"

LEGISLATION WILL BE PREPARED BY:

Supervisors Office



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

All requested information shall be provided and must be filled out in black ink or typed for photocopying purposes.

Application Fee \$650

Existing Zone Classification: B-1 Retail Business District

Proposed Zone Classification: I-1 Light Industrial District

**PART II
GENERAL INFORMATION**

Legal Owner's Name: Edward K. Kaufmann, Jr.
Mailing Address: 615 Glen Avenue
City: Scotia State: NY Zip: 12302
Daytime Phone: _____ Fax: _____

If applicant is not the owner, include written owner authorization for the below-designated contact to serve as representative.

Owner's Designated Contact: Zappone Group Management, LLC - Joseph W. Zappone, Esq.

Mailing Address: 621 Columbia Street Extension, Suite 500
City: Cohoes State: NY Zip: 12047
Daytime Phone: 518 250 4496 Fax: 518 252 3498

Project/Proposal Site Area: (Acres or sq. ft.) 24,701 sq. ft.
Assessor Tax Parcel No.(s) of Site: 59.7-8-10.11

Adjacent Parcels Owned or Controlled: (Acres or sq. ft.) 21,923 sq. ft.
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled:
59.7-8-10.22

Street Address of Proposed Site (if any): 2142 Hamburg Street

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)

Existing site is being used for the storage of recreational vehicles (RV).

School District: Mohonasen

Fire District: Fire District #3

Water Supply Water District-CW500

Proposed Use of Property:

- ☐ A1 One-family dwelling
- ☐ A2 Two-family dwelling
- ☐ B1 Multiple Dwelling (permanent occupancy)
- ☐ B2 Multiple Dwelling (transient occupancy)
- ☐ B3 Multiple Dwelling (senior citizen housing)
- ☐ B4 Multiple Dwelling (adult residential care facility)

- ☐ C1 Business
- ☐ C2 Mercantile
- ☒ C3 Industrial
- ☐ C4 Storage
- ☐ C5 Assembly
- ☐ C6 Institutional
- ☐ C7 Miscellaneous

LEGAL INFORMATION

Location of Proposal Site: (General description by which direction and how far from roads and intersections and other community features)

Subject parcel is located at 2142 Hamburg Street and was formerly occupied by a single family home. The home has been removed and access to Hamburg Street is no longer available due to the grade of Hamburg Street being modified to form the overpass over Chrisler Avenue. The subject parcel only access is from Chrisler Avenue through the adjacent parcel also owned by Kaufman. Subject parcel is located approximately 250 feet north and east from the intersection of Chrisler Avenue and the Hamburg Street overpass.

Name of Public Road(s) Providing Access: Chrisler Avenue; Subject parcel has frontage along Hamburg Street but due to the elevation differences and the existing guide rail there is no access from Hamburg Street.

Width of Property Fronting on the Existing Public Road in Linear Feet: 206+/-

Does the Proposal Have Access to an Arterial or Planned Arterial?

☐ Yes

☒ No

Name(s) of Arterial Road(s):

A legal description of the proposed site must be attached:

☒ Yes

☐ No

A copy of the assessor's map of the proposed site must be attached:

☒ Yes

☐ No

A copy of the most current deed(s) of the proposed site must be attached:

☒ Yes

☐ No

(All applications must contain a legal description that describes the exterior boundaries of the entire area to be rezoned. Please include the legal description for the entire area to be rezoned and also a copy of the assessor's map. A simple copy of the deed is not sufficient to process the change of zone request).

If you do not hold title to property, what is your interest in it? Purchase Agreement

What factors support this rezone? (This may be provided on a separate sheet of paper if necessary)

The subject parcel is located at 2142 Hamburg Street but due to the construction of the Hamburg Street overpass the subject parcel lost its access to Hamburg Street, the parcel located along Chrisler Avenue (Tax ID 58.07-8-10.22) which is also owned by Kaufman provides the subject parcel with access to Chrisler Avenue. The zoning for the Tax ID 58.07-8-10.22 is I-1 Light Industrial District and it would make it more feasible to develop the subject parcel if it was zoned the same, I-1 Light Industrial District. Rezoning the subject parcel would result in a combined parcel that can be used in similar fashion especially when the Chrisler Avenue parcel provides the subject parcel with site access. Trying to work with different zoning as it currently exists is difficult and makes both parcels unappealing from a development standpoint. At the time of the original zoning delineation it probably made sense to have the subject parcel be zone based on the Hamburg Street corridor. However, due to the subject parcel losing its access to Hamburg Street the applicant is requesting consideration to the zone change and the re-delineation of the zoning lines to be in harmony for the entire parcel that is owned by Kaufman.

UTILITIES

Proposed Source of Water:

☒ Public System
☐ Other, please describe _____

☐ Individual Wells
☐ Private Community System

Proposed Means of Sewage Disposal:

☒ Public Sewer
☐ Septic Tank & Leachfield
☐ Other, please describe _____

PART III

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed:

Address:

N. LOSPA

Date:

10-05-18

Phone:

518 698 3772

Zip:

12110

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



LEGAL OWNER SIGNATURE

(Signature of legal owner or representative as authorized by legal owner)

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I am the owner of record of the area proposed for the previously identified land use action, or, if not the owner, attached herewith is written permission from the owner authorizing my actions on his/her behalf.

Name: Edward J. Kaufman
Address: 615 Glen Ave
Schenectady NY 12302

Date: 10/16/18
Phone: 76 377 8500
Zip: _____

Edward J. Kaufman
Signature of applicant or representative

10/16/18
Date

NOTARY

STATE OF NEW YORK ss:
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 11th day of October, 2018

NOTARY SEAL

Dean Riggi
Notary Signature

Notary Public in and for the State of New York

Residing at:

My appointment expires:

DEAN RIGGI

Notary Public, State of New York

Qualified in Schenectady County

Commission Expires Jan. 5, 2019

PLEASE AFFIX NOTARY SEAL HERE



Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive
Latham, N.Y. 12110
Phone: (518) 698-3772
Email: ncostape@gmail.com

Nicholas Costa, PE
John P. Petrucco, LS

RECEIVED Robert D. Davis Jr, LS

Description of LANDS TO BE REZONED TO I-1 TOWN OF ROTTERDAM (LIGHT INDUSTRIAL) PUBLIC WORKS

All that tract or parcel of land situate, lying and being in the Town of Rotterdam, County of Schenectady, State of New York, lying on the westerly side of Hamburg Street (N.Y.S. Route 146), and being more particularly bounded and described as follows:

Beginning at a point in the westerly highway boundary of Hamburg Street (N.Y.S. Route 146) at its intersection with the division line between lands now or formerly of Sasso as described in Liber 1870 of deeds at page 310 on the north and lands now or formerly of Kaufmann as described in Liber 1056 of deeds at page 894 on the south; thence from said point of beginning along said westerly highway boundary of Hamburg Street the following two (2) courses and distances:

- 1) South $13^{\circ}-14'-53''$ West, 189.46 feet to a point; thence
- 2) South $45^{\circ}-33'-52''$ East, 16.89 feet to a point in the division line between the aforementioned lands of Kaufmann on the north and lands now or formerly of Miller as described in Liber 1604 of deeds at page 965 on the south; thence along said division line the following two (2) courses and distances:
 - 1) South $68^{\circ}-36'-07''$ West, 19.28 feet to a point; thence
 - 2) South $60^{\circ}-56'-57''$ West, 29.85 feet to a point therein; thence through the aforementioned lands of Kaufmann and along the division line between the aforementioned lands of Kaufmann on the east and lands now or formerly of Store Master Funding VI, LLC as described in Liber 1946 of deeds at page 137 on the west North $43^{\circ}-08'-00''$ West, 192.84 feet to a point in the division line between the aforementioned lands of Kaufmann on the south and lands now or formerly of Barker as described in Liber 1956 of deeds at page 927 on the north; thence along said division line and along the division line between the aforementioned lands of Kaufman on the south and lands now or formerly of Bassi as described in Liber 1972 of deeds at page 215 and lands now or formerly of Spinella/Demma as described in Liber 1938 of deeds at page 408 on the north North $60^{\circ}-25'-10''$ East, 112.00 feet to a point in the division line between the aforementioned lands of Kaufmann on the south and lands now or formerly of Poetzsch as described in Liber 1980 of deeds at page 234 on the north; thence along said division line North $66^{\circ}-27'-06''$ East, 40.50 feet to a point in the division line between the aforementioned lands of Kaufmann on the south and the aforementioned lands of Sasso on the north; thence along said division line North $85^{\circ}-36'-58''$ East, 72.93 feet to the point and place of beginning and containing 24,701 square feet of land more or less.

ZONING COORDINATION-REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 12-18-18
Case No. R-18-18
Returned 1-3-18

FROM: ☒ Legislative Body
☐ Zoning Board of Appeals
☐ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: ☒ Zoning Code/Law Amendment
☒ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review
☐ Special Permit
☐ Use Variance
☐ Area Variance
☒ Other (specify) COZ

PUBLIC HEARING OR MEETING DATE: January 9, 2019

SUBJECT: Zappone Group Management, LLC (Applicant)/Edward Kaufmann (Owner) - 2142 Hamburg Street
Change of Zone request on ±24,701 square feet of property from Retail Business (B-1) Zoning District to Light Industrial (I-1) Zoning District for storage units

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo

Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338

Date: 12 13 18

Signature

RECEIVED

JAN 07 2019

TOWN OF ROTTERDAM
PUBLIC WORKS



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-18-18

Applicant Zappone Group Mngment

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Located on the west side of Hamburg Street immediately north of CSX tracks. Adjoining parcel is zoned Light Industrial.

