



Hecate Energy Albany 1 LLC and Hecate Energy Albany 2 LLC

Appendix 31-A. Town of Coeymans Zoning and Land Use Regulations

*Town of Coeymans, NY
Thursday, May 9, 2019*

Chapter 165. Zoning

[HISTORY: Adopted by the Town Board of the Town of Coeymans 6-19-1961. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Conservation Board — See Ch. **8**.

Planning Board — See Ch. **34**.

Building construction and fire prevention — See Ch. **71**.

Environmental quality review — See Ch. **88**.

Flood damage prevention — See Ch. **93**.

Junkyards and storage of junk — See Ch. **105**.

Landfills — See Ch. **109**.

Mobile home parks — See Ch. **114**.

Subdivision of land — See Ch. **145**.

Permit fees — See Ch. **A170**.

165a Appendix 1 

165b Appendix 2 

165c Appendix 3 

165d Appendix 4 

165e District Zoning Regulations 

Article I. Purposes

§ 165-1. Purposes.

The restrictions and regulations described in the text and maps that constitute this chapter are adopted in accordance with a Comprehensive Plan and are in the interest of the protection and promotion of the public health and welfare of the Town of Coeymans and shall be deemed specifically to include the following among others:

- A. The facilitation of the provisions of adequate public services and facilities;
- B. The preservation and protection of residential lands, both visually and physically from those of nonresidential use, and wherever reasonable, the elimination of nonconforming uses, which have a deleterious effect on their surroundings;
- C. The reduction and prevention of traffic hazards and congestion;
- D. The general enhancement of the town appearance;
- E. The conservation of property values through the encouragement of the most appropriate use of land within the municipality.

Article II. Terminology

§ 165-2. Interpretation and use of words.

Except where specifically defined herein all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is always mandatory; the word "may" is permissive; the word "used" shall be considered as though followed by the words "intended for," "arranged for," or "designed to be used or occupied."

§ 165-3. Definitions.

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

ACCESSORY USE

A term applied to a use, building or other structure customary to the principal use but incidental to, subordinate to, and located on the same lot as the principal use.

ALTERATION

As applied to a building, any change or rearrangement in the nonstructural parts, or an enlargement of said building or structure.

ALTERATION (STRUCTURAL)

As applied to a building, any change in its supporting members, such as bearing walls, column, beams or girders.

APARTMENT HOUSE

A building arranged, intended or designed to be occupied by three or more families living and cooking independently of each other.

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, NET SITE

The total area within the property lines excluding external streets.

ATTIC

That space within a building which is immediately below and wholly or partly enclosed by the roof framing. An attic with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

BASEMENT

A story partly underground by 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 purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than four feet or if used for business or dwelling purposes.

BILLBOARDS

See "signs."

BOARDINGHOUSE

Any dwelling in which at least two rooms, but not more than six rooms, are offered for rent, and table board is furnished only to roomers. A rooming house or a furnished rooming house shall be deemed a boardinghouse.

BUFFER, INDUSTRIAL

Those areas of land set aside to remain in their natural state.

BUILDING

Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY

See "accessory use."

BUILDING, DETACHED

A building fully 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. This face includes covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING HEIGHT

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 ridges for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMIDETACHED

A building attached by a party wall to another building of the same type on an adjacent lot, but having one side yard.

CAMPSITE

An area of land privately or publicly owned, used primarily for transient travelers, providing off-street parking and recreational facilities.

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 in determining the permissible number of stories.

CLUB, MEMBERSHIP

An organization catering exclusively to members and their guest, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not conducted any merchandising or commercial activities except as required generally for the membership and purposes of such club.

COURT

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE

The percentage of the plot or lot area covered by the building area.

CURB LEVEL

The officially established grade of the curb in front of the midpoint of the lot.

DAY CAMPS

An area of land with or without buildings designed for formal and informal recreation or education for children and young adults.

DOG KENNEL

A structure used for the harboring of more than three dogs that are more than six months old.

DUMP

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

DWELLING

A building designed or used as the living quarters for one or more families. The terms "dwelling group" shall not be deemed to include automobile court, rooming house or tourist home.

DWELLING, ONE-FAMILY

A detached building designed for or occupied exclusively by one family.

DWELLING, MULTIPLE

A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.

DWELLING, ROW OR GROUP

A building consisting of a series of noncommunication one-family sections having a common wall between each two adjacent sections.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two families living independently of each other.

DWELLING UNIT

A dwelling or portion thereof providing complete living facilities for one family.

FAMILY

One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building or buildings. Measurements shall be taken from the outer face of exterior walls or from the center line of walls separating two buildings.

A. More specifically, the "floor area" shall include:

- (1) Basement and cellar space.
 - (2) Floor space for mechanical equipment with structural headroom of seven feet six inches or more;
 - (3) Elevator shafts and stairwells at each floor;
 - (4) Penthouses;
 - (5) Interior balconies and mezzanines;
 - (6) Enclosed porches; and
 - (7) Accessory buildings.
- B. However, the "floor area" of a building shall not include:
- (1) Accessory off-street parking or unloading spaces;
 - (2) Uncovered steps, exterior fire escapes;
 - (3) Terraces, stairways, open porches, outside balconies; and
 - (4) Accessory outside water tanks and cooling towers.

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 one car is rented to a nonresident of the premises.

GARAGE, PUBLIC

Any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GARDEN-TYPE APARTMENTS

A building of not more than two stories designed as a residence for three or more families living independently of each other and doing their own cooking therein; a building not to exceed 10 family units.

GASOLINE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles.

GOVERNMENT AND COMMUNITY SERVICE FACILITIES

Those buildings and or grounds needed to service the municipality.

GRADE, ESTABLISHED

The elevation of the center line of the streets as officially established by the town authorities.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on the official plans or designs relating thereto.

HOME OCCUPATION

An occupation for gain or support conducted only by members of a family residing on the premises except that one person outside the family may be employed, and conducted entirely within the dwelling, provided that no article or service is sold or offered for sale except such as may be produced by said residents.

HOSPITAL, GENERAL MEDICAL AND SURGICAL ONLY

A hospital for other than mental patients, contagious or infectious diseases, or liquor or drug addicts.

HOTEL

A building containing more than six rooms which are rented or hired out to be occupied for sleeping purposes by guests and where a general kitchen and dining room are provided within the building or in an accessory building.

HOUSE TRAILER

Any portable or mobile vehicle used or designed to be used for living purposes.

JUNKYARD

A lot or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDERETTE

A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LINE, STREET

The dividing line between the street and the lot.

LOADING SPACE

The area required for parking delivery trucks, which in this chapter is held to be an area 12 feet wide by 40 feet long and 14 feet in height.

LODGING HOUSE

A building in which at least^[1] and not more than six rooms are rented and in which no table board is furnished.

LOT, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets.

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 from another.

LOT, THROUGH

An interior lot having frontage on two approximately parallel streets.

LOT, WIDTH OF

The mean width measured at right angles to its depth.

MOBILE HOME

See "trailer."

MOTEL

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, auto courts, motor lodges, and by similar appellations.

MOTOR VEHICLE REPAIR SHOP

A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USE

Use of a building or land that does not conform to the regulations as to use for the district in which it is situated.