RECOMMENDATION

Receipt of zoning referral is acknowledged on December 18, 2018. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

11/2/18
Date

[Signature]
Ray Gillen, Commissioner
Economic Development and Planning



*Town of Rotterdam
Office of the Planning Commission*

John Denny III, Chairman
Peter J. Comenzo, Senior Planner

TOWN CLERK'S OFFICE

TOWN CLERK'S OFFICE

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC42-2018

Moved by Mr. Bradt seconded by Mr. Collins

Town of Rotterdam Planning Commission Regular Meeting - November 20, 2018

*Resolution Adopting a Report and Recommendation on
the Change of Zone Request by Zappone Group Management, LLC*

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from Zappone Group Management, LLC ("Applicant") for Change of Zone from Retail Business District (B-1) to Light Industrial District (I-1) for property located at 2142 Hamburg Street (Tax Map Parcel No. 59.7-8-10.11); and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on October 24, 2018 for a report and recommendation thereon; and

WHEREAS, the Applicant, through its consultant, Advance Engineering & Surveying, PLLC (Nicholas Costa, P.E.) presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on November 8, 2018; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meetings held on November 8, 2018 and November 20, 2018; and

WHEREAS, the Planning Commission has deliberated on the proposed Change of Zone;

NOW, THEREFORE, upon motion of Member Bradt, seconded by Member Collins,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

The subject parcel is approximately 24,700 square feet and fronts on Hamburg Street. However, due to the grade of Hamburg Street having been modified for construction of the overpass over Chrisler Avenue, the parcel no longer has physical access to Hamburg Street. The parcel is adjacent to another parcel owned by the same owner, which adjacent parcel is zoned I-1 and has frontage on Chrisler Avenue. Access to the


subject parcel is through the adjacent parcel that has frontage on Chrisler Avenue. The zoning of the subject parcel as B-1, when it requires access to a public street through an I-1 zoned parcel, makes for development of the subject parcel difficult. In addition, other properties in the Chrisler Avenue corridor in the vicinity of the subject parcel are zoned I-1.

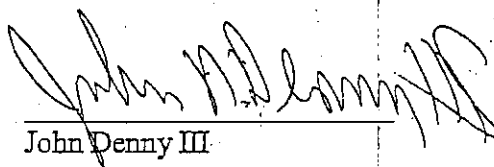
2. The Planning Commission hereby adopts a **positive recommendation** on the Zappone Management Group, LLC Change of Zone request. The Planning Commission believes that the rezoning is appropriate because the subject parcel no longer has physical access to Hamburg Street and is adjacent and nearby to other parcels zoned I-1 along Chrisler Avenue. Additionally, the subject parcel's only physical access to a public street is across another I-1 zoned property to Chrisler Avenue. The Planning Commission finds that the uses permissible in the I-1 zoning district are appropriate for the subject parcel.

Member
Thomas Yuille
Mark D'Alessandro
Timothy Bradt
Clark Collins
Larry DiLallo
Lynn Flansburg
John Denny

Ave
X
X
X
X
X
X
X

Nav


Peter J. Comenzo
Senior Planner


John Denny III
Planning Commission Chairman

ROTTERDAM

LL7 2018 ZONING AMENDMENT

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of ROTTERDAM

FILED
STATE RECORDS

JUL 16 2018

DEPARTMENT OF STATE

Local Law No. 7 of the year 2018

A local law Proposed local law of the year 2018 of the Town of Rotterdam relating to the creation of a

(Insert Title)

new Zoning Classification of Chapter 270 "Zoning", Article XXXI, entitled "Senior Living

District", shall be and hereby is enacted as Local Law No. Seven (7) of 2018 of the

Town of Rotterdam.

Be it enacted by the TOWN OF ROTTERDAM TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of ROTTERDAM as follows:

ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2018 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Rotterdam Town Board on July 11 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Alfred M. Marco
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7-13-18

(Seal)

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York on Wednesday July 11, 2018 at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 213.18

WHEREAS, a public hearing was called for by the Town Board of the Town of Rotterdam on April 25, 2018; and

WHEREAS, pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 11th day of May 2018 at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 6:00 p.m.; and

WHEREAS, said public hearing was conducted on May 11, 2018, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, upon adoption of a **Proposed Local Law of the Year 2018**, for the following purpose:

For the adoption of Proposed Local Law of 2018 relating to the creation of a new zoning classification of Chapter 270, "Zoning", Article XXXI, entitled "Senior Living District".

WHEREAS, all persons were duly heard both in the affirmative and negative thereon; **NOW**

THEREFORE, UPON MOTION of Councilmember MILLER-HERRERA, seconded by Councilmember SIGNORE,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Proposed Local Law of the Year 2018 of the Town of Rotterdam relating to the creation of a new zoning classification of Chapter 270, "Zoning", Article XXXI, entitled "Senior Living District", shall be and hereby is enacted as Local Law No. Seven (7) of 2018 of the Town of Rotterdam.

SECTION 2. Local Law No. Seven (7) of 2018 of the Town of Rotterdam shall be filed, and the Town Clerk is hereby directed to file such local law in the Office of the New York State Department of State in compliance with all applicable legal requirements.

SECTION 3. This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

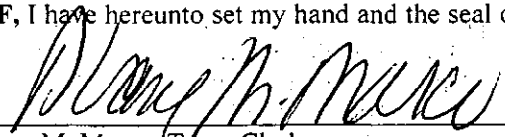
DATED: July 11, 2018

NAME	AYES	NOES	ABSTAIN
Christou		X	
Guidarelli		X	
Miller-Herrera	X		
Signore	X		
Tommasone	X		

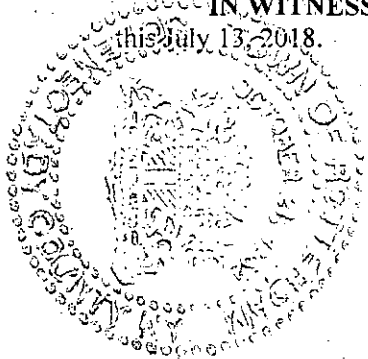
I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on July 11, 2018 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution is on file in the Town Clerk's Office.

I DO FUTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 13, 2018.



Diane M. Marco, Town Clerk



PROPOSED LOCAL LAW NO. XX OF 2018

SENIOR LIVING DISTRICT (SLD)

A LOCAL LAW to provide for the establishment of a Senior Living District, amending Chapter 270 of the Code of the Town of Rotterdam.

Section 1

- (A) **BE IT ENACTED** by the Town Board of the Town of Rotterdam as follows. This local law shall be known as "No. XX of 2018 of the Town of Rotterdam" or "Senior Living District" (hereinafter the "District" or the "SLD"). Chapter 270 of the Code of the Town of Rotterdam is hereby amended by adding thereto Article XXXI, Senior Living District (SLD) as follows:
- (B) The Zoning Code of the Town of Rotterdam as adopted July 11, 2001, codified by Local Law No. 5 of 2001, and the Zoning Map of the Town of Rotterdam as set forth therein and made a part thereof, are amended by changing from the existing zoning of Agricultural District (shown on the Town Zoning Map as A-1) and establishing the aforesaid Senior Living District as shown in **Exhibit A**, which District is designed to contain a Senior Living Complex with a combination of assisted living facilities, memory care facilities, independent living facilities involving apartments, town homes and single family residences, and senior services, including, health care and recreational services all only available to those who reside in the District. The uses are further defined as set forth below in **Subsection B - Definitions**.
- (C) The area of the District consists of approximately 90 acres in the Town of Rotterdam and is identified by the metes and bounds description set forth herein in **Exhibit B**.
- i. All land uses, development, construction and operation of the facilities within the District shall be conducted in accordance with this legislation and the SEQR determinations adopted with this legislation.
- (D) In any instances where specific permitted uses, area or height standards, development guidelines and/or review procedures specifically set forth in this SLD, as the same are specifically applicable to the District, conflict with other general provisions or requirements of the Town of Rotterdam Zoning Code, the particular provisions set forth herein shall take precedence.
- (E) **Definitions.** Where terms are defined in this SLD and are also defined in the Town Code of the Town of Rotterdam, the definition contained herein shall apply to the SLD. In the event a term in this SLD is not defined below, but is defined in the Town Code of the Town of Rotterdam, then that Town Code definition shall apply. This SLD also incorporates by reference the laws and rules of the State of New York that license, regulate and/or govern the uses defined herein when interpreting any proposed

application to the Town of Rotterdam for the establishment of such use, with reference to the Education Law and the Public Health Law of the State of New York.

A. Legislative intent; objectives.

- (1) It is the intent of these provisions establishing a Senior Living District to provide flexible use and design regulations to facilitate the development of an integrated senior living community. The Town of Rotterdam Comprehensive Plan recognizes the importance of providing safe, affordable, and accessible facilities and residences for the Town's senior population. This Article specifically encourage comprehensive developments incorporating multi-family residential units, single family homes, assisted living facilities, and recreational facilities, including but not limited to the continued operation and use of a portion of the golfing facilities.
- (2) This Article recognizes that, while the standard zoning functions are appropriate for the regulation of traditional neighborhoods and land uses, the Senior Living District provides comprehensive planning for an integrated senior neighborhood. Senior citizens require unique services and specialized living quarters for elderly and retired citizens who wish to live independently, but prefer to live in a community designed to support their needs.
- (3) **Objectives.** To carry out the intent of this Article, a senior living development shall achieve the following objectives:
 - (a) Provide a varied choice of the types of environment, residential units, assisted living needs, recreational facilities, including continuation of a portion of the golfing facilities and creation of new recreational opportunities, and open space available to residents the age of 55 and over;
 - (b) Create integrated senior living arrangements that allow for fulfillment of the varied needs of senior citizens in a central location without extended commuting;
 - (c) Enhance the quality of living for senior citizen populations;
 - (d) Increase opportunities for social interaction among senior citizen populations;
 - (e) Create an efficient use of land and services resulting in smaller networks of utilities and streets and thereby lowering housing and assisted living costs for seniors;
 - (f) Create a development pattern in harmony with the objectives of the Comprehensive Plan; and
 - (g) Create a more desirable environment for senior living than would be possible through the strict application of other articles of this chapter.

B. Definitions:

APARTMENT

A residential living unit, including independent, assisted, and memory care units, consisting of one or more separate living spaces contained within a large building or facility that provides common amenities to the apartment unit(s) contained therein.

ASSISTED LIVING

Any entity which provides housing, meals, on-site monitoring, and personal care services in a home-like setting to adult residents.

CAFETERIA/ Food Service/Dining Rooms

An eating establishment located wholly within a common building of the independent living facilities, assisted living facilities or memory care facilities, or any senior services center designed to service the needs of on-site employees, patients, guests, and residents of the SLD. This eating establishment is not considered a retail use.

CLUBHOUSE

A building located on the golf course that may contain a locker room, pro shop, and cafe located wholly within in a common building designed to service the needs of SLD residents, on-site employees, guests and members of the public using the golfcourse.

ENTRANCE/GATEWAY

An area of greenspace which marks the entrance to a site and is comprised of signage, landscaping and plantings.

FITNESS CENTER

An area located in any of the facilities and/or the senior services center with the primary purpose of facilitating recreation and exercise for residents of the SLD and their guests.

GOLF COURSE

A recreational facility primarily used for the purpose of playing golf, including associated food service and staff offices. The golf course will be open to the public.

INDEPENDENT LIVING UNITS

Senior housing units that are designed for residency by seniors who are capable of living independently, in apartments, townhomes or single-family houses without the need for in-home medical, memory, or other assistive care.

MEDICAL PROFESSIONAL OFFICES AND SERVICES

An office or offices located in a common building of the senior services center of a physician, dentist, or any other licensed professional in the field of medically related services or health and wellness, such as acupuncturist, audiologist, dietician or nutritional counselor, mental health practitioners, licensed clinical social worker, therapist, chiropractor, massage therapist, medical physicist, naturopath, nurse practitioner, occupational therapist, physical therapist, ophthalmologist, optometrist, podiatrist, respiratory therapist, speech or language pathologist, osteopath, and physician assistant. Such services are provided to residents only.

MEMORY CARE

A distinct form of care that specifically caters to patients with Alzheimer's disease, dementia and other types of memory problems. Memory care units provide 24-hour supervised care within the residential facility.

OPEN SPACE

An unoccupied space open to the sky.

RECREATIONAL USES

A golf course, a network of trails, fitness center and other accessory recreational and fitness uses. All such uses will be provided solely to residents of the SLD and their invited guests with the exception of the golf course which will remain open to the public.

SENIOR HOUSING

Buildings and/or facilities which provide housing which is intended for seniors 55 years of age and over, including dormitory housing.

SENIOR SERVICES

Services available to residents and their guests including, but not limited to residential dining and full service kitchen; a fitness center; a swimming pool/spa; a therapy room; a salon; and conference/meeting rooms.

C. Permitted Uses. The following principal uses are permitted as of right, subject to site plan approval by the Planning Board, in the Senior Living District.

(1) Principal use.

(a) The principal use permitted in the Senior Living District shall be a Senior Living Development for residents of at least 55 years of age. A Senior Living Development may consist of the following uses:

(i) The following residential facilities, provided that the residents are at least 55 years old;

a. Independent living units, including multi-family or apartment units;

b. Single family homes, including townhomes and condominiums, which shall allow for residents' children who are at least 21 years old to reside with the parent if the resident(s) requires such child's care and the arrangement is approved by the homeowners' association;

c. Assisted living units, including studios and apartments;

d. Memory care units, including studios and apartments;

(iii) Independent living common areas;

(iv) Senior services within the residential buildings; and

(v) Recreational Uses, including but not limited to the Golf course and clubhouse, fitness center, trails and other recreational facilities;

- (2) Accessory uses. The following uses shall be permitted as accessory to a Senior Living District and, where applicable, shall be provided only to residents of the District and their guests:

- (a) Utility structures and facilities;
- (b) Entrance/Gateway
- (c) Cafeterias/Food Service/Dining Rooms
- (d) Permitted signs; and
- (e) Structures and uses customarily accessory to residential and/or senior living facilities, subject to site plan approval by the Planning Board.

D. Development regulations. Projects in a Senior Living District shall be developed according to the following regulations:

(1) Bulk regulations:

- (a) Maximum number of senior living units: 496.
- (b) Maximum building height: The maximum building height shall be 60 feet. The maximum building height shall not include chimney heights, not to exceed 3 feet over a building's highest ridge line or roof top mechanical units.
- (c) Lot area: to promote the goal of common ownership of shared open space, all single-family homes and townhomes shall be a part of an established homeowner association that shall be responsible for the operation and maintenance of all open space, utilities, and roadways. Lot area requirements in the Senior Living District are as follows:
 - (i) for single family homes, the lot area may be as small as the foundation of the home;
 - (ii) for townhomes, the lot area may be as small as the individual portion of such home comprising a single unit;
 - (iii) for all other uses, no minimum lot area requirements shall apply.
- (d) Common open space. Not less than 40 percent of the acreage of the property shall be open space. Areas used for recreational purposes including, but not limited to, golf courses, skiing, walking trails and the like, exclusive of any areas covered by structures associated with such uses shall be considered open space. The open space lands may include significant ecological, aesthetic and recreational characteristics. Such open space may consist of wetlands and steep slopes, as well as other resources subject to local, State or federal regulations, including stormwater management areas.

E. Development Criteria.

- (1) Generally. The maximum build-out of the site is set forth in the Development Plan attached hereto as Exhibit C.

- (2) **Development Areas.** The Development Areas are shown generally on exhibit C. Area A consists of the assisted living/memory care facilities. Area B consists of the Independent Living facilities/apartments. Area C consists of the golf course and clubhouse. Area D contains the detached (cottages) and attached (townhome) single family units. These are the primary uses in the areas, accessory uses and other uses permitted by this Legislation are allowed in the Areas as well.

- (3) Bulk requirements for the proposed uses in the SLD are set forth as follows:

A) Senior Services Facilities:

1) Setbacks and Height Requirements

- a. Front: 290 feet (as measured to overall parcel boundary(s))
- b. Side: 50 feet (as measured to overall parcel boundary(s))
- c. Rear: 50 feet (as measured to overall parcel boundary(s))
- d. Building Height: 60 feet (no more than three stories)

2) Density

- a. Assisted Living: No more than 144 units total containing a mixture of studio, 1 bedroom, 1 bedroom and den and two bedroom units.
- b. Memory Care: No more than 108 units total containing a mixture of 1 bed semiprivate and private units.
- c. Independent Living: No more than 119 total units containing a mixture of 1 bedroom, 1 bedroom with den, 2 bedroom, and 2 bedroom with den units.

B) Single Family – Townhome:

1) Setbacks and Height Requirements

- a. Front: 30 feet (as measured to the pavement edge of primary roads)
- b. Side: 20 feet between structures & 0 feet between walls of attached townhomes
- c. Rear: 40 feet (as measured to overall parcel boundary(s))
- d. Building Height: 35 feet

2) Density

- a. Townhomes No more than 125 units total (either single family attached—townhome or in single family detached). Units shall be 1,000 to 1,500 square feet in size and may contain a mixture 1 bedroom, 1 bedroom and den, and 2 bedroom units with garages.

C) Single Family – Detached:

1) Setbacks and Height Requirements

- a. Front: 30 feet (as measured to the pavement edge of primary roads)

- b. Side: 20 feet (as measured to the adjacent home or structure)
- c. Rear: 100 feet (as measured to overall parcel boundary(s))
50 feet (as measured to other single family detached homes)
- d. Building Height: 35 feet
- 2) **Density**
 - a. Single Family No more than 125 units total (either single family attached—Townhome or in single family detached). Units shall be 1,000 to 1,500 square feet in size and may contain a mixture 1 bedroom, 1 bedroom and den, 2 bedroom units, and 2 bedroom with den, with or without garages.

D) Golf Course and Clubhouse:

- 1) **Setbacks and Height Requirements for Clubhouse and accessory structures**
 - a. Front, side and rear: 50 feet (as measured to overall parcel boundary(s))
 - b. Building Height: 40 feet
- 2) **Density**
 - a. Clubhouse No more than 2,500 square feet total.

F. Parking. Parking may be at grade or in structures.

- (a) Residential uses:
 - (i) Single family detached/attached: 2 spaces per unit, which may include driveways and garage spaces.
 - (ii) Independent living: 1.5 spaces per unit, inclusive of employees and visitors.
 - (iii) Assisted living and memory care: 0.5 spaces per unit, inclusive of employees and visitors.
 - (iii) Recreational uses:
 - (1) Golf course: 5 spaces for each golf hole and 1 for each employee on shift of greatest employment.
 - (2) Other recreational uses: For other recreational/open space uses, the Planning Board shall assign the required number of spaces, giving consideration to the proposed recreational/open space use and the feasibility to share parking capacity with that required for the golf course.
 - (iv) Other uses: For any other use not listed herein, the Planning Board shall assign the required number of spaces, giving consideration to the proposed use, its similarity to other uses contained herein, and the feasibility of providing shared parking spaces with other uses.
- (b) Shared parking: When and where it may be achieved, shared parking may be considered to meet the overall parking demands.
- (c) Dimensions for off-street automobile parking spaces. Every such space provided shall be at least nine feet wide and 18 feet long, with the

exception of accessible spaces which shall meet the minimum standards of the most current version of the Building Code of New York State.

- (d) Parking reduction: If, in the judgment of the Planning Board, the required parking would be excessive, the Planning Board may allow up to 25% reduction in the total number of parking spaces constructed. Any development plan shall still set aside the required area for the total parking demand should it be deemed necessary in the future.
- (e) All parking shall be located at least ten feet from the boundary of the Senior Living District and appropriately screened as determined by the Planning Board during site plan review.

G. Lighting:

All parking areas shall be adequately lighted. All such lighting shall be shielded and so arranged as to direct the light away from adjoining residences and prevent to the maximum extent possible off-site illumination.

H. Street and sidewalk design.

- (a) All streets and sidewalks shall conform to the Town's design standards with respect to paving specifications, horizontal and vertical alignment, site distances and drainage provisions, except when modified or waived by the Planning Board during the site plan review process.
- (b) Pedestrian, bicycle and cart circulation systems shall be provided as convenient, safe and attractive links between residential groupings, open space areas, recreation areas and other senior facilities. Widths may vary from 4 feet to 8 feet based upon location and use. Materials of construction may vary based upon location and use.