NURSERY SCHOOL

A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

NURSING OR CONVALESCENT HOME

Any dwelling with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE

An unoccupied space open to the sky on the same lot with the building.

PARKING SPACE

The area required for parking an automobile, which in this chapter is held to be an area 10 feet wide and 20 feet long, not including passageways.

PLANNED DISTRICT

Districts noted as Planned Commercial, Residential and Industrial are special types of districts developed to meet community needs and subject to municipal review through the Planning and Zoning Boards.

PROFESSIONAL OFFICE

A room, wing or detached building housing the following practices: medicine, dentistry, law, architecture, engineering, real estate.

PUBLIC TRANSPORTATION BUILDING

Buildings utilized for the movement of people and a limited amount of goods, but not to include storage and repair or maintenance of transport vehicles.

RESIDENTIAL HOTEL

A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands or other accessory services primarily for serving its occupants and only incidentally the public.

RESIDENTIAL RECREATIONAL FACILITIES

Those areas set aside for informal play, e.g. swings, sand boxes, jungle gym, paddling pool, and associated seating.

ROADSIDE STAND

A covered or uncovered structure kept in a neat and orderly manner for the sale of farm or home produce actually grown or made on the premises of the resident and set at the roadside of the resident's property.

ROOMING HOUSE

See "boarding house."

ROW HOUSE

A building consisting of a series of attached dwelling units having common party walls between units.

SANITARIUM OR SANATORIUM

A private hospital, whether or not such facility is operated for profit.

SEASONAL COTTAGE

A detached building designed for and occupied by one or two families.

SIGN

Any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model or device which represents or is in the nature of an announcement, direction or advertisement. A "sign" does not include the flag or insignia of any nation, group of nations, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or similar campaign, drive movement or event. However, a "sign" as defined herein shall not include a similar structure or device located within a building.

A. BUSINESS SIGN

- A sign which directs attention to a business or profession conducted or to products sold upon the same lot. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed a "business sign."

B. ADVERTISING SIGN

- A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

C. FREESTANDING SIGN

- A sign which is not attached to a building.

D. BILLBOARD SIGN

- One on which illustrated posters, or painted-on equivalents, are displayed.

E. ILLUMINATED SIGN

- Any sign designed to give forth or reflect any artificial light, such light deriving from any source which is intended to cause such light or reflection.

F. FLASHING SIGN

- Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

STORY

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

STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET

A public way that affords the principal means of access to abutting properties.^[2]

STREET GRADE

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE, UNSAFE

Any structure which because of disrepair, destruction, total or partial, by natural elements or by fire constitutes a public hazard by reason of the possibility of collapse, broken glass, falling objects or other nuisances.

TEMPORARY COMMERCIAL BUILDINGS

- A. Temporary buildings for commercial establishments, during urban renewal operations.
- B. Seasonal facilities (racing, convention and special function summer activities).

THEATER, MOVING-PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER PARK

A land area occupied or designed for occupancy by two or more trailers or camp cars in use for permanent living purposes and/or transient occupancy.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

YARD, FRONT

A yard extending fully along the front lot line between the side lot lines.

YARD, REAR

A yard extending fully along the rear lot line between the side lot lines.

YARD, REQUIRED

A space open to sky adjacent to a building and extending along a lot line for a depth or width as specified by the regulations of the district in which the lot is located. No part of any yard on one lot shall be considered as part of a yard similarly required for a building on another lot.

YARD, SIDE

A yard extending fully along the side lot line between the front and rear lot lines.

[1] *Editor's Note: So in original.*

[2] *Editor's Note: Applies to all zoning districts regarding minimum lot size, street frontage in feet.*

Article III. Establishment of Districts

§ 165-4. List of districts.

[Amended 4-6-1967; 5-24-1993; 4-22-2013 by L.L. No. 1-2013]

For the purpose of promoting the economic development, health, safety and general welfare of the Town of Coeymans, the Town is hereby divided into the following districts:

R-L	Residential Low-Density	
	R-1	Single-Family Residence
	R-2	Single- and Two-Family Residence
	R-3	Multifamily Residence
R-A	Residential/Agricultural	
	R-1	Single-Family Residence
	R-2	Single- and Two-Family Residence
	R-3	Multifamily Residence
	R-4P	Planned Residential
C-1P or C-1PS	Planned Commercial	
C-2P or C-1PN	Planned Commercial	
I	Industrial	
CF-1	Community Facility	
	B-1	General Business
CF-2	Town Properties	

§ 165-5. Zoning Map.

[Amended 4-22-2013 by L.L. No. 1-2013]

The districts referred to above are shown on the map entitled "Town of Coeymans 2013 Zoning Map Modification," as adopted April 22, 2013, and certified by the Town Clerk, which accompanies, with all explanatory matter thereon, and is hereby made a part of, this chapter. The zoning maps may be amended in the same manner as any other part of this chapter. Said maps, indicating the latest amendment, shall be kept up to date in the office of the Building Inspector/CEO and the Town Planning Board for the use and benefit of the people.

§ 165-6. Interpretation of district boundaries.

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

- A. Where district boundaries are indicated as approximately following the center line 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 deemed to be such boundaries.

- B. Where district boundaries are indicated as approximately parallel to the center line of streets or highways, boundaries shall be deemed as being parallel thereto and at such a distance as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said zoning map.
- C. Where the district boundaries follow a railroad line, such boundaries shall be deemed to be located in the center on the main track of said railroad line.
- D. Where the district boundaries follow a stream, lake or other body of water, such boundaries shall be deemed to be located at the limit of the jurisdiction of the town unless otherwise indicated.
- E. In all cases when a district boundary is located not farther than 25 feet away from a lot line of record, the boundary shall be construed to coincide with such line.

Article IV. Regulations

§ 165-7. Effect of establishment of districts.

- A. Following the effective date of this chapter, the district regulations and requirements prescribed for the various districts established hereby shall govern:
 - (1) The use, height, bulk and/or percentage of lot coverage and wherever specified, the minimum habitable floor area of any dwelling unit, and the use of any land; and
 - (2) The yards, open spaces, lot dimensions and area, off-street parking and loading facilities with necessary passageways and driveways appurtenant thereto and, wherever specified, the screening and landscaping to be provided in connection with erection, alteration or moving of any building or the use of any land.
- B. No yard or open space required in connection with any building or use shall be encroached upon, nor shall it be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created, unless such building and lot comply with all the provisions of this chapter.
- D. The minimum lot width or area regulation shall not apply to any lot with an area and/or width of less than that prescribed herein, provided that such lot was under different ownership from that of any adjoining land on the effective date of this chapter; and provided, further, that such lot shall be subject to all other applicable regulations prescribed by this chapter. In areas where the prevailing lot width and/or areas are below the requirements of this chapter, the Board of Appeals may vary such requirements, provided that the resultant lot widths and/or areas shall be in harmony with the pattern of development prevailing in the area.
- E. Any building or parcel of land found at any time to contravene the specific provisions of this chapter shall be deemed to be in violation thereof, except in cases where such contravention is justified either;
 - (1) By reason of conditions found to have existed prior to the effective date of this chapter; or
 - (2)

By the granting of a variance by the Board of Appeals as hereinafter provided, following the effective date of this chapter; provided, however, that such contravention conforms to the provisions and special requirements, if any, under which such variance was granted.

§ 165-8. Schedule of District Zoning Regulations.

The attached schedule of Use and Bulk Regulations is a part of the section and is referred to as "Schedule of District Zoning Regulations."^[1]

[1] *Editor's Note: The schedule is included at the end of this chapter.*

§ 165-9. Standards for special permits.

- A. General provisions. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Submission of plan. A plan for the proposed development of a site for a permitted special use shall be submitted with the application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, existing and proposed contour lines, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.
- C. Expiration. A special permit shall be deemed to authorize only one particular special use and shall expire as determined by the Board of Appeals [see § 165-13E(2)(a)].
- D. Existing violations. No permit shall be issued for a special use for a property where there is existing violation of this chapter.
- E. Standards applicable to all special uses.
 - (1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it shall be such that they will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - (2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or in any other manner, than would be the operations of any permitted use.

§ 165-10. Supplementary regulations.

- A. Accessory uses. Filling stations, public garages and motor vehicle repair shops shall not be permitted as accessory uses in any district, except where noted on the schedule.^[1]

[1] *Editor's Note: The schedule is included at the end of this chapter.*
- B. Lot area.
 - (1) Insufficient lot area. In any residential district it shall be permissible for the owner of any lot, the dimensions or area of which do not conform to the district standards, to erect a single-family

- dwelling, provided that title to the property was held by him, or was in the process of transfer, at the time of the enactment of this chapter.
- (2) Reduced lot area. No lot shall be so reduced in area that any required open space will be smaller than that specified in the regulations for the district in which said lot is located.
- C. Lot coverage and yard sizes.
- (1) Terraces. A paved terrace which is not covered or otherwise enclosed shall not be considered in the determination of lot coverage or yard sizes, except said terrace shall not project to a point closer than 10 feet from any lot line.
- (2) Porches. Any open or enclosed porch shall be considered in the determination of lot coverage as part of the building.
- (3) Fire escapes. Open fire escapes may not project more than five feet into any required yard.
- D. Lots in two districts. Where a district boundary divides a lot in ownership or record at the time of enactment of this chapter said lot shall be regulated under requirements for the less restrictive district, provided that the lot has street frontage in the less restrictive district.
- E. Building height. The height limitations of various districts shall not apply to church spires, cupola and penthouses not used for human occupancy; nor to chimneys, ventilators, cooling towers, mechanical equipment or similar features, customarily carried above the roof level. Such features shall not exceed the height necessary to accomplish the purpose intended and shall not exceed in aggregate coverage an area of 25% of the roof area, on which they rest.
- F. Home occupations.
- (1) A home occupation shall be allowable by special use permit only if it is incidental and secondary to the principal use and if by its nature and conduct thereof it has no intrusive impact on the neighborhood or zoning district.
- (2) There shall be no exterior storage of equipment.
- (3) A sign advertising a home occupation may be exhibited, provided that:
- (a) It does not exceed 11/2 square feet of total area.
- (b) If not attached to a principal building, it does not exceed one square foot in area.
- G. Junkyards.^[2]
- (1) Junkyards will be permitted in the residential agricultural district according to its regulations.
- (2) The following additional restrictions shall apply:
- (a) Conformance with § **165-10U** below.
- (b) All outdoor storage and working areas shall be completely enclosed by a fence, wall, etc., at least six feet in height. This fence shall visually, as well as physically, contain these areas and meet Planning Board approval.
- (c) All principal and accessory buildings shall meet Planning Board approval.

[2] *Editor's Note: See also Ch. 105, Junk, Storage of.*

H. Trailer parks.^[3] In addition to the district regulations, the following apply:

- (1) Trailer parks shall have safe entries and exits. These are to be approved by the authority responsible for the access road, i.e., state, county, etc.
- (2) The trailer park shall conform to state and local health requirements.
- (3) Screening, by fence or planting, must surround all trailer parks.
- (4) Vehicular surfaces shall be paved with a dustless material.
- (5) Signs shall conform to § 165-10Q below.

[3] *Editor's Note: See also Ch. 114, Mobile Home Parks.*

I. Drive-in movies.

- (1) Projection screens, buildings or parking areas shall be at least 50 feet from any street, right-of-way line and at least 100 feet from any residential property line. Movies shall not be visible to traffic on adjacent major streets or to adjacent residences.
- (2) Vehicular surfaces shall be paved with a dustless material.
- (3) Loudspeakers shall be of the individual in-car type.
- (4) Entrance car off-street storage must be at least 5% of total capacity.
- (5) Entries and exits shall be approved by the authority responsible for the access road, i.e., state, county, etc.

J. Off-street parking minimum requirements.

- (1) Off-street parking spaces shall be provided and maintained by the owner of the property for each building which is erected, altered or enlarged as follows:
 - (a) Dwellings: at least one parking space for each dwelling unit in the building or buildings; a garage for any commercial vehicle.
 - (b) Home occupations: one parking space for every 100 square feet of occupation of floor area.
 - (c) Retail stores and shops: at least one parking space for each 100 square feet of sales floor area and for each four employees.
 - (d) Restaurants or other eating places: at least one parking space for each four seats and for each four employees.
 - (e) Professional office (including those as home occupations): one parking space for every 100 square feet of occupation of floor space.
 - (f) Banks and offices: at least one parking space for each 200 square feet of office or customer space and for each four employees.
 - (g) Hotels and tourist homes: at least one parking space for each bedroom.

- (h) Auditoriums, stadia, theaters and other places of public assembly: at least one parking space for each four seats.
 - (i) Tourist home, boarding home: at least one parking space for each bedroom.
 - (j) Motels: at least one parking space for each unit and for the manager.
 - (k) Place of worship: at least one parking space for each four seats, for each clergyman, and for each two employees.
 - (l) School: at least one parking for each three employees, including teachers; loading and unloading space for buses.
 - (m) Filling station: at least five parking places.
 - (n) Private club: one space for each three members and for each two employees.
 - (o) Industrial plant or establishment: at least one space for each company vehicle and for each two employees based on peak employment hours.
 - (p) Undertaking establishment: at least 10 spaces for visitors per chapel; one space for each official vehicle and for every two employees.
 - (q) Hospital, sanitarium or nursing home: at least one space for every two beds.
- (2) All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may permit the parking spaces to be on a lot within 500 feet of the building or such distance as is deemed necessary by the Board if it determines that it is impractical to provide parking on the same lot with the building.
 - (3) The Board of Appeals may waive the parking requirements for uses in B-1 Districts where sufficient public parking is supplied.
 - (4) In all parking lots for more than 15 cars, landscaped areas, wholly contained within the paved area amounting to 10% of the total paved area of the lot, shall be provided. These shall be distributed throughout the lot and maintained.
- K. Off-street loading; minimum requirements.
- (1) Off-street loading spaces shall be provided and maintained by the owner of the property for each building which is to be erected, altered or enlarged for uses described as follows:
 - (2) Nonresidential uses: at least one space for a building with a floor area of 5,000 to 20,000 square feet or fraction thereof, except where deliveries do not exceed one vehicle per day no additional space will be required.
 - (3) Hotels: at least one space per 30,000 feet of floor area or less.
 - (4) Industrial uses: at least one space for 5,000 to 10,000 square feet; for each additional 75,000 square feet, one space is required.
- L. Location of parking lots and loading areas.
- (1) Required off-street parking areas shall be located within required yard areas in any district.