I. Utilities.

- (a) The Senior Living Development shall be capable of being serviced by a municipal water and sewer district, and may be approved conditioned upon the necessary creation or extension of such districts or by way of "out of district" user agreements. For purposes of this section, a municipal water and/or sewer district shall include such district of any municipality, not limited to that of the Town of Rotterdam.
- (b) To the extent that additional water and sewer infrastructure is required for the Senior Living Development, such infrastructure shall be designed and constructed in accordance with the standards of the authorities having jurisdiction over such infrastructure (municipal and/or State).
- (c) All water distribution and sewer facilities not dedicated to the relevant municipality shall be owned and maintained by the homeowners' association or the owner of any facilities within the Senior Living Development. Easements shall be granted to the Town to allow for access and maintenance to these facilities in case the need arises.

J. Stormwater Management.

- (a) All stormwater management facilities shall be designed and constructed in accordance with the Town and New York Department of Environmental Conservation ("DEC") standards.
- (b) All stormwater management facilities not dedicated to the Town shall be the responsibility of the homeowners' association.
- (c) Pursuant to New York DEC regulations, the homeowners' association shall execute a long-term operation and maintenance agreement with the Town for operation and maintenance of the stormwater management facilities.

K. Establishment of homeowners' association.

- (1) Any development in the Senior Living District shall provide for and establish a homeowners' association for the maintenance, preservation and ownership of the common open space, including private streets, drives, service and parking areas and recreational areas.
- (2) The applicant shall set forth the terms and requirements of ownership and maintenance of the common space in a homeowners' association agreement. The homeowners' association agreement shall be submitted to the Town when it is provided to the New York State Office of the Attorney General.

L. Site Plan Approval. Review of proposed development in the Senior Living District zoning district shall be accomplished in accordance with the existing site plan provisions of the Town Zoning Code, found in Article XVII of this chapter.

M. Subdivision approval. All or any portion of the land area may be subdivided upon compliance with and in accordance with the requirements of Chapter 249 of the Code of the Town of Rotterdam. Such subdivision approval shall allow the lot lines of units in the Senior Living District to be drawn in accordance with the provisions of this Article.

N. Open development area. The Town Board hereby declares that the Senior Living District will also be an Open Development Area in accordance with New York Town Law § 280-a allowing for building permits to be granted for structures that do not have frontage on a Town, County or State roadway so long as such structures are shown on an approved site plan for a Senior Living Development. The Senior Living District contemplates that there will be numerous structures that comprise the shared senior facilities on common parcels of land.

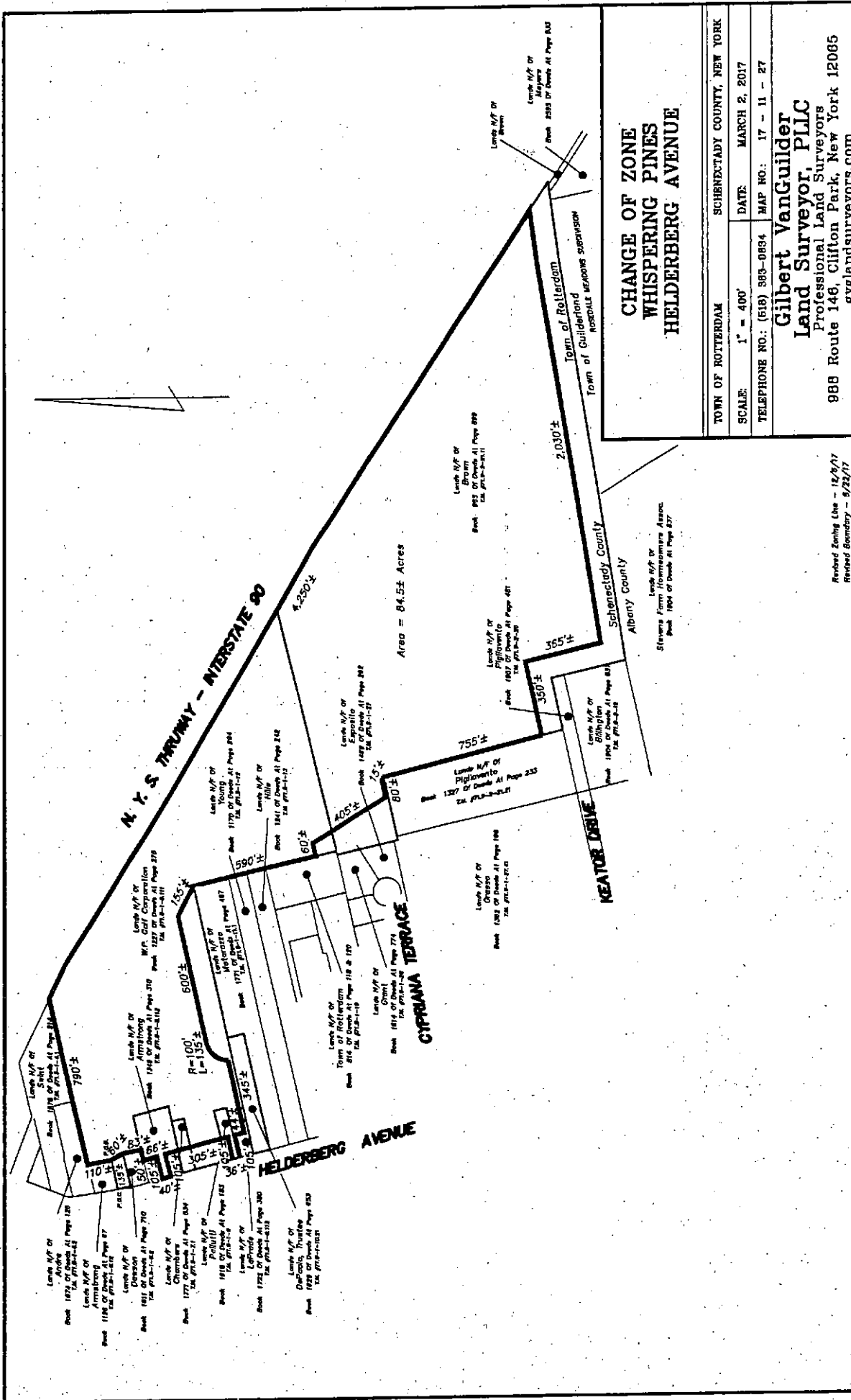
O. Access ways and Utilities. Access ways (and emergency access ways) to access the Senior Living District from Helderberg Avenue and/or from Keator Drive to serve the uses in the Senior Living District will be allowed on land zoned other than Senior Living District. Utilities may also be installed to serve the Senior Living District and uses in the Senior Living District over land that is zoned other than Senior Living District. The Town Board determines that such access ways and utilities will continue to serve the existing golf course as well as the proposed new uses in the Senior Living District to provide ingress and egress as well as utilities for these Senior Living District uses. No rezoning of the land crossed by and containing the access ways (and emergency access ways) or utilities are required to support these Senior Living District uses.

Section 2

This law is adopted pursuant to the authority provided by section 265 of the Town Law and section 10 of the Municipal Home Rule Law. If provisions of this local law are inconsistent with any Law, then this local law shall, pursuant to the Municipal Home Rule Law, be deemed to supersede any such inconsistent provision.

Section 3

This local law shall be filed in the office of the Secretary of State of the State of New York within five days of its adoption and shall take effect immediately upon such filing.



CHANGE OF ZONE WHISPERING PINES HELDERBERG AVENUE

TOWN OF ROTTERDAM	SCHENECTADY COUNTY, NEW YORK
SCALE: 1" = 400'	DATE: MARCH 2, 2017
TELEPHONE NO.: (518) 393-0834	MAP NO.: 17 - 11 - 27
Gilbert VanGuilder Land Surveyor, PLLC Professional Land Surveyors 988 Route 146, Clifton Park, New York 12085 gylandsurveyors.com	

Revised Zoning Use - 12/6/17
Revised Boundary - 5/22/17

Gilbert VanGuilder
Land Surveyor, PLLC
988 Route 146, Clifton Park, NY 12065
383-0634
FAX 371-8437

Members:

Gilbert G. VanGuilder, PLS
Robert A. Wilklow, PLS

Associate:

Duane Rabideau, PLS

December 6, 2017

SUGGESTED DESCRIPTION
CHANGE OF ZONE
WHISPERING PINES
HELDERBERG AVENUE

All that certain piece, parcel or tract of land situate in the Town of Rotterdam, County of Schenectady, State of New York lying along the northeasterly line of Helderberg Avenue and southwesterly line of N.Y.S. Thruway – Interstate 90, being further bounded and described as follows:

Commencing at the point of intersection of the common division line between lands of W.P. Golf Corporation as described in Book 1227 of Deeds at Page 275, to the South and lands of Armstrong as described in Book 1196 of Deeds at Page 67, to the North, with the northeasterly line of Helderberg Avenue, thence Northeasterly, 135'± to the point of beginning, thence from said point of beginning, Northwesterly along the common division line between said lands of W.P. Golf Corporation, to the East and said lands of Armstrong, to the West, 110± feet to a point in the southeasterly line of lands of Andre as described in Book 1874 of Deeds at Page 126, thence along said southeasterly line and the southeasterly line of lands of Swint as described in Book 1876 of Deeds at Page 914, Northeasterly, 790± feet to a point in the southwesterly line of N.Y.S. Thruway – Interstate 90, thence along said southwesterly line, Southeasterly, 4,250± feet to a point, thence through the lands of Brown as described in Book 965 of Deeds at Page 899 the following three (3) courses: 1.) Southwesterly, 2,030± feet to a point, thence 2.) Northwesterly, 365± feet to a point, thence 3.) Southwesterly, 350± feet to a point in the westerly line of the lands of Pigliavento as described in Book 1907 of Deeds at Page 481 and Book 1327 of Deeds at Page 233, thence along said westerly line and through lands of Brown as described in Book 965 of Deeds at Page 899 and aforesaid lands of W.P. Golf Corporation the following five (5) courses: 1.) Northwesterly, 755± feet to a point, thence 2.) Northwesterly, 15± feet to a point, thence 3.) Southwesterly, 80± feet to a point, thence 4.) Northwesterly, 405± feet to a point, thence 5.) Southwesterly, 60± feet to a point in the northeasterly line the lands of Town of Rotterdam as described in Book 814 of Deeds at Pages 118 & 120, thence along said line and the northeasterly line of lands of Hills as described in Book 1241 of Deeds at Page 242, lands of Young as described in Book 1170 of Deeds at Page 294 and lands of Matarazzo as described in

Book 1771 of Deeds at Page 497, Northwesterly, 590± feet to a point, thence through said lands of W.P. Golf Corporation and lands of LaPrade as described in Book 1722 of Deeds at Page 380 the following six (6) courses: 1.) Northwesterly, 155± feet to a point, thence 2.) Southwesterly, 600± feet to a point of curvature, thence 3.) along a curve to the left having a radius of 100 feet and a length of 135± feet to a point, thence 4.) Southwesterly, 345± feet to a point, thence 5.) Northwesterly 44± feet to a point, thence 6.) Southwesterly, 105± feet to a point in the northeasterly line of Helderberg Avenue, thence along said northeasterly line, Northwesterly 36± feet to a point, thence through the lands of Pallutti as described in Book 1918 of Deeds at Page 183, lands of W.P. Golf Corporation and lands of Armstrong as described in Book 1346 of Deeds at Page 310, the following three (3) courses: 1.) Northeasterly, 105± feet to a point, thence 2.) Northwesterly, 305± feet to a point, thence 3.) Southwesterly, 105± feet to a point in the northeasterly line of Helderberg Avenue, thence along said northeasterly line, Northwesterly 40± feet to a point, thence through aforesaid lands of Armstrong the following two (2) courses: Northeasterly, 105± feet to a point, 2.) Northwesterly, 66± feet to a point in the southeasterly line of lands of Dawson as described in Book 1611 of Deeds at Page 710, thence along said southeasterly and northeasterly lines the following two (2) courses: 1.) Northeasterly, 50± feet to a point, thence 2.) Northwesterly 83± feet to a point, thence through aforesaid lands of W.P. Golf Corporation, Northwesterly 60± feet the point of beginning and containing 84.5± acres of land.

Todd Westerveld
PLS 50,319

REVISIONS

REVISIONS

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REVISIONS

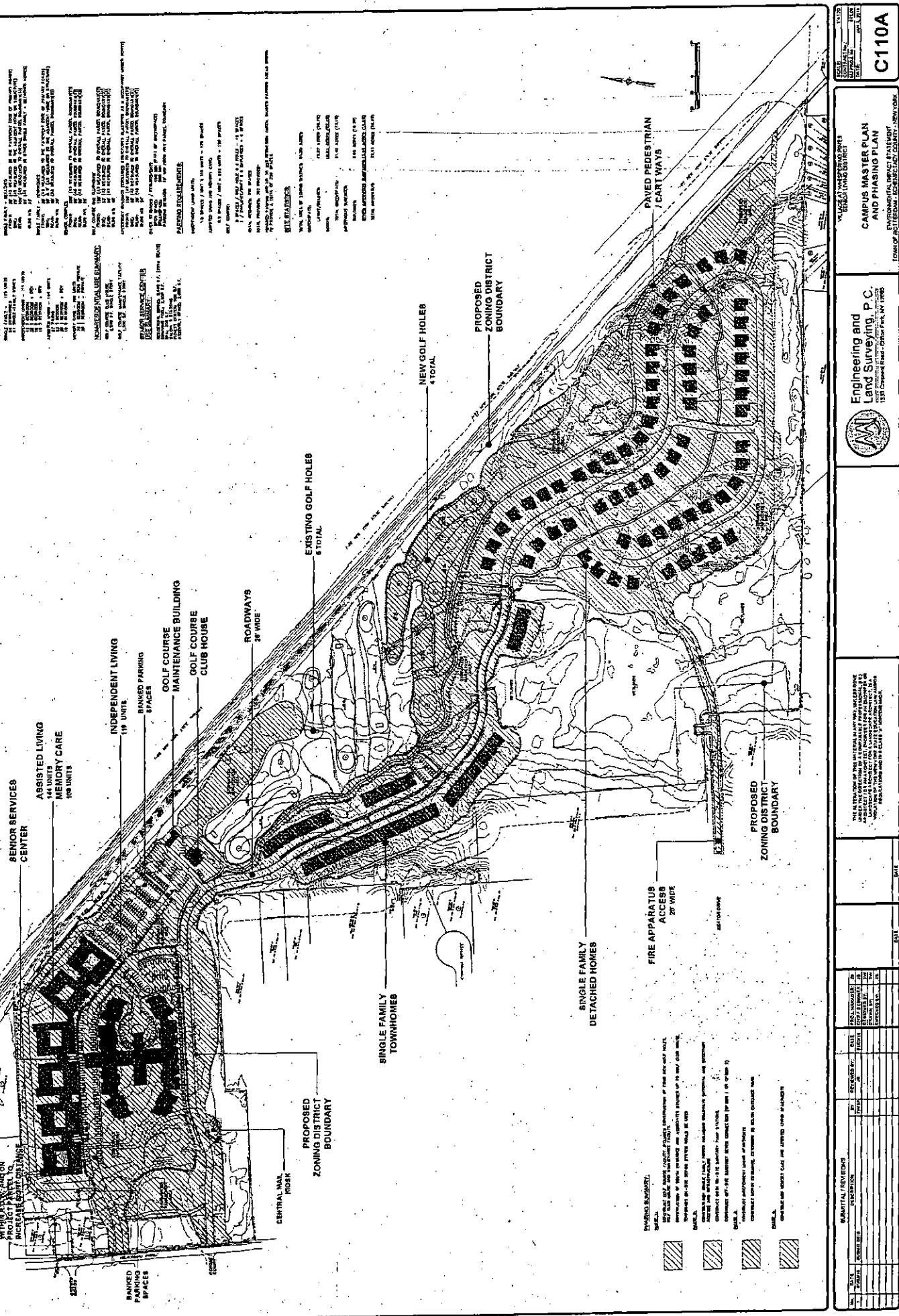
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Engineering and Land Surveying, P.C.
135 Chestnut Street - 4th Floor - New York, NY 10038

C110A

CAMPUS MASTER PLAN AND PHASING PLAN
ENVIRONMENTAL IMPACT STATEMENT
TOWN OF POTSDOM, WESTERLY COUNTY, NEW YORK

SUBMITTAL / REVISIONS		DATE		BY	
1	INITIAL	2/1/20	2/1/20	2/1/20	2/1/20
2	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
3	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
4	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
5	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
6	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
7	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
8	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
9	REVISION	2/1/20	2/1/20	2/1/20	2/1/20
10	REVISION	2/1/20	2/1/20	2/1/20	2/1/20

THE INFORMATION ON THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION ON THIS MAP. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION ON THIS MAP.

ROTTERDAM

LL8 2019 PROPERTY ZONE CHANGE FROM R-1 TO R-2

LOCAL LAW NO. EIGHT (8) OF THE YEAR 2019

SECTION 1. Proposed Local Law of the Year 2019 of the Town of Rotterdam to allow for a Change of Zone request from Craig Serafini, for a property located at 2212 Greenpoint Avenue, Rotterdam, New York 12303, known as Tax Map No. 59.14-9-15.1. The applicant is requesting a Change of Zone from R-1 Single Family Residential to R-2 Two Family Residential on ± 0.2 acres for the construction of a duplex, and is hereby adopted in the form annexed hereto as Local Law No. Eight (8) of the Year 2019.

SECTION 2. Local Law No. Eight (8) of 2019 of the Town of Rotterdam shall be adopted, and the Town Clerk is hereby directed to file such local law in the Office of the New York State Department of State in compliance with all applicable legal requirements.

SECTION 3. This local law shall take effect upon filing with the Secretary of State of the State of New York, as required by Section 27 of the Municipal Home Rule Law.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

DATED: June 26, 2019

Town of Rotterdam

"A nice place to live"

"A nice place to do business"

Office of the Town Clerk

Diane M. Marco, Town Clerk

Town Clerk's Office
J.F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
Telephone: (518) 355-7575 Ext. 352
Fax: (518) 355-7837
www.rotterdamny.org

July 5, 2019

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 08-2019

To Whom It May Concern:

Enclosed are forms required to file Local Law **08-2019**, adopted by the Town Board of the Town of Rotterdam meeting held on **June 26, 2019**.

If you are in need of anything else please feel free to call my office.

Sincerely,



Diane M. Marco
Town Clerk

Enclosure

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of ROTTERDAM

Local Law No. 8 of the year 2019

A local law To allow for a change of zone request from Craig Serafini for a property located at 2212

(Insert Title)

Greenpoint Ave Rotterdam NY 12303 known as tax map 59.14-9-15.1. Change of zone

from R-1 single family residential to R-2 two family residential on +-0.2 acres for the
construction of a duplex.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of ROTTERDAM

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York on Wednesday, June 26, 2019 at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 191.19

WHEREAS, a public hearing was called for by the Town Board of the Town of Rotterdam on May 22, 2019; and

WHEREAS, pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 26th day of June 2019 at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 7:00 p.m.; and

WHEREAS, said public hearing was conducted on June 26, 2019, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, upon adoption of a Proposed Local Law of the Year 2019, for the following purpose:

To allow for a Change of Zone request from Craig Serafini, for a property located at 2212 Greenpoint Avenue, Rotterdam, New York 12303, known as Tax Map No. 59.14-9-15.1. The applicant is requesting a Change of Zone from R-1 Single Family Residential to R-2 Two Family Residential on ±0.2 acres for the construction of a duplex.