- (2) In B-1 Districts off-street parking or loading areas will not be permitted in front of any principal building.
- (3) All open off-street parking or loading areas shall be visually screened from adjacent residential lots by a wall, fence or hedge at least six feet in height, subject to Planning Board approval.
- M. Ingress and egress. Access drives shall occupy not more than 25% of the total lot frontage, except that in the case of lots with frontage in excess of 150 feet, the aggregate width of such drives shall not exceed 48 feet for each 300 feet or fraction thereof of lot frontage. Nothing in this chapter shall prevent any lot from providing an access drive with a width of 15 feet, regardless of the frontage of such lot.
- N. Wall and fences; obstructions to vision at street intersections. The yard requirements of this chapter shall not be deemed to prohibit any fence or wall, not exceeding six feet in height, except that:
 - (1) Along any boundary between any residence district and any other district, the maximum permitted height of any fence or wall shall be increased to eight feet; and
 - (2) At all street intersections, no obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches distant from their point of intersection.
- O. Heliports. The location of any heliport shall be subject to approval by the Planning Board and shall comply with local, state and federal regulations.
- P. Water supply and sewage disposal. All water supply and sewage disposal installations shall conform to the New York State Department of Health and local health regulations. No site plans shall be approved by the Planning Board in any district unless such conformity is certified on the plan.
- Q. (Reserved)^[4]
 - [4] *Editor's Note: Former Subsection Q, Signs and billboards, as amended, was repealed 9-24-2012 by L.L. No. 2-2012. See now Ch. 135, Signs.*
- R. Excavations.
 - (1) No excavation shall be permitted except for the installation of driveways or minor operations designed to change existing land contours by not more than two feet except by special permit.
 - (2) Any excavation or grading which adversely affects natural drainage, silting of reservoirs or streams or the structural safety of adjoining buildings is prohibited.
 - (3) Excavations shall not create conditions of objectionable noise or dust and shall not, otherwise, constitute a public hazard.
- S. Excavations for construction.
 - (1) Excavation in connection with the construction of a building for which a building permit has been issued shall be permitted in any district.
 - (2) Any excavation must, at all times, be marked, covered or fenced to sufficiently protect public safety at all times during the operation.
 - (3) Excavations for quarrying and soil mining. Except in a district in which allowed as a principal or accessory use, excavations for the purpose of quarrying or soil mining for sand, gravel or other subsoils shall be allowed only upon issuance of a special permit and subject to the following conditions:

- (a) Upon application for a special permit the applicant shall submit to the Planning Board and the Zoning Board of Appeals two copies of a certified map, at scale of one inch equals 100 feet, showing the land in question and all pertinent information which is deemed necessary by the Boards for their evaluations.
 - (b) The applicant shall also submit certified at the above scale, a map showing the proposed plan of excavation, the proposed drainage plan and the proposed finished elevations at contour intervals of two feet. The proposed finished grading plan shall show the land to be smooth-graded and respread with topsoil to a depth of four inches, or returned to a visually acceptable state. The slopes shall not exceed the normal angle of repose for the material removed.
 - (4) Coincident with the issuance of a permit, the applicant shall be required to furnish a performance bond of the same time duration as the special permit, in an amount determined by the Building Inspector to be sufficient to guarantee the completion of the finished grading. The Building Inspector shall release said bonds only upon his certification that the final grading and drainage plans have been complied with.
 - (5) All blasting within areas of excavation will be in accordance with modern methods which will protect adjacent property from damage, both from overhead damage and subsurface vibration.
 - (6) Upon approval and the payment of a fee of \$25, the Town Clerk shall return one copy of the approved maps and the special permit to the applicant.
- T. Unsafe structures. ^[5] When a building or structure, or portion thereof, has been declared unsafe by a proper authority, the Building Inspector shall file notice of such declaration, including the reasons thereof, with the owner, superintendent, lessee, tenant or other person who is directly or indirectly in charge of said property or building thereon. Following such notice, the following conditions must be met:
- (1) The public must be protected from injury due to such unsafe conditions by a fence, barricade or other means within two days from such time of notice.
 - (2) The building must be restored to a safe conditions or completely dismantled within 90 days from time of notice. If in any case where reconstruction, restoration or repair cannot be completed within the 90 days allowed, the Building Inspector, for good cause shown, may grant one or more extensions of time, not exceeding a total of six months.
- ^[5] *Editor's Note: See also Ch. 74, Buildings, Unsafe.*
- U. Standards for activities or condition of obnoxious or injurious nature, in all districts:
- (1) No vibration, odor or glare shall be evident at the lot line under conditions as outlined in **Appendix 1.** ^[6]
^[6] *Editor's Note: Said appendix is included at the end of this chapter.*
 - (2) The emission of smoke, dust, or fly ash harmful to persons, animals or plants shall be prohibited. (See **Appendix 2.** ^[7])
^[7] *Editor's Note: Said appendix is included at the end of this chapter.*
 - (3) The storage or use of materials creating undue hazard of fire or explosion shall be prohibited. (See **Appendix 3.** ^[8])
^[8] *Editor's Note: Said appendix is included at the end of this chapter.*
 - (4)

The disposal of materials into present or future disposal systems, causing harm to the system or contamination of groundwater, shall be prohibited.

- V. Roadside stands. Such stands shall be located at least 30 feet from the pavement and be so located that it does not constitute a traffic hazard. (Decision of the Zoning Board of Appeals required.)
- W. Day camps. One building for a caretaker may be used as a one-family dwelling.
- X. Industrial buffer. Such areas of land shall have a minimum width of 25 feet and shall remain in their natural state except that a hedge fence or wall, meeting Planning Board approval, may be erected or installed. Access space through the buffer strip will be permitted upon issuance of a special permit.

§ 165-11. Existing nonconforming buildings and uses.

The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter subject to the limitations set forth below:

- A. Construction approved prior to adoption of or amendment to chapter. Nothing herein contained shall require any change in plans, construction or designated use of a building, provided that active and substantial construction shall have been originated prior to the enactment of this chapter, and further provided that the entire building shall be completed within two years from the effective date of this chapter.
- B. Alterations. A nonconforming building may not be renovated or structurally altered during its life to an extent exceeding in aggregate cost 50% of the full assessed value of the building unless said building is changed to a conforming use.
- C. Extensions. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use.
- D. Discontinuance. Whenever a nonconforming use has been discontinued for 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.
- E. Changes in use. Once changed in use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification, and such use thereafter shall not be changed to a lower classification, except upon approval of Board of Appeals.
- F. Displacement. No nonconforming use shall be extended to displace a conforming use.
- G. Cessation. Notwithstanding any other provisions of this chapter, any automobile wrecking yard or other junkyard which becomes a nonconforming use upon the date of enactment of this chapter shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall be discontinued.
- H. District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.
- I.

Removal or reconstruction of damaged buildings. No building of nonconforming use damaged by fire or natural causes to the extent of more than 75% of its full assessed value shall be repaired or rebuilt for such use; that is, any reconstruction must be in conformity with the regulations of this chapter.

Article V. Administration

§ 165-12. Enforcement.