WHEREAS, all persons were duly heard both in the affirmative and negative thereon; **NOW**

THEREFORE, UPON MOTION OF Councilmember SIGNORE, seconded by Councilmember GUIDARELLI,

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM

LOCAL LAW NO. EIGHT (8) OF THE YEAR 2019

SECTION 1. Proposed Local Law of the Year 2019 of the Town of Rotterdam to allow for a Change of Zone request from Craig Serafini, for a property located at 2212 Greenpoint Avenue, Rotterdam, New York 12303, known as Tax Map No. 59.14-9-15.1. The applicant is requesting a Change of Zone from R-1 Single Family Residential to R-2 Two Family Residential on ±0.2 acres for the construction of a duplex, and is hereby adopted in the form annexed hereto as Local Law No. Eight (8) of the Year 2019.

SECTION 2. Local Law No. Eight (8) of 2019 of the Town of Rotterdam shall be adopted, and the Town Clerk is hereby directed to file such local law in the Office of the New York State Department of State in compliance with all applicable legal requirements.

SECTION 3. This local law shall take effect upon filing with the Secretary of State of the State of New York, as required by Section 27 of the Municipal Home Rule Law.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

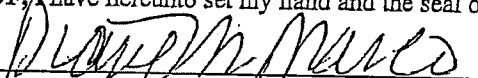
DATED: June 26, 2019

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, DO HEREBY CERTIFY that the foregoing motions were made by the Town Board of the Town of Rotterdam on June 26, 2019 and that the foregoing is a true and correct transcript of the original motions and of the whole thereof and that said motions are on file in the Town Clerk's Office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 1, 2019.


Diane M. Marco, Town Clerk

"A Nice Place to Live"

"A Nice Place to Do Business"



Town of Rotterdam
Office of the Planning Commission

John Denny III, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC16-2019

Moved by Mr. Calder seconded by Mrs. Flansburg

Applicant: Craig Serafini

Town of Rotterdam Planning Commission
Regular Meeting

May 21, 2019

Resolution Adopting a Report and Recommendation on
the Change of Zone Request by Craig Serafini

WHEREAS, the Town Board of the Town of Rotterdam has received an application from Craig Serafini ("Applicant") for Change of Zone from One Family Residential (R-1) to Two Family Residential (R-2) for property located at 2212 Greenpoint Avenue; and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on April 24, 2019 for a report and recommendation thereon; and

WHEREAS, the Applicant presented the Change of Zone request to the Planning Commission at its regularly scheduled meeting held on May 7, 2019; and

WHEREAS, the Planning Commission reviewed the Change of Zone application at its regularly scheduled meeting held on May 7, 2019 and May 21, 2019; and

WHEREAS, the Planning Commission has considered the Change of Zone application;

NOW, THEREFORE, upon motion of Member Calder, seconded by Member Flansburg,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the Change of Zone request:

The Applicant seeks to rezone approximately 0.2 acres of land located at 2212 Greenpoint Avenue (Tax Map No. 59.14-9-15.1) from One Family Residential (R-1) to Two Family Residential (R-2). The site is currently occupied by a single family residence which is vacant and a one-story detached garage. The current structures on the property have suffered deterioration and are boarded up. The Applicant seeks the change of zone in order to permit a two family residential use on the property, whereas under the current zoning, two family residential use is not permitted. The Applicant presented a general concept plan for a duplex on the subject property.

2. The Planning Commission hereby adopts a positive recommendation on the Change of Zone Request. Expanding the allowable uses for the property to permit a two-family residence may result in the successful redevelopment of a currently deteriorated property, which will be beneficial to the neighborhood. The Planning Commission does have some concern with respect to the size of the duplex structure as conceptually presented by the Applicant in relation to the size of the lot, but recognizes that the Planning Commission has site plan review authority over any proposed development of the site that is not a single family residence and that the Applicant may be required to obtain area variances in connection with any development. The Planning Commission's site plan review authority and the Zoning Board of Appeals' area variance review process will provide sufficient oversight to ensure that the size, location, and layout of any proposed site improvements will not adversely impact the neighboring properties or neighborhood.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Thomas Yuille	<u>X</u>	<u> </u>
Wayne Calder	<u>X</u>	<u> </u>
Mark D'Alessandro	<u>X</u>	<u> </u>
Clark Collins	<u>X</u>	<u> </u>
Larry DiLallo	<u>X</u>	<u> </u>
Lynn Flansburg	<u>X</u>	<u> </u>
John Denny	<u>X</u>	<u> </u>

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 5-28-19
Case No. K-3-19
Returned 6-11-19

FROM: ☒ Legislative Body
☐ Zoning Board of Appeals
☐ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: ☒ Zoning Code/Law Amendment
☒ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☒ Other (specify) COZ

PUBLIC HEARING OR MEETING DATE: June 26, 2019

SUBJECT: Craig Serafini – 2212 Greenpoint Avenue. Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Two Family Residential (R-2) on ±0.2 acres of property to facilitate the construction of a duplex. Surveyor: Blackstone Surveyors.

REQUIRED 1. Public hearing notice & copy of the application.
ENCLOSURES: 2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

- ☐ the boundary of any city, village or town;
- ☐ the boundary of any existing or proposed County or State park or other recreation area;
- ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
- ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

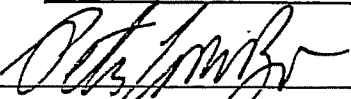
Name: Peter Comenzo

Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338


Signature

Date: 5-23-19



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-08-19

Applicant Town Board

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations:

Zoning code amendment to allow change in zone from Single family Residential (R-1) to Two Family Residential (R-2) to renovate existing vacant home into a duplex.

RECOMMENDATION

Receipt of zoning referral is acknowledged on May 28, 2019. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ *Approve of the proposal.

☒ Defer to local consideration (No significant county-wide or inter-community impact)

☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

6/10/19
Date

Ray Gillen
Commissioner
Economic Development and Planning

LANDS N/F TRIFLO, et al
2217 AMSTERDAM AVE

S 12° 57' E 70.0'

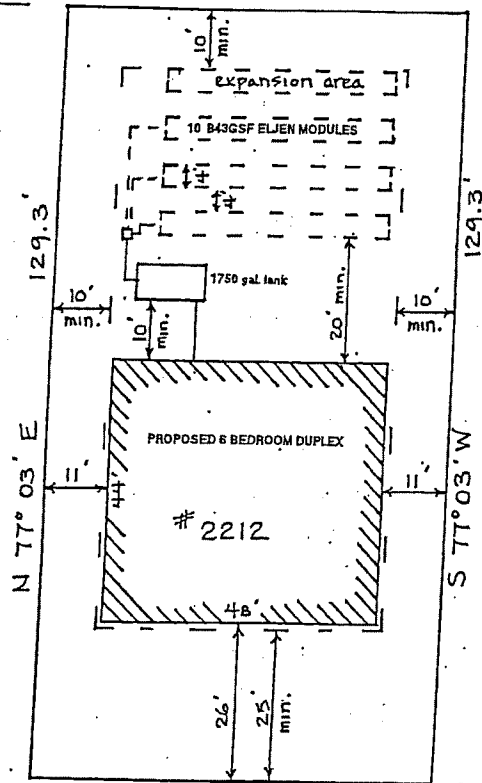
SOIL TESTS PERFORMED MAY 2018 & WITNESSED BY SOFDT COUNTY HEALTH DEPT and TUG INSPECTOR

STABILIZED PERC RATES OF 1" in 230 min. & 1" in 400 min.
DEEP TEST/ 64" to NOTTLING/ GREY SAND

1-5 minute design time requires 28 Ellen modules for 8 bedrooms
50% expansion adds 13 modules

PROPOSE TO INSTALL 30 modules w/ expansion area for 10 modules

LANDS N/F BURKE
2368 RABBETOTY ST.



N 12° 57' W 70.0'

GREENPOINT AVENUE

LANDS N/F JONES
2220 GREENPOINT AVE.

ZONING DISTRICT R-1
RPTSA # 53.14-9-15.1

RECEIVED

APR 08 2018

TOWN OF ROTTERDAM
PUBLIC WORKS

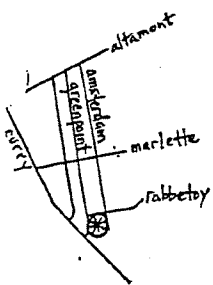
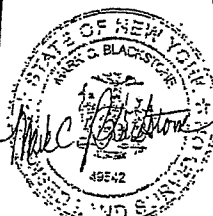
MAP SHOWING LANDS OF CRAIG SERAFINI

2212 GREENPOINT AVENUE

TOWN OF ROTTERDAM
SCHENECTADY COUNTY, N.Y.

SCALE 1" = 20'
AUGUST 31, 2018

BLACKSTONE LAND SURVEYORS



LANDS N/F TRIFLO, ET AL
2217 AMSTERDAM AVE.