A. Building Inspector. The Town Board shall appoint a Building Inspector who shall be charged with the general and executive administration of this chapter. The Town Board shall fix the salary or remuneration of such officer and shall provide for payment thereof. The duties of the Building Inspector shall be as follows:

- (1) To enforce all provisions of this chapter and all rules, conditions and requirements adopted or specified pursuant thereto.
- (2) To act promptly on all applications for building permits and certificates of occupancy.
- (3) To maintain files for all applications for building permits and plans submitted therewith and for certificates of occupancy and for records of all building permits and certificates of occupancy issued by him, which files and records shall be open to public inspection.
- (4) To record all identifiable complaints of violations of any provision of this chapter, and the subsequent action taken on each such complaint, which shall be public records.
- (5) To file a report with the Town Board at monthly intervals, summarizing for the period since the last previous report, listing all building permits and certificates of occupancy issued by him and all complaints of violations and the subsequent action taken by him in each case. The said Inspector or his duly authorized assistants shall have the right to enter any building or enter upon any land at any reasonable hour in the course of their duties.

B. Building permits.

- (1) No building or structure shall be erected, demolished or structurally altered until a permit therefor has been issued by the Building Inspector. Except upon a written order of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.
- (2) Application.
 - (a) All persons desiring a building permit shall apply in duplicate on an appropriate form stating the proposed work, use and occupancy. The application for a permit shall be accompanied by two copies of all plans, drawn to scale, showing the actual dimensions of the plot to be build upon and the locations of the building and any accessory buildings to be erected on the plot and the location of any proposed alterations, relocation, demolition or other structural change, and any other pertinent information as may be necessary to determine and provide for the enforcement of this chapter.
 - (b) If approval of plans is required by the Planning Board, Board of Appeals, County Health Department or other agency for any of the proposed work, the applicant shall obtain such approval in writing and submit it along with the application for a building permit.
- (3) Approval.

- (a) The Building Inspector upon determining that the proposed work, use and occupancy are in compliance with this chapter, and other applicable ordinances and regulations, shall approve the application within 10 days and issue a building permit in connection therewith.
 - (b) If the proposed work, use and occupancy do not comply with all sections of this chapter, a written order issued by the Board of Appeals excepting the applicant from compliance with such provisions shall be deemed sufficient to allow the issuance of a building permit. With the building permit, the Building Inspector shall return one copy of all plans and the application marked as approved.
 - (4) Disapproval. Should the Building Inspector determine that the proposed work, use and/or occupancy are not in compliance with this and other applicable ordinance, codes or restrictions, he shall disapprove the application and return one copy of said application and plans marked as disapproved and with a statement of reasons for such disapproval, within 10 days.
 - (5) Fees. Every application for a building permit shall be accompanied by a fee as determined by the Town Board of the Town of Coeymans in accordance with the State of New York Executive Law, Article 18. A schedule of fees shall be posted in the Building Inspector's office, as adopted from time to time by the Town Board of the Town of Coeymans.^[1]
[Amended 3-1-1962; 4-24-1990]
^[1] *Editor's Note: See also Ch. A170, Permit fees.*
 - (6) Validity. Each building permit issued shall remain valid for a period of one calendar year following the date of issuance. Prior to expiration of a permit the applicant may apply for an extension of the original permit; such extension shall be for a reasonable time as determined by the Building Inspector.
 - (7) Rescission. The Building Inspector, for just cause, may rescind a building permit which he has issued. he shall notify the applicant in writing of his reasons for such rescission.
- C. Certificates of occupancy.

(1) Application.

- (a) All persons desiring permission to occupy and use any part of a building or structure following construction, alteration, repair, extension, relocation or any structural changes, wholly or in part; or to change the use of an existing building, wholly or in part; or to change the use of a plot of land for other than agricultural purposes; or to occupy and use vacant land, shall apply to the Building Inspector for a certificate of occupancy.
- (b) Any such application shall be made in duplicate on an appropriate form stating the reason for such application and the location of the building or property in question. Such application shall be made concurrently with the application for a building permit if such a permit is required. The applicant shall furnish such data and documents as may be required by the Building Inspector for the performance of his duty.

(2) Approval.

- (a) The Building Inspector shall issue a certificate of occupancy for any of the reasons stated in § 165-12C(1) above, after determining by inspection:

[1] That the premises comply with the conditions under which the Building Permit was issued,
or

[2]

That such occupancy will be in compliance with this chapter and all other applicable ordinances, codes and regulations.

- (b) Such certificates, when issued, shall authorize the applicant to occupy and use the building or land in such manner as requested on the application.
- (3) Disapproval. Should the Building Inspector refuse to issue a certificate of occupancy he shall return one copy of the application marked as disapproved and with a statement of the reasons for such disapproval within 10 days.
- (4) Validity. A certificate of occupancy shall remain valid only as long as the specific conditions under which it was issued are maintained.
- (5) Rescission.
 - (a) The Building Inspector, for just cause, may rescind a certificate of occupancy which he has issued. He shall notify the applicant in writing of his reasons for such rescission.
 - (b) Temporary certificate. The Building Inspector may issue a temporary certificate of occupancy under such rules and conditions as the Board of Appeals may establish. Such certificate shall be valid for a period of not more than 30 days. Extensions for not more than 30 days each may be issued.
- (6) Additional copies. The Building Inspector may issue additional copies of any occupancy certificate to the applicant, owner, lessee, tenant or other person who has direct concern with the building or property.
- (7) Fees. Every application for a certificate of occupancy or a certificate of compliance shall be accompanied by a fee as determined by the Town Board of the Town of Coeymans in accordance with the State of New York Executive Law, Article 18. A schedule of fees shall be posted in the Building Inspector's office, as adopted from time to time by the Town Board of the Town of Coeymans.^[2]
[Amended 4-24-1990]
^[2] *Editor's Note: See also Ch. A170, Permit fees.*

§ 165-13. Board of Appeals.

A. Establishment.

- (1) There is hereby established a Board of Appeals pursuant to provisions of the Town Law. Said Board shall consist of five members appointed by the Town Board.
- (2) The Town Board may fix the compensation of such members and provide for the payment thereof. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

B. Terms.

- (1) Of the five original appointees, one shall be appointed for terms of one, two, three, four and five years respectively; upon expiration of which their successors shall be appointed for terms of five years.
- (2) Vacancies shall be filled for the unexpired term in cases other than expiration.

- C. Chairman and bylaws. The Town Board shall appoint the Chairman and the Board of Appeals shall prescribe such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties. Such rules, bylaws and forms shall be submitted to the Town Board for approval and filing for public view. The Town Board shall move to approve, reject or modify the same within 30 days after submission. Failure of the Town Board to so move shall be construed to constitute approval of the rules, bylaws and forms.
- D. Staff and expenditures. The Board of Appeals shall employ a secretary to keep the minutes of meetings, receive applications and appeals, and to assist in any other manner as may be necessary. Other assistance and expense may be authorized, provided that the expenses do not exceed any appropriation then available for such purposes.
- E. Powers and duties. The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more completely prescribed as follows:

(1) Interpretation.

- (a) Upon proper request the Board of Appeals shall decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary.
- (b) Every request for interpretation shall be made in the form and manner specified by the rules for such procedure adopted by the Board of Appeals. Said request shall set forth the exact interpretation which is claimed or sought.

(2) Special permits.

- (a) Application and issuance. On application and after public notice and hearing the Board of Appeals may authorize issuance of a special permit for any use for which this chapter requires such a permit. No special permit shall be authorized unless the Board of Appeals finds that the proposed use or uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare. To ensure this fact the Board shall impose any conditions it deems necessary or desirable. See also § **165-9**.
- (b) Referral to Planning Board. At least 30 days before the date of public hearing held in connection with any application for a special permit, the Board of Appeals shall submit a copy of the application, copies of all maps and other information relative to the case to the Planning Board for its advisory opinions. The Planning Board shall submit its advisory report prior to the public hearing; failure to do so shall be construed a favorable opinion for the granting of the special permit.
- (c) Types of special permits. The Board of Appeals, as a condition of granting any special permit, may specify its term of validity. Three types of permits allowed are described as follows:
 - [1] Permanent - allows a specific use to continue indefinitely until the specific use ceases; for any reason for a period of six months.
 - [2] Temporary - provides that the use shall be discontinued at a given date. This type shall not be extendable.
 - [3] Renewable - provides that the permit be renewed or extended periodically.
- (d) Application fees. Fees for applications to the Zoning Board of Appeals for special use permits shall be set by resolution of the Town Board upon recommendation of the Zoning Board of Appeals and the Building Inspector.

[Amended 6-25-2001 by L.L. No. 2-2001]

(3) Variances.

(a) Criteria for granting a variance.

[1] The Board of Appeals shall have the power to vary or adapt the strict application of any of the requirements of this chapter, in the case of extraordinary physical conditions, whereby such strict application would result in unnecessary hardship that would deprive the owner of reasonable use of the land or building, but in no other case. A variance in this chapter shall be granted by the Board of Appeals only if it finds:

[a] There are special conditions, described in the findings of the Board applying to the case in question and not generally to the neighborhood, and that said conditions are such that strict application of the provisions of this chapter would deprive the owner of reasonable use of such land or buildings; and

[b] The granting of the variance is necessary for reasonable use of land or building and that said variance is the minimum variance, within the same use, that will accomplish this purpose; and

[c] The granting of the variance will be in harmony with the general purpose of this chapter and will not be injurious to the neighborhood and public welfare.

[2] In no case shall reasons of additional financial gain on the part of the owner of the buildings or land to be considered as grounds for granting a variance.

(b) Conditions. The Board of Appeals, in granting any variance, shall prescribe any conditions that it deems to be necessary or desirable.

(c) Compliance. The granting of a variance to this chapter shall not obviate the necessity of complying with all other applicable provisions of this chapter, in every other respect.

(d) Application fees. Fees for applications to the Zoning Board of Appeals for variances shall be set by resolution of the Town Board upon recommendation of the Zoning Board of Appeals and the Building Inspector.

[Amended 6-25-2001 by L.L. No. 2-2001]

(4) Appeals.

(a) Application. All appeals shall be made in the form and manner prescribed in the rules of procedure adopted by the Board of Appeals: Every appeal or application shall refer to the specific provisions of the ordinance involved, the decision, requirement, act or failure to act of the Building Inspector as the case may be.

(b) Decisions.

[1] Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk, by case number, and under appropriate headings, together with all other documents pertaining thereto.

[2] The Board of Appeals may reverse, affirm, wholly or partly, or modify any order, requirement or decision, as it deems necessary, in any case referred to it, and therefore shall have all the powers of the Building Inspector from whom the appeal was taken. The

concurring vote of the majority of the members of the Board of Appeals shall be necessary to affirm any appeal upon which the Board is required to pass.

- (c) Stay of proceedings. Any appeal, properly filed, shall stay all actions under such action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to person or property.
- (d) Restraining order. The Board of Appeals shall have the power to grant a restraining order to stay all proceedings in furtherance of the action appealed from, over any action by the Building Inspector from whom the appeal is taken, upon notice to said officer and on due cause shown.

§ 165-14. Violations; penalties for offenses.

A. Notice of violation.

- (1) Whenever, in the opinion of the Building Inspector and after proper investigation, there appears to exist a violation of any provision of this chapter, or of any rule or regulation pursuant thereto, said officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation.
- (2) Such notice of violation shall include the following:
 - (a) The nature and details of the violation;
 - (b) The recommended action, which, if taken, will remedy the situation and effect compliance with the provisions of this chapter or with rules and regulations pursuant thereto;
 - (c) The compliance date by which the violation must be remedied or removed; and
 - (d) Notification of the right to a hearing before the Building Inspector in accordance with § **165-14F**.

B. Compliance date extension. The specified date of compliance may be extended if, in the opinion of the Building Inspector, there is reasonable evidence of intent to comply and if unusual conditions prevent compliance by said specified date.

C. Certificate of compliance. Upon reinspection following the date of compliance as specified in the notice of violation, if the violation has been remedied or removed and there is no longer a violation of this chapter, or any rules and regulations pursuant thereto, then the Building Inspector shall issue a certificate of compliance.

D. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and report thereon to the Board of Appeals.

E. Emergency action.

- (1) If a violation exists, in the opinion of the Building Inspector, which requires immediate remedial action to remove a direct hazard or imminent danger to persons or property, said officer may take action on his own initiative to abate the hazard or danger. Any costs so incurred shall be paid for by the person responsible for such violation.
- (2)

The Building Inspector shall keep on file an affidavit stating accurately the items of expense incurred and the date of execution of the action taken, and shall be authorized to institute suit, if necessary, against the responsible party, or to place a lien on his property, for the purpose of recovering such costs.

F. Hearings.

- (1) Request for hearings. Any person served with a notice of violation in accordance with § **165-14A** above of this chapter and who denies the alleged violation or is otherwise aggrieved by the required action necessary for compliance may, within 10 days after service of such notice, file a written request for a hearing with the Building Inspector stating the reasons for his request.
- (2) Time of hearing. The Building Inspector shall, within 10 days after receipt of a request for a hearing acknowledge said request in writing and set a time and place for the hearing not later than 15 days after the receipt of said request. Hearing may be postponed beyond 15 days by the Building Inspector for just cause, and upon service of a notice for such postponement.

G. Testimony and findings.

- (1) The person requesting the hearing shall be required to give evidence why he should not be required to remedy the violation or show cause why he is unable to comply with the remedial action set forth in the notice of violation.
- (2) After consideration of all testimony given at the time of hearing the Building Inspector shall sustain, amend or withdraw the notice of violation as originally served. If the notice is sustained or amended he shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original or amended notice.

H. Legal action for noncompliance by the Town Board.

- (1) Upon reinspection following the date of compliance as specified in the notice of violation or as extended in accordance with § **165-14B** above, if the violation has not been remedied or removed as a specified and there is still in existence a violation of this chapter in the opinion of the Building Inspector, then said Officer shall immediately notify the Town Attorney who shall thereupon institute appropriate legal action to restrain, prevent, remedy or remove such violation and to compel compliance with this chapter.
- (2) By the taxpayers. If the Building Inspector fails or refuses to refer a continued violation of this chapter to the Town Attorney for appropriate legal action within a ten-day period following a written request for such action by any taxpayer, then any three or more taxpayers of the town may institute such legal action.