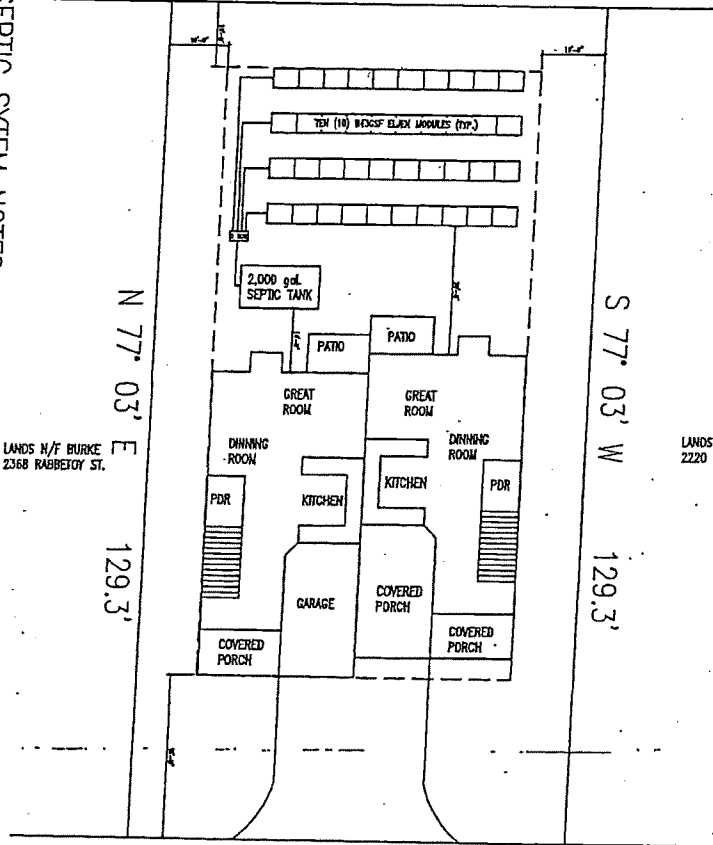
S 12° 57' E 70.0'

SEPTIC SYSTEM NOTES:

1. SOIL TESTS PERFORMED MAY 2018 & WITNESSES BY SCHENECTADY COUNTY HEALTH DEPARTMENT AND TOWN BUILDING INSPECTOR
2. STABILIZED PERCOLATION RATES OF 1" IN 3:30 MIN. & 1" IN 4:00 MIN.
3. DEEP TEST PIT 54" TO MOTTILING/GREY SAND
4. 1-5 MINUTE DESIGN TIME REQUIRES 26 ELJEN MODULES FOR 6 BEDROOMS 50% EXPANSION ADDS 13 MODULES
5. THE DESIGN PROPOSES THE INSTALLATION OF 30 ELJEN MODULES WITH AN EXPANSION AREA FOR 10 ADDITIONAL MODULES

LANDS N/F BURKE
2368 RABBEY ST.

N 77° 03' E 129.3'



LANDS N/F JONES
2220 GREENPOINT AVE.

S 77° 03' W 129.3'

N 12° 57' W 70.0'

GREENPOINT AVENUE

RECEIVED
APR 08 2019
TOWN OF ROTTERDAM
PUBLIC WORKS

SITE PLAN

2217 GREENPOINT AVENUE
ROTTERDAM NY 12204

CHAS STRAIN
3410 STATE STREET
SCHENECTADY NY 12304

REVISIONS

NO.	DATE	DESCRIPTION

DATE 3/22/19

SCALE 1/16"

DRAWN M.H.

SHEET

C1.0

Town of Rotterdam

"A nice place to live"

"A nice place to do business"

Office of the Town Clerk

Diane M. Marco, Town Clerk

Town Clerk's Office
J.F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
Telephone: (518) 355-7575 Ext. 352
Fax: (518) 355-7837
www.rotterdamny.org

July 8, 2019

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 09-2019

To Whom It May Concern:

Enclosed are forms required to file Local Law **09-2019**, adopted by the Town Board of the Town of Rotterdam meeting held on **June 26, 2019**.

If you are in need of anything else please feel free to call my office.

Sincerely,



Diane M. Marco
Town Clerk

Enclosure

ROTTERDAM

LL10 2018 AMENDMENT TO NO PARKING CODE

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of ROTTERDAM

FILED
STATE RECORDS
NOV 20 2018

DEPARTMENT OF STATE

Local Law No. 10-2018 of the year 2018

A local law To amend the Code of the Town of Rotterdam 255-52 entitled "Schedule XII; No parking
(Insert Title)

at any time" to prohibit parking on the north side of Cardiff Rd. extending west from the

driveway located at 2002 Cardiff Rd. to the fire hydrant located at 2004 Cardiff Rd and 10

feet on either side of the driveway located at 2007 Cardiff Rd.

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of ROTTERDAM

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York on Wednesday November 14, 2018 at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 313.18

WHEREAS, a public hearing was called for by the Town Board of the Town of Rotterdam on October 10, 2018; and

WHEREAS, pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 24th day of October 2018 at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 7:00 p.m.; and

WHEREAS, said public hearing was conducted on October 24, 2018, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, upon adoption of a **Proposed Local Law of the Year 2018**, for the following purpose:

To amend the Code of the Town of Rotterdam §266-52, entitled "Schedule XII: No Parking at Any Time" to prohibit parking on the north side of Cardiff Road extending west from the driveway located at 2002 Cardiff Road, to the fire hydrant located at 2004 Cardiff Road and ten (10) feet on either side of the driveway located at 2007 Cardiff Road.

WHEREAS, all persons were duly heard both in the affirmative and negative thereon; **NOW**

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded by Councilmember SIGNORE,

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM

LOCAL LAW NO. TEN (10) OF THE YEAR 2018

SECTION 1. Proposed Local Law of the Year 2018 of the Town of Rotterdam to amend the Code of the Town of Rotterdam §266-52, entitled "Schedule XII: No Parking at Any Time" to prohibit parking on the north side of Cardiff Road extending west from the driveway located at 2002 Cardiff Road, to the fire hydrant located at 2004 Cardiff Road and ten (10) feet on either side of the driveway located at 2007 Cardiff Road and is hereby adopted in the form annexed hereto as Local Law No. Ten (10) of the Year 2018.

SECTION 2. Local Law No. Ten (10) of 2018 of the Town of Rotterdam shall be, and the Town Clerk is hereby directed to file such local law in the Office of the New York State Department of State in compliance with all applicable legal requirements.

SECTION 3. This resolution shall become effective November 14, 2018.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

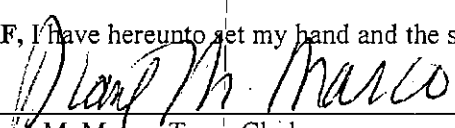
DATED: November 14, 2018

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 14, 2018 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution is on file in the Town Clerk's Office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 15, 2018.



Diane M. Marco, Town Clerk

§ 266-52. Schedule XII: No Parking at Any Time.

In accordance with the provisions of § 266-20, no person shall park a vehicle at any time upon the following streets or parts of streets:

Name of Street	Side	Location
Cardiff Road	North	Extending west from the driveway located at 2002 Cardiff Road to the fire hydrant located at 2004 Cardiff Road
Cardiff Road	South	Ten (10) feet on either side of the driveway located at 2007 Cardiff Road

ROTTERDAM

CHAPTER 244 SOLID WASTE, GARBAGE, RECYCLING, BRUSH, GRASS AND LEAVES

Chapter 244

SOLID WASTE, GARBAGE, RECYCLING, BRUSH, GRASS AND LEAVES

GENERAL REFERENCES

Fees — See Ch. 126.

Property maintenance — See Ch. 265.

Automobile junkyards — See Ch. 173.

Zoning — See Ch. 270.

**Outside storage of vehicles and junk — See
Ch. 264.**

ARTICLE I
Disposal

§ 244-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD — The Town Board of the Town of Rotterdam.

BRUSH — Scrub vegetation, twigs, underbrush and overgrowth.

GARBAGE — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods and any other matter capable of fermentation.

HAZARDOUS WASTE — Any solid waste that is considered a hazardous waste using the classification and standards established and promulgated by the New York State Department of Environmental Conservation and/or the Environmental Protection Agency. In the case of a difference in classification, more stringent interpretation will be used.

MULTIPLE RESIDENCE — A building or parcel of land having four or more dwelling units.

NEWSPAPERS — Includes inserts; no magazines.

NONRESIDENCE — Any building or parcel of land not used as a residence or a multiple residence.

PERSON — Any individual, partnership, association, firm, corporation, company or any and all combinations acting in concert.

RECYCLABLE MATERIALS — Solid waste consisting of newspapers, plastic bottles, metal containers and glass containers (only clear, green and brown glass containers).

RESIDENCE — A building or parcel of land having three or fewer dwelling units.

RESIDENT — A person residing in a residence.

SANITARY LANDFILL — A land disposal employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards and the design and operation requirements as promulgated by state and/or federal regulatory agencies.

SOLID WASTE — All putrescible or nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, yard and agricultural waste, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles, offal and sludges from air or water control facilities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form.

TOWN ENGINEER — A licensed professional engineer of the Town of Rotterdam overseeing the operation of the Town of Rotterdam Sanitary Landfill or a duly authorized representative appointed by the Rotterdam Town Board.

UNSEPARATED RECYCLABLE MATERIALS — Recyclable materials, as specified herein, that are mixed with other solid waste.

WASTE COLLECTOR — An individual, firm or corporation engaged in the business of collecting solid waste from residences, businesses or industries and transporting this material to a solid waste disposal site.

§ 244-2. Applicability; use of land as disposal site restricted.

- A. This article shall apply to any lands now used or hereafter acquired or leased by said Town for the purpose of disposal of solid waste and/or use as a sanitary landfill.
- B. Other uses prohibited. The use of any lands, other than those described in Subsection A hereof, within the Town of Rotterdam as a disposal site for solid waste, is hereby prohibited, except those sites that have been approved by the New York State Department of Environmental Conservation (DEC) and the Town of Rotterdam.

§ 244-3. General regulations.

- A. No person, firm or corporation, for the purpose of final disposal thereof shall throw, deposit or cause to be thrown or deposited any solid waste thereof in or upon any lands within said Town of Rotterdam except upon the approved solid waste disposal sites as described in § 244-2A.
- B. No person, firm or corporation shall leave or deposit any form of solid waste of any kind upon any street, avenue, highway, park or public place within the Town of Rotterdam, except that householders and business places may place garbage and refuse, in proper covered containers, in front of their premises for authorized collection and removal to the public dumping grounds described in § 244-2A.
- C. No person, firm or corporation shall, for the purpose of final disposal, throw or cause to be thrown or deposited upon the sanitary landfill area described in § 244-2A, any waste materials from septic tanks, cesspools or any other sewerage disposal. The disposal of any hazardous wastes at the sanitary landfill is hereby prohibited.
- D. It shall be unlawful for solid waste containers which might attract flies and bugs and create a health menace to be left uncovered on any property, and the owner and/or occupant of such property shall be responsible and liable for any violation thereof.
- E. No garbage or other solid waste which contains liquids or can ferment shall be placed in any container with a hole or holes therein.