I. Penalties for offenses.

- (1) Any person who shall violate, cause to be violated, or assist in the violation of any of the provisions of this chapter shall be subject to conviction for an offense against an ordinance. He shall also be subject to a fine not exceeding \$250, or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, for each and every violation. The issuance of a notice of violation shall signify the existence of a single violation and every week the violation exists beyond the date of compliance, or extension thereof, shall constitute a separate additional violation.^[1]

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

- (2) Penalty for failure to apply for building permit or certificate of occupancy. Any person who proceeds to construct, add to, alter, move or demolish a building or part thereof, and/or who subsequently proceeds to occupy said building, land or parts thereof, without first applying for and obtaining the

necessary permits shall be considered in violation of a section or sections of this chapter and shall be subject to prosecution according to § **165-14A** above. Further, he shall be required, upon receipt of a written notice from the Building Inspector, to file application for the necessary permit or permits and shall be required to pay any fees as specified in § **165-12B(5)**. The Building Inspector shall then inspect the building or land involved and shall issue a certificate of occupancy (§ **165-12C**) or a notice of violation (§ **165-14A**).

Article VI. Amendments

§ 165-15. General provisions:

- A. Amendments by the Town Board. The Town Board may from time to time, on its own motion or on petition or by recommendation of the Planning Board, amend, supplement, modify or repeal, in whole or in part, this chapter or the boundary of a district established by this chapter. Such action shall take place after a public notice and hearing as required by the Town Law.
- B. Advisory report by Planning Board.
 - (1) Any such proposed change in the text or zoning district boundary shall be submitted to the Planning Board which shall submit its advisory report in writing to the Town Board prior to the public hearing.
 - (2) The Planning Board in its written report shall recommend favorably the adoption of any proposed change only if it meets the following conditions:
 - (a) The revision is not contrary to the general purposes and intent of this chapter; and
 - (b) The revision is accordant with the Comprehensive Master Plan.
 - (3) The Planning Board's advisory report shall be submitted to the Town Board within 30 days after receiving notice from the Town Clerk of the proposed change.
- C. Notice and hearing.
 - (1) Newspaper notices. At least 10 days prior to a scheduled public hearing on a changer, a notice announcing the time and place and giving a description of the regulations, boundaries and areas involved in the proposed change shall appear in a newspaper having general circulation in the town.
 - (2) Public hearing. No change of this chapter's text or the Zoning Map shall be effective until a hearing has been held and the public has had occasion to be heard.
 - (3) Written notice.
 - (a) At least 10 days prior to a scheduled hearing, written notice of any proposed change affecting property within 500 feet of the boundaries of any county, town, village, city or state park, reservation or parkway shall be given to the respective clerk or other person performing such duties or to the commission, authority or other body having jurisdiction over the area concerned. Said county, town, village, city or state park, reservation or parkway have the right to appear and be heard at such hearing, but shall not have the right of review by a court as provided in Article 78 of the Civil Practice Law and Rules.
 - (b) At least 10 days prior to a scheduled hearing, written notice of any proposed change affecting property within the protectively zoned area of a housing project authorized under the Public

Housing Law shall be given to the housing authority in charge of the project and to the government providing financial aid or assistance thereto.

D. Publication, posting and effective date.

(1) Publication and posting.

- (a) Every zoning ordinance, every amendment thereto, and every map incorporated therein, adopted in accordance with Town Law shall be entered into the minutes of the Town Board, and a copy thereof shall be published once in a newspaper of general circulation in the town.
- (b) A copy of such ordinance, amendment and any map incorporated therein shall be posted conspicuously at or near the office of the Town Clerk as required by law. Affidavits of such publishing and posting shall be filed with the Town Clerk.

(2) Effective date.

- (a) An amendment to this chapter involving a change in boundaries shall become effective only when:
 - [1] The revision has been duly adopted;
 - [2] Drawn on the Official Zoning Map; and
 - [3] Proper entry has been recorded thereon referring to the revision number, its location in the public record and the date of adoption.
- (b) After public notices. An amendment or revision in this chapter shall not take effect until 10 days following the publication and posting as set forth in Section 600.04, but if a certified copy under Town Seal is served personally against a person, such amendment or revision shall take effect from the date of such service.

E. Protest.

- (1) Signatures required. A protest against a proposed revision of this chapter must be signed by the owners of the following:
 - (a) Twenty percent or more of the land area included in the proposed revisions; or
 - (b) Twenty percent or more of the land immediately adjacent and extending 100 feet therefrom; or
 - (c) Twenty percent or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- (2) Vote requirements. No protest shall become effective unless four members of the Town Board vote favorably on such a protest.

- F. Fee. Every petition for a change or amendment to this chapter shall be accompanied by a fee of \$50 which will be used to defray the cost of investigations, studies or advertising as may be necessary to present said change or amendment for adoption.

Article VII. Miscellaneous

§ 165-16. Interpretation.

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. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or deed restriction, the most restrictive, or that imposing the higher standards, shall govern.

§ 165-17. Short title.

This chapter shall be known and may be cited as the "Town of Coeymans Zoning Ordinance."

ZONING

165 Attachment 1

Town of Coeymans

Appendix 1

No ground motion shall be emitted beyond the lot line in excess of the safe limits established by the United State Bureau of Mines and no sound pressure shall be emitted beyond the lot line in excess of 100 decibels and no odor or glare which shall be evident at the lot line.

ZONING

165 Attachment 2

Town of Coeymans

Appendix 2

The emission of smoke, dust or fly ash to an extent harmful to persons, animals or plants shall be prohibited. No emission in compliance with the codes, rule and regulations of the New York State Air Pollution Control Board shall be deemed to constitute a harmful extent.

ZONING

165 Attachment 3

Town of Coeymans

Appendix 3

The storage or use of materials creating undue hazard of fire or explosion shall be prohibited, except such storage or use of explosives as complies with the Labor Law and Industrial Code of the State of New York.

ZONING

165 Attachment 4

Town of Coeymans

Appendix 4

Guide to Site Plan Review and Approval by the Locally Constituted Planning Board

The following points should be taken into account:

1. Is it a benefit to the adjacent land use?
2. Will it improve the adjacent land and/or building value?
3. Is the layout suitable to the contours and natural features of the land?
4. Do the entrance and exit points to the site create any traffic hazards.
5. Will the use intended, disrupt any existing traffic pattern?
6. Will the finished product improve the appearance of the site (e.g., landscaping)?
7. Is the architecture of a suitable character to the use and the area in question?

ZONING

165 Attachment 5

Town of Coeymans

Schedule of District Zoning Regulations
[Adopted 6-19-1961; amended 4-6-1967; 1-28-1969; 5-24-1993; 4-22-2013 by L.L. No. 1-2013]

DISTRICT	USES			MINIMUM LOT SIZE		MAXIMUM PERCENT OF LOT TO BE OCCUPIED		MINIMUM YARD DIMENSIONS OF PRINCIPAL BUILDINGS (feet)				PRINCIPAL BUILDINGS		ACCESSORY BUILDINGS			REQUIRED SITE PLAN REVIEW AND APPROVAL BY PLANNING BOARD*
	PRINCIPAL	ACCESSORY	PERMISSIBLE UPON ISSUANCE OF A SPECIAL PERMIT	Area (sq. ft.)	Width (ft.)	Principal Buildings	Accessory Buildings	Front	Rear	Side		Minimum First Floor Area (sq. ft.)	Maximum Height in Feet and Stories	Minimum Distance To:			
										One	Total			Principal Building	Side Lot Line	Rear Lot Line	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
R-L Residential Low-Density District	1. Single-family residences 2. Places of worship; parish buildings 3. School, parks & playgrounds 4. Library; community buildings 5. Two-family residences 6. Professional offices 7. Tourist homes; rooming / boarding houses 8. Row houses 9. Apartment houses 10. Garden-type apartments	1. Private garages & sheds 2. Home occupations (see Supp. Reg.) 3. Parking & loading areas (see Supp. Reg.) 4. Greenhouses 5. Private swimming pools 6. Barns 7. Residential recreational facilities	1. Private schools & institutions of higher learning 2. Two-family residences 3. Cultural, religious & educational buildings 4. Cemeteries & crematories 5. Undertakers 6. Fire & police stations 7. Community recreational facilities 8. House trailer storage 9. Hotels 10. Nursing homes 11. Fraternal facilities 12. Recreational facilities	15,000	100	30	15	25	40	15	30	1 story: 900 2 to 2 ½ stories: 750	35 feet 2 ½ stories	5	15	15	
R-A Residential and Agricultural	1. All uses permitted in R-1 2. Two-family residences 3. Commercial neighborhood units 4. Public / private recreational facilities 5. Educational & cultural facilities 6. General farming 7. Public utility facilities 8. All uses permitted in R-2 9. Seasonal cottages 10. General farming 11. Cultural facilities 12. Recreational facilities 13. Reforestation areas 14. Day camps 15. Riding academies 16. Public utility facilities 17. Market gardening	1. All uses permitted in R-3 2. Roadside stands 3. Barns and outbuildings 4. Professional offices 5. Farm produce warehouse, barn and transportation terminal	1. Trailer camps 2. Motels 3. Nursing homes 4. Fraternal facilities 5. Professional offices 6. Garden-type apartments 7. Fire & police stations 8. Cemeteries / crematories 9. Row houses 10. All uses permitted in R-3 11. Campsite & trailer parks 12. Motels 13. Drive-in theaters 14. Sand & gravel pits 15. Junkyards 16. Dumps 17. Gasoline stations 18. Golf courses & clubhouse 19. House trailer	25,000	100	15	5	40	50	30	60	750 Dwellings only	40 feet 3 stories	40	30	20	

COEYMANS CODE

Schedule of District Zoning Regulations

DISTRICT	USES			MINIMUM LOT SIZE		MAXIMUM PERCENT OF LOT TO BE OCCUPIED		MINIMUM YARD DIMENSIONS OF PRINCIPAL BUILDINGS (feet)				PRINCIPAL BUILDINGS		ACCESSORY BUILDINGS			REQUIRED SITE PLAN REVIEW AND APPROVAL BY PLANNING BOARD*
	PRINCIPAL	ACCESSORY	PERMISSIBLE UPON ISSUANCE OF A SPECIAL PERMIT	Area (sq. ft.)	Width (ft.)	Principal Buildings	Accessory Buildings	Front	Rear	Side		Minimum First Floor Area (sq. ft.)	Maximum Height in Feet and Stories	Minimum Distance To:			
										One	Total			Principal Building	Side Lot Line	Rear Lot Line	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
C-1P Planned Commercial (or C-1PS)	1. Business, professional and industrial offices 2. Lumber and building supply places 3. Auto showrooms / used car lots 4. Municipal / private transportation garages 5. Commercial laundries 6. Automotive service facilities 7. Motels and auto courts 8. Restaurants; eating / drinking places 9. Private clubs 10. Drive-in theaters 11. Places of worship 12. Public & private recreational facilities 13. Wholesale establishments 14. Trucking terminals 15. Banking facilities 16. Launderettes 17. Public utility facilities	1. Any customary use incident to a permitted use, but not including areas for outdoor storage	1. Auto junkyards 2. Residential custodial housing 3. Apartment houses / hotels 4. Retail stores / personal service shops 5. Public transportation buildings 6. Governmental offices 7. Theaters & assembly halls 8. Schools, churches, parks & playgrounds 9. Printing and publishing 10. Fraternal & cultural buildings	25,000	100			15	15	15	30						
C-2P Planned Commercial (or C-1PN)	Same as C-1P	Same as C-1P	Same as C-1P	40,000	200			15	15	15	30						
I Industrial	1. Quarrying & extractive operations 2. Warehousing & storage 3. Public utility facilities 4. Manufacturing, assembly & processing facilities 5. Research & development laboratories 6. Wholesaling with storage 7. Barge & ship terminals 8. Transportation terminals 9. Building material plants 10. Farming and timber operations 11. Printing & publishing 12. Subsidiary industries to I	1. Any customary use incident to a permitted use 2. Resident custodial housing 3. Repair shops 4. Outdoor storage normal to principal use	1. Breweries 2. Animal matter processing 3. Petroleum processing 4. Chemical processing 5. Blast furnaces 6. Clothing manufacturing 7. Printing and publishing 8. Crushing, grinding & stockpiling of stone for any commercial purpose	40,000	200	70	Total	50	50	50	100				50	50	

Schedule of District Zoning Regulations

DISTRICT	USES			MINIMUM LOT SIZE		MAXIMUM PERCENT OF LOT TO BE OCCUPIED		MINIMUM YARD DIMENSIONS OF PRINCIPAL BUILDINGS (feet)				PRINCIPAL BUILDINGS		ACCESSORY BUILDINGS			REQUIRED SITE PLAN REVIEW AND APPROVAL BY PLANNING BOARD*
	PRINCIPAL	ACCESSORY	PERMISSIBLE UPON ISSUANCE OF A SPECIAL PERMIT	Area (sq. ft.)	Width (ft.)	Principal Buildings	Accessory Buildings	Front	Rear	Side		Minimum First Floor Area (sq. ft.)	Maximum Height in Feet and Stories	Minimum Distance To:			
										One	Total			Principal Building	Side Lot Line	Rear Lot Line	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CF-1 Community Facility	1. Retail stores / personal service shops 2. Bank business & professional offices 3. Restaurants & caterers 4. Public transportation buildings 5. Governmental offices 6. Theaters & assembly halls 7. Hotels & apartment houses 8. Schools, churches, parks & playgrounds 9. Printing & publishing 10. Fraternal & cultural buildings 11. Laundrettes 12. Parks & playgrounds 13. Recreational facilities	1. Private garages & sheds 2. Parking & loading areas 3. Storage for merchandise carried in stock 4. Customary vehicle storage 5. Permanent & temporary concessions incident to principal uses 6. Club buildings 7. Locker rooms 8. Storage buildings 9. Resident custodial housing	1. Gasoline stations 2. Shopping centers 3. Motels 4. Recreational buildings 5. Undertakers 6. Temporary commercial buildings 7. Auto showrooms & used car lots, service facilities 8. Home occupations 9. Wholesale establishments 10. Outdoor theaters 11. Band shell 12. Exhibition building 13. Temporary animal displays 14. Circus & carnival facilities 15. Private & commercial boat docking & storage facilities					25	25	25							
CF-2 Town Properties	Town properties																

NOTES:
* See Chapter 136, Site Plan Review.