- F. The Town Board of the Town of Rotterdam may, by local law or contract with a private party, establish a schedule of charges and/or fees levied upon all garbage and refuse collectors, contractors, businesses, commercial enterprises and Town residents of Rotterdam using the sanitary landfill area. Said fees and/or charges will be set forth in Chapter 126 of the Code of the Town of Rotterdam, entitled "Fees."

§ 244-4. Waste collector permits.

- A. A permit shall be issued by the Town Clerk to each waste collector upon the payment by the applicant of a fee as set forth in Chapter 126, Fees. Every waste collector who collects solid waste within the Town of Rotterdam must obtain a waste collector permit. Rental trucks may be substituted for regularly permitted trucks without fee while the same are out of order for repair, but they must carry the same identification markings as the trucks they replace if they are to be used for more than five days in succession; however, their use must be first reported to the Town Clerk no matter how long they are to be substituted.
- B. Waste collectors shall not collect garbage and/or rubbish on Sundays or such days as the Town Board shall from time to time so direct. All waste collectors must unload solid waste only during those times and days established by the Town Board. No collection of garbage and/or rubbish shall be permitted at any location in the Town of Rotterdam between sunset on any given day and the hour of 6:00 a.m. official local time on the succeeding day. There shall be no collection of garbage and/or rubbish in a commercial area located within the boundaries of Patton Drive, Altamont Avenue, O'Brien Avenue and Hamburg Street in the Town of Rotterdam between sunset on any given day and the hour of 7:00 a.m. official local time on the succeeding day.
- C. All permits shall be issued on or before and be effective as of January 1 of any year and shall be for the period covering January 1 to December 31 of such calendar year.
- D. In addition to the other requirements of this article, all waste collector permit applications shall include or comply with the following:
- (1) A schedule of rates to be charged and services to be rendered, together with the approximate hours of collection in each block or a map showing the approximate hours of collection in each area shown shall be furnished. The term "approximate" shall mean whether morning or afternoon hours and on what day. A separate schedule must be furnished for each vehicle.
 - (2) A statement shall be furnished of where the refuse will be deposited, if it is intended that a site outside the Town of Rotterdam will be used.
 - (3) Applications must be filed six weeks before a permit expires or is to become effective to allow for proper investigation and processing.

- (4) All permit applications shall be investigated by the Town Engineer, who will advise the Town Clerk of his findings for further processing and issuance or denial of the permit.
- (5) Permits described in § 244-4A are limited to collectors collecting in the Town of Rotterdam exclusively. All other permits are controlled by § 244-3.
- (6) A roster of permittees and their employees shall be maintained by the Town Clerk for public inspection.
- (7) A copy of this article shall be given to all collectors when requesting application forms. The application shall state that they have read this article. They shall agree to abide by rules of landfill operation as adopted from time to time by the Town Board consistent with the limitations and purposes of this article.
- (8) Each collector shall file a certificate of a public liability policy of \$10,000/\$20,000 and a certificate of his vehicle liability policy with the Town Clerk and shall in his application agree to indemnify any person not to exceed \$1,000 for any single act of dishonesty in or about such person's place of abode by any of the collector's employees.

§ 244-5. Temporary permits.

A limited use, three-day permit, shall be issued for out-of-town businesses doing work within the Town of Rotterdam, subject to verification and approval by the Coordinator of the Department of Public Works. The fee for this temporary permit will be as set forth in Chapter 126, Fees.

§ 244-6. Penalties for offenses.

Any violation of this article by any person, firm or corporation shall constitute a violation and shall be punishable by a fine not less than \$500 and not more than \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.

§ 244-7. Inspections of trucks and carriers.

The Public Works Department of the Town of Rotterdam is charged with the inspection of all trucks and other carriers transporting garbage prior to

issuance and renewal or during the period of time that permits are in effect; and also with the enforcement of all the other provisions of this article.

§ 244-8. Revocation of permit.

In addition to the penalties provided for, the Town Board may, after a public hearing thereon, at which the licensee or special permittee shall have an opportunity to be heard, revoke any permit issued under authority of this article to any applicant whom the Town Board shall determine to be an undesirable person or incapable of or unwilling to comply with the provisions of this article.

ARTICLE II
Recycling

§ 244-9. Purpose.

The purpose of this article is to facilitate the disposal of solid waste, garbage, brush, grass and leaves generated within the Town of Rotterdam in the most environmentally acceptable manner possible and to facilitate and encourage the recovery of all recyclable materials which can be marketed or used for secondary purposes.

§ 244-10. Separation and collection of recyclables.

- A. It shall be the responsibility of all persons of the Town, prior to placement of solid waste for collection and removal, to source-separate recyclable materials from all other solid waste and place them out for collection in the following manner:
- (1) Glass and metal containers shall be clean and all contents shall be removed therefrom in the following manner: caps shall be removed, paper labels shall be removed from metal containers and cans must be flattened with ends cut off, if possible, and inserted inside.
 - (2) Newspapers for collection shall be placed in containers or secured in such a manner as to be clean and dry.
 - (3) Plastic bottles shall be clean and all contents shall be removed therefrom, including the caps.
 - (4) Recyclables shall not be placed in the same container as or otherwise mixed with other forms of solid waste which consist of recyclable materials combined with other forms of solid waste.
- B. On or after July 1, 1994, it shall be the responsibility of all persons of the Town, prior to placement of solid waste for collection and removal, to separate the following additional recyclable materials from all residential solid waste and place them out for collection in the following manner:
- (1) Corrugated cardboard, junk mail, brown paper bags and magazines for collection shall be placed in containers or secured in such manner as to be clean and dry.
 - (2) Aseptic packaging, which includes milk cartons and juice boxes, must be clean and all contents shall be removed therefrom.
- C. It shall be unlawful for any person to collect and dispose of solid waste which consists of recyclable materials combined with other forms of solid waste.
- D. All persons owning or otherwise responsible for the management of nonresidences and multiple residences shall provide for the separate

collection of recyclables and distinguish them from other forms of solid waste.

- E. Other materials to be excluded from solid waste. Tires, white goods and scrap metals are not to be disposed of, collected as or mixed with solid waste. These items must be delivered to facilities registered with the State of New York, permitted or exempted from 6 NYCRR Part 360 permitting.

§ 244-11. Enforcement.

The Superintendent of Highways, Code Enforcement Officer and any other person designated by the Town Board shall be authorized to inspect:

- A. Solid waste left for collection.
- B. Loads of solid waste being transported within the Town of Rotterdam.
- C. Recyclable materials.

ARTICLE III
Yard Waste

§ 244-12. Nonrecyclable waste and yard waste packaging; scavenging.

- A. Collection and placement at curblines. Material such as brush, leaves, trees, branches, shrubbery, underbrush and pruning wastes which have been gathered by the respective residents and property owners of the Town of Rotterdam's one-, two- and three-family homes shall be placed at the curblines or within a reasonable distance of said curblines. No material shall be placed in the paved portion of any street, roadway or any other area where vehicular traffic operates.
- B. Specifications for collection containers. The respective residents and property owners of the Town of Rotterdam shall place the materials which they desire to be collected in containers or in compostable paper bags, in accordance with the following specifications:
 - (1) The paper leaf bags shall be compostable.
 - (2) Compostable paper bags shall be securely tied or fastened at the top.
 - (3) Clearly marked garbage cans may be used for disposal of leaves, grass clippings and brush.
- C. Weight and size limits on bundled materials. Materials such as branches, small trees and brush shall be tied in bundles not to exceed 50 pounds in weight or over 30 inches in diameter or four feet in length. Christmas trees shall be excluded for these requirements.
- D. Compliance required. Loose brush, leaves, grass, trees, branches, shrubbery, underbrush and pruning wastes shall not be deposited in or on the curb or street other than as herein provided, under penalty of law.
- E. Removal of development materials. Notwithstanding any provision in this chapter to the contrary, no materials such as brush, leaves, grass, trees, branches, shrubbery, underbrush and pruning wastes from land being cleared by a private individual, partnership or corporation for real estate development shall be placed at the curblines or within a reasonable distance of said curblines for removal by Town employees. It shall be the obligation of the developer to provide for the removal of such materials.
- F. Enforcement. For purposes of enforcement of this chapter, the Superintendent of Highways or his or her designee, Code Enforcement Officer and any other person designated by the Town Board is granted the power and authority to serve as the ordinance enforcement officer, including the authority to sign a summons returnable in the Rotterdam Town Court.

- G. Fees for the collection of materials. Each respective resident or property owner shall pay an annual fee per parcel to the Town of Rotterdam for the collection of materials, such as grass clippings, trees, branches, shrubbery, leaves, underbrush and pruning wastes, that are put in containers, compostable paper bags or bundled and placed at the curblane, or within a reasonable distance of the curblane. The fee for collection of such materials from January 1, 2016, through December 31, 2016, shall be \$40; the fee for collection of such materials from January 1, 2017, through December 31, 2017, shall be \$25. Any annual fee not paid prior to May 31 of any year shall be assessed as a lien against the subject property and relieved to the owner's property taxes. This section shall be repealed effective January 1, 2018, and no fee shall be charged for the collection of such materials after January 1, 2018. **[Amended 2-10-2016 by L.L. No. 2-2016]**
- H. Declining service. Prior to April 1, a resident or property owner may notify the Town Clerk in writing, on a form provided by the Town Clerk, that he or she shall not utilize the Town's services for the collection of materials that are put in containers, compostable paper bags or bundled any longer. If a resident or property owner properly files such notice with the Town Clerk prior to April 1, the fee outlined in Subsection G of this section shall be waived forevermore. If a resident chooses to accept the service after previously declining the service, he or she shall notify the Town of this change in writing. **[Amended 2-10-2016 by L.L. No. 2-2016]**

ARTICLE IV

Penalties**§ 244-13. Penalties for offenses.**

Violation of Articles II and III of this chapter shall be punishable as follows: Any violation of this article by any person, firm or corporation shall constitute a violation and shall be punishable by a fine not less than \$250 and not more than \$500 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